Kilpatrick

Insights: Alerts

New Labeling Requirements and Production Standards Apply to All Alcoholic Beverages Imported, Manufactured, and Sold in Mexico

MARCH 21, 2016 Written by John A. Hughes

Executive Summary

In response to the growing issue of alcohol abuse in Mexico and the related health problems associated with alcohol abuse, the Mexican government implemented revised labeling requirements and production standards for all alcoholic beverages imported, manufactured and sold in Mexico.[1] These rules are codified as Norma Oficial Mexicana (Official Mexican Standard) NOM-142-SSA1/SCFI-2014 ("NOM 142"). The labeling requirements, as discussed below, go into force on March 24, 2016. The production standards, as discussed below, went into force on July 21, 2015.

NOM 142 Labelling Requirements

Beginning March 24, 2016, all alcoholic beverages imported, manufactured and sold in Mexico must meet a revised list of labeling requirements. Key highlights of the information that will become mandatory for display on all alcoholic beverage labels and packaging are as follows[2]:

a. Name or generic name (i.e., "beer" or "wine") and trademark of the product;
b. Name, corporate name and legal address of the producer and/or distributor;
c. Country of origin, including captions such as "Made in __" and "Product of __";
d. Lot identification with a code that allows for traceability;
e. "Best-before" date, which must include at least the day and month for products with a shelf life of less than or equal to 3 months, or the month and year for products with a shelf life of more than 3 months;
f. Alcohol content (percent alcohol by volume);
g. Energy content, expressed in either kilojoule (kJ) or kilocalorie (kcal);
h. List of ingredients, including but not limited to ingredients and/or additives that cause hypersensitivity or present allergy concerns to potential consumers;
i. Cautionary notes, such as "Excessive consumption of this product may be harmful to human health.";
j. The inclusion of new symbols seeking to discourage alcohol abuse, underage drinking, alcohol intake by pregnant women and drunk driving.[3] These symbols must be displayed both on the packaging and the individual labels of alcoholic beverages, and must be visible at all times (*i.e.*, the symbols may not be readily removed for the purpose of or during consumption of the alcoholic beverage).

NOM 142 Production Requirements and Health Standards

On July 25, 2015, new health requirements went into force in Mexico regarding (1) the quality of the materials used in the manufacturing process of alcoholic beverages, and (2) production requirements and health standards that

producers of alcoholic beverages must follow in order to ensure that alcoholic beverage products are not impermissibly altered during the production process. Key highlights of these new requirements are as follows[4]:

a. The water used in the production of alcoholic beverages should be fit for human consumption. If necessary, distilled or demineralized water may be used;
b. Only vegetable-origin ethylic alcohol may be used as a raw material for the production of alcoholic beverages;
c. Producers of alcoholic beverages must be able to prove that the alcoholic beverage has not been adulterated during processing, packaging, or marketing of the product. Accordingly, producers of alcoholic beverages must preserve and keep record of the following documents:
i. Invoices or documents that verify the acquisition of raw materials;
ii. Documented proof of incoming and outgoing raw materials;
iii. Documents detailing where finished products have been sent; and
iv. Inventories of raw materials and finished products.

These documents must be kept for a time equivalent of one and a half times the shelf life of the product, or for at least two (2) years.

Monitoring and Enforcement

NOM-142-SSA1/SCFI-2014 is published in the Official Gazette of the Mexican Federation. Mexico's Federal Commission for Protection against Sanitary Risks ("COFEPRIS") and Federal Bureau for Consumer Protection ("PROFECO") are the governing bodies charged with monitoring and enforcing compliance with the requirements of NOM 142. Monitoring by PROFECO and COFEPRIS will take the form of random inspection visits to alcohol processing premises and random on-shelf inspections of alcohol distributors and stores that sell alcoholic beverages.

Conclusion

Be advised that the recently revised requirements and standards of NOM 142 are either currently in force or will come into force shortly. All importers, manufacturers and sellers of alcoholic beverages in Mexico must be in compliance with the labeling requirements of NOM 142 no later than March 24, 2016, and must already be in compliance with the production standards and health requirements of NOM 142, which went into force on July 21, 2015. For more information on NOM 142 and how it may affect your business, please contact the authors of this Legal Alert or any other member of our Trademark Team.

To view a printer-friendly version of this alert, click here.

[1] Note: Alcoholic beverages for export are exempt.

[2] For a complete list of labeling requirements, see the full text of NOM-142-SSA1/SCFI-2014 (found at http://www.dof.gob.mx/nota_detalle_popup.php?codigo=5386313).

[3] E.g.,

;

; and

[4] For a complete list of production standards, see the full text of NOM-142-SSA1/SCFI-2014 (found at http://www.dof.gob.mx/nota_detalle_popup.php?codigo=5386313)

Related People



John A. Hughes
t 415.273.4764
jhughes@ktslaw.com