

August, 2017

NEW TECHNICAL STANDARD ON NUTRITIONAL GUIDELINES FOR HEALTHY CLAIMS ON FOOD PRODUCTS

On July 26th, 2017, Exempt Resolution No. 860 which "Approves Technical Standard No. 191 on Nutritional Guidelines for Healthy Claims on Foodstuff Products" (hereinafter, "Resolution 860") was published on the Official Gazette. Resolution 860 replaces Exempt Resolution No. 764, which currently regulates this matter.

Resolution 860 will enter into force six months after its publication; this is, on January 27th, 2018.

As pointed out in the recitals of Resolution 860, the purpose of this regulation is to introduce "changes in the existing regulation that aims to explicitly exclude healthy claims or messages in foodstuff products intended for infants or young children, and those with pharmaceutical presentations and food supplements, given that the latter are not a part of healthy diet, that is intended to be promoted (...)".

In this context, the most relevant aspects introduced by Resolution 860, are the following:

- 1 A new table with the mandatory requirements that each product must fulfill in order to be able to legitimately use a healthy claim (or health message) is established. Please [read here](#).
- 2 In order for a foodstuff product to be able to be associated with one or more healthy messages, such must be part of the common diet of the population.
- 3 With regards to the prohibition of the use of healthy messages on food addressed to children under four years of age contained in Resolution 764, this prohibition is extended to:
 - Food supplements;
 - Food with a presentation commonly associated with medicines (powders, liquids, granules, capsules, tablets, capsules or others);



If you have any questions regarding the matters discussed in this memorandum, please contact the following attorneys or call your regular Carey contact.

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- Products that due to their nutritional composition qualify as “High in” (i.e., those that have added sodium, saturated fats or sugars and exceed the maximum concentration limits of calories, saturated fats, total sugars and sodium set forth in Table No. 1 of Article 120 bis of the Sanitary Foods Regulation), except for associations No. 12 (polyols and dental cavities) and No. 17 (lactose free food and lactose intolerance) in Table N ° 1 of the Guidelines, and only for chewing gum;
- Those products that per 100 g of ready-to-eat product contain amounts over 26 g of total fat or 13 g of total fat per serving; and
- Those products that per 100 g of ready-to-eat product contain amounts in excess of 120 mg of cholesterol or 60 mg of cholesterol per serving, with the exception of egg and fish.

4 For using healthy messages in products with serving of less than or equal to 30 grams, the product must comply with the conditions and requirements established for 50 grams and per serving, in all cases, except for the “free” descriptor in general, and for the specific descriptor “low in saturated fat”, where the requirement must be fulfilled only per serving.