

MINISTRY OF ECONOMY AND MINISTRY OF HEALTH MAKE CLARIFICATIONS TO THE MODIFICATIONS TO MEXICAN OFFICIAL STANDARD NOM-051-SCFI/SSA1- 2010, PUBLISHED LAST MARCH 27TH, 2020.

Mexico City, June 12th, 2020.

Last June 10th, 2020, the Ministry of Economy and the Ministry of Health, through the Federal Commission for the Protection against Sanitary Risks, presented before the National Commission for Regulatory Improvement (“CONAMER”) application for the exemption of Regulatory Impact Analysis over Explanatory Note to the modifications to Mexican Official Standard NOM-051-SCFI/SSA1-2010, General labelling specifications for pre-packaged food and non-alcoholic beverages – Commercial and sanitary information (“Modifications”), same that were published in the Federal Official Gazette last March 27th of the present year. Herein after “Explanatory Note”.

The Explanatory Note makes the following precisions:

- **Section 4.5.2.4.1** The nutritional declaration must be made in the units that correspond to the General System of Measurement Units NOM-008-SCFI-2002, cited in the references chapter. Additionally, other units of measurement can be used. In the case of vitamins and inorganic nutrients (minerals), these must be subject to the provisions of subsection 4.5.2.4.4 **instead of subsection 4.5.2.5, as indicated in the Modifications.**

This is, the numerical declaration for vitamins and inorganic nutrients, must be expressed in units of measurement per 100 g / 100 ml or as a percentage of the reference nutritional values per serving. Additionally, a declaration can be made per serving, in packages containing several servings; or per container, when it contains only one portion.

- **Section 4.5.3.4.2** Products whose main display area is ≤ 40 cm² must only include a stamp with the number that corresponds to the amount of nutrients that meet the profile established in 4.5.3 in a minimum size in accordance with the provisions of Table A1 of the Appendix A (Normative) of the standard.

For those products whose main display area is $\leq 5 \text{ cm}^2$, the stamp described above must comply with the characteristics described in section A.4.4 (instead of section A.4.5, as indicated in the Modifications) of Appendix A (Normative).

Section A.4.4 of Appendix A of the Modifications sets forth that the stamp, for products with a main display area lesser or equal to 5 cm^2 , must be distributed as per Figure A3.

- Title of Table 6 is corrected as follows: **Table 6. Nutritional profiles for the complementary nutritional declaration information.**
- Table A1 of Appendix A of the Modifications, is revised as follows:

Main display surface area	Size of each stamp
$\leq 5 \text{ cm}^2$	At least 15% of the main display surface area
$> 5 \text{ cm}^2 \text{ a } \leq 30 \text{ cm}^2$	1 cm wide x 1.11 cm^2 high
$> 30 \text{ cm}^2 \text{ a } \leq 40 \text{ cm}^2$	1.5 cm wide x 1.66 cm^2 high
$> 40 \text{ cm}^2 \text{ a } \leq 60 \text{ cm}^2$	1.5 cm wide x 1.66 cm^2 high
$> 60 \text{ cm}^2 \text{ a } \leq 100 \text{ cm}^2$	2.0 cm wide x 2.22 cm^2 high
$> 100 \text{ cm}^2 \text{ y } \leq 200 \text{ cm}^2$	2.5 cm wide x 2.77 cm^2 high
$> 200 \text{ cm}^2 \text{ a } \leq 300 \text{ cm}^2$	3.0 cm wide x 3.32 cm^2 high
$> 300 \text{ cm}^2$	3.5 cm wide x 3.88 cm^2 high

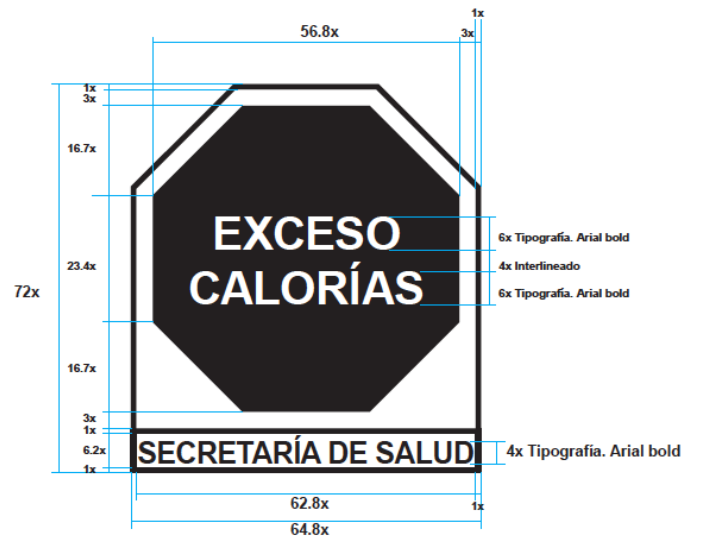
This is, the centimeter units of measure, to define the size of each stamp, must not be squared, but rather linear measurements.

- Figures of Appendix A are substituted with the following figures:

New A1 Figure. Stamp Components



New A2 Figure. Stamp 1 proportions



Only the elements that make up the stamps should be mentioned (Section 4 of the Explanatory Note). It is not necessary to describe the proportions and measures that they must contain, since Figure A2 sets forth said description.

Radios:

Octágono interior $r = 15.6 X$
 Octágono exterior $r = 17.95 X$

New A3 Figure. Stamp 3 proportions



Radios:

Octágono interior $r = 15.6 X$
 Octágono exterior $r = 17.95 X$

- As a consequence of the adjustments in the proportions of Figure A2, the size of the area in which the messages indicated in subsection A.4.2 must be described ("Excess Calories", "Excess Sugars", "Excess Saturated Fats", "Excess Trans Fat", "Excess Sodium") is modified. The message should completely cover an area of **23.4x (instead of 23.0x)**.
- As a consequence of the adjustments in the proportions of Figure A3, the size of the area in which the message indicated in subsection A.4.3 ("Ministry of Health") must be modified. The message should completely cover an area of **62.8x (instead of 7x)** from the bottom of the stamp.

Since the Explanatory Note is under evaluation by CONAMER, the new provisions set forth in this document are not yet required. However, if approved by CONAMER, it will be published in the Federal Official Gazette and will enter into force the day after its publication.

The file of this proposal will be available, for private persons to file remarks, for a minimum period of 20 business days.

The lawyers of the Health Law Practice are at your disposal to clarify any query you may have over these topics.

S I N C E R E L Y,

Daniel Del Río

delrio@basham.com.mx

Rodolfo Barreda

rbarreda@basham.com.mx

Ricardo Evangelista

revangelista@basham.com.mx

Mariana Arrieta

marrieta@basham.com.mx

