

## The Regulatory Impact Analysis and the draft amendment of the Official Mexican Standard “General Labelling Specifications for Pre-packaged Foods and Non-Alcoholic Beverages”

**10 October 2019**

On October 7th, 2019, the Regulatory Impact Analysis and the draft amendment of the Official Mexican Standard NOM-051-SCFI/SSA1-2010 – “General Labelling Specifications for Pre-packaged Foods and Non-Alcoholic Beverages – Commercial and Health Information” were published in the portal of the National Commission on Regulatory Improvement. The foregoing was the result of the proposal for amendment of the General Health Law in terms of the front labeling warnings, submitted by the Health Commission of the House of Representatives.

Below please find some of the main modifications included in the aforementioned draft amendment:

- i.** It introduces new applicable terms and definitions, such as: sugar added and sugar free, natural or artificial sweetener, front labeling system; supplementary nutrition facts, children, critical nutrients, genuine and substitute products, warning stamp, among others.
- ii.** It now forbids the use of legends which refer to recommendations or endorsements by professional companies or associations.
- iii.** The use of characters, drawings, celebrities, gifts, offers, toys or contests is now forbidden for certain product categories.
- iv.** Likewise, the new draft amendment now limits the advertising of certain product categories in social media.
- v.** New rules apply for the use and declaration of the denomination of foods, mainly in terms of genuine and substitute products.
- vi.** Furthermore, the draft amendment sets out new guidelines for the declaration of ingredients, among which the following stand out:
  - Declaration of sugars, their categories and quantities.
  - Declarations of allergens and ingredients which may cause hypersensitivity and/or intolerance, including new categories thereof (e.g. syrups).
  - Tighter regulations for additives.
- vii.** Draft amendments introduce the obligation to declare added sugars and trans-fats, as part of the Nutritional Declaration of products.

**viii.** It now broadens the supplementary nutritional facts chapter.

**ix.** Adopts the Front Labeling System, the purpose of which is to warn and inform the consumer regarding nutrients which, according to the provisions of the Official Mexican Standards (NOM), constitute a health risk. For example:

- The use of warning stamps in connection with nutrients (for example: "Excess Calories").
- The use of warning stamps in connection with sweeteners (for example: "It contains sweeteners, should be avoided for children").
- Precautionary legends (for example: "It contains caffeine, should be avoided in children").

**x.** Finally, the draft amendment provides for a Conformity Assessment Procedure, and now introduces the obligation to obtain a compliance opinion.

The Hogan Lovells Global Regulatory team is ready to assist you and clarify any questions you have on this matter.

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