

Mexico City. June 19, 2020.

Possible modifications to the Regulations for the Sanitary Control of Products and Services and to the Regulations of the General Health Law on Advertising, as well as clarifications to the Modifications to NOM-051-SCFI/SSA1-2010, General Specifications of Labeling for Prepackaged Foods and Non-Alcoholic Beverages - Commercial and Sanitary Information published on March 27, 2020.

Dear clients and friends,

On June 5, the Ministry of Health filed a Regulatory Impact Analysis before the National Commission for Regulatory Improvement ("CONAMER"), which anticipates the imminent reform of the Regulations for the Sanitary Control of Products and Services, as well as the Regulations of the General Health Law on Advertising, in order to harmonize the provisions related to the front warning labeling of prepackaged foods and non-alcoholic beverages at the regulatory level.

In this sense, according to the draft project presented to CONAMER, below please find a brief summary of the most relevant points proposed:

I. Regulation of Sanitary Control of Products and Services

- The Regulation defines terms *Frontal Warning Labeling*, *Portion* and *Critical Nutrients*.
- Where products or their components may present an intermediate or immediate health risk to consumers a warning shall be included on the label in accordance with the relevant Official Standards.
- The Ministry of Health may require and corroborate the biological, chemical, physical and nutritional specifications of the products, as well as the general techniques of their process, and must guarantee the confidentiality of the information.
- Labelling information shall be truthful and shall be described and presented in such a way not to mislead consumers regarding the nature of the product.
- The labelling of food and non-alcoholic beverages shall include front labelling in accordance with the applicable Official Standards.
- The label of products aimed at children should not contain elements that incite, promote or encourage their purchase or consumption, nor make reference to other similar elements with the same purpose.
- The reference portions will be established by the Ministry of Health in coordination with the higher education institutions and will be published in the corresponding official website.
- The Ministry of Health shall determine the ingredients, additives or substances that may create a risk to health. Products containing them shall include a precautionary statement regarding to their consumption, particularly with respect to products intended for children.
- The inclusion of graphic or textual endorsements on food and beverage labels is permitted, if the provisions of the Federal Consumer Protection Act ("LFPC") met.
- No nutrients may be added to fresh food, except those that must be added on a mandatory basis.

II. General Health Law on Advertising.

- Advertising must not suggest or indicate that the use of a product is a determining factor in modifying the behavior of persons; indicate or induce to believe that the product has ingredients or properties that it lacks, or include stamps or endorsements without scientific, objective and reliable evidence in terms of LFPC.
- Advertising for products whose labels include excess energy, critical nutrients and ingredients that represent a health risk in excessive consumption must include the stamps and legends established by the corresponding Mexican Official Standard and must not include recommendations or endorsement stamps or legends.

• Advertising of pre-packaged products which include on their label one or more warning labels or the legend of sweeteners, shall not include children's characters, animations, cartoons, celebrities, sportsmen or pets, interactive elements, such as visual-special games or digital downloads, aimed at children that encourage, promote or promote the consumption, purchase or choice of such products

Additionally, on June 19, the Ministry of Economy and the Ministry of Health published an explanatory note in the Official Gazette in order to clarify some elements of the Amendments to NOM-051, published in the DOF, to correct some open or erroneous references among the numerals of the Standard itself. These clarifications do not substantially change the provisions of the Amendments to NOM-051 published on March 27.

The attorneys of Mañón Quintana Abogados are at your service to elaborate on the contents of this document in light of the new obligations for the labeling of alcoholic beverages and prepared foods.

Sincerely,

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