

Product Labelling

HIGHLIGHTS

Mexico's labelling regulations for consumer products have been in a state of flux since early 1994, when the government began to enforce them at the border as well as at the store shelf. New regulations which became effective in 1996 and 1997 have clarified the situation. This summary describes three new regulations:

- *NOM-050-SCFI-1994*, the labelling regulation for generic consumer products;
- *NOM-051-SCFI-1994*, the labelling regulation for prepackaged food and non-alcoholic beverages; and
- *NOM-004-SCFI-1994*, the labelling regulation for textiles, apparel and accessories.

BACKGROUND

Mexico has a number of laws for the protection of consumers, and many of them are similar to Canada's. But Mexico's consumer regulations differ in two important respects. First, imports into Mexico can be made only by registered importers who are citizens of Mexico or locally-incorporated companies. Importers are given official registration numbers that they must provide to officials at the port of entry where the goods cross into Mexico. The identity of the importer must be revealed on the product label. Canada has no equivalent requirement. Second, Mexico's labelling laws are enforced both at the border and at the store shelf.

Canada's equivalent laws, such as those requiring bilingual English-French labelling, are applied at the store shelf, not at the border. Both of these distinctions place a greater onus on Canadian exporters for compliance with Mexican law than is the case in the reverse direction.

The labelling issue has arisen since the advent of the North American Free Trade Agreement (NAFTA). Previously, Mexico allowed products to be labelled — typically with adhesive stickers — after they crossed the border. But on 7 March 1994, only weeks after NAFTA went into effect, the government of Mexico issued an executive decree stating that, henceforth, all labelling regulations would be enforced at the border. The decree also included a list of more than 400 products for which certificates of compliance with Mexico's system of quality standards would also be required at the border. Product labelling is further governed by official standards, known as *Normas Oficiales Mexicanas (NOMs)*.

The change was implemented without consultation with Canadian and American officials, as required by NAFTA. It caught many Canadian exporters by surprise, leading to serious delays at the border.

There were many protests about these regulations both from Mexican importers and from foreign exporters. The latter were brought to the attention of the Mexican government by Canadian and American authorities. In response, the Mexican government published a number of new labelling regulations during 1995. A period for public consultation was provided and, when the complaints continued, the draft regulations were further revised.

Eventually, on 24 January 1996, the government re-published a set of three labelling regulations, which

were to go into effect on 1 November 1996. This included a generic regulation as well as specialized rules for food and non-alcoholic beverages, and for textiles and apparel. Further delays occurred, and most of the regulations did not come into effect at the border until 1 March 1997.

Other regulations will be phased in during the year and the last comes into force on 1 January 1998.

The final regulations are expected to clarify a situation which has been confused since early 1994.

SUMMARY REPORT

This market information on Mexican product labelling regulations has been produced and published by Prospectus Inc. under contract with DFAIT, along with other market profiles and summaries on business opportunities in Mexico. It is available from:

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NOM came into force at the border on 1 March 1997, and will apply at the store shelf as of 1 July 1997.

APPLICATION

The regulation applies to goods intended for the final consumer who represents "the last link in the commercial chain for a product, that is, for its use or consumption." The regulation states that "the consumer is not someone who acquires, stores, uses or consumes products with the purpose of integrating them in the process of production, manufacturing, marketing or providing service to third parties."

The regulation applies only to pre-packaged products and specifically excludes bulk products that are measured or weighed in the presence of the customer at the time of sale. The official implementation guide for the regulation gives the example of nails. If the nails are pre-counted and come in a box or bag, they must be labelled according to the regulation. If they are sold by the pound and weighed at the time of sale, they need not be labelled.

The Mexican government has issued a decree which lists specific products subject to this regulation. This is intended for administrative use at ports of entry and is subject to change. Exporters must verify the current requirements with their agent, distributor or other importer prior to shipment.

LANGUAGES

Labels must be in Spanish although they can include other languages, as long as the Spanish component appears in the same typeface and is at least as large as the other languages. The Spanish must also be displayed "*de manera igualmente ostensible,*" which means "in an equally prominent manner." This is interpreted to mean that the Spanish must be exhibited in a similar or equivalent place, with colours and design equal to or similar to the other

languages. This requirement applies to each instance of the information if it is repeated on the package. It also applies to any instructions, manuals or guarantees that may be provided with the product. Additional information that is not required by regulation may appear in any other language and not necessarily in Spanish.

GENERAL REQUIREMENTS

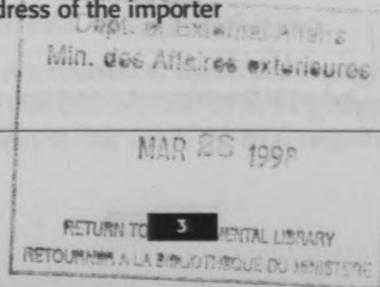
There is a general requirement that the information provided must be truthful, understandable and legible to a person with normal vision. The label must be affixed to the product package in such a way that it will not become detached until after it is used by the consumer.

There is a provision in the regulation for labels to be affixed after they enter Mexico but prior to retail sale. In this case, however, the goods must

be taken to a *Unidad de Verificación*, verification unit, for inspection after the labels have been affixed. There are a number of problems with this procedure. First, the government designated the first verification units only on 24 February 1997, four days before the regulation went into effect. Second, only five verification units were specified, all of which are testing laboratories empowered to certify goods under product-specific NOMs. They are all located in Mexico City or the State of Mexico. Third, the regulation specifies that to qualify for this procedure the importer must have imported goods worth US \$100,000 during the previous 12 months, and must have been listed in the importer's registry for at least two years. Several other restrictions are onerous for all but the largest importers. It will, therefore,

Requirements for Generic Product Labels for Imported Products under NOM-050-SCFI-1994

Name of product, or a generic description (principal display panel)	Not required if the product is readily identifiable and can be seen through the packaging.
Quantity statement, unless the product is identifiable by sight (principal display panel)	Quantities must be described by the metric system and must be calculated according to procedures set out in <i>NOM-030-SCFI-1993</i> . Where relevant, net drained content is also required.
Country of origin of the product	Canadian product labels must bear the designation " <i>Hecho en Canadá</i> " or " <i>Producto de Canadá,</i> " or other designations recognized in NAFTA.
Risk warnings	Only if the product is considered dangerous by some official regulation. Symbols defined in other regulations may be used.
Instructions for use, handling and storage	Only if required by regulation. If instructions are in a separate manual, the label must make reference to the manual, using words set out in the regulation.
Expiration date or "best before" date, if applicable	Optional if the product suffers deterioration in its properties over time.
Name, or trade name and address of the importer	This information may be affixed to the product after it has entered Mexico. The manufacturer's name must be provided separately to <i>Secofi</i> by the importer and need not appear on the label of imported products.



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be impractical for many Canadian exporters of goods for retail sale to take advantage of the non-affixed label provisions. Most will find it more practical to affix the labels in Canada, because this verification process does not apply.

NAME OF MANUFACTURER

The regulations provide that for imported products, the name and address of the registered importer must appear on the label in lieu of the manufacturer's name, as is required on domestic product labels. The name of the manufacturer must be submitted to *Secofi* by the importer. The regulation notes that this information is to be used to facilitate complaints, but that otherwise, the importer's source of supply is considered legitimate proprietary information.

METRIC SYSTEM

Information on product labels must be in accordance with *NOM-008-SCFI* which defines metric system designations. This regulation requires that a comma be used as the separator for decimal units. The *Procuraduría Federal del Consumidor (Profeco)*, Consumer Protection Office, has indicated that decimal points will be acceptable, but this is not official.

MULTIPLE OR COLLECTIVE CONTAINERS

There are special requirements for "multiple" or "collective" containers. A multiple container is one that contains smaller packages of the same product. A collective container is one that contains smaller packages of more than one product. If the individual package cannot be readily seen through the external container, without opening it, then all of the required information must appear on the outside of the external container. If the multiple container will normally be opened to sell individual packages to consumers, each package must be individually labelled.

QUANTITY STATEMENT

Requirements for the design of product labels are set out in *NOM-030-SCFI*. This regulation defines the *superficie principal de exhibición*, principal display panel, as the area where the product's trade name appears. The generic labelling regulation requires that the quantity statement must also appear in this area of the label. Other required information may appear elsewhere on the label. The bottom of a container may not be the principal display area unless there is no other labelling on the package.

The type to be used for the quantity statement must conform to minimum sizes set out in the regulation. In addition, space equal to the typeface height must be provided above and below the quantity specification and twice the width of the typeface must be allowed on each side.

The required type height depends on the size of the principal display area. Methods for calculating the principal display area for different product shapes are provided. For example, the display area of a bottle is considered to be 40 percent of the result of multiplying the height of the container, excluding necks and shoulders, by the bottle's largest circumference. For rectangular packages, the display area is the height multiplied by the width. The regulation contains methods for computing the principal display area for a number of different shapes. *Secofi* will

issue rulings on the correct display area for irregular packages. The bottom of a container cannot be the principal display area unless there is no other labelling on the product.

The quantity statement must be preceded by the word *Contenido*, content. For example, a box of 10 pencils would be labelled *Contenido: 10 lápices* or *Contenido: 10 unidades*. This may be abbreviated as *Cont.* If the product is measured by volume or mass, the quantity statement should be stated as *Contenido neto*, net content, which can be abbreviated as *Cont. net*.

Finally, there are special provisions for products packed in liquid. These products must be labelled according to their drained weight, and the label must include the designation *Masa Drenada*, net drained content, ahead of the quantity statement.

INSTRUCTIONS OR MANUALS

If the product requires instructions or a manual, this information must accompany the product. If it is provided in a separate document, the label must call attention to it with the designation *Véase Instructivo Anexo* or *Manual de Operación Anexo*. In addition to information necessary to use the product appropriately, instruction manuals must include the following details:

- the name or trade name of the manufacturer or importer, along with the relevant address and telephone number in Mexico;

Principal Display Area (square centimetres)	Minimum Height of Letters and Numbers (millimetres)
Up to 32	1.6
Greater than 32 up to 161	3.2
Greater than 161 up to 645	4.8
Greater than 645 up to 2,580	6.4
Greater than 2,580	12.7

Source: *Secretaría de Comercio y Fomento Industrial (Secofi)*, Secretariat of Commerce and Industrial Development, Orientation Guide for *NOM-050-SCFI-1994*.

- the identification of the product to which the manual applies;
- cautions regarding any risk to the consumer; and
- where relevant, instructions for installation, assembly and maintenance.

GUARANTEES

If a product is subject to a guarantee or warranty, it is subject to standards set out in the *NOM*. A *garantía* is defined as any commitment by the manufacturer or importer to repair or replace the product in the event of defects in function, materials or manufacturing. The details of any such guarantee must be provided in Spanish, and include the following information:

- the name and address of the manufacturer or importer, with telephone numbers where service can be obtained in Mexico;
- the identity of the product to which the guarantee applies;
- the name and address of service and parts depot;
- the duration of the guarantee;
- terms and conditions and any limitations or exceptions;
- procedures to activate the guarantee; and
- the date of delivery to the consumer, or the document to be used to determine this date.

This information must be provided to the customer at the time of sale. There may not be any other requirements to activate the guarantee. However, some product-specific *NOMs*, such as the one for electrical appliances, include more stringent requirements for warranties.

EXEMPTIONS

NOM-050-SCFI-1994 includes specific exemptions for products where labels are not required:

- bulk products, which are defined as those which are weighed or measured in the presence of the consumer; and
- books, magazines and periodicals in any form, including magnetic tape or disks or compact disks. The exclusion for magnetic and optical media applies only in very specific circumstances.

The regulation applies only to goods intended for retail sale. For this reason they do not apply to commercial samples, or goods submitted for testing for *NOM* certification.

PREPACKAGED FOODS AND NON-ALCOHOLIC BEVERAGES

NOM-051-SCFI-1994 applies to pre-packaged foods and non-alcoholic beverages, except for any that may be subject to more specific regulations. It was issued by the *Secretaría de Comercio y Fomento Industrial (Secofi)*, Secretariat of Commerce and Industrial Development, and was published in the *Diario Oficial de la Federación*, Official Gazette of Mexico, on 24 January 1996. Although the decree states that the regulations take effect on 1 November 1996, some of them were subsequently delayed until 1 July 1997 for manufacturers and importers and on 1 November 1997 for retailers. In addition, the regulations concerning nutritional information will not become effective until 1 January 1998.

The most important change in the final regulation, from its original 1994 form, is that it now recognizes the distinction between a *Fecha de Caducidad*, expiration date, and a *Fecha de Consume Preferente*, best used-before date.

GENERAL REQUIREMENTS

Labels must be in Spanish although they can also include other languages, subject to the same general require-

ments as generic product labels. The generic requirements for multiple or collective containers and the physical design of the label also apply to food and beverage labels.

Requirements for the design of product labels are set out in *NOM-030-SCFI*, as described in the section on generic consumer products.

PRODUCT NAMES

Product names must comply with official designations for certain products. The labelling regulation includes a list of generic food names which may be used as defined. There are other regulations under the *Ley General de Salud*, General Health Law, which specify definitions for such products as *galletas*, biscuits; *tortilla de maíz*, corn tortillas; and *gelatina*, gelatin. *NOM-086-SSA1* imposes additional requirements. The label may indicate processes which have been used to make the product, except where they are required by law.

LISTS OF INGREDIENTS

A list of ingredients, including added water, must appear on the label, in diminishing order of quantity, if there is more than one ingredient. The list must be headed with the word *Ingredientes*. If a composite ingredient makes up more than 25 percent of the product, its ingredients must be listed. If the composite makes up less than 25 percent, only additives that perform technological functions in the product's manufacture and those associated with allergic reactions must be listed.

Dehydrated products may have ingredients listed for the product in the order that they will be found after it is reconstituted "according to the instruction on the label." Only generic names specifically listed in the regulation may be used.

NUTRITIONAL INFORMATION

Nutritional information on prepared food and non-alcoholic beverage



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Requirements for Food and Beverage Labels for Imported Products under NOM-051-SCFI-1994

Name of the product, or a generic description, unless it is identifiable by sight (principal display panel)	Must conform to specific legal requisites regarding food names, including definitions of generic names.
Quantity statement, unless the quantity is identifiable by sight (principal display panel)	Quantities must be described by the metric system according to <i>NOM-008-SCFI</i> . For products packed in liquid, net drained content is also required, as specified in <i>NOM-030-SCFI</i> .
List of ingredients	List in declining order of content.
Country of origin of the product	The label must bear the designation " <i>Hecho en Canadá</i> " or " <i>Producto de Canadá</i> ," or other designation recognized in NAFTA.
Name and address of the manufacturer	For imported products, this information must be provided to <i>Secofi</i> .
Lot number	This is assigned by the manufacturer.
Nutritional information	Only if required nutritional benefits are claimed.
Expiration date or optionally "best before" date	Includes any storage conditions required for the validity of the date, such as "keep frozen."
Warnings	Included if they are required by regulation for ingredients with risks related to digestive intolerance, allergies or toxicity.
Name or registry number and address of the importer	This item may be affixed to the product after it has entered Mexico. The manufacturer's name must be provided to <i>Secofi</i> by the importer and need not appear on the label of imported products.

labels is voluntary unless some claim of nutritional benefit is made. If a nutritional statement is made, there are several compulsory items. They must be expressed per 100 grams, or per serving, or per package for single-serving containers:

- energy content;
- amount of protein, available carbohydrates and fat;
- amount of sodium;
- amount of any other nutrient for which nutritional statements are made; and
- quantitative or qualitative statement of nutritional properties or ingredients. Such statements are subject to detailed requirements set out in the regulation.

These items are not compulsory if the product is regulated under any other legislation.

TEXTILE AND APPAREL PRODUCTS

Textiles, apparel and accessory products are subject to a special product-specific *Norma Oficial Mexicana (NOM)*, official standard, issued by the *Secretaría de Comercio y Fomento Industrial (Secofi)*, Secretariat of Commerce and Industrial Development. *NOM-004-SCFI-1993* includes specific labelling requirements.

On 7 March 1994, *Secofi* issued a decree specifying a list of about 400 products for which *NOMs* had been issued, which would be enforced at

the border. This included import classification numbers for a long list of products covered by the textile and apparel *NOM*.

Later in 1994, the government drafted a set of revisions to the textiles and clothing regulations, which were originally intended to go into force on November 22, 1995. The amendments were issued under a new number (*NOM-004-SCFI-1994*). There were many complaints, however, and the draft regulation was withdrawn the following month. This regulation was reissued by publication in the *Diario Oficial de la Federación*, Official Gazette of Mexico, on 24 January 1996.

Most of the complaints about this regulation concerned the provisions regarding country of origin of the materials used to make the product and also Mexico's metric system of size specifications. The origin of materials must be calculated according to rules set out in the North American Free Trade Agreement (NAFTA). Mexico's general system of measurements is defined in *NOM-008-SCFI*. Both provisions were retained in the final version of the regulation. The implementation of the origin requirements was delayed by six months and the size requirements by one year. The entire regulation is now in full force.

Aside from the complexities of specifying material origin, the principal distinction of textile and apparel labels is that they must be affixed to the product and not just to the package. Also, they must reveal the fibre composition of the product.

This specific regulation includes detailed requirements for the provision of handling instructions, including acceptable symbols. The regulations are also subject to revision. Exporters should, therefore, consult the full regulation before designing labels.

Requirements for Textile, Apparel and Accessory Labels for Imported Products under *NOM-004-SCFI-1994*

Brand name	
Content	Percentages of fibres listed in descending order.
Size	Provided in accordance with Mexico's General System of Measurement (metric) <i>NOM-008-SCFI</i>
Handling instructions	Symbols are permitted provided that they do not require legends.
Country of origin	This includes the country of origin of the materials used.

labelling requirement, and labels must bear a special *NOM* logo. Under the provisions of the North American Free Trade Agreement (NAFTA), beginning in 1998, Canadian testing laboratories will be able to apply for certification for testing products to be sold in Mexico.

The following list of *NOMs* is provided merely as an example: it is by no means exhaustive. Moreover, Mexico's official standards are in a constant state of revision. Exporters must verify the specific requirements for each product with their agent, distributor or other importer before the goods leave Canada.

PRODUCTS SUBJECT TO OFFICIAL QUALITY STANDARDS

This summary discusses three regulations that apply specifically to labelling requirements of consumer products. In addition to generic products, it covers clothing, textiles and accessories (*NOM-004-SCFI-1994*), as well as prepackaged foods and non-alcoholic beverages (*NOM-051-SCFI-1994*).

On 9 July 1995, the Mexican government published *NOM-141-SSA1-1995*, which contains proposed regulations governing the labelling of perfumes and cosmetics. This regulation is not discussed further in this summary because it is still in the consultation stage. Canadian manufacturers of such products should be prepared to comply with these regulations when they go into effect.

NOM-050-SCFI-1994 lists 26 other products which are not covered by the generic products regulation because they are governed by more specific standards. In addition to labelling requirements, these *NOMs* impose technical or quality standards which are extremely detailed. Manufacturers should familiarize themselves fully with their intricacies.

In general, these products must be tested in Mexico and be issued with

a certificate of compliance, indicating that they meet the standards set out in the *NOM*. This includes the

Products Covered by *NOMs* with Labelling Provisions

Textiles, apparel and accessories	<i>NOM-004-SCFI-1994</i>
Footwear, leather and skins	<i>NOM-020-SCFI-1993</i>
Jewellery	<i>NOM-033-SCFI-1994</i>
Electrical and electronic apparatus and appliances	<i>NOM-024-SCFI-1994</i>
Foods and non-alcoholic beverages	<i>NOM-051-SCFI-1994</i>
Automobile tires	<i>NOM-086-SCFI-1995</i>
Pressure cookers	<i>NOM-054-SCFI-1994</i>
Portable gas burners	<i>NOM-090-SCFI-1994</i>
Blood-pressure measuring devices	<i>NOM-009-SCFI-1993</i>
Thermometers of liquid in gas	<i>NOM-011-SCFI-1993</i>
Pressure gauges with elastic elements	<i>NOM-013-SCFI-1993</i>
Positive displacement metres for natural gas or LPG	<i>NOM-014-SCFI-1993</i>
Natural gas or LPG containers or domestic apparatus	<i>NOM-018-SCFI-1993</i>
	<i>NOM-021-SCFI-1993</i>
	<i>NOM-023-SCFI-1994</i>
Gas heaters	<i>NOM-022-SCFI-1993</i>
Data processing equipment	<i>NOM-019-SCFI-1994</i>
Brandy	<i>NOM-032-SCFI-1993</i>
Measuring tapes	<i>NOM-046-SCFI-1994</i>
Electric elevators	<i>NOM-053-SCFI-1994</i>
Steel plate used for liquefied gas or petroleum containers	<i>NOM-060-SCFI-1994</i>
	<i>NOM-061-SCFI-1994</i>
Electrical wire	<i>NOM-063-SCFI-1994</i>
Lighting	<i>NOM-064-SCFI-1994</i>
Prepackaged tuna and bonito	<i>NOM-084-SCFI-1994</i>
Pressure relief valves	<i>NOM-093-SCFI-1994</i>
Preservatives	<i>NOM-016-SSA1-1993</i>
Products for agriculture, forestry, livestock	<i>NOM-061-SSA1-1993</i>

Source: *Secretaría de Comercio y Fomento Industrial (Secofi)*, Secretariat of Commerce and Industrial Development, Orientation Guide for *NOM-050-SCFI-1994*.

KEY CONTACTS

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Canadian Government

Department of Foreign Affairs and International Trade (DFAIT)

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