**USDEC Analysis and Member Comment Submission Form**

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| **DRAFT OF MEXICAN OFFICIAL STANDARD PROY-NOM-181-SCFI-SAGARPA-2017** | **USDEC Observations** | **USDEC Comments** | **Member Comments** |
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| **1. Objective and scope of application**This Draft Official Mexican Standard establishes the name designation, physicochemical and microbiological specifications and the commercial information that the product called yogurt must comply with, as well as the test methods that must be used to verify such specifications.The present Draft Official Mexican Standard applies to yogurt that is marketed within the territory of the United Mexican States. |  |  |  |
| **2. Reference standards**The following referenced documents, or those which replace them, are indispensable for the application of this Draft Official Mexican Standard. |  |  |  |
| **2.1** NOM-002-SCFI-2011, Prepackaged products. Net content. Tolerances and methods of verification. Published in the Official Gazette of the Federation on 10 August 2012. | The Mexican standard [NOM-002-SCFI-2011](http://www.economia-noms.gob.mx/normas/noms/2010/002scfi2011m.pdf) mentions two standards in section 10, Bibliography: (1) International Recommendation [OIML R-87-2004 Quantity of product in prepackages](https://www.oiml.org/en/files/pdf_r/r087-e04.pdf); and (2) National Institute of Standards and Technology, Handbook 133 Checking the net contents of packaged Goods ([2013 updated version](https://www.nist.gov/sites/default/files/documents/pml/wmd/pubs/2012/11/14/hb133-13-final.pdf)). Section 11 states that this Mexican standard partially matches with the Recommendation of the International Organization of Legal Metrology. Click [here](http://resources.usdec.org/Export%20Guide/3%20%20Labeling%20and%20Product%20Standards/Mexico_NOM-002-SCFI-2011_ENG.pdf) for an unofficial English translation of this standard. |  |  |
| **2.2** NOM-008-SCFI-2002, General System of Units of Measure. Published in the Official Gazette of the Federation on 27 November 2002. | The Mexican standard [NOM-008-SCFI-2002](http://www.economia-noms.gob.mx/normas/noms/2010/008scfi2002mod.pdf) mentions in Article 11 that it is concordant with the documents of the International Bureau of Weights and Measures and ISO standards mentioned in the bibliography. Article 10 of the standard lists the various standards in the bibliography. |  |  |
| **2.3** NOM-030-SCFI-2006, Commercial information. Statement of quantity on the label. Specifications. Published in the Official Gazette of the Federation on 6 November 2006. | This standard is incorporated into Volume 3 of the [USDEC Export Guide](http://resources.usdec.org/DairyExportGuide/Volume3.cfm), General Labeling document. An unofficial English translation is available [here](http://resources.usdec.org/Export%20Guide/3%20%20Labeling%20and%20Product%20Standards/Mexico_NOM-030-SCFI-2006-Labeling-English.pdf) |  |  |
| **2.4** NOM-051-SCFI / SSA1-2010, General labeling specifications for prepackaged foods and non-alcoholic beverages - Commercial and sanitary information. Published in the Official Journal of the Federation on 5 April 2010. | This standard is incorporated into Volume 3 of the [USDEC Export Guide](http://resources.usdec.org/DairyExportGuide/Volume3.cfm), General Labeling document. An unofficial English translation of the 2010 regulation and all subsequent amendments is available [here](http://resources.usdec.org/Export%20Guide/3%20%20Labeling%20and%20Product%20Standards/Mexico_NOM-051-SCFISSA%201-2010-Labeling-English_CONSOLIDATED.pdf). |  |  |
| **2.5** NOM-086-SSA1-1994, Goods and Services, Foods and non-alcoholic beverages with modifications in its composition. Nutritional specifications. Published in the Official Gazette of the Federation on 26 June 1996 and its amendment published in the in the Official Gazette of the Federation on 22 December 2010. | All relevant sections of this standard and subsequent amendments are incorporated into Volume 3 of the [USDEC Export Guide](http://resources.usdec.org/DairyExportGuide/Volume3.cfm), Modified Foods document. |  |  |
| **2.6** NOM-155-SCFI-2012, Milk – Name designations, physico-chemical specifications, commercial information and test methods. Published in the Official Gazette of the Federation on 3 May 2012. | The compositional requirements of Mexican standard [NOM-155-SCFI-2012](http://www.economia-noms.gob.mx/normas/noms/2010/155scfi2012.pdf) are incorporated into [Volume 3 of the USDEC Export Guide](http://resources.usdec.org/Export%20Guide/3%20%20Labeling%20and%20Product%20Standards/MexicoTableofContents.pdf) and the test methods are incorporated into [Testopedia](http://www.usdec.org/market-access/testopedia). Some discrepancies in the test methods have been identified and are noted in green in the individual methods in Testopedia. |  |  |
| **2.7** NOM-243-SSA1-2010, Products and services. Milk, milk formula, composite milk product and milk derivatives. Sanitary provisions and specifications. Test methods. Published in the Official Gazette of the Federation on 27 September 2010. | The compositional requirements of Mexican standard [NOM-243-SSA1-2010](http://www.economia-noms.gob.mx/normas/noms/2010/243ssa12010.pdf) ([correction](http://www.economia-noms.gob.mx/normas/noms/kartemod/mod243ssa12011.pdf); [2012 amendment](http://diariooficial.segob.gob.mx/nota_detalle.php?codigo=5283383&fecha=26/12/2012)) are incorporated into [Volume 3 of the USDEC Export Guide](http://resources.usdec.org/Export%20Guide/3%20%20Labeling%20and%20Product%20Standards/MexicoTableofContents.pdf) and the test methods are incorporated into [Testopedia](http://www.usdec.org/market-access/testopedia) |  |  |
| **2.8** NMX-F-703-COFOCALEC-2012, Milk Product System -Foods - Dairy- Milk and Milk Product (or Dairy Food) - Fermented or Acidified - Name designations, Specifications and Test Methods. Declaration of date of effect published in the Official Gazette of the Federation on 20 March 2014. | The test method basically coincides with ISO 7889:2003 Yogurt-Enumeration of characteristic microorganisms-Colony-count technique at 37 ºC, en el punto 8.3. |  |  |
| **2.9** NMX-F-490-1999-NORMEX, Foods. Oils and fats. Determination of the fatty acid composition from C6 by gas chromatography. Declaration of date of effect published in the Official Gazette of the Federation on 2 March 1999. | The test method inMexican voluntary standard NMX-F-490-1999-NORMEX is incorporated into [Testopedia](http://www.usdec.org/market-access/testopedia). A minor discrepancy in the terms of a formula was identified. |  |  |
| **2.10** Agreement determining the additives and adjuvants in foods, beverages and food supplements, their uses and sanitary provisions, issued by the Ministry of health. Published in the Official Gazette of the Federation on 16 July 2012 and subsequent amendments. | This additives standard is incorporated into Volume 3 of the Export Guide. An unofficial English version of the standard is available here: [Part 1](http://resources.usdec.org/Export%20Guide/3%20%20Labeling%20and%20Product%20Standards/MexicoAdditivesPart1July162012.pdf), [Part 2](http://resources.usdec.org/Export%20Guide/3%20%20Labeling%20and%20Product%20Standards/MexicoAdditivesPart2July162012.pdf) |  |  |
| **3. Terms and definitions**The following definitions apply for the purposes of this Draft Official Mexican Standard: |  |  |  |
| **3.1 Food additive** |  |   |   |
| Any substance not normally consumed as a food by itself and not normally used as a typical ingredient of the food, whether or not it has nutritive value, the intentional addition of which to food for a technological purpose in the manufacture, processing, preparation, treatment, packing, packaging, transport or storage of such food results, or may be reasonably expected to result, (directly or indirectly) in it or its by-products becoming a component of the product or an element which affects its characteristics (including organoleptic). The definition does not include contaminants or substances added to food for maintaining or improving nutritional qualities | Same as current standard |   |   |
| **3.2 Lactic culture** |  |   |   |
| The population of innocuous microbial cells used for the fermentation of the products that are the subject of this Mexican Official Standard | Same as current standard |   |   |
| **3.3 Standardization of milk** |  |   |   |
| Adjustment of the butterfat content to the level corresponding to the name designation | Current standard allows adjustment of the fat and solids non-fat |   |   |
| **3.4 Fermentation**  |  |   |   |
| The transformation of the components of the milk through the action of the metabolism of specific microorganisms. | Same as current standard |   |   |
| **3.5 Butterfat** |  |   |   |
| Is the fat that is obtained from milk and that is characterized as the only edible fat containing short chain fatty acids and a high proportion of medium chain fatty acids with a saturated to unsaturated ratio of 2:1. | Current standard reads: The fat obtained from milk, characterized bycontaining saturated fatty acids, such as butyric acid. | The use of this specific Sat:Unsat ratio of 2:1 is not necessarily justified due to variations that may arise from feed, breed, and environment. This ratio could be as high as 2.8:1. This issue should be controlled through managing allowable ingredient inputs to assure no non-animal-based fats are used. We suggest a removal of the 2:1 ratio indication or an adjustment to 2.8:1. |   |
| **3.6 Milk** |  |   |   |
| Is the product obtained from the secretion of the mammary glands of cows, without colostrum, which must undergo heat treatments or other processes which guarantee the safety of the product. It may also undergo other operations such as clarification, homogenization, standardizations, etc. provided that these do not contaminate the product and that it complies with the specifications for its name designation. | Nearly identical to current standard |   |   |
| **3.7 Milk protein** |  |   |   |
| Bovine milk proteins are divided into two major groups or fractions: caseins and whey proteins in an approximate ratio of 80:20. The six main milk proteins are : lactoalbumin (-LA) and lactoglobulin (-LG) in whey, and the caseins : s1-caseín (s1-CN), s2-caseín (s2-CN), -casein (-CN) and -casein (-CN). | Current standard reads: Is the protein of the milk itself. It’s formed of various components of the milk, the proportion of which must be maintained during the manufacturing process of the yogurt |  While it is true that the ratio of casein to whey proteins is approximately 80% in milk, there should be no requirement to maintain this ratio in yogurt. We suggest the removal of “in an approximate ratio of 80:20.” Limiting the protein ratio in yogurt to the approximate ratio that is found in milk essentially limits the dairy proteins that can be used to increase the protein content of the final product. More information on this point is in our comments to Note 1 to Table 1. |   |
| **3.8 Non-fat milk solids** |  |   |   |
| Are the components specific to milk, with the exception of fat and water, for example: milk proteins, lactose, mineral salts, etc | Same as current standard |   |   |
| **3.9 Colony Forming Units (CFU)** |  |   |   |
| Term to be used to report the plate count of colonies, which may arise from a cell or a cluster of cells | Same as current standard |   |   |
| **3.10 Viable** |  |   |   |
| The ability of microorganisms to show biological activity under favorable development conditions of development | Same as current standard |   |   |
| **4. Symbols and abbreviations** |  |   |   |
| The following definitions apply when reference is made to the following symbols and abbreviations in this Draft Official Mexican Standard. : m/m - mass by mass.; pH - potential of hydrogen.; CFU - colony forming units.; CFU/g - colony forming units per gram.; CFU/ml - colony forming units per milliliter.; % - percentage.; max. - maximum.; min. - minimum. | Minimum and maximum included in new draft. These terms are not defined in the current standard. |   |   |
| **5.1.1** Yogurt is the product obtained from the fermentation of milk, standardized or not, by the action of the microorganisms *Streptococcus thermophilus and Lactobacillus delbrueckii* subspecies *bulgaricus*, and resulting in a reduction in pH. | Same as current standard |  |   |
| **NOTE 1**: When this Official Mexican Standard uses the name yogurt, it should be understood as 'yogur, yogurt, yoghurt, yoghurth or yogurth'. | Same as current standard |   |   |
| **5.1.2** The addition of other alternative cultures of the genera *Lactobacillus and Bifidobacterium* is allowed. (See Appendix A of this Draft Mexican Official Standard.) | Same as current standard |   |   |
| **5.1.2.1** If the product contains any additional lactic acid culture, it will be named through the use of the scientific name or an appropriate qualifier for the culture together with the word yogurt. The selected qualifier should not mislead the consumer. The term "yogurt based on alternative cultures" does not apply as a name designation. | Same as current standard |   |   |
| **5.2.1** Yogurt is classified into natural yogurt; sweetened or flavored yogurt; yogurt with fruit or other foods, according to the following definitions | Same as current standard |   |   |
| Natural yogurt - Does not contain sweeteners, added sugars, fruits, vegetables, cereals, flavorings or aromatizers, and may contain permitted additives according to current national standards. | New definition |   |   |
| Sweetened or flavored yogurt - Natural yogurt to which has been added any type of sweeteners, added sugars, and may contain permitted additives according to the current national standards  | New definition. The current standard allows for flavored yogurt to contain up to 50% non-dairy ingredients.  |   |   |
| Yogurt with fruit or other foods - Yogurt to which has been added flavoring ingredients, aromatizers, added sugars, sweeteners, fruits, vegetables, fruit purée, fruit pulp, fruit juice, honey, chocolate, cocoa, nuts, coffee, cereals, spices and other non-dairy ingredients - may contain permitted additives in accordance with the current national standards | New definition. The current standard allows for yogurt with fruit to contain up to 50% non-dairy ingredients. |   |   |
| **5.2.1.1**. Natural yogurt; Sweetened or flavored yogurt; Yogurt with fruit or other foods must comply with the specifications indicated in Table 1. |  |   |   |
| **5.2.2**. For the marketing of natural yogurt; sweetened or flavored yogurt, and yogurt with fruit or other foods, are permitted to be presented as a smoothie [whipped], drinkable, etc. | New text |   |   |
| **6.1.1** Natural yogurt; sweetened or flavored yogurt; yogurt with fruit or other foods must comply with the following physicochemical specifications |  |   |   |
| **Table 1. Physico-chemical specifications for yogurt** |  |  |   |
| Milk protein (% m/m)* Natural: min 3.1
* Whipped: min 1.9
* Drinkable: min 1.6
* Test method: NOM-155-SCFI-2012 (see 2.6)
 | Current standard lists a minimum protein of 2.9%. The MIR analysis document stated that there was a need to increase the minimum protein level in yogurt by 10%. The Codex standard lists a minimum of 2.7% protein. However, the U.S. yogurt should meet these protein requirements so we were not planning to comment on this parameter. |  |  |
| Butterfat (% m/m)* Max 7% (all types)
* Test method: NOM-086-SSA1-1994

(see 2.5) | Current standard lists a max fat of 15% | Suggest harmonization of Codex standard 243-2003, Standard for Fermented Milk, which lists a 15% maximum for butterfat in yogurt |  |
| Titratable acidity expressed as percentage of Lactic Acid (% m/m)* Min 0.5 (all types)
* Test method: NOM-243-SSA1-2010

(see 2.7) | Matches current standard. Codex lists a minimum of 0.6% so presumably a looser standard will not be a concern for U.S. producers. |  |  |
| Non-fat milk solids* 8.25 for natural yogurt
 | The current standard lists a minimum of 8.25%, as does the CFR | Suggest adding “min” before 8.25% to clarify that this number is a minimum |  |
| **NOTE 1:** Casein must constitute at least 80% of the milk protein in the final product  | Matches the current standard | The Mexico draft 80% casein to total protein standard is restrictive, even to those using only fluid milk in manufacture. §3.7 of the draft recognizes the “approximate” nature of this ratio, yet proceeds to regulate based upon this. Casein in Total Protein of milk is variable and may typically be 78% or marginally lower in normal bovine milks. Therefore, there will be some yogurt made just from milk that do not meet this protein ratio.Additionally, this 80% minimum casein requirement limits the whey-based milk ingredients that may be utilized to boost the total protein in yogurt. Such additions are permitted in Codex. Codex Standard 243-2003 the allows for the use of “milk and products obtained from milk” as raw materials. The U.S. regulations also allow the following additional dairy ingredients in yogurt in [21 CFR 131.200](https://www.ecfr.gov/cgi-bin/text-idx?SID=8f338b7e04170a95bf0a5d4c8b4db289&mc=true&node=pt21.2.131&rgn=div5#se21.2.131_1200): “Concentrated skim milk, nonfat dry milk, buttermilk, whey, lactose, lactalbumins, lactoglobulins, or whey modified by partial or complete removal of lactose and/or minerals.” Any requirement to limit the casein/whey ratio in yogurt to that of milk prevents all manufacturers, including Mexican producers, from using the best technology in dairy ingredients even when they are producing yogurts with much higher total protein levels. There are also functional reasons to use higher protein whey ingredients. Whey protein concentrate is an excellent dairy protein for water binding/stabilization purposes. Given the concerted effort in Mexico to boost protein levels in yogurt, as described in the MIR analysis document, it would be appropriate to allow additional dairy-based proteins in yogurt without concern for the casein/whey ratio in the final product. |   |
| **NOTE 2:** The proportion of milk protein to the total non-fat milk solids contained in the yogurt must not be less than the proportion of milk protein originally present in the milk | Similar to the text of the CFR which allows additional ingredients as long as the ratio of protein to total nonfat solids of the food, and the protein efficiency ratio of all protein present shall not be decreased as a result of adding such ingredients. |  |  |
| **NOTE 3:** Yogurt with a greater quantity of protein in its composition must indicate this on the label |  | The draft Mexican standard lists a minimum protein level. It is not clear what would constitute a greater quantity of protein to justify a label claim. |   |
| **6.2.1** Viable microorganisms |  |   |   |
| Yogurt must contain at least 107 CFU / g of the sum of viable *Streptococcus* *thermophilus* y *Lactobacillus* *delbrueckii* subespecies *bulgaricus*, according to the test method of bacteria which ferment the products in number 8 of NMX-703-COFOCALEC (see 2.8 Reference standards). | Matches the current standard and Codex 243-2003. The U.S. does not regulate, but U.S. companies doing business in this space, especially probiotics, will need to observe these standards regardless of the lack of U.S. regulation. |  |   |
| If additional alternative cultures are contained, these should be in an amount of at least 106 CFU / g of viable lactic cultures. |  |  |   |
| The microorganisms must remain viable, active and abundant until the date of expiration of the product. |  |   |   |
| **6.3**. The specifications in Table 1 must be complied with even if the product is modified in its composition, according to the parameters allowed under NOM-086-SSA1 (see 2.5 Reference standards). | Matches the current standard |   |   |
| **6.4** Additives |  |   |   |
| The permitted additives for yogurt will be those established in the applicable legal and normative regulations issued by the Ministry of Health. Their use will be in accordance with the said regulations. | Matches the current standard |   |   |
| **7. Sampling** |  |   |   |
| Sampling will be subject to the applicable legal and regulatory provisions.  | Matches the current standard |   |   |
| **8. Test methods** |  |   |   |
| In order to verify that the specifications are in accordance with Section 6 of this Draft Official Mexican Standard, the test methods of the Mexican Official Standards and Mexican Standards must be used. This requirement is indicated in Section 2 of this Draft Official Mexican Standard, as well as in number 8 of the NMX-703-COFOCALEC (see 2.8 Reference standards) | Matches the current standard. If companies are using any alternative test methods, please advise.  | We understand that Mexico will use the published Mexican methods to check compliance with the parameters of this standard when tests are conducted in Mexico. We encourage Mexico to allow flexibility so that exporters may use any of the following methods to test their products for the evaluation of conformity noted in point 3.7 or the documentation noted in point 8.1.1 of the draft standard:* Mexican test methods listed in Table 2
* Test methods published by the following internationally renowned organizations:
	+ Codex Alimentarius, [CODEX STAN 234-1999](http://www.fao.org/fao-who-codexalimentarius/sh-proxy/ru/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FStandards%252FCODEX%2BSTAN%2B234-1999%252FCXS_234e.pdf) Recommended Methods of Analysis and Sampling (page 41)
	+ [International Organization for Standardization](https://www.iso.org/about-us.html) (ISO) test methods
	+ [International Dairy Federation](http://www.fil-idf.org/) (IDF) methods
	+ Official Methods of Analysis (OMA) of [AOAC INTERNATIONAL](http://www.aoac.org/aoac_prod_imis/aoac/publications/official_methods_of_analysis/aoac_member/pubs/oma/aoac_official_methods_of_analysis.aspx?hkey=5142c478-ab50-4856-8939-a7a491756f48)
	+ [American Dairy Product Institute](https://www.adpi.org/) (ADPI) test methods. ADPI has compiled standard methods of analysis that many U.S. manufacturers use in their laboratory testing of dairy products.
* [Standard Methods for the Examination of Dairy Products](http://ajph.aphapublications.org/doi/book/10.2105/9780875530024) (SMEDP) from the American Journal of Public Health. This book also contains the most commonly used methods of evaluation of dairy products used in the United States.
* Any other method widely recognized as achieving repeatable and reliable results

We believe that the above sources and test methods are widely used and recognized as legitimate methods in the global dairy industry and therefore should be permitted to attest to the specifications of yogurt. |   |
| **9. Evaluation of conformance** |  |   |   |
| The evaluation of the conformance of the products subject of this Official Mexican Standard must be carried out under the terms of the provisions of the Federal Law on Metrology and Standardization and its Regulation. The certification of the names of the products contained in this draft NOM-181-SCFI/SAGARPA-2017 may be carried out through a voluntary scheme, by persons accredited and approved by the Ministry of Economy, under the terms of the provisions of the Federal Law on Metrology and Normalization and its Regulation. |  |   |   |
| **10. Commercial Information** |  |   |   |
| **10.1** The information contained on the labels of the products that are the subject of the Draft Official Mexican Standard must comply with the provisions of NOM-051-SCFI / SSA1 (see 2.4 Reference standards) and that which is stated below: | Similar to current text |   |   |
| **10.2**  Indicate the commercial name according to sections 5 and 6; as well as what is set out in Table 1. | New text |   |   |
| **10.3** The wording of the commercial name and classification (natural yogurt, sweetened or flavored yogurt, yogurt with fruit or other foods) must be indicated on the main display face of the label | New text |   |   |
| **10.3.1** For sweetened yogurt the wording "sweetened yogurt" must be indicated. | New text |   |   |
| **10.3.2** For flavored yogurt the wording " \_\_\_\_\_\_\_ (flavor name) flavored " must be indicated. | New text |   |   |
| **10.3.3** For yogurt with fruit or other food, the wording "yogurt with \_\_\_\_\_\_\_ (name of the fruit) fruit " and the percentage of same must be indicated. In case of another food the wording "yogurt with \_\_\_\_\_\_\_\_ (name of the food)" and the percentage of same must be indicated. | New text |   |   |
| **10.4** The list of ingredients, the batch number and the expiration date or the preferred consume by date must be declared at all times, as specified in numbers 4.2.2, 4.2.6 and 4.2.7 of NOM -051-SCFI / SSA1-2010 (see 2.4 Reference standards). | Same as current text |   |   |
| **10.5** The content of total sugars other than lactose must be indicated on the main display surface in the same sizing as for the net content. | New text |   |   |
| **11. Verification and oversight** |  |   |   |
| Verification and oversight will be conducted by the Ministry of Economy and the Federal Consumer Protection Office, according to their respective responsibilities. |  |   |   |
| **11.1** The use of milk proteins in the production of yogurt is subject to a control of balance of materials. |  |   |   |
| **11.2** A balance of materials control must be carried out to check the quantity of yogurt, according to the quantities of milk acquired or the milk protein used. |  |   |   |
| **12. Concordance with international standards** |  |   |   |
| The present Draft Mexican Standard is not equivalent (NEQ) to the International Standard CODEX STAN 243: 2003 Codex Standard for Fermented Milk. |  |   |   |
| **Appendix A: Most Common Lactic bacteria**o *Bifidobacterium bifidum*o *Bifidobacterium longum*o *Bifidobacterium breve*o *Bifidobacterium animalis*o *Lactobacillus helveticus*o *Lactobacillus helveticus spp.jugurti*o *Lactobacillus casei*o *Lactobacillus casei spp.paracasei*o *Lactobacillus casei Shirota*o *Lactobacillus lactis*o *Lactobacillus rhamnosus*o *Lactobacillus GG*o *Lactobacillus plantarum*o *Lactobacillus johnsonii*o *Lactobacillus defensis.*o *Lactobacillus acidophilus*o *Lactobacillus* reuteri | Changes vs. current regulation: * Removes Streptococcuss salivarius spp thermophilus
* Adds Lactobacillus GG
 |  |  |