

Voluntary Report – Voluntary - Public Distribution

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Report Name: Phase Two Mexico Front of Pack Labeling NOM 051

Country: Mexico

Post: Mexico City ATO

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

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Report Highlights:

On October 1, 2023, Phase II of Mexico’s Norma Oficial Mexicana (NOM)-051, front-of-pack labeling entered into force. This second phase requires the review of warning signs and precautionary legends of processed foods and non-alcoholic beverage products for retail which contain excess calories, sugar, sodium, saturated fats and trans-fats. Imported products that do not have requisite front-of-labeling markers can still enter into Mexico and be stickered before entering into commerce. Imported products that require NOM-051 labeling and do not comply cannot legally enter into commerce and would be subject to fines. Exporters should work with reliable importers to ensure new labeling requirements are correctly implemented.

General Information:

On March 27, 2020, Mexico's Federal Registry published updates to NOM-051, providing guidelines for new commercial and sanitary information warning signs for processed foods and non-alcoholic beverages. Beginning with Phase I, which entered into force on October 1, 2020, processed foods and non-alcoholic beverages added mandatory front-of-package labels on products that exceed specific thresholds for excess calories, sodium, sugar, saturated fats, and trans-fats. NOM-051 updated labeling guidelines could require processed foods and non-alcoholic products to include up to five black octagonal warning signs and rectangular precautionary legends, if determined to have excess nutrients. NOM-051 prescribed three-part implementation is scheduled to take place over five years, with each phase building from the previous:

- Phase I October 1, 2020-September 30, 2023; implementation of commercial and sanitary new warning labeling requirements.
- Phase II October 1, 2023-September 30, 2025; review of Phase I criteria guidelines of processed foods and non-alcoholic beverages with excess nutrients of caloric value, sugar, sodium, saturated fats, and trans-fats.
- Phase III October 1, 2025; review of Phase II criteria to determine if the caloric value, and sugar, sodium, saturated fat, and trans-fat levels meet nutritional guidelines.

Mexican importers serve as the legal representative and manage the exporter's compliance of NOM-051 labeling requirements.

Front-of-Pack Labeling Second Phase Implementation:

Phase II of NOM-051 entered into force October 1, 2023, and will continue to be implemented through September 30, 2025. This phase evaluates the labeling guidelines of Phase I for caloric content from added nutrients, sodium, sugar, saturated fat, and trans-fat levels added to processed foods and non-alcoholic beverages. However, NOM-051 Phase II includes changes to mandatory evaluation and calculation levels for caloric value, sodium and sugar. Phase II will also assess whether products require new thresholds for ingredients determined as excessive. Products that are determined to have excess calories, sodium and sugar, based on Table 1 below, may be subject to a new warning label or a precautionary legend.

During Phase II, the amounts of calories, sodium, added sugars, saturated fats and trans-fats in processed food and non-alcoholic beverages will be reviewed. The guidelines for determining if a product requires a warning sign or precautionary legend could become stricter. Below are changes to Phase II guidelines.

- Excess calories warning sign: liquids in 100 ml of product greater than or equal to 70 kcal total or greater than or equal to 8 kcal of added sugars.
- Excess sugars warning sign: liquids in 100 ml of product greater than or equal to 10 percent of the total calories coming from added sugars.

- Excess sodium warning sign: solids in 100 g of product greater or equal to 300 mg. Calorie-free non-alcoholic beverages greater or equal to 45 mg of sodium.

Table 1 identifies the **differences** between Phase I and Phase II for critical nutrients added to processed foods and non-alcoholic beverages, and should be used for reference for evaluation:

Table 1: NOM-051 Changes from Phase I to Phase II

WARNING SIGN	SOLIDS		LIQUIDS	
	Phase I Solids in 100 g	Phase II Solids in 100 g	Phase I Liquids in 100 ml	Phase II Liquids in 100 ml
EXCESS CALORIES	Greater than or equal to 275 kcal total	Greater than or equal to 275 kcal total	Greater than or equal to 70 kcal total or greater than or equal to 10 kcal of added sugars	Greater than or equal to 70 kcal total or greater than or equal to 8 kcal of added sugars
EXCESS SUGARS	Greater than or equal to 10% of total calories from added sugars	Greater than or equal to 10% of total calories from added sugars	Greater than or equal to 10% of total calories from added sugars Beverages with less than 10 kcal of added sugars are exempted of warning signs	Greater than or equal to 10% of total calories from added sugars
EXCESS SATURATED FATS	Greater than or equal to 10% of total calories from saturated fats	Greater than or equal to 10% of total calories from saturated fats	Greater than or equal to 10% of the total calories from saturated fats	Greater than or equal to 10% of the total calories from saturated fats
EXCESS TRANS-FATS	Greater than or equal to 1% of total calories from trans-fats	Greater than or equal to 1% of total calories from trans-fats	Greater than or equal to 1% of total calories from trans-fats	Greater than or equal to 1% of total calories from trans-fats
EXCESS SODIUM	Greater than or equal to 350 mg	Greater or equal to 1 mg of sodium per kcal or greater than or equal to 300 mg	Calorie-free beverages: greater or equal to 45 mg of sodium	Calorie-free beverages: greater or equal to 45 mg of sodium

Source: Mexican Official Standard NOM-51-SCFI/SSA-2010

Front-of-pack Third Phase Implementation:

The third and final phase will go into force on October 1, 2025. Phase III will evaluate the food processing component to assess whether processed foods and non-alcoholic beverages meet the labeling criteria identified in Phase II.

Front-of-pack Labeling Compliance:

Compliance with the new regulations is mandatory and Post recommends the following:

1. Pay attention to the compliance dates, as the standards must be fully met by the due date.
2. Review the regulations on imported products. For example, stickers in Spanish containing required information by the standard NOM-051 are acceptable and can be placed on imported packaged products.
3. Note that commercial information on the label must be reviewed by an authorized verification unit. The verification units will give an official opinion called “*Constancia*” stating that the product complies with the standard.
4. Identify a reliable importer for guidance throughout the NOM-051 process.

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

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Attachments:

No Attachments.