

Voluntary Report – Voluntary - Public Distribution

Date: July 19,2020

Report Number: MX2020-0036

Report Name: Mexico Front of Pack Warning Labels Implementation Update

Country: Mexico

Post: Mexico City ATO

Report Category: Food and Agricultural Import Regulations and Standards - Narrative

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Report Highlights:

This report intends to inform U.S. processed foods and non-alcoholic beverage companies interested in the Mexican market about the new mandatory interpretative front-of-package nutrition label (FOPNL) modifications that will be implemented in three stages starting on October 1, 2020. Modifications to processed product labels include warning signs regarding nutritional content that could affect certain health conditions among the population, cautionary legends, and the prohibition of characters, graphics, or pictures intended to promote consumption among children. This report specifically covers compliance.

General Information:

Domestic and imported retail prepackaged, processed foods and non-alcoholic beverages in Mexico are subject to labeling regulations including, the front-of-the pack labeling (FOPL) requirements. This report intends to provide an update about complying with the warning signs labeling regulations in Mexico.

Front of Pack Labelling Changes

On March 27, the Federal Gazette published the “Amendment to Mexican Official Standard NOM-051, General Labeling Specifications for Pre-Packaged Foods and Non-Alcoholic Drinks – Commercial and Health Information,” which include the implementation of warning signs to be affixed to processed foods and beverages labels if the products exceed critical thresholds nutrients (e.g., fats, sugars, sodium, etc.) that could lead to adverse health conditions. The regulation also includes other modifications such as mandating precautionary legends for products that include caffeine and sweeteners, and the ban of characters, graphics, pictures or games on products targeted towards increasing consumption by children.

The FOPNL modifications will have three phases. The **first phase** begins on **October 1, 2020** and will last until **September 30, 2023** (3 years). During this phase, each manufacturer must determine the calculation and evaluate what content levels are deemed in excess of the government-determined critical thresholds for the named nutrients in processed foods and non-alcoholic beverages:

- a. Products containing added sugars will be evaluated based on the added sugars and calories;
- b. Products containing added fats will be evaluated based on the saturated fats, trans fats, and calories; and
- c. Products containing sodium will be evaluated based only on the amount of added sodium.

For additional information, please consult our detailed Front of Pack Labelling report at the following [link](#).

Criteria for the New Front of Pack Labelling

On July 10, 2020, the Federal Gazette published the implementation criteria for the new FOPL, including monitoring, compliance assessments, and other general aspects. The published criteria also include the Mexican authorities that will oversee FOPL monitoring and compliance.

Starting on October 1, 2020, the Mexican authorities in charge of monitoring and compliance of the new FOPL are:

- Ministry of Economy,
- Office of the Federal Prosecutor for the Consumer (PROFECO),
- Ministry of Health, and;
- the Federal Commission for the Protection against Sanitary Risks (COFEPRIS).

The Mexican authorities will monitor to ensure that domestic and imported retail processed foods and non-alcoholic beverages comply with the amendments of the standard NOM-051. The surveillance includes ensuring that temporary stickers complying with the standards are appropriately affixed to products as is allowed until **March 31, 2021**. Importers’ use of temporary stickers affixed over the original labeling is permitted provided that the stickers comply with the regulations. It is important that U.S. companies maintain communication with their Mexican importers about their label inventories, temporary stickers, and product rotation.

Beginning **April 1, 2021**, Mexican authorities will verify that processed foods and non-alcoholic beverages—domestic or imported—sold in Mexico comply definitively with the standards outlined in NOM-051, and that temporary stickers are no longer being used.

The verification units approved by the Federal Law on Metrology and Standardization (LFMN) are the external agencies accredited and approved by Economía that may determine the compliance of processed foods and non-alcoholic beverages labels subject to the FOPL. These verification units may issue opinions and certificates and are subject to the surveillance of the Secretary of Economy.

An **opinion** is issued to importers as the result of the on-site conformity assessment in which the verification unit documents evidence of compliance, non-compliance, or not-subject-to-compliance with the requirements of NOM-051.

A **certificate** (called a *constancia*) is a document issued to producers, manufacturers, importers, traders, or service providers as a result of the evaluation of conformity to a label, which evidences compliance, non-compliance, or not-subject-to-compliance with the requirements established in NOM-051.

Producers, manufacturers, importers, traders, or service providers who request the services of a verification unit are responsible of the information provided on their label. The authorized verification units are the ones who determine the sanctions for not complying with the provisions of the standard.

If compliance cannot be established on the labels because the information provided by the producer, manufacturer, traders or service provider is not sufficient or adequate, the verification unit is exempted from issuing an opinion or *constancia*.

It is important to bear in mind that the Mexican importer will responsible for complying with the labeling regulation as it is the company representative in country.

For further information and to learn more about the services provided by the Agricultural Trade Office (ATO) in Mexico, please contact us at:

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Attachments:

No Attachments.