

Voluntary Report – Voluntary - Public Distribution

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Report Name: Mexico Releases Official Standard NOM 173 for Prepackaged Non Alcoholic Beverages with Fruit or Vegetable Content

Country: Mexico

Post: Mexico City ATO

Report Category: Agricultural Situation, Agriculture in the News, Beverages

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Report Highlights:

On Monday, February 28 Mexico's Ministry of Economy released the Mexican Official Standard NOM-173-SE-2021 - Denominations-Specifications- Commercial Information and Test Methods for Prepackaged Non-Alcoholic Beverages with Fruit or Vegetable Content. The document proposes regulations for domestic and imported non-alcoholic beverages with fruit and vegetable content marketed in Mexico. The standard will enter into force in 180 days after its publication in the Federal Registry. Compliance will be enforced beginning on January 1, 2023. U.S. Companies with products in the Mexican market may comply with this NOM by using adhesive labels with the required information.

Background:

On Monday, February 28, 2022, Mexico's Ministry of Economy released the Mexican Official Standard NOM-173-SE-2021 Juices, Coconut Water, Nectars, Non-Alcoholic Beverages with Fruit or Vegetable Content and Non-Alcoholic Flavored Beverages -Denominations-Specifications-Commercial Information and Test Methods. The following is an unofficial translation of pertinent portions of the standard covering denominations, commercial information, conformity assessments, and transitory articles. The Spanish version of the document is available at the [Federal Registry](#). Please consult the document for exact wording and final interpretation.

UNOFFICIAL TRANSLATION - Release by the Ministry of Economy on the Federal Registry on February 28, 2022, Mexican Official Standard NOM-173-SE-2021.

Date: February 28, 2022

CONSIDERING

The Ministry of Economy is empowered to take the necessary measures to ensure that products marketed in the national territory contain the necessary requirements to guarantee the aspects of commercial information to achieve an effective consumer protection.

That on July 6, 2020, the National Consultative Committee for Standardization of the Ministry of Economy (CCONNSE) approved the publication of the draft amendment to the Mexican Official Standard PROY-NOM-173-SE-2020, Juices, Coconut Water, Nectars, Non-Alcoholic Beverages with Vegetables or Fruits, Coconut or Coconut Water, Vegetable and Flavored Non-Alcoholic Beverages-Denomination-Specifications-Commercial Information and Test Methods (will cancel the Mexican Official Standard NOM-173-SCFI-2009, Prepackaged Fruit Juices-Denominations, Physicochemical Specifications, Commercial Information and Test Methods, published on August 28, 2009), which was published in the Federal Registry on February 11, 2021, in order for interested parties to submit their comments.

That during a period of 60 calendar days from the date of publication of said Draft Amendment to the Mexican Official Standard, the Regulatory Impact Analysis referred to in Article 45 of the Federal Law on Metrology and Standardization was available for consultation for the general public; and that within the same period, the interested parties submitted comments on the content of said Draft Amendment to the Mexican Official Standard, which were analyzed and studied by a working group approved and installed by the CCONNSE, making the appropriate modifications to the Draft Amendment to the Mexican Official Standard.

On May 27, 2021, the CCONNSE approved the Mexican Official Standard NOM-173-SE-2021, Juices, Coconut Water, Nectars, Non-Alcoholic Beverages with Vegetable or Fruit Content and Pre-Packaged Non-Alcoholic Flavored Beverages-Denominations-Specifications-Commercial Information and Test Methods.

The Regulatory Impact Analysis referred to in Chapter III, Title Three of the General Law of Regulatory Improvement, was submitted for review to the National Commission of Regulatory

Improvement, issuing the Final Opinion by said Commission on August 11, 2021, through official letter No. CONAMER/21/3604.

The Federal Law on Metrology and Standardization establishes that Mexican Official Standards are the ideal instrument to determine the commercial information that product labels must comply with and to provide truthful information to the consumer. Therefore, the following Mexican Official Standard NOM-173-SE-2021, Juices, Coconut Water, Nectars, Non-Alcoholic Beverages with Vegetable or Fruit or Vegetable Content and Pre-Packaged Non-Alcoholic Flavored Beverages-Specifications-Commercial Information and Test Methods, is hereby issued.

Purpose and Scope of Application

The purpose of this Mexican Official Standard is to establish the specifications of the product names and commercial information that must be contained in the labeling of pre-packaged products destined to the final consumer, of national or foreign manufacture, that are marketed in national territory under the names of juice, coconut water, nectar, non-alcoholic beverages with a vegetable or fruit content and non-alcoholic flavored beverages referring to vegetable or fruit flavors.

This Mexican Official Standard does not apply to the following products:

- a) coffee that requires a percolation or extraction preparation with water and is marketed as a pre-packaged non-alcoholic beverages;
- b) products that require a mode of preparation through the addition of water or other natural or processed liquid;
- c) products subject to the following Mexican Official Standards, their modifications or those that replace them, according to what is established therein:
 - i. NOM-155-SCFI-2012, Milk-Denominations, physicochemical specifications, commercial information, and test methods, published in the Federal Registry on May 3, 2012;
 - ii. NOM-181-SCFI/SAGARPA-2018, Yogurt-Denomination, physicochemical and microbiological specifications, commercial information, and test methods, published in the Federal Registry on January 31, 2019; and
- d) products sold in bulk or used as raw material for the manufacture of other foods or non-alcoholic beverages.

Reference Standards

This Mexican Official Standard is complemented by the following Mexican Official Standards and Mexican Standards in force, their amendments, or those that replace them:

1. NOM-002-SCFI-2011 Prepackaged Products-Net Content-Tolerances and verification methods, published in the Federal Registry on August 10, 2012;
2. NOM-008-SCFI-2002 General System of Measurement Units, published in the Federal Registry on November 27, 2002;
3. NOM-030-SCFI-2006 Commercial Information-Declaration of quantity on the label-Specifications, published in the Federal Registry on November 6, 2006;

4. NOM-051-SCFI/SSA1-2010 General labeling specifications for prepackaged food and non-alcoholic beverages-Commercial and sanitary information, published in the Federal Registry on April 5, 2010;
5. NOM-086-SSA1-1994 Goods and Services. Food and non-alcoholic beverages with modifications in their composition. Nutritional specifications, published in the Federal Registry on June 26, 1996;
6. NOM-130-SSA1-1995 Goods and services. Food packaged in hermetically sealed containers and subjected to heat treatment. Sanitary provisions and specifications, published in the Federal Registry on November 21, 1997;
7. NOM-218-SSA1-2011 Products and services. Non-alcoholic flavored beverages, their frozen products, concentrated products to prepare them and caffeine-added beverages. Specifications and sanitary provisions. Test methods, published in the Federal Registry on February 10, 2012;
8. NOM-251-SSA1-2009 Hygiene practices for the processing of food, beverages or food supplements, published in the Federal Registry on March 1, 2010;
9. NMX-F-103-NORMEX-2009 Food-Determination of Brix degrees in food and beverages, Test method (test). Declaratory notice published in the Federal Registry on June 19, 2009; and
10. 2.10 AGREEMENT - AGREEMENT determining additives and adjuvants in foods, beverages and food supplements, their use and sanitary provisions, published in the Federal Registry on July 16, 2012.

Terms and Definitions

For the purposes of this Mexican Official Standard, the following definitions are established. For report purposes we enlisted the most frequent definitions for its understanding. For a complete list of terms and definitions please consult the Spanish version of the [Federal Registry](#).

Non-alcoholic beverages containing vegetable or fruit content - those natural or processed liquids that provide the organism with elements for its nutrition and that contain a percentage greater than or equal to 10 percent in their final composition of vegetables or fruit, coconut or coconut water or vegetable, or the combination thereof, as well as the use of natural extracts, including leguminous plants such as soy, rice, among others of the vegetable kingdom.

Non-alcoholic flavored beverages - those natural or processed liquids that provide the organism with elements for its nutrition and that contain a percentage of less than 10 percent in their final composition of vegetables or fruit, coconut or coconut water, or vegetable, or that do not contain any percentage of the same and make use of extracts or natural or artificial flavorings to any vegetable or fruit, coconut or coconut water, or vegetable, or the combination of the same, including leguminous plants such as soy,

rice, among others of the vegetable kingdom.

Juice - unfermented but fermentable liquid product obtained by squeezing vegetables or fruits in good condition, duly ripe and fresh or that have been kept in good condition by appropriate procedures, including surface treatments applied after harvest, clarified or not, and subjected to appropriate treatment that ensures its preservation in the container.

The juice must be prepared by procedures that maintain the essential physical, chemical, organoleptic and nutritional characteristics of the vegetables or fruits or vegetables from which it comes.

Aromatic substances, volatile flavorings, pulp, and cells from the same fruit (in the case of citrus fruits, pulp and cells are the envelopes of the juice obtained from the endocarp) obtained by suitable physical processes from the same type of vegetable or fruit or vegetable may be added.

They may be processed together with their pips, seeds and skins which are not normally incorporated into the juice, although some parts or components of pips, seeds and skins that cannot be removed by conventional industrial physical processes may be acceptable.

This product may be made from frozen vegetable or fruit or vegetable juice or from reconstituted vegetable or fruit or vegetable juice concentrates (or as a whole), if they comply with the specifications described in this Mexican Official Standard.

Concentrated vegetable or fruit juice - is juice from which water has been physically removed in sufficient quantity to raise the Brix level by at least 50 percent more than the Brix value established for the liquid product obtained by squeezing vegetables or fruits or vegetables; in the case of fruits, they must be sound and ripe, and have been subjected to the physical treatment or storage conditions adequate to ensure their preservation in the container.

Vegetable or fruit from concentrate - Juice made from vegetable or fruit or vegetable juice concentrate.
Juice mix of vegetable or fruit or coconut or vegetable water - juice that may be made from the mixture of two or more juices and juices from concentrates of different types of vegetables or fruits or coconut or vegetables and that meet the definitions set out in 3.14, 3.15 and 3.16 of the NOM.

Frozen juice - vegetable or fruit juice that has been subjected to a thermal process, by means of appropriate equipment, until it has reached a temperature of -15°C at the thermal center and has been maintained at freezing temperature during storage.

Nectar - liquid product, with pulp or without pulp, made with juice or pulp or puree of vegetables or fruits, or coconut or vegetables (ripe and healthy), of the corresponding variety, washed, finely divided and sieved, from concentrate or not, from frozen or not, and must comply with the parameters established in Table 2 of this Mexican Official Standard, and may be added with potable water, added sugars, sweeteners, as well as the additives and adjuvant allowed in Normative Reference 2.10.

Mixed nectar - nectar may be made from the mixture of two or more vegetables or fruits or vegetables or coconut or coconut water and meeting the definitions set out in 3.19.

Prepackaged products - those products subject to this Mexican Official Standard placed in a container of any nature, in the absence of the consumer; the quantity of product contained therein cannot be altered, unless the container is opened or perceptibly modified.

Specifications

The products covered by this Mexican Official Standard must comply with the provisions of Normative References 2.4, 2.6 and 2.7, may use the additives and adjuvants allowed in Normative Reference 2.10 and comply with the following specifications.

Denominations

The product names established by this Mexican Official Standard are the following:

- a) Jugos (Juices)
- b) Agua de coco (Coconut water)
- c) Néctares (Nectars)
- d) Bebidas no alcohólicas con vegetal o fruta u hortaliza (Non-alcoholic beverages with vegetable or fruit)
- e) Bebidas saborizadas no alcohólicas (Non-alcoholic flavored drinks)

Commercial Information

Commercial information is that which is described on the main display surface or information surface of the label of a prepackaged product and should not mislead the consumer and should comply with the provisions of Normative References 2.1, 2.3 and 2.4, as well as with the elements described in this Mexican Official Standard.

Juices, Coconut Water and Nectars

Juices, coconut water and mixed nectars may state the number of this combination or mixture of two or more juices, coconut water or nectars anywhere on the principal display or information surface without it being part of the product name. They may make use of actual images of vegetables or fruits or coconut, as well as the combination thereof, anywhere on the principal display or information surface, as long as it corresponds to that actually contained in the product.

Non-alcoholic Beverages with Vegetable or Fruit Content

Non-alcoholic beverages with vegetable or fruit content as describe in 5.1.4 of the standard may make use of actual images of vegetables or fruits or coconut, as well as any combination thereof, anywhere on the main display or information surface, provided that it corresponds to that actually contained in the product.

Non-alcoholic flavored beverages

Non-alcoholic flavored vegetable or fruit or coconut or coconut water beverages described in 5.1.5, may make use of drawings, without being animated in the case of placing warning signs or the sweetener cautionary legends in accordance with Regulatory Reference 2.4, of vegetables or fruits or coconut (including Aloe vera), such drawings must not have a size greater than 5 percent of the area of the main display surface and must include the phrase "illustrative drawing to taste", this phrase must have a size

of at least 50 percent of the quantitative declaration of the net content (see Normative Reference 2.3) and both elements must be close to the product name.

Conformity Assessment Procedure

Introduction

The conformity assessment of this Mexican Official Standard is not certifiable, it can be carried out by accredited and approved persons in terms of the provisions of the Quality Infrastructure Law, the Regulation of the Federal Law on Metrology and Standardization, its amendments or those that replace them, and is at the request of the person responsible for the product or for verification and permanent surveillance purposes by the competent authority (see chapter 8. Surveillance and verification).

Purpose and Scope of Application

The purpose of this Conformity Assessment Procedure (PEC for its abbreviation in Spanish) is to define the guidelines to be observed by the person responsible for the product that voluntarily wishes to demonstrate compliance with this Mexican Official Standard, the authorities that must carry out the verification and permanent surveillance of the market, as well as the accredited and approved persons involved in this conformity assessment process.

Surveillance and Verification

The surveillance and verification of this Mexican Official Standard will be carried out by the Ministry of Economy and the Federal Consumer Protection Agency (PROFECO), in accordance with their powers conferred by the Federal Consumer Protection Law, the Quality Infrastructure Law, or those that replace them, and other applicable legal provisions.

Transitory Articles

First. This Official Mexican Standard shall enter into force 180 calendar days following the day of its publication in the Official Gazette of the Federation, with the exceptions and clarifications indicated in the following transitory articles.

Second. Upon the entry into force of this Mexican Official Standard, the Mexican Official Standard NOM-173-SCFI-2009, Prepackaged Fruit Juices - Denominations, Physicochemical Specifications, Commercial Information and Test Methods, published in the Federal Registry on August 28, 2009, its amendments and any administrative act related to it and issued by the General Directorate of Standards during its validity, will be cancelled.

Third. The provisions related to the commercial information that must be included on the labels of the products subject to this Mexican Official Standard and that are marketed to the final consumer within the national territory, will enter into force on January 1, 2023. Notwithstanding the foregoing, from January 1, 2023 to September 30, 2023, the use of means adhesive labels will be allowed to comply with the provisions of this transitory provision, as long as they comply exactly with the commercial information established in this Mexican Official Standard.

Fourth. Importers may make use of labels, stickers or adhesive decals on the labels, containers or packaging of origin of imported products, provided that they comply exactly with all the commercial information elements provided for in this Mexican Official Standard.

Fifth. Those responsible for the product may comply in advance with the provisions of the preceding Transitory Provisions.

Sixth. The day after the publication in the Official Gazette of the Federation, the corresponding accreditations and approvals for Conformity Assessment of this Mexican Official Standard may be initiated and processed.

CRITERIA

FIRST: The General Directorate of Standards interprets that food supplements are not subject to compliance with NOM-051-SCFI/SSA1-2010.

SECOND: For purposes of the Annex to the NOMs, goods entering the country as food supplements, that is, as a substance or product with a physiological or nutritional effect, are not subject to demonstrate compliance with the NOM-051-SCFI/SSA1-2010.

THIRD: Therefore, for purposes of carrying out the customs and foreign trade operation, the importers of inputs not destined to the final consumer must declare in the imports permit, the key of the identifier "EN" plus the corresponding complement: "ENOM", "U" or "E" in accordance with Appendix 8 of Annex 22 of the General Rules of Foreign Trade of the Tax Administration Service.

Attachments:

No Attachments.