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UPDATE - Simplified Labeling Procedures in Mexico's Border Areas

Report Categories:

Exporter Guide

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Retail Foods

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Report Highlights:

This report summarizes a notice from Mexico's Secretariat of Economy published in the Diario Oficial de la Federacion on January 17, 2012, updating the special labeling conditions that apply to products sold in Mexico's border zones in accordance with the revised NOM-051-SCFI/SSAI-2010 labeling standard. U.S. exporters may find this special treatment beneficial when shipping products to these areas.

General Information:

DISCLAIMER: The following document includes translations of Spanish-written regulation; in the event of a discrepancy or discrepancies between these translations and the complete regulations or announcements as published in Spanish, the latter shall prevail. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of current import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped.

BACKGROUND/REFERENCE

On April 5, 2010, the Secretariat of Economy (Spanish: [Secretaría de Economía](#), or SE) published the new version of its main food and beverage labeling regulation: the Mexican Official Standard for General Labeling Specifications of Pre-Packaged Foods and Non-Alcoholic Beverages (Spanish: [NOM-051 - Especificaciones generales de etiquetado para alimentos y bebidas no alcohólicas preenvasados](#), commonly known as NOM-051) which became effective on January 1, 2011.

Most food and agricultural products imported into Mexico are required to comply with NOM-051. However, the GOM defined simplified procedures to the labeling requirements in NOM-051, covering products (both domestic and imported) that are shipped to, and sold in, defined border areas (border zone and border strip). For a definition of these areas, please review GAIN Report MX9505 – Simplified Labeling Procedures in Mexico's Border Areas.

Because the new version of NOM-051 effectively cancelled all derived regulation from the previous version, on March 24, 2011, the GOM published a revised version of the original simplified procedures in order to fill the legal void created by the absence of a valid regulation on the matter. This publication was covered in our GAIN Report MX1511 – UPDATE Simplified Labeling Procedures in Mexico's Border Areas.

However, the Mexican government considered that there are other Official Standards that oversee the labeling/commercial information of specific products, particularly cocoa, chocolate and derived products (covered by [NOM-186-SSA1/SCFI-2002](#), or NOM-186 for short) and perfumes and other beauty products (covered by [NOM-141-SSA1-1995](#), NOM-141 for short) that could also “apply” the simplified procedures established in the document published on March 24, 2011 when said products are sold in the border region/strip. So the GOM published a new document, with minor changes to the text, but widened its coverage to include products regulated by these two additional Official Standards, NOM-186 and NOM-141.

GENERAL INFORMATION

Title: “Procedures for compliance evaluation: Simplified procedures for the verification of information required by Mexican Official Standards: NOM-051-SCFI/SSAI-2010 – General labeling specifications for pre-packaged food products and non-alcoholic beverages – Commercial and sanitary information, NOM-186-SSA1/SCFI-2002 – Products & services. Cocoa, products and derivatives. I. Cocoa. II. Chocolate. III. Derivates. Sanitary specifications. Commercial information, NOM-141-SSA1-1995 – Products & services. Labeling for prepackaged perfume and other beauty products, applicable to companies in the border zone and border strip” (Spanish: [Procedimientos para la evaluación de la conformidad: procedimientos simplificados para la verificación de la información de productos sujetos al cumplimiento de las Normas Oficiales Mexicanas NOM-051-SCFI/SSAI-2010, Especificaciones generales de etiquetado para alimentos y bebidas no alcohólicas preenvasados- Información comercial y sanitaria, NOM-186-SSA1/SCFI-2002, Productos y servicios. Cacao, productos y derivados. I. Cacao. II. Chocolate. III> Derivados. Especificaciones sanitarias. Denominación comercial, NOM-141-SSA1-1995, Bienes y servicios. Etiquetado para productos de perfumería y belleza preenvasados aplicables a las empresas de franja y región fronteriza](#)).

Type of Ruling: Establishment of simplified procedures for labeling compliance.

Important Dates:

1. Simplified Procedures were published: January 17, 2012.

2. Ruling came into effect: January 18, 2012.
3. NOM-051 enforcement date for all pre-packaged foods and non-alcoholic beverages: January 1, 2011.

Products Affected: All products required to comply with NOM-051, NOM-186 and NOM-141 that would be sold in the border zone and border strip, per the provisions defined in Section XV of Article 10 of the “Agreement which identifies the Harmonized Tariff Codes for products subject to compliance of Mexican Official Standards when entering or exiting the country” (Spanish: [Acuerdo que identifica las fracciones arancelarias de la Tarifa de la Ley de los Impuestos Generales de Importación y de Exportación en las que se clasifican las mercancías sujetas al cumplimiento de Normas Oficiales Mexicanas en el punto de entrada al país y su salida](#)). It should be noted that some NOM-051-regulated products like: poultry-based food preparations and meat, poultry & pork offals, dried pastas, bakery ingredients, and cookies/wafers, are not eligible for this simplified labeling procedures when imported into the border regions, and must comply fully with NOM-051 requirements, regardless of their final destination.

Agency in Charge: Secretariat of Economy (SE).

FAS/Mexico Summary: Besides including and allowing other products to benefit from the special procedures defined originally for NOM-051, the new regulation is basically the same as the one published on March 23, 2011. The only text adjustments can be summarized as follows:

1. While the previous regulation implied that when consumer information, hazard warnings, instructions for conservation, use, preparation and consumption, ingredient list and quantitative ingredient labeling and nutritional information, when not available in Spanish, could be indicated in the product’s display area, the new regulation details the options available for making said information available to the consumer:
 - a. In the shelf or product display area;
 - b. In easy-to-see signs fixed in booths, exhibitors, showcase, cabinet or case where the product is placed;
 - c. In information modules; or
 - d. Available through store staff or product demonstrators on site.
2. Text related to the restriction to include or refer any relation to diseases, indications, symptoms, or anatomical or physiological facts was eliminated due to redundancy with that restriction being defined by the new version of NOM-051.

FOR MORE INFORMATION

FAS/Mexico Web Site: We are available at: <http://www.mexico-usda.com> or visit the FAS headquarters' home page at: <http://www.fas.usda.gov> for a complete selection of FAS worldwide agricultural reporting.

Other Relevant Reports Submitted by FAS/Mexico:

Report Number	Subject	Date Submitted
MX1511	UPDATE - Simplified Labeling Procedures in Mexico's Border Areas	03/31/2011
MX0514	Mexico Issues Notice on NOM-051 Labeling Revisions	12/21/2010
MX0312	Update on Revised NOM-051 Labeling Requirements	10/18/2010
MX0505	Mexico Revises Food Labeling Regulations	06/17/2010
MX9505	Simplified Labeling Procedures in Mexico's Border Areas	12/17/2009

Useful Mexican Web Sites: Mexico's government entity equivalent to the U.S. Department of Agriculture (SAGARPA) can be found at <http://www.sagarpa.gob.mx> and Mexico’s government entity equivalent to the U.S. Department of Commerce (SE) can be found at <http://www.economia.gob.mx>. These web sites are mentioned for the readers' convenience but USDA does NOT in any way endorse, guarantee the accuracy of, or necessarily concur with, the information contained on the mentioned sites.

