

Life Sciences Practice Group Newsletter



New criteria for the implementation, verification, surveillance and compliance evaluation of NOM-051-SCFI/SSA1-2010

On July 1, 2020, the General Directorate of Standards (DGN) and the Federal Commission for the Protection against Health Risks (COFEPRIS) submitted to the National Commission for Regulatory Improvement (CONAMER) a project **of criteria for the implementation, verification, surveillance and compliance evaluation of NOM-051-SCFI/SSA1-2010** (NOM-051), which establishes marking and labeling requirements for prepackaged food and non-alcoholic beverages.

In such project the DGN and COFEPRIS establish the following criteria:

1. The Ministry of Economy, the Ministry of Health, COFEPRIS and the Federal Consumer Protection Agency (PROFECO) will be in charge of this NOM verification.
2. **Compliance at retail in connection with the frontal warning system will be verified as of October 1, 2020, and the rest of the amendments, as of April 1, 2021.**
3. Compliance with the amendments prior to its entry into force (October 1st) will not be considered an infraction.

4. The use of stickers over the original label by the importers will not be considered an infraction (according to the third transitory article of the amendment, this option is only be available until March 31, 2021).

5. In connection with Authorized Verification Entities (UVAs) it is specified that:

a. These may issue compliance opinions and/or certificates until their authorization is renewed and approved by the Accreditation Entities.

b. The compliance opinions are issued following an onsite visit per the importer's request; and the certificates are issued after the review of the label per the request of a producer, manufacturer, importer, retailer, services provider or consumer.

c. The requesting party is responsible for the information provided to the UVAs; and the latter are exempt to issue opinions or certificates if the information provided is not enough or inadequate.

- d. These must comply with the procedure established in article 98 of the Regulations of the Federal Metrology and Standardization Law (LFMN) in case of verification visits.
 - e. These must comply with the Mexican Standard "NMX-Z-12/2-1987. Sampling for inspection by characteristics - Part 2: Sampling methods, tables and graphs" in case of product sampling.
6. The SE will submit the amendments to the NOMs Guidelines for analysis by the Foreign Trade Commission for implementing NOM-051 amendment's enforcement upon the importation of products.

For further information regarding the amendments to NOM-051 and other labeling and advertising requirements, [click here](#).

Our team of experts can assist you in the analysis of any of the new labeling and advertising regulations, as well as with the strategy that best suits your products.

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Any interested party may submit comments to the project of criteria through CONAMER's web page.

These are the provisions in such project, however there is a diversity of related provisions that could have potential negative effects on the operation of people obliged to the compliance of NOMs in the manufacturing, import, marketing and other processes of goods and products.

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