Mexico Recently voted to implement front-of-pack warning labels on food and beverage products deemed high in calories, sugar, saturated fat, trans fat, and sodium, and those containing non-caloric sweeteners. Research shows that warning labels allow consumers to quickly identify healthy and unhealthy products. Supporters claim these labels can help people make healthier decisions and combat growing rates of obesity and diet-related diseases. Warning labels will replace the Guideline Daily Amount (GDA) nutrition labels, which were implemented in 2014 against the guidance of public health leaders who argued the GDA was hard to understand and ineffective at conveying health risks. Conflicting interests between public health, government, and food industry slowed efforts to adopt a new nutrition label. Actions by academia and civil society to change the GDA were met with common strategies used to interfere in public health policies. However, in 2019, several factors came together to create favorable conditions for the approval of warning labels. The new leftist government’s public promises to fight corruption fit well with labeling advocates’ calls for transparency. Civil society and academia developed a highly coordinated response thanks to international funding, which propelled extensive marketing campaigns around the country and supported research efforts. These actions helped make the topic visible and place it strategically in the political and public agendas. Despite this legislative victory, the opposition has been strong and there are struggles ahead. Only time will reveal how effectively the law is implemented and to what extent it is upheld and defended.

In October of 2019, the Mexican Congress voted to approve the inclusion of front-of-pack warning labels in the General Health Law, thereby replacing the Guideline Daily Amount (GDA) nutrition labels. The official Front-of-Pack Labeling (FOPL) Regulation, NOM-051, which implements this part of the law, was reviewed and debated from August 2019 to January 24, 2020, when the modification was approved, rendering the reform a success.

The regulation also included a unique provision to warn the consumer if a product contains caffeine or non-caloric sweeteners, along with the statement “avoid in children” (Figures 2 and 4). At the same time, restrictions were placed on the advertising of unhealthy products to children, so that products with warning labels cannot be advertised to children or use cartoon characters.
The initiative for a FOPL regulation was coordinated by the Mexican National Institute of Public Health (INSP-Spanish acronym), which developed and introduced the preliminary proposal, later coordinating a group of diverse experts to adjust it according to the country’s obesity rates. The experiences and results from countries such as Chile, Peru, and Uruguay, which implemented similar FOPL systems, were also considered. While academia was a key participant in these efforts, so were civil society organizations and health activists who informed the public about it through social media and marketing campaigns that built strong support. In fact, various actors from civil society participated in the working group that developed the preliminary proposal before it was passed on to the voting committee at COFEPRIS (the Mexican FDA). At the same time, they identified, supported, and partnered with the political “champions” that led and represented the cause, specifically Congresswoman Carmen Medel and Senator Jesusa Rodriguez.

Warning labels are long overdue in Mexico as a first step to changing the population’s eating patterns and modifying the food environment. In 2016, Mexico declared an epidemiological emergency due to high rates of obesity and diet-related non-communicable diseases (NCDs). According to the Mexican National Health and Nutrition Survey, over 35% of children aged 5–11 years and 75% of adults were overweight or obese in 2018. With the implementation of warning labels, consumers will be able to easily identify healthy and unhealthy products, allowing them to make healthier decisions in a quick and simple fashion. Previous studies show that warning labels are most effective for making informed decisions, as they are the most understood FOPL among Mexicans, including Mexicans living in the United States and other Latinos. Perhaps most promising, the warning labels have also proven to be understandable among low- and middle-income populations in Mexico, who have low literacy rates and experience a greater burden of diet-related diseases. In addition, health providers will finally be able to easily recommend diet choices to patients at risk of developing NCDs and those already struggling with

Figure 1. The approved warning labels in Mexico that read: “Excess calories, Excess sugars, Excess saturated fats, Excess trans fats, Excess sodium.” The caption below says “Ministry of Health.”

Figure 2. The sixth approved warning label that reads: “Contains sweeteners” and “Avoid in children.” The caption below says “Ministry of Health.”

Figure 3. Warning labels for small packages with the number and the word “labels” to indicate the number of labels the product should bear. The caption below says “Ministry of Health.”

Figure 4. Warning caption that reads: “Contains caffeine—Avoid in children.”
a condition by advising them to avoid products with warning labels.

Other measures have been taken in Mexico to reduce obesity, such as: A tax on sugary beverages and junk food; prohibiting the sale of sugary beverages and processed foods in public and private schools; implementing restrictions for publicity aimed at children during certain television schedules; implementing community physical activity programs and bike lanes; and making public water fountains more available. Even so, many of these measures have been criticized by civil society organizations for being loosely enforced and lacking accountability mechanisms. The warning labels are different because they can be strictly enforced and monitored, and have the potential to drive changes in cultural norms that shape consumer demand and over time, the food supply.

There is much optimism regarding the potential for the label system to influence population health in Mexico, especially given the positive results experienced in Chile where the purchase of sugary beverages fell almost 24% since the implementation of warning labels in 2016. In fact, international health organizations, such as the United Nations Children’s Fund (UNICEF) and the Pan American Health Organization (PAHO), have expressed their support to the Mexican government for approving the warning labels, favoring both the health of the population and the wellbeing of children. Other organizations, such as the World Public Health Nutrition Association and the World Obesity Federation, have also backed it.

Efforts to adopt a clear, simple, and understandable FOPL in Mexico have been in process since 2010 when the government created the National Agreement for Healthy Nutrition. In the related agreements, the industry vowed to provide consumers with clear information regarding the nutritional composition of their products. Subsequently, in 2011, the Mexican Council of Consumer Industry (ConMexico), which represents the main producers of ultra-processed foods in the country, introduced the Guideline Daily Amount (GDA) labeling system, which was falsely touted as an obesity management strategy. It was officially implemented in 2014, against the guidance of public health leaders.

It is important to clarify that the information provided by the GDA, that is, the percentage of sodium, sugar, saturated fats, and trans fats that the product contains per portion or serving size, will still be available in the Nutrition Facts table on the back of the product. This also includes other nutritional information, such as total carbohydrates, dietary fiber, protein, vitamins, calories, and others. Furthermore, the GDA is based on a 2,000-calorie diet, which is not representative for the entire Mexican population as nutrition requirements vary by individual depending on gender, physical activity, age, and other factors. At the same time, the daily sugar allotment is 90 g, while the World Health Organization recommends no more than 50 g and is considering lowering it to 25 g. The cutoff points used by the GDA are therefore misleading. It is more useful to provide information per serving as occurs in the Nutrition Facts table or per 100 g/100 ml as the warning labels do.

Following the introduction of the GDA system, research efforts around FOPL took off in Mexico, showing that the new GDA was difficult to understand. In fact, in the same year the GDA was introduced, a study found that nutrition students had trouble correctly interpreting the label; only 12.5% of the sample was able to correctly define the GDA information and it took them around 3 minutes on average. The main criticisms of the GDA label are that it is not useful for consumers because it is not straightforward and requires a basic understanding of how many calories one should consume per day, as well as the mathematical ability to do the calculations. Moreover, GDA labels do not discourage the consumption of unhealthy foods because consumers cannot easily identify unhealthy products, as they can with warning labels. For this reason, along with research that shows having more than one label on the front of pack is confusing for consumers, researchers and civil society advocated replacing the GDA entirely.

Research followed to measure understanding of different types of FOPL systems in distinct populations and income groups in Mexico, including the GDA, Multiple Traffic Light, Health Star Rating, Healthy Choice label, Nutrition Facts label, and the Chilean warning labels. These efforts consistently found the Chilean warning labels to be the most understandable and effective FOPL for communicating health risks. Other studies examined nutrition label use and its association with NCDs, suggesting that those with chronic conditions such as diabetes were least likely to utilize nutrition labels. In other words, the nutrition information given by the GDA was least accessible to the people who most needed it, considering their low education and income levels.

Efforts to adopt an effective FOPL system encountered various obstacles in Mexico. Studies from 2011 onwards showed the ineffectiveness of the GDA and the benefits of warning labels, along with supporting research from other countries. But the fundamental barrier for adopting a FOPL policy stemmed from conflicting interests between public health, government, and the food industry. Efforts
by academia and civil society to change the GDA were consistently blocked to protect the interests of the transnational food industry with common strategies used to interfere in public health policies. These strategies have been widely documented and include aggressive lobbying, marketing, manipulating public opinion, discrediting scientific findings, exaggerating the economic importance of the industry, funding professional health organizations, and threatening the integrity of decision-making processes, among others.\textsuperscript{11–13} One prominent example of industry interference in Mexico is the conflict of interest in the Mexican Observatory on Noncommunicable Diseases (OMENT), which was created in 2013 as part of the national Obesity and Diabetes Prevention and Control Strategy. This group includes a significant and powerful industry presence, while national health institutes and many civil society organizations are excluded.\textsuperscript{14} As for the warning labels, industry exerted its influence in trying to delay its adoption in Mexico with a letter sent in November 2019 by the CEO of Nestlé, a multinational company with presence in 197 countries, urging its suppliers to mobilize against the labels and send letters to government officials to “intervene” in the process.\textsuperscript{15}

Another major obstacle is the composition of government-appointed committees created to modify Official Regulations in Mexico. These committees are biased by disproportional industry presence, since, by design, they include mandatory participation of industry and commerce. Specifically, the law establishes 16 public and private organizations that participate in voting committees, including six government entities, two educational institutions, four labor organizations, and four organizations to represent the industry.\textsuperscript{16} For this reason, industry participation outnumbers that of academia, while civil society organizations are not invited to participate, although they can be included in working groups and in the preliminary design of proposals. Public health researchers and advocates are often at a disadvantage when voting to approve public health regulations. Industry’s default presence in these committees may have contributed to a delay in introducing and passing the warning labels or another viable option in Mexico.

It is in the food industry’s best interest to maintain the profits generated by the sale of ultra-processed foods, especially since Mexico is an important source of revenue in the Latin American region. For instance, according to the Forbes 2000 ranking from 2012, the world’s 10 largest food and beverage companies all operate in Mexico, including Nestlé, PepsiCo, Unilever, Mondelez, Coca-Cola, Mars, Danone, Associated British Foods (ABF), General Mills, and Kellogg’s. Collectively, these companies generate over 1 USD billion USD per day. The leader, Nestlé, generates over 90 USD billion USD in annual revenue,\textsuperscript{17} which is roughly the equivalent to the Gross Domestic Product (GDP) of Kenya.\textsuperscript{18} By the same token, a study by the Pan American Health Organization found that in 2009, Mexico had the second-highest sales of ultra-processed products in the Latin American region. Average daily retail sales per capita of these products showed that the Mexican population consumed up to 522 kcal per person per day of ultra-processed products, which grew 5.3% in 2014. In addition, sugar-sweetened beverage (SSB) consumption contributed 21.7% to total caloric intake, followed by cookies (12%), cakes/pastries/desserts (10.4%), and industrial breads (9.4%).\textsuperscript{19} Without a doubt, Mexico is a strategic point of influence over the region, considering that it is the most populated country in Latin America after Brazil. In fact, the region as a whole is highly integrated, and successful policies have had a way of creating a domino effect. Mexico now joins the list of countries with similar FOPL systems, such as Chile, Peru, Uruguay, and Brazil, which also serves to reinforce and promote the application in other countries.

Several factors came together for the FOPL policy to pass in the Mexican congress and senate in 2019. The presidential election of 2018 created a significant change in political will. The dominant political party (Partido Revolucionario Institucional or PRI) had been in power for over 70 years when, in the year 2000, another party (Partido Acción Nacional or PAN) took control. Nevertheless, their governments were quite similar as both parties were moderate conservatives. In contrast, the new leftist government of President Andrés Manuel López Obrador (AMLO) won the national elections in 2018, taking the majority of both houses of Congress, as well as the presidency. This party (Morena) gained popularity with the public, quickly becoming a significant social movement. A major promise made by AMLO was to fight corruption and he has since pushed legislation and a reform initiative centered on combatting corruption, impunity, and promoting austerity measures in the government.\textsuperscript{20}

This appeal to transparency, whether objectively true or not, went well with the warning label advocates’ calls for exposing conflicts of interest. The political discourse surrounding this topic centered on protecting the working class and no longer on upholding company profits. As a result, government officials were publicly shamed if they were seen to be acting in the interest of the food industry and not consumers.

Nonetheless, while this new administration supported warning labels, they opposed other public health measures, such as raising taxes on sugar-sweetened beverages. Furthermore, despite being leftist, AMLO’s
government has not been consistent in supporting tradi-
tionally leftist policies and has at times been see-
mingly arbitrary in what they choose to support. A port-
ion of the FOPL success can be attributed to the
government’s public image and discourse, but other public health policies have not shown the same
outcome.

At the same time, throughout 2018 and 2019, mar-
keting campaigns to support FOPL were launched by
civil society organizations, including La Alianza por la
Salud Alimentaria and some of its members, such as El
Poder del Consumidor. These images swept Mexican
cities and social networks, delivering clear messages
about: 1) the dangers of consuming ultra-processed
products, and 2) the effectiveness of warning labels
for identifying harmful foods and ingredients. This
campaign depended on a high degree of coordination
among different groups, which was facilitated thanks to
grants from international agencies and foundations
such as Bloomberg Philanthropies, IDRC Canada,
UNICEF, and others. The funding helped make the
topic of unhealthy foods and labeling visible, placing
it strategically on the political and public agendas,
similar to the process used to introduce and pass
taxes on sugar-sweetened beverages in Mexico in
2013–2014. These factors, among others, led to favor-
able conditions for the approval of warning labels in the
Mexican Congress in October 2019.

Despite the victory in adopting warning labels in
Mexico, there are still struggles ahead to ensure that
this law is effectively implemented and is not modified
or delayed and that the food industry does not take
advantage of any loopholes. The new label currently
faces strong arguments that include accusations that the
law violates international trade agreements and specifi-
cally, the Codex Alimentarius, which is a set of inter-
national food standards. Opponents argue that FOPL
schemes are inconsistent with the Codex, although
there are no existing guidelines on FOPL. Another
threat from the industry are legal challenges that can be
filed against the labeling law, which require further
review from a judge who decides if an exemption or
suspension of the law is made and for how long. This
occurred on February 26, 2020, when the Mexican
Chamber of Industry (CONCAMIN) filed a legal chal-
enge, stating they were not in agreement with the
ruling because it violates their rights and affects them
unfairly. A judge granted a temporary suspension to
reevaluate the regulation’s constitutionality. This legal
challenge was done to delay the publication process. It
was lifted 10 days later. Subsequently, on March 17,
CONCAMIN petitioned the government to delay the
implementation of warning labels for at least 3 years as
a fiscal measure against the growing number of
COVID-19 cases in Mexico. This was not seriously
considered and the FOPL Regulation, NOM-051, was
published in the Official Gazette on March 27, 2020.
While it is likely that other legal challenges will be filed
by the industry in the future, this will no longer halt the
Regulation.

Although the opposition to the FOPL law has been
strong, so has the support both nationally and interna-
tionally. Only time will reveal how the law is implemen-
ted and to what extent it is upheld and defended. Ultimately, this is a test that Mexico must pass.

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No potential conflicts of interest were disclosed.

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