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Global Agricultural Information Network

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Mexico Analyzes Draft Regulations for Selected Dairy Products

Report Categories:

Dairy and Products
Trade Policy Monitoring

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Report Highlights:

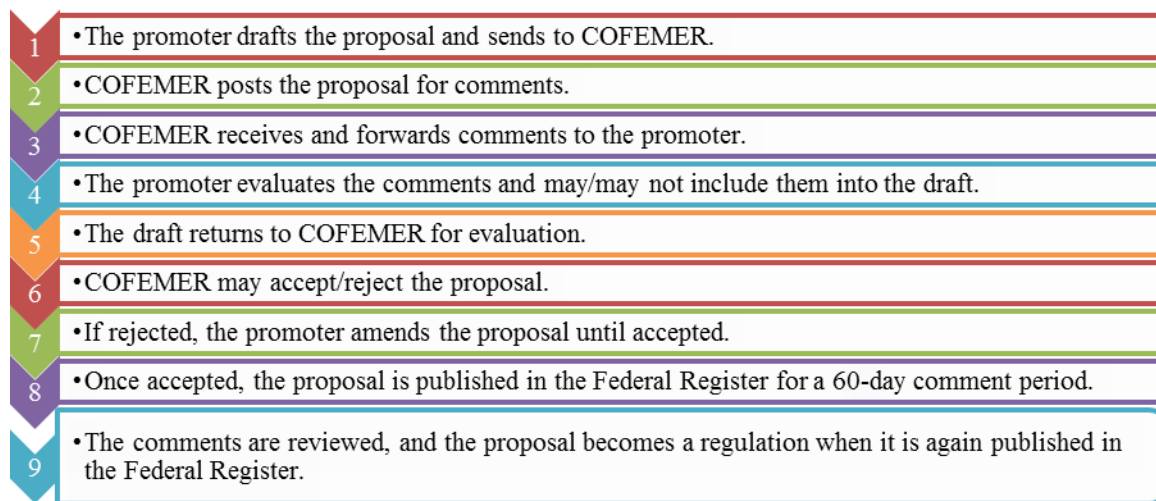
On November 15, 2017, the Federal Commission for Regulatory Improvement (COFEMER) posted three draft regulations which would establish the physicochemical and microbiological specifications, commercial information, and testing methods for yogurt, milk powder, and cheese commercialized in Mexico. COFEMER is currently receiving comments. After being processed by COFEMER, the draft regulations will be published in the Federal Register for comment.

General Information

On November 15, 2017, Mexico's Federal Commission for Regulatory Improvement ([COFEMER](#)) posted three "*proyectos*" (or draft regulations) which would establish the physicochemical and microbiological specifications, commercial information, and testing methods for yogurt, powder milk, and cheese. Comments are being accepted by COFEMER. The draft regulations have not yet been published in the *Diario Oficial* (Federal Register).

The Process to Publish Regulations

The standard process for a regulation to be published in Mexico is as follows below. COFEMER, a decentralized and independent body under the Secretary of the Economy (Economía), works to improve regulatory policy and specifically, to avoid similar or multiple regulations over one product.



The Dairy Proposals published by COFEMER

The promoters of the three proposals (yogurt, dairy, and cheese) are the Secretariat of the Economy and the Secretary of Agriculture, Livestock, Rural Development, Fish, and Food (SAGARPA). These draft regulations were expected to be published in 2017 as per the annual Federal Register announcement¹ of the National Standardization Program for 2017.

Currently there are relatively few regulations for these specific products, and the proposals aim to address issues of quality in the dairy sector. Currently the principal regulations for the dairy sector are [NOM-155-SCFI-2012](#) and [NOM-243-SSA1-2010](#). Other regulations referenced can be found in the second section of each draft proposal.

According to the documents, the three proposals were drafted in consultation with the Mexican private sector, academic institutions, and other government bodies such as the Secretary of Health (Specifically the Federal Commission for Protection Against Sanitary Risks, COFEPRIS), and the National Laboratory of Consumer Protection. All three draft regulations generally contain similar requirements,

¹ http://www.dof.gob.mx/nota_detalle.php?codigo=5470901&fecha=03/02/2017

with, of course, specific details for the different products. It is expected that COFEMER will collect comments on the draft regulations and deliver them to the promoters. The three draft regulations had previously been reviewed by COFEMER, and on March 8, 2017, they were returned to the promoters.

Currently, there is no apparent deadline for the submission of comments to COFEMER. Given the imminent holiday season, COFEMER’s final decision is not expected in the short term. However, interested parties are encouraged to submit comments as soon as possible.

Comments that have been submitted can be viewed publicly on the COFEMER website.

Draft Regulation for Yogurt

Title: PROY-NOM-181-SCFI/SAGARPA-2017, Yogurt – Denomination, Physical-Chemical and Microbiological Specifications, Commercial Information, and Testing Methods.

Date Published: November 15, 2017

Link: <http://www.cofemersimir.gob.mx/portales/resumen/43782>

Summary: This draft regulation establishes the name, physicochemical and microbiological specifications, commercial information and testing methods with which all commercial types (domestic or imported) of yogurt marketed in Mexico must comply. Once it passes through the stages with COFEMER, and draft publication for comment in the Federal Register, the final version will be published in the Federal Register and will be enforced after 180 calendar days.

Aside from laying out specific terms and definitions, the draft regulation for yogurt includes the following classifications and physicochemical specifications.

Classification	Definition
Natural Yogurt	Does not contain sweeteners, added sugars, fruits, vegetables, cereals, flavorings or flavors, and may contain additives allowed according to current national regulations.
Sweetened or Flavored Yogurt	Natural yogurt to which is added any type of sweeteners, added sugars, and may contain additives allowed in accordance with current national regulations.
Yogurt with Fruit or Other Foods	Yogurt to which is added flavoring ingredients, flavorings, added sugars, sweeteners, fruits, vegetables, fruit puree, fruit pulp, fruit juice, honey, chocolate, cocoa, nuts, coffee, cereals, spices and other non-dairy ingredients, may contain additives allowed according to current national regulations.

Physicochemical Specifications for Yogurt						
Specification	Natural	Sweetened or Flavored		With Fruit or Other Foods		Testing Method
		Stirred	Drinkable	Stirred	Drinkable	
Presentation						
Milk Protein 1.2 (%m/m)	Min. 3.1	Min. 1.90	Min. 1.60	Min. 1.90	Min 1.60	NOM-155-SCFI-2012

Butterfat (Grasa Butírica)	Max. 7	Max. 7	Max. 7	Max. 7	Max. 7	NOM-086- SSA1-1994
Titratable acidity expressed as a percentage of lactic acid	Min. 0.5	Min. 0.5	Min. 0.5	Min. 0.5	Min. 0.5	NOM-243- SSA1-2010
Non-Fat Dairy Solids	8.25					NOM-155- SCFI-2012

Draft Regulation for Cheese

Title: PROY-NOM-223-SCFI/SAGARPA-2017, Cheese – Denomination, Specifications, Commercial Information, and Testing Methods.

Date Published: November 15, 2017

Link: <http://www.cofemersimir.gob.mx/portales/resumen/43783>

Summary: This draft regulation establishes the names and physicochemical specifications that must be met to display the name, the testing methods to demonstrate compliance, and the commercial information that must be detailed on the label in order for the cheese to be commercialized in Mexico. Once it passes through the stages with COFEMER, and draft publication for comment in the Federal Register, the final version will be published in the Federal Register and will be enforced after 180 calendar days.

Aside from laying out specific terms and definitions, the draft regulation for cheese includes the following classifications and physicochemical specifications. It also notes both permissible and non-permissible ingredients for inclusion in the cheese making process. This proposal does not replace other regulations/requirements in effect from other Mexican government agencies.

Classification	Definition
Fresh Cheese	In addition to complying with 3.6, it is characterized by high moisture content and by not having a bark or thin rind. Cheese that is prepared for consumption, immediately after its manufacture.
Mature Cheese	In addition to complying with 3.7, it is characterized by being hard, semi-hard, or soft, and may have bark or not. A. Subjected to maturation: Cheese must be kept under controlled conditions of

	<p>time, temperature, and humidity so that the characteristic biochemical and physical changes of the product in question are produced.</p> <p>B. Matured by molds: Cured cheese in which ripening has occurred mainly as a result of the characteristic development of molds throughout the interior and/or on the surface of the cheese.</p>
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Physicochemical Specifications for Cheese		
Parameter	Specification	Testing Method
Protein % mm	10 min	NMX-F-748-COFOCALEC-2014
Fat % mm	2 min	NOM-155-SCFI-2012; NMX-F-490-1999-NORMEX; NMX-F-710-COFOCALEC-2014
Humidity % mm	80 max	NOM-116-SSA1-1994

Draft Regulation for Milk Powder

Title: PROY-NOM-222-SCFI/SAGARPA-2017, Powder or Dehydrated Milk – Raw Material – Specification, Commercial Information, and Testing Methods.

Date Published: November 15, 2017

Link: <http://www.cofemersimir.gob.mx/portales/resumen/42236>

Summary: This draft regulation establishes the characteristics of milk powder or dehydrated milk marketed as a raw material within Mexico (domestic or imported). It also addresses the physicochemical specifications, commercial information, and testing methods with which product must comply. Once it passes through the stages with COFEMER, and draft publication for comment in the Federal Register, the final version will be published in the Federal Register and will be enforced after 180 calendar days.

These regulations are based on various examples. In the bibliography of the draft regulation, three standards from the United States are referenced.²

Aside from laying out specific terms and definitions, the draft regulation for powder and dehydrated milk includes the following classifications and physical-chemical specifications.

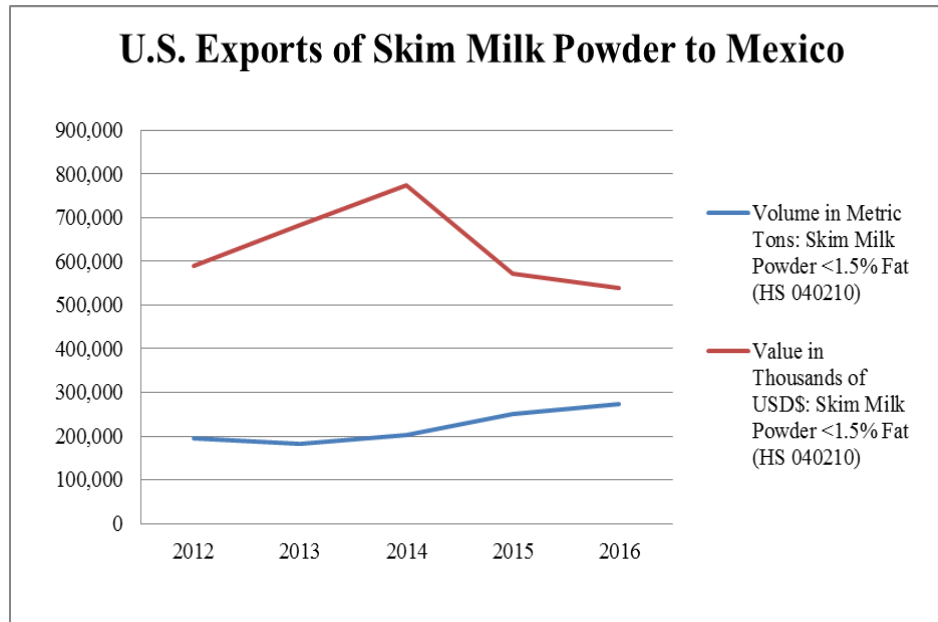
Classification	Definition
Whole Milk Powder	Product that complies with 3.2 and whose fat content is greater than or equal to 26% m/m and less than or equal to 42% m/m.
Partially Skim Milk Powder	Product that complies with 3.2 and whose fat content is greater than 1.5% m/m and less than 26% m/m.
Skim Milk Powder	Product that complies with 3.2 and whose fat content is less than or equal to 1.5% m/m.

² USDA Specifications for Instant Dry Whole Milk. Effective January 1993, Reviewed 2013.
 United States Standards for Grades of Nonfat Dry Milk (Spray Process). Effective February 2, 2001.
 United States Standards for Grades of Nonfat Dry Milk (Spray Process). Effective June, 2013.

Physicochemical Specifications for Milk Powder				
Specification	Whole	Partially Skim	Skim Milk	Testing Method
Butterfat (Grasa Butírica) % (m/m)	Greater than or equal to 26%, and less than or equal to 42%	Greater than 1.5% and less than 26%	Maximum of 1.5%	NMX-F-744-COFOCALEC-2011; NMX-F-490-1999-NORMEX; NOM-155-SCFI-2012 (8.7 and 8.9)
Humidity % (m/m)	Max 4	Max 4	Max 4	NOM-243-SSA1-2010 Apendix B (B.19)
Total Protein of Milk, expressed as Non-Fat Dairy Solids % (m/m)	Min 34	Min 34	Min 34	NOM-155-SCFI-2012 (8.5)
Caseine, expressed as Non-Fat Dairy Solids % (m/m)	Min 27	Min 27	Min 27	NOM-155-SCFI-2012 (8.2)
Acidity (such as lactic acid) %	Max 0.15	Max 0.15	Max 0.15	NOM-155-SCFI-2012 (8.3)
Burned Particles (mg)	Disk B Max 15	Disk B Max 15	Disk B Max 15	NMX-F-204-1986
Insolubility Index (ml)	Max 1.2	Max 1.2	Max 1.25	NMX-F-734-COFOCALEC-2009

FAS Comments

If accepted, and eventually published in the Federal Register, these regulations would cover any commercialized yogurt, cheese, and powdered milk in Mexico. This means that the final version of these regulations would also cover yogurt, cheese, and powdered milk exported from the United States to Mexico. Mexico is the primary destination for U.S. dairy products, valued at USD \$1.2 billion in 2016.



Source: U.S. Census Bureau Trade Data

Other considerations will be the capacity of small-scale producers, particularly in the southern part of Mexico, to comply with these regulations. Further, although geographical indicators are not included in the draft regulation regarding labeling for cheese, it is likely that in the future this will be an important issue given the current negotiations with the European Union (EU) to modernize the Mexico-EU Free Trade Agreement.

Other Relevant Reports:

Report Number	Title
MX7047	Dairy and Products Annual
MX7020	Dairy and Products Semi-Annual

FAS/Mexico Web site: We are available at <https://www.fas.usda.gov/regions/mexico> or readers may visit the FAS headquarters' homepage at www.fas.usda.gov for a complete selection of FAS worldwide agricultural reporting.

Useful Mexican Web Sites: Mexico's equivalent to the U.S. Department of Agriculture (SAGARPA) can be found at www.sagarpa.gob.mx, equivalent to the U.S. Department of Commerce (SE) can be found at www.economia.gob.mx and equivalent to the U.S. Food and Drug Administration (SALUD) can be found at www.salud.gob.mx. These websites are mentioned for the readers' convenience but USDA does NOT in any way endorse, guarantee the accuracy of, or necessarily concur with, the information contained on the mentioned sites.