

Amendments to the Products and Services Sanitary Control Regulations and the Regulations to the General Health Law on Advertising

Mexico City, October 5, 2022

On September 8, 2022 the Products and Services Sanitary Control Regulations and the Regulations to the General Health Law on Advertising were amended through a decree (the "Decree").

The Decree, mainly, aligns provisions of the Products and Services Sanitary Control Regulations ("Sanitary Control Regulations") and Regulations to the General Health Law on Advertising ("Advertising Regulations") with those contained in the Amendment to the Mexican Official Standard NOM-051-SCFI/SSA1-2010-*General labeling specifications for food and prepackaged non-alcoholic beverages-commercial and health information*, published on March 27th, 2020.

Among the amendments to the Sanitary Control Regulations we highlight the following: (i) the inclusion of references to critical nutrients, as well as the front labeling system; (ii) the prohibition to include children's characters, animations, cartoons, celebrities, athletes or pets, interactive elements (such as visual space games or digital downloads) aimed to kids, and that induce, promote or encourage the consumption of food and non-alcoholic beverages whose label includes one or more warning seals, and (iii) the obligation to include warnings with respect to additives, ingredients or substances present in such products that may generate a health risk.

The Advertising Regulations were amended so that the advertising of food and non-alcoholic beverages (whose label includes a warning seal) on open TV, restricted TV, movie theaters, internet, and other digital platforms: (i) requires an advertising permit, and (ii) does not include children's characters, animations, cartoons, celebrities, athletes or pets, interactive elements (such as visual space games or digital downloads) that are aimed at kids, and that induce or encourage their consumption.

The Decree grants a 90-day term to the Federal Commission for Protection against Health Risks for publishing the Guidelines that establish the advertising requirements and procedures that food and non-alcoholic beverages must comply with for their advertising on open TV, restricted

TV, movie theaters, internet, and other digital platforms, as well as the conditions to grant the corresponding advertising permit.

The amendments to the Sanitary Control Regulations became effective on September 9, 2022 and the amendments to the Advertising Regulation will become effective 180 calendar days after the date of publication of the Decree, this being March 8, 2023.

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