

Voluntary Report – Voluntary - Public Distribution

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Report Name: Mexico Detains Products Citing Front-of-Package Labeling Non-Compliance

Country: Mexico

Post: Mexico City ATO

Report Category: Agriculture in the News, Agricultural Situation

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Report Highlights:

The Federal Prosecutor for the Consumer (PROFECO) and Federal Commission for the Protection Against Sanitary Risks (COFEPRIS) of Mexico raided supermarkets and distribution centers citing reasons related to protecting the population against health risks. As a result, several products were removed from shelves and prevented from distribution due to non-compliance with Front of Pack Labeling Standard NOM-051. This form of monthly spot checking is part of an ongoing trend in Mexico's efforts to enforce compliance with regulations.

Background

Beginning October 1, 2020, Mexico implemented Phase I of Mexican Standard NOM-051 regarding front-of-pack labeling requirements for processed foods and non-alcoholic beverages. NOM-051 stipulates that products within this category which contain high levels of calories, sugar, saturated fats, trans fats, or sodium must include warning signs on the front-of-pack label. Additionally, cautionary legends must be displayed on products containing sweeteners and caffeine. Beginning April 1, 2021—also part of Phase I—products within this category could no longer contain cartoon characters, celebrities, athletes, or interactive games on their packages if its labeling had one or more warning signs and/or cautionary legends.

Product Immobilization and Detention

PROFECO has the authority to verify that the Federal Law for Consumer Protection (LFPC, for its abbreviation in Spanish) is enforced and can detain or immobilize non-compliant products based on the 2005 Agreement that Establishes the Criteria for Product Detention. Part of the enforcement actions include surveillance raids at points of sale, warehouses, and distribution centers. COFEPRIS oversees surveillance in matters of health and sanitary risks, and both agencies work together in matters related to healthcare, personal care products, and food and beverages that must comply with NOM-051 standards.

Immobilized products are retained in the location where PROFECO authorities conducted the operation, and the retailer, importer, or distributor is responsible for the product during the confinement period. Immobilized products cannot be sold until they comply with the measures established by PROFECO. Once the products comply, the affected party must formally request that the authorities withdraw the detention seals before shipping or selling can resume.

Mexican Authorities Actions

On October 4, 2021, PROFECO announced the removal of nine brands of instant soups from the market because they did not comply with labeling information, contained false ingredient claims, or because they contained high levels of critical nutrients. Additionally, PROFECO warned about the health risk of microwaving Styrofoam cups, claiming that chemicals are released during heating. Please consult our [GAIN report](#) for additional information.

PROFECO's and COFEPRIS's mutual collaboration for supermarket raids have continued since then. On December 20, 2021, a total of 1,464 products were immobilized or detained from two supermarkets in Mexico City; most of the products were imported. The most recent raid took place on January 14, 2022, in 75 points of sale and in a distribution center of a renowned brand of breakfast cereals. The main reasons why products are immobilized because they:

- omitted necessary warning signs;
- displayed characters or interactive games on products with warning signs and cautionary legends; or
- placed of warning signs in irregular locations.

It is important for U.S. exporters to comply with Mexican labeling regulations. Mexican authorities are paying close attention to processed products sold in country, citing reasons related to high rates of obesity and related diseases. It is expected that, in the following months, there will be more point-of-sale raids as the authorities try to reduce the public health problem that obesity represents.

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Attachments:

No Attachments.