

Food Safety Regulations on Labeling
Requirements in the United States and Mexico

by

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FOOD REGULATIONS IN THE UNITED STATES

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I. Introduction

This paper will focus on comparing United States and Mexico food safety regulations on labeling requirements. Food labels provide consumers with information like ingredients, serving size, and nutritional value to assist them in making informed healthy food choices. Food labeling is required for most prepared foods, such things like bread, cereal, canned and frozen foods, snacks, desserts, drinks etc.¹ Labels often times create confusion to consumers purchasing products especially if they are not in a format that they readily understand. The issue with labeling requirements is that there is not a national standard of regulation between these two countries. Exporters doing business in the U.S. and Mexico are capable of overlooking the proper standard of regulation regarding a specific country they are entering, which could lead to consequences down the road. Both countries, believe the importance of food-labeling regulation used to design and protect the economic expectations of both consumers and the food industry. Although there are, some similarities between these two countries a consistent process regulating food labeling should be implemented.

It is extremely important to understand how each country refers and identifies to food labeling that is why each section will be broken down in the following areas: Section II will compare legislation policies between U.S. and Mexico. Section III will discuss the similarities and differences between both countries labeling requirements—nutritional facts. Section IV will provide a case study regarding Wal-mart in Mexico. Section V will discuss health claims and nutrient content claims specific to both countries.

¹ <http://www.cfsan.fda.gov/label.html>

II. Legislation

The labeling of food products in the U.S. derives from the Food, Drug, and Cosmetics Act (FDCA).² To help minimize legal action and delays, manufacturers and importers must fully understand the laws and regulations of the United States before offering foods for distribution.³ The FD&C Act requires that most foods bear a nutrition label as well as a nutrient content claims label. Currently, Mexico's regulatory process is based on its "Federal Law of Metrology and Standardization," published in Mexico's *Diario Oficial* (Federal Register) on July 1, 1992. The law provides for two types of regulations-mandatory *Normas Oficiales Mexicanas* (NOMs) and voluntary *Normas Mexicanas* (NMX).⁴ NOMs entered into force on November 1, 1996, excluding the nutritional information, which later entered into force on January 1, 1998.

Both Mexico and U.S provide general specification in labeling for pre-packed foods that are intended for both domestic and international markets.

- The Mexico NOM-058-SCFI-1994 General Specifications in Labeling for Pre-packed foods and non-alcoholic beverages can be found at <http://www.natlaw.com/trans/tntscs72.html>
- The US Labeling Guide can be found at <http://www.cfsan.fda.gov/~dms/flg-1.html>

III. Labeling Requirements

Both countries require some form of label requirements that are country specific. Many of the statutory labeling requirements for the U.S. come from section 403 of the FDCA, which lists circumstances of foods considered "misbranded." Foods that are labeled "misbranded"

² https://angel.msu.edu/AngelUploads/Content/MRG-071227-091113-fortinne_msu_edu/_assoc/fb36797b0761ecc60744e9dd8e9702D4/3_Ch_Labeling.pdf

³ <http://www.cfsan.fda.gov/~dms/flg-toc.html#flg>

⁴ <http://www.fas.usda.gov/gainfiles/200208/145783686.pdf>

must following these five requirements: (1) Mandatory labeling of the name of the food, ingredient statement, net quantity, and the name and address of the manufacturer or distributor; (2) Mandatory standards of identity; (3) Labeling of imitation foods; (4) Nutrition information for special dietary foods; and (5) Prohibition of any false or misleading claims.⁵ The information presented on a U.S. food label is required to appear in English, with the exception of a label that bears representations in a foreign language, both English and foreign language must appear on the label.

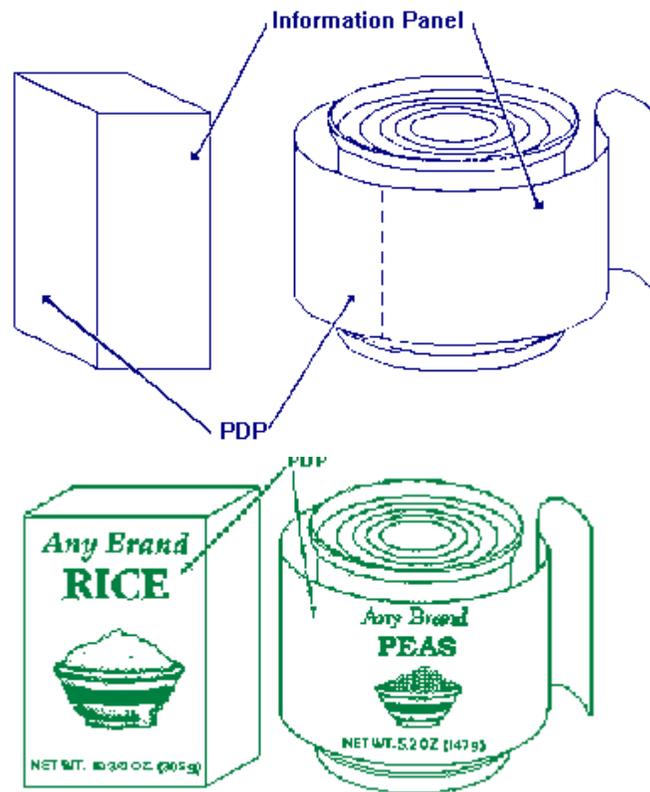
According to Mexico's 1994 Labeling Decree products being imported into Mexico must provide the following information in Spanish, similar to the U.S. if a product bears representation in a foreign language the information provided must express both languages on the label (1) The name of the product or merchandise; (2) The name of the business and address of the importer; (3) The importer's RFC # and/or their industry association registration number; (4) The name or business name of the exporter, (5) The net contents as specified in NOM-030-SCFI-1993; (6) Warnings or precautions on hazardous materials; (7) The use, handling and care instructions for the products as required; and (8) The country of origin on goods destined for retail sale in the Mexican market.⁶

The U.S. standards for labeling are more detailed concerning the Principle Display Panel. PDP is one of the most important labeling elements found on a product. The PDP label is most visible to the consumer at the time of purchase. The use of letters on a label must be at least one-sixteenth (1/16) inch in height based on the lower case letter "o". The letters must not be more than three times as high as they are wide, and the lettering must contrast sufficiently with the

⁵ https://angel.msu.edu/AngelUploads/Content/MRG-071227-091113-fortinne_msu_edu/_assoc/fb36797b0761ecc60744e9dd8e9702D4/3_Ch_Labeling.pdf

⁶ www.gattiasociates.com/CM/Articles/Articles1295.asp

background and easy to read.⁷ Regarding Mexico's labeling standards they do not specify the size or location of the label on the product. The law does require that labels be attached or stickered onto the product during the time of importation into Mexico.



⁷ <http://www.cfsan.fda.gov/~dms/flg-1.html>

I. Nutritional Facts Labeling

Both U.S. and Mexico require some form of a nutritional facts label, which is a label required on most pre-packed goods in North America. In Mexico, food products sold use the product labeling standard NOM-051-SCFI-1994. NOM (*Norma Oficial Mexicana*) is the Official Mexican Standard, developed by the Mexican Secretary of Commerce and Industrial Promotion (*Secretaría de Comercio y Fomento Industrial*, or SCFI), now a part of the Secretary of the Economy (SECOFI).⁸ All descriptions used to inform a consumer about any nutritive elements found in a pre-packaged food item must cover two aspects of nutritional information: mandatory and supplemental.

According, to Mexico's regulations on nutritional information the label of pre-packaged products is voluntary. It is only mandatory when a quantity or quality declaration of a nutritional property is specified. For example, Mexico declares the following items as mandatory nutritional items a) energy contents; b) protein, available carbohydrates and fat (lipid) quantities; and c) sodium quantity.⁹ Under the U.S. Nutritional Facts panel the mandatory items required that were not similar to those of Mexico's were: a) total calories, b) calories from fat, c) total fat, d) saturated fat, e) cholesterol, f) dietary fiber, g) sugars, h) protein, i) vitamin A, C, j) calcium, and k) iron.¹⁰ Both countries declare the nutrients on the nutrition panel the only difference is the name in which they use to define the percentage declared for example, Mexico's used the recommended daily intake (allowance), whereas the U.S. uses % Daily Value

⁸ http://en.wikipedia.org/wiki/Nutrition_facts_label

⁹ <http://www.natlaw.com/trans/tntscs72.htm>

¹⁰ <http://www.cfsan.fda.gov/~dms/fdnewlab.html>

The following are sample products that provide a nutritional fact label for a granola bar product found in Grupo Bimbos website known as the Barra PlusVita Choco-Naranja and U.S. label of Baked Doritos.¹¹ The label on the left is introduced in Spanish following the NOM-051-SCFI-1994 label requirements, while the label on the right provides all required U.S. labeling guidelines. Both labels provide the same information the only thing different is the type of product and the quantity per serving. The Nutrition Facts panel proves that both U.S. and Mexico can come to an understanding of possibly using a universal standard of label requirements without having to comply with each country set regulations.

Información Nutricional	
Tamaño de ración: 1 piezas (22 g)	
Raciones por paquete: 1	
Contenido energético	
Grasa Total	75 kcal *
De los cuales	2.9 g
Grasa Saturada	
Grasa Trans	1.2 g
Grasa Monoinsaturada	0.0 g
Grasa Poliinsaturada	0.9 g
Colesterol	0.2 g
Sodio	0.37 mg
Hidratos de Carbono	52.8 mg
De los cuales	11.2 g
Fibra Dietética	
Proteínas	0.9 g
	2.3 g
	* % valor diario
Vitamina B2	14.2%
Vitamina A	14.2%
Vitamina B3 (niacina)	13.6%
Hierro	12%
Zinc	10.8%
Acido fólico	9.8%
Vitamina B1	9.4%
Los Porcentajes de valores Diarios están basados en la ingestión Diaria Recomendada establecida por el para la población mexicana, establecida en la NOM-051-SCFI-1994.	
*447 kJ	



¹¹ <http://www.nutriciongrupobimbo.com/index.php?fuseaction=content.main&cid=4,587>

IV. Case Study: Wal-mart in Mexico

As mentioned in Gatti's (2005) article *Labeling Requirements in Canada and Mexico*, a high profile case known as Wal-mart in Mexico received tremendous press regarding the importance of following the importing countries label requirements. In this case, Wal-mart failed to observe Mexico's labeling requirements related to providing Spanish language labels for thousands of products exported to Mexico for sale in Wal-mart's Mexican stores.¹² Although Wal-mart was advised by Mexican trade officials their failure to provide the required Spanish language labels, trade officials took action by temporarily shutting down the Wal-mart Mexico City store and did not re-open until its label deficiency was corrected. Wal-mart learned from this and continued to providing Spanish language labels on all products distributed into the Mexican market. This is a great example of how a U.S. company enters into an international market without doing their research regarding the required labeling requirements for products being sold.

V. Conclusion

It is important to improve the food-labeling framework on a national level because labels must be reliable both at a domestic and international level. Consumers, manufacturers, suppliers, will find it easier if a universal process is implemented to reduce the concern of label violations due to not complying with country regulations. It is clear that the U.S. has a more organized, detailed, and consistent structure of labeling procedures than those of Mexico. Until the two countries can come together and work on a format that works for both countries, they must continue to customize their products based on their current labeling regulations.

¹² www.gattiasociates.com/CM/Articles/Articles1295.asp