

Voluntary Report – Voluntary - Public Distribution

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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 additional stipulations in the NOM-051 Front of Pack Labeling regulation that will go into effect on April 1, 2021. These provisions include the elimination of brand characters, the usage of the word “imitación” to substitute products, requirements for endorsements seals, the usage of the terms “organic” and “biologic,” among other information that is subject of compliance regarding the front of pack labeling. This report intends to provide a summary of the requirements for imported products to comply with standard NOM-051.

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 (FOP) labeling requirement. This report intends to provide an analysis about the impact of the warning signs labeling in Mexico.

Front of Pack Labeling Implementation

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.

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

Since October 1, 2020, domestic and imported processed foods and non-alcoholic beverages have complied with the warning signs and cautionary legends stipulations of NOM-051 by having printed labels or temporary stickers.

Front of Pack Labeling Modifications Beyond April 1, 2021

As of April 1, 2021, Mexican authorities will verify that processed foods and non-alcoholic beverages—domestic or imported—comply definitively with the commercial and health information on their labels. In addition to the warning signs and the cautionary legends, domestic and imported products must comply with the following modifications:

Product Name

The name of the product must appear in bold type within the main display area of the label, parallel to the base of the product according to its package design and in compliance with the naming provisions in standard NOM-051.

Words or phrases may be added to the name as necessary to avoid misleading or confusing the consumer regarding the nature of the product, including, but not limited to

a) covering,

b) the form of presentation or its condition; and

c) when the product has undergone any type of treatment, the name of such treatment may be indicated, except for those which, in accordance with the corresponding regulations, are mandatory.

Imitation Products

In the case of imitation products, the product denomination shall appear in the upper left side of the main display area with the word **IMITACIÓN** (imitation) at the beginning in bold, capital letters, on a light background, in a size twice that of the rest of the denomination. The usage of the word *imitación* is not allowed in pre-package products that have an appellation of origin or geographical indication protected or recognized by the Mexican State.

Imitation products should not make use of words such as “tipo” (type), “estilo” (style), or any other similar term in the name of the product or on the label.

Brand Characters, Celebrities, or Cartoons

Pre-packaged products and non-alcoholic beverages with one or more warning signs or cautionary legends should not include on their labels characters, animations, cartoons, celebrities, athletes or mascots, interactive elements, such as, games—spatial or digital downloads—that are meant to increase consumption by children. In addition, pre-packaged products and non-alcoholic beverages cannot include on their label elements with promotional purposes, such as toys, collectable stamps, or links to contests.

Organizations and Associations Endorsements

Pre-packaged products and non-alcoholic beverages can include seals or endorsement legends from organizations or associations when supportive scientific evidence is presented to the Consumer Protection Office (PROFECO) specifying the target population with a specific health condition. If the product or beverage has one or more warning sign or cautionary legend, seals cannot be included.

Please refer to our [GAIN](#) report for requirements.

Added Sugars

Added sugars must be declared according to the following:

- a) grouped by prepending the words “azúcares añadidos” (added sugars) followed by the list of ingredients in parentheses with the specific names of all added free sugars present in the prepackaged product, except for those that are part of a compound ingredient;
- b) in decreasing quantitative order m/m as appropriate to the sum of all added sugars mentioned above; and
- c) where there are compound ingredients in which several added sugars are included, they should also be grouped within it in accordance with regulation subparagraphs (a) and (b).

Allergens

All ingredients or additives that may cause hypersensitivity, intolerance, or allergy should be declared. The amendments of NOM-051 added to the allergen list are mollusks and their products.

The following foods and ingredients can cause hypersensitivity and should always be declared:

- cereals containing gluten (wheat, rye, oats, barley, spelt or their hybrid strains, and their products). Excluded: wheat-based glucose syrups (including dextrose), wheat-based maltodextrins, barley-based glucose syrups;
- eggs, their products and their derivatives;
- crustaceans and their products;
- fish and its products. Excluded: fish jelly used as a support for vitamins, flavorings, or carotenoid preparations;
- mollusks and their products;

- peanuts and its products;
- soy and its products. Excluded: fully refined soybean oil and fat, mixed natural tocopherols, natural d-alpha tocopherol, natural d-alpha tocopherol acetate and natural d-alpha tocopherol succinate derived from soy; phytosterols and phytosterol esters derived from soy vegetable oils, phytosterol esters derived from soy oil phytosterols;
- milk, milk products and dairy products (lactose included). Lactitol is excluded;
- tree nuts and their derived products, such as almonds and nuts (*Juglans*), but is generally applied to all nuts produced by trees, including hazelnuts, pecans, Brazilian nuts, Indian walnuts, chestnuts, *Macadamia* nuts; and
- sulphite in concentrations of 10 mg/kg or more.

Where the food, ingredient, or derivate is or contains any of the causes of hypersensitivity (food allergens) recognized in the above list, the allergen(s) shall be declared at the end of the list of ingredients in bold letter in a size equal to or greater than the letters of the general ingredients; prepending the word under with the heading “Contiene” (contains) and whether the ingredient is a derivate containing albumin, casein or gluten can be labeled declaring its origin (example: caseína (leche) o caseína de leche (casein (milk) or milk casein)).

Manufacturer Information

As part of the commercial information for prepackaged products and non-alcoholic beverages, the name or company name and tax address of the responsible person for the product must be indicated on the label in a more non-limiting way: street, number, postal code, and state in which it is located.

In the case of imported products, the name and address of the importer must be included as it is the in-country representative of the products. The term “manufactured or packaged by or for” should be included, followed by the name, and address as appropriate.

Organic, Ecologic, Biologic Terms

Terms such as “orgánico” (organic), “ecológico” (ecologic), “biológico” (biologic), and names with prefixes “bio” and “eco” must adjust to the Organic Products Act and apply the terms set forth in any other Mexican Official Standard or applicable legal framework.

The Organic Products Act ([Link](#)) was published on the Federal Registry on February 7, 2006.

Stickers Compliance

On July 10, 2020, the Federal Gazette published the criteria for the implementation, verification, and surveillance, as well as for the conformity assessment of the Modification

to the Mexican Official Standard NOM-051-SCFI/SSA1-2010, General Labeling Specifications for Prepackaged Foods and Non-Alcoholic Beverages - Commercial and Sanitary Information, published on March 27, 2020.

Link: [DOF - Diario Oficial de la Federación](#)

Article Five states that the authorities will consider that there will be no infractions when importers make use of stickers or adhesive decals on the labels of origin of imported products if the adhesive labels comply exactly with all the elements of commercial and sanitary information provided in the modification of NOM 051.

FAS Mexico is seeking for additional information from the authorities about the extension of the use of temporary stickers to comply with the modifications after April 1, 2020. Official information will be shared via our GAIN reports.

It is important that U.S. companies maintain good communication with their Mexican importers about their label inventories, temporary stickers, and product rotation.

It is important to bear in mind that the Mexican importer is in charge of 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.