

# GUIDELINE OF OFFICIAL MEXICAN STANDARD NOM-050-SCFI-1994 COMMERCIAL INFORMATION - GENERAL PROVISIONS FOR PRODUCTS

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# GUIDELINE OF OFFICIAL MEXICAN STANDARD NOM-050-SCFI-1994 COMMERCIAL INFORMATION - GENERAL PROVISIONS FOR PRODUCTS.

## PRELIMINARY NOTE:

The purpose of this guideline is to orient, illustrate and inform the persons who have the obligation of complying with Official Mexican Standard NON-050-SCFI, as well as those persons in charge of verifying compliance therewith, for better understanding and comprehension thereof.

For the purpose of differentiating the **text of the standard**, from the *explanations and comments*, the following format is presented:

Text of the Standard: **Bold script.**  
Text of the explanations and comments: *Italics*

## 1. PURPOSE

The purpose of this Official Mexican Standard is to establish the commercial information which products of domestic or foreign manufacture destined for consumption in the Mexican Republic must contain, as well as the characteristics of such information.



*The commercial information which the products must contain will be the data, symbols, graphs or texts of an obligatory nature provided in the Standard, which are printed on, affixed or attached to the product in any form, which serve to orient the consumer to fully identify the characteristics of the product being purchased, in a manner which will help the consumer to decide whether or not it is convenient to buy the product.*

## 2. FIELD OF APPLICATION

2.1 This Standard is applicable to all products of domestic and foreign manufacture destined for consumption in the Mexican Republic.

In accordance with the definition of consumer (Point 4.1), this Standard shall apply only to those finished products destined for the final consumer, and shall not, therefore, among other cases, apply to semi-processed products or raw materials which are to be transformed into a variety of different products, or which are intended to form part of the rendering of a service.

An example of the products included in the field of application of Official Mexican Standard NOM-050-SCFI-1994, is as follows:

- . A bag containing disposable paper cups.
- . A box of screws.
- . A set of screwdrivers in one package.

In the case of imported products, it is recommended that the following documents be consulted:

Agreement which identifies the customs tariffs established in the Tariffs of the General Duties Import Law and the respective Export Duties Law, classifying the merchandise subject to compliance with Official Mexican Standards, at the point of entry and exit of merchandise imported into and exported from Mexico, as published in the *Official Gazette of the Federation* on the 28th of December, 1995; and amended in various publications dated the 28th of June, 1996, the 13th of November, 1996 and the 24th of February, 1997.

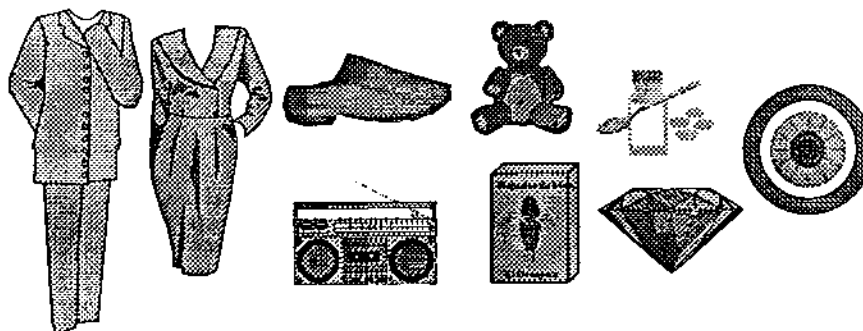
Agreement which establishes the procedures of verification for importers who wish to import merchandise into Mexican territory under Official Mexican Standards NOM-050-SCFI-1994 and NOM-051-SCFI-1994, published in the *Official Gazette of the Federation* on the 24th of February, 1997. It is hereby clarified that it is totally optional or voluntary to adhere to the procedures established in this Agreement. No authority can demand, for example, that the certificate of conformity be exhibited as evidence of compliance with Standard NOM-050-SCFI-1994 which is contemplated in the subject Agreement.

It is suggested that the *Official Gazette of the Federation* be consulted for information on future reforms of the above mentioned Agreements.

2.2 The present Standard shall not apply to:

- a) Products subject to provisions of commercial information contained in specific Official Mexican Standards or in any other regulations in force.

Products subject to other Official Mexican Standards for commercial information, as established in this clause, such as:



- Textile products, articles of clothing and their accessories (NOM-004-SCFI-1994). For example, shirts, trousers, sweaters, socks, handkerchiefs, toys made of or covered with textile materials, pajamas, bed sheets, bedspreads, underclothes, jackets, blouses. If the products included in this Standard NOM-004-SCFI-1994 are manufactured with hides and leather, NOM-020-SCFI-1993, which is commented below, would be applicable. Also excluded from the field of application of NOM-004-SCFI-1994, are the finished products which incorporate textile materials which are not included in the definition of textiles for the same Standard. For example, armchairs, cold packs, decorations manufactured with textile materials which, by exclusion, are subject to standard NOM-050-SCFI-1994.
- Footwear, leather stamping, hides and leather (NOM-020-SCFI-1993). Jackets, belts, trousers, handbags, wallets, and footwear of any material, manufactured with leather or materials which simulate leather.
- Jewellery (NOM-033-SCFI-1994). For example, earrings, chains, charms and locketts, medals and, in general, any jewellery made of gold, silver or platinum.
- Electric, electronic and electrodomestic appliances (NOM-024-SCFI-1994). Tape recorders, record and disc players, television sets, calculators, video cassette players, lamps, bulbs.
- Non-alcoholic foodstuffs and beverages (NOM-051-SCFI-1994).
- Automobile tires (NOM-086-SCFI-1995).
- Pressure cookers (NOM-054-SCFI-1994).
- Pocket gas lighters (NOM-090-SCFI-1994).
- Sphygmomanometers with mercury column and elastic sensory elements to measure human blood pressure (NOM-009-SCFI-1993).
- Glass liquid thermometers for general use (NOM-011-SCFI-1993).
- Manometers with elastic element (NOM-013-SCFI-1993).
- Positive displacement diaphragm-type meters for natural gas or liquid petroleum gas (LPG) (NOM-014-SCFI-1993).
- Toys (NOM-015/2-SCFI-1994).
- Portable containers for LPG (NOM-018/1, 2, 3 and 4-SCFI-1993).
- Non-portable type containers for LPG not exposed to heating by artificial means (NOM-021/1, 2, 4, 4 and 5-SCFI-1993).
- Gas heaters (NOM-022-SCFI-1993).
- Domestic appliances using natural or LP gas (NOM-023-SCFI-1994).

- Brandy (NOM-032-SCFI-1993).
- Measuring tapes (NOM-046-SCFI-1994).
- Electric elevators (Draft NOM-053-SCFI-1994).
- Steel sheets used in the manufacture of portable liquid petroleum gas containers (NOM-060-SCFI-1994).
- Steel plates for the manufacture of non-portable liquid petroleum gas containers (NOM-061-SCFI-1994).
- Electric conductors (NOM-063-SCFI-1994).
- Light fixtures (NOM-064-SCFI-1994).
- Canned albacore and tuna fish (NOM-084-SCFI-1994).
- Pressure-relief valves (NOM-093-SSA1-1994).
- Preservatives (NOM-016-SSA1-1993).
- Products for use in agriculture, forestry, livestock, gardening and for urban and industrial use (NOM-045-SSA1-1993).
- Insecticide products for domestic use (NOM-046-SSA1-1993).
- Disposable sterile plastic syringes (NOM-051-SSA1-1993).
- Latex rubber urinary drainage probes (NOM-052-SSA1-1993).
- Pacemakers (NOM-062-SSA1-1993).
- Diagnostic reagent equipment (NOM-064-SSA1-1993).
- Incubators for newborn babies (NOM-066-SSA1-1993).
- Surgical instruments (NOM-068-SSA1-1993).
- Prepackaged perfume and cosmetic beauty products (NOM-141-SSA1-1995).
- Alcoholic beverages (NOM-142-SSA1-1995).

However, there are products, not included in the exceptions established in Point 2.2, subclause a) under discussion, which must be labelled as provided in laws, regulations or provisions other than those of the Official Mexican Standards, because such Standards do not regulate all of the commercial information which must be provided for certain products, but only a specific piece of information which must be added to the data of obligatory observance provided in the commercial information standard. Such cases must comply with the stipulations of NOM-050-SCFI-1994.

An example of these texts are those known as "Warning labels" established in the General Health Law and its regulations for alcoholic beverages, tobacco and cigarettes. These products shall comply both with the applicable precaution texts and the stipulations of NOM-050-SCFI-1994.

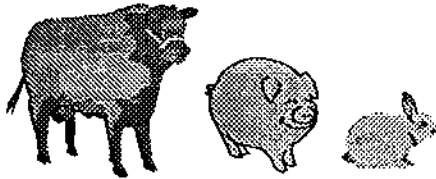
## PROMOTIONAL LABELLING

In order to apply the Official Mexican Standards corresponding to the commercial information of several products included in one commercial presentation for promotional purposes, each should contain its label in accordance with the requirements of the applicable commercial information, or one label only can be used in which the commercial information of all of the products which make up the promotion is included.

- b) Bulk products;

*(Please see comments in Point 4.11).*

- c) Live animals;



**Any live animal, regardless of its appearance is, exempt from compliance with this standard.**

- d) Books, magazines, fascicles and periodic publications in any presentation, including but not limited to, magnetic and compact discs, tapes and analogous articles;



This standard does not apply to newspapers, books, magazines and other periodic publications. In the case of magnetic and compact discs, tapes and analogous articles,

these products shall be exempt only when such products are periodic editions. For instance educational systems published weekly or semi-monthly withthen which there are included flexible diskettes, notebooks.

- e) Any other articles determined by the competent authorities, in accordance with their authority.

### 3. REFERENCES

**This Standard is supplementary to the following Official Mexican Standards in force:**

The preceding paragraph indicates that two other Official Mexican Standards must be examined, and therefore it will be obligatory to comply both with the stipulations of NOM-050-SCFI-1994 and those provided in the supplementary standards. In the event of noncompliance with any supplementary standard, this shall also be considered to be noncompliance with NOM-050-SCFI-1994.

NOM-008-SCF1      General System of Units of Measurement

This standard, published in the Official Gazette of the Federation on October 14, 1993, establishes how the various measurement units, such as the meter, gram or liter, must be written, to be understood by the consumer.

For example, in order to specify:

One hundred grams, this must be written as: 100g

Two liters, must be written as: 2 L

Five meters, must be written as: 5 M

It is important to note that said standard indicates that decimals must be separated by commas (,) and multiples in thousands by points (.).

In addition, in accordance with the aforesaid system, it is not required to use points in the measurement units, inasmuch as these are not abbreviated forms, but internationally recognized symbols.

Nevertheless, the use of complete words in the Spanish language is accepted.

For example, to write:

One hundred grams, this can be written as: 100 grams

Two liters, can be written as: 2 liters

Five meters, can be written as: 5 meters

NOM-030-SCF1 Commercial information - Statement of quantity on the label. Specifications.

This standard, published in the Official Gazette of the Federation on October 24, 1993, indicates the form of expressing the quantity of the product.

The standard further establishes the calculation which must be made to appear on the label as "CONTENTS", "NET CONTENTS", or their abbreviations, "CONT." and "NET CONT." and as applicable, "DRAINED CONTENTS".

[Please see the comments in Point 5.2.1., b)].

## 4 DEFINITIONS

**For the purpose of the present Standards, the following definitions are established:**

The purpose of the definitions is to provide greater clarity in the concepts herein contained, so that we can all uniformly understand and interpret same.

### 4.1 Consumer

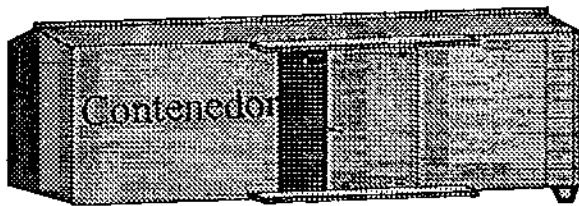
**Individual or corporate person who acquires or uses the product as the final consignee. Any party who acquires, stores, uses or consumes products for the purpose of integration**

in a process of manufacture, transformation, marketing or for the rendering of services to third parties, shall not be considered to be a consumer.

The final consumer is the last link in the commercial chain of a product, for its use or consumption. For example, the person buying a can of paint who paints the doors of his house, etc. However, a person who purchases iron sections to make chairs, or chemical products to make detergents, is not considered a consumer under this standard, since the iron sections or chemicals are transformed into different products.

## 4.2 Packaging

Material used for packing, containing and protecting the products, for the purpose of transportation and storage.

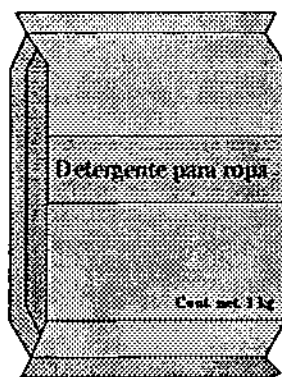


The packing is the material which is used provisionally to store the products or merchandise for transportation or to avoid damage during such

operations. Example: A box with wheels containing cans of paint. Only in the event that the packaging is used as a presentation to the consumer (and therefore is considered a container), shall it be required to carry the information required in the Standard.

## 4.3 Container

Any receptacle or packaging containing the product for sale to the consumer.

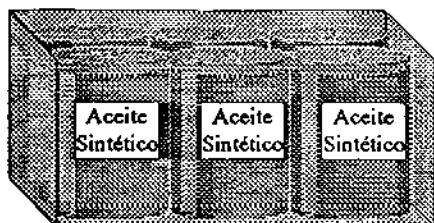


The container is the jar, box, can, wrapping or bag containing the product for sale to the consumer, which is delivered as part of the product.



#### 4.4 Multiple Packaging

Any receptacle or packaging containing two or more similar prepackaged varieties of a product destined for sale to the consumer in that packaging.



#### MULTIUNIT PACKAGES

For the purpose of applying Standard NOM-030-SCFI-1993, multiunit packages will be understood to be those which are intended to contain identical products with the same net contents (quantity).

As refers to closed multiunit packages, which do not allow a view of the contents, this should be specified on the packaging label.

Multiple packaging is used for identical products, although the size or net content of such products may differ. An example of this are packages containing two cans of shoe polish, or packages with five pencils, or two erasers. In contrast to collective packaging, as explained below, multiple packaging does not contain different products, and serves to package two or more units of the same product, although the size or net contents of such units may differ. An example of this are packages containing two cans of shoe polish, or packages with five pencils, or two erasers.

#### 4.5 Collective Packaging

Any receptacle or packaging containing two or more different prepackaged varieties of a product destined for sale to the consumer in that packaging.

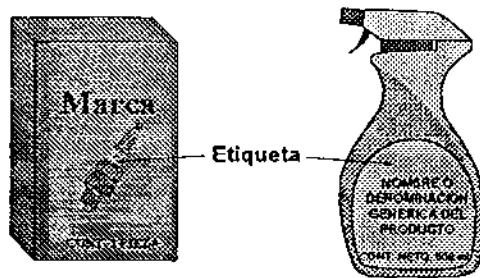
Collective packaging is considered to be the bag or box in which two or more different products are packed, such as wax polish and cotton waste, lag screws and gaskets, shoe polish and shoe laces, or a pack containing a clock, flannel cleaning cloth and a jar containing a lubricant, etc.



#### 4.6 Label

Any sign, tag, inscription, image or other descriptive or graphic material, which is written, printed, stenciled, marked or engraved in high- or bas-relief, which is affixed or applied to

the product, its container or, when not possible because of the characteristics of the product or its container, to the packaging.



Examples: The information printed on a cardboard box, the text shown on a can of paint, the packing used as a form of presentation to the final consumer. That is, not only adhesive labels are considered for the purposes indicated in this Standard.

#### 4.7 Warranty

Document in which the manufacturer or importer guarantees the product against defects in operation, materials or the workmanship used in the manufacture of the product.

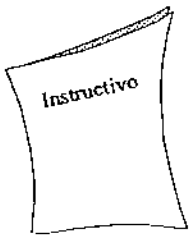


These documents are normally provided voluntarily by the suppliers and serve to grant the consumer its rights. Such warranties protect the consumer from manufacturing defects, missing parts or failures due to design, etc. and serve to increase the confidence of the consumer in the product.

Article 77 of the Federal Consumer Protection Law establishes that, "all goods or services offered under warranty shall be subject to the provisions of this law and the agreements between suppliers and consumers". This warranty is not obligatory, except in those cases provided in Article 80 of the aforesaid law, which states: "By means of the Official Mexican Standards, the Ministry can determine that the life of the guaranty for certain products be extended as refers to the supply of parts and spare parts, taking into account the durability of the product"; for example, NOM-024-SCFI-1994 for electric, electronic and electrodomeestic products (NOM-050 is not applicable to these products).

#### 4.8 Instructions for use

Written information for the consumer explaining how the product must be used and applied.



Document to inform the consumer of the proper use and operation of the product in order to obtain full enjoyment from the product, also serving to explain the errors which must be avoided in its handling, to ensure the expected results without damage or risk to the product or the consumer.

#### 4.9 Operating Manual

**Document providing the necessary information for the assembly, installation, connection and maintenance of the product.**

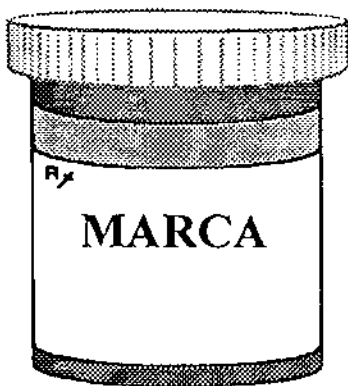


Provides the procedures for the assembly and attachment of the parts making up the product, its correct installation, use of the proper connections, as well as the preventive maintenance required to ensure the proper function and durability of the product. For example: the manual included in furniture to assemble prefabricated doors or latches.

Example: When buying furniture for assembly by the buyer, the manual which is included.

#### 4.10 Prepackaging

**Process by means of which a product is placed in a container of any kind prior to delivery to the consumer, the quantity of the product constituting the contents thereof not being altered unless the container is opened or modified.**



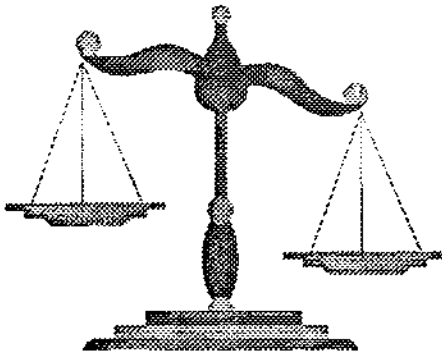
Examples: A can of paint, a bottle of cleaning liquid, a box of tools.

It is important to emphasize that products will be considered prepackaged, when they meet two conditions:

1. They must be in one container (see definition and comments).
2. The process by means of which they are packed must be carried out in the absence of the consumer.

#### 4.11 Bulk products

**Product which has not been prepackaged at the time of sale, which must be weighed, counted or measured in the presence of the consumer.**



In accordance with items 2.2, Clause b), and 4.11 of Official Mexican Standard NON-050-SCFI-1994, Commercial Information General Provisions for Products, bulk products, that is, those which must be weighed, counted or measured in the presence of the consumer, which are not prepackaged at the time of sale, are not subject to compliance with said Standard.

Therefore, products which are unpackaged at the time of sale, either because they have been unwrapped or because they had not been packaged during the manufacturing process, are not subject to the Standard in question.

Examples: Half a kilogram of nails which are purchased in a hardware store, one liter of turpentine for which the buyer needs to provide a container, a "single" pencil which is bought at a paper supply store.

The products in themselves would not indicate they are bulk products, and to consider them as such they must have the following characteristics:

1. They must be counted, weighed or measured in the presence of the consumer.
2. They must not be prepackaged at the time of sale.

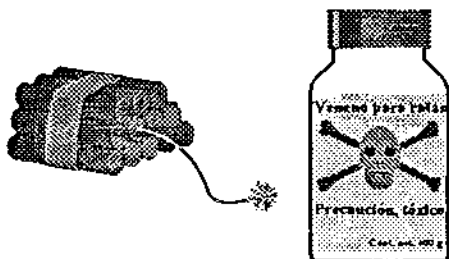
Therefore, the nails we mentioned in the example are considered bulk because the half a kilogram was weighed in the presence of the consumer and they were unpackaged at the time of sale. This merchandise could have been subsequently delivered in a package (bag, box, etc.).

Nevertheless, if those same nails had been weighed without the presence of the consumer in the hardware store, there must be compliance with the information established in the standard.

Furthermore, if the nails are wrapped prior to the presence of the consumer in the hardware store, there must be compliance with the information established in the standard.

#### **4.12 Hazardous Products**

**Products so defined in Official Mexican Standards and the respective laws in force.**



Hazardous products are those which during handling and operation thereof require special care, since the safety of their users and the public in general may be put at risk. For example, dynamite, chlorine, caustic soda, acids, poisons, inflammable liquids and gases, etc.

It is recommended, therefore, that the following Official Mexican Standards, among others, be consulted:

NOM-052-ECOL-1993, which establishes the characteristics of hazardous residues, provides a list thereof and indicates the limits at which a residue is hazardous due to its toxicity to the environment (DOF-22, October, 1993).

NOM-025-SCT2-1994, special provisions for the substances, materials and residues of Class 1 explosives (DOF-22, September, 1995).

NOM-028-SCT2-1994, special provisions for the hazardous materials and residues of Class 3, transported inflammable liquids (DOF-4, October, 1995).

NOM-027-SCT2-1994, general provisions for the containers, packing and transportation of hazardous substances, materials and residues of Division 5.2, organic peroxides (DOF-23, October, 1995).

NOM-002-SCT2-1994, list of the most commonly transported hazardous substances and materials (DOF-30, October, 1995).

#### 4.13 Ministry

**Ministry of Commerce and Industrial Development.**



This definition is included to facilitate and clarify the text of the standard to the greatest extent possible. The reader will know that we are referring to the Ministry of Commerce and Industrial Development.

#### 4.14 Principal area of exhibition.

Pursuant to NOM-030-SCF1, that part of the label or container which is most easily visible to show the name and trademark of the product, not including the tops and bottoms of cans, jar lids, and bottle shoulders and necks.

Example: If a box contains dinnerware with the trademark "PÉREZ", the principal exhibition area will be the side on which the word, "DINNERWARE" and the brand name "PÉREZ" are shown.

However, it is not necessary that the name of the product appear to consider a certain part of the package as the principal area of exhibition, since it is not required to indicate same. [See

comments in Point 5.2.1. a)]. In such a case, if only the word "PÉREZ" appears, corresponding to the trademark, the side on which it appears will be the principal area of exhibition, provided it is not one of those prohibited in the definition.

## **5 INFORMATION SPECIFICATIONS**

### **5.1 General Requisites**

**5.1.1** The product information provided must be true, and described and submitted in a manner in which the consumer is not misled with respect to the nature and characteristics of the products.

Example of true information: The information on a can which indicates its contents to be 500 milliliters of red paint, if in reality it contains that quantity and is of that color; the information on a box which indicates its contents to be a set of 8 screwdrivers made of German stainless steel, if indeed it contains that number, with the characteristics mentioned.

Noncompliance with Official Mexican Standards is sanctioned in conformance with the Federal Law of Metrology and Standardization, any deceit perpetrated on a consumer is prohibited by the Federal Consumer Protection Law which provides, in Article 32, that "the information provided or advertising carried out relative to goods and services must be truthful and provable".

It is also prohibited that the information be "conducive to error". This prohibition includes the use of texts, drawings or graphs which suggest to the consumer that the product has qualities or properties which in reality do not exist, or which have not been proven to exist technically and scientifically, as well as exaggerations or allusions which confuse the consumer with respect to the limitations of the product. An example of this would be a bookcase promoted to hold tons, and because of the characteristics of the materials used in its manufacture, cannot hold the weight promised, or a glue with an exaggerated adhesive capacity which is ineffective, etc.

Example of information conducive to error: A can of paint with a label indicating, "Even paints air", or a glue with a caption which states, "There's nothing it won't glue".

### **5.2 Commercial information**

**5.2.1** The products subject to this Standard, must include, at the least, the following obligatory commercial information:

The statement, "must include 'at the least' the following information" means that it will be permitted to include additional information on the label, such as texts, drawings, the properties of the product, its uses, etc.

It must also be noted that the words, "obligatory commercial information" do not mean that all of the information indicated in the eight clauses under Point 5.2.1 must be included, but rather that,

depending on the case in question, the information which is pertinent must be presented, in accordance with the provisions of the same clauses or as explained in the comments.

**a) Name or generic name of the product, when the product is not easily identifiable at first glance by the consumer.**

Example: A "Set of frying pans" or a "Monkey wrench" sold in a closed package, not allowing the consumer to see or know the product.

Examples of products identifiable at first glance which, therefore, do not have to show the trade name or generic name on the label: A pen presented in transparent packaging; a water hose tied with a cord with a cardboard card containing information.

**b) Indication of quantity in accordance with NOM-030-SCF1.**

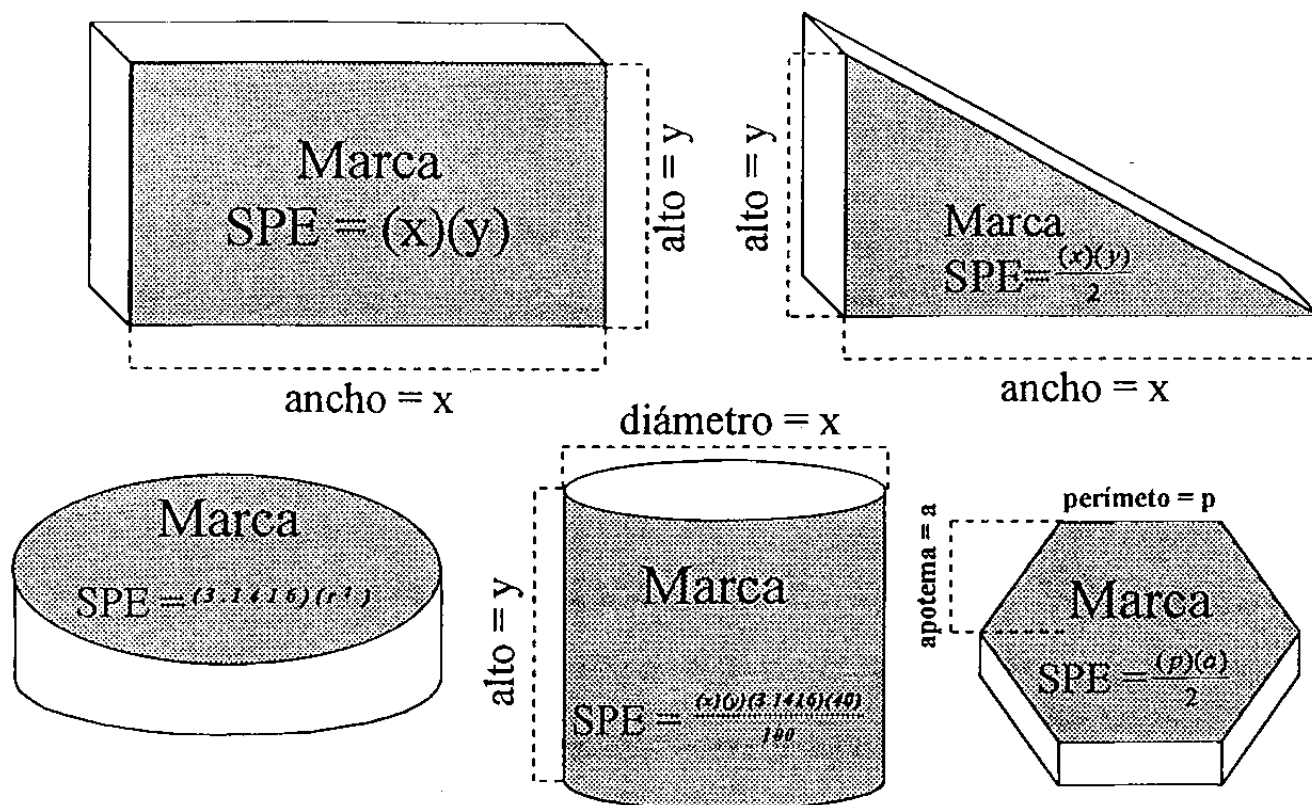
The indication of quantity must be placed on the principal area of exhibition, which is calculated and determined in accordance with the procedure described in clause 4.1 of NOM-030-SCFI-1993 (published in the Official Gazette of the Federation on October 29, 1993) which provides formulas and illustrative figures.

It shall not be necessary to indicate quantity for:

- Bulk products (also exempt from Standard NOM-050-SCFI-1994);
- Products which are marketed in number, packaged in containers in which the product can be seen. For example, batteries, which are generally presented in transparent packaging (blisters) which allows the consumer to see the number of units the package contains.
- Products in which the contents are evident and which contain one unit only. For example, a closed package with a photograph of the product and in which it can easily be seen that it contains one unit only.

In principle, the following criteria are used to carry out the calculations:

Superficie principal de exhibición (SPE)



- i) For rectangular areas, the height is multiplied by the width;
- ii) For triangular surfaces, the height is multiplied by the width and divided by two;
- iii) For the surfaces of cylindrical containers and bottles, 40% of the result of multiplying the height of the container, "excluding necks and shoulders", by the perimeter of the largest circumference;
- iv) For circular areas, 3,1416 must be multiplied by the square of the radius of the circumference;
- v) For irregular areas, the calculation of the surface of the geometric figure which best corresponds to the area must be considered.

- - This calculation will serve to determine the minimum height of the quantitative figure in the statement of quantity and the unit of corresponding magnitude.
- - In the case of containers in which, because of their characteristics, it is difficult to identify the principal area of exhibition, the General Office of Standards ("Dirección General de Normas") of the SECOFI, upon request by the interested party, will determine which surface will be used and its appropriate dimensions.



Standard NOM-030-SCFI-1993 also specifies several conditions which must be fulfilled to provide the data in question, such as:

- That the area surrounding the statement of quantity must not contain any printed information, with the exception of the statement of drained contents, which when applicable, must be indicated together with the net contents, as indicated below:
  - i) Above and below the statement of quantity, there must be a space which as a minimum has the same height as the statement of quantity.
  - ii) To the left and right of the statement of quantity, there must be a space which is at least two times the width of the type of letter used.
  - iii) The datum on quantity must as a minimum have the corresponding size, in accordance with the following table:

Table 1 - Height of the quantitative datum and unit of magnitude.

<i>Principal Exhibition Area in square centimeters (cm<sup>2</sup>)</i>	<i>Minimum height of number and letters in millimeters (mm)</i>
<i>Up to 32</i>	<i>1,6</i>
<i>More than 32 up to 161</i>	<i>3,2</i>
<i>More than 161 up to 645</i>	<i>4,8</i>
<i>More than 645 up to 2,580</i>	<i>6,4</i>
<i>More than 2,580</i>	<i>12,7</i>

In accordance with point 3.1 of the aforesaid standard, the word "CONTENTS" must be shown when prepackaged or packed products are quantified for sale numerically by product units.

For example:

A box with 10 pencils must show the word "Contents: 10 pencils", "Contents: 10 pieces", or "Contents: 10 units", or in any case, the word "contents" can be abbreviated "CONT", in which case it would read: "Cont. 10 pencils", "Cont. 10 pieces", "Cont. 10 units".

A package with eight screw drivers must carry the words: "Contents: 8 screw drivers", or in any case, any of the alternatives indicated in the previous example.

On the other hand, as provided in Point 3.2 of the same standard, if the product is not quantified in numerical units, but in volume or mass, the words "NET CONTENTS" must be shown.

For example:

A container containing 1 liter of automobile oil, must show the words, "Net Contents: 1 liter" or "Net Contents: 1 L".

A can containing 350 grams of shoe polish, must carry the words, "Net Contents: 350 grams" or "Net Contents: 350 g".

The words "NET CONTENTS" can be substituted by "NET CONT" as desired.

Finally, in accordance with Point 3.9 of the aforesaid standard, when in addition to quantifying a product by units or mass or volume, the product is solid or semisolid and is contained in a liquid medium, in addition to the words, "NET CONTENTS", the words, "DRAINED CONTENTS" must also be shown.

For example, if a solid or semisolid product weighs 250 grams and is in the same container with a liquid, together weighing 300 grams, the container must show the words: "Net Contents: 300 grams, Drained Contents: 250 grams".

It must be clarified that in accordance with Point 1 of Standard NOM-030-SCFI, it is not necessary to place the statement of quantity on bulk products (already excepted in Standard NOM-050-SCFI), or on those where the contents can be seen, or even when the contents cannot be seen but are evident, and the product contains one unit only.

- c) **Name, trade name, or corporate name and fiscal domicile of manufacturer or entity responsible for domestic manufacture of products. In the case of imported products, this information must be provided to the Ministry by the importer, upon request.**

**The Ministry will provide consumers with said information upon request when there are complaints with respect to the products.**

The fiscal domicile is that which is registered at the Ministry of the Treasury and Public Credit to comply with the necessary requirements of that department.

For the purpose of applying the Official Mexican Standards with respect to information, the following will be understood to mean:

- **Manufacturer.** Individual or corporation responsible for the manufacture of a product, which has been either totally manufactured thereby or who has ordered its manufacture, confection or finishing, in whole or in part, from a third party.
- **Party responsible for the manufacture.** Individual or corporation responsible for compliance with the specifications thereby established, for a product subject to the Official Mexican Standards or the respective commercial product information, representing itself as the seller or importer of the product through the use of the trademark, trade name, firm or corporate name.

Therefore, the party manufacturing the product or the commercial entity or merchant who orders the manufacture of a product, in whole or in part, or the importer who offers the product through the use of its trademark, trade name, firm or corporate name, can be presented in the commercial information as the manufacturer of the product.

When the manufacturers or persons responsible for the manufacture or imported products are located abroad, it is not required that such information be indicated on the product labels, but only that it be made available to the Ministry, and provided by the importer when requested, so that the Ministry, in turn, can expedite any complaint from consumers who may require same.

This treatment is because the identification of foreign suppliers is considered to be for the exclusive use of those persons who are engaged in the importation of merchandise, who frequently invest large amounts of money and dedicate considerable time to finding reliable suppliers, and therefore would be affected in detriment to their operations by the publication of these data.

- d) Text identifying the country of origin of the product, e.g., "product of .....", "made in .....", "manufactured in .....", or other similar phrases, subject to the provisions contained in the international treaties subscribed by Mexico.**

#### ABBREVIATIONS OF COUNTRIES

When applying the Official Mexican Standards with respect to commercial information, it will be acceptable to use abbreviations in Spanish to identify the country of origin of the merchandise, provided this does not give rise to erroneous interpretations. For example, it is valid to use: E.U.A., EUA, OR E.E.U.U.

The obligation of expressing the country of origin on the labels is provided in the Federal Consumer Protection Law.

As a general rule, the country of origin is that in which the product is manufactured or assembled or in which the last substantial transformation of the product is carried out.

It is important to keep in mind that the only entity responsible is the manufacturer or person responsible for the product, and it must be assured that said entity or person can demonstrate that it has sufficient authority when required by the authorities.

As an example, the phrases to identify the country of origin can be as follows:

- i) Product of Italy.
- ii) Made in Germany.
- iii) Manufactured in Mexico.
- iv) Produced in Spain.

International commercial treaties generally establish certain rules to determine and indicate the origin of the products. Consequently, for imported products, it will be necessary to consult these rules to verify whether they have been correctly determined.

For example, if the products come from Canada or the United States, they must comply with the provisions of the North American Free Trade Agreement, or if the products are imported from Chile, the Free Trade Agreement subscribed with that country must be consulted.

- e) Warnings of risks in the case of hazardous products, to be indicated in printed texts, graphically or by means of precautionary symbols.



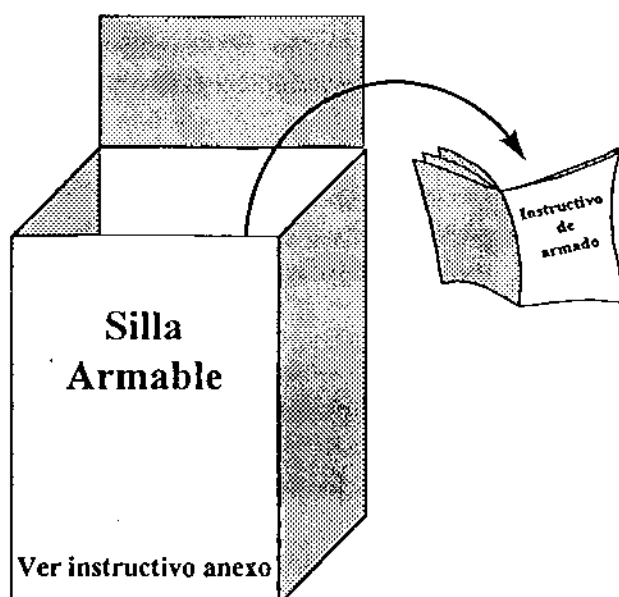
In the design of any product, the manufacturer normally considers the risks which may be involved in its storage, transportation, use or consumption. When there is a significant probability of accidents or damage, such products are considered hazardous and, therefore, it is necessary to warn the consumer or user with respect to the risks involved in the handling, use or consumption of such products.

Some examples of these warnings might be:

- DO NOT LEAVE WITHIN REACH OF CHILDREN!
- DANGER!

This information is only demanded when the product has been determined to be dangerous by an official provision (Please see comments in Point 4.12).

- f) **Should the use, handling or conservation of the product require instructions, such information must be provided or indicated in an instruction sheet or operating manual enclosed with the product, with the text on the respective label indicating, "SEE ATTACHED INSTRUCTIONS" or "OPERATING MANUAL ENCLOSED".**



This information is only demanded when the characteristics of the product so merit.

**g) As applicable, the date of expiration or optimum period of consumption.**

The properties and characteristics of certain products undergo short-term degradations which can take place from within a few days to a period of several months. These products require the obligation of informing the date of expiration or preferred period of consumption. Certain regulations demand that this information be included when the health of the consumer or user may be put at risk. Nevertheless, Standard NOM-050-SCFI is not applicable to such cases.

The expiration date is the optimum date after which it is considered that the product will undergo significant degradation or that the properties, qualities and characteristics which a stored product must have, under the conditions suggested by the manufacturer, disappear. After that date, the product will still be adequate for use or consumption, although in the opinion of the manufacturer, perhaps it may not provide the maximum degree of satisfaction expected by the consumer.

This information may be very important, in particular, when the detriment to the properties of the product generate health risks or affect the corporal well-being of the consumer or user himself, such as in cases of unstable chemical or biochemical products used in the home.

The preferred consumption period is the optimum date prior to which it is considered that the properties, qualities and characteristics which a stored product must have, under the conditions indicated by the manufacturer, shall remain unaltered or in optimum conditions for use or consumption. After that date, the product will still be adequate for use or consumption, although in the opinion of the manufacturer, perhaps it may not provide the maximum degree of satisfaction expected by the consumer.

Under these terms, it is assumed that prior to the expiration date of the preferred consumption period, the degradation of the product will be so slight that no health risk, or any other manner of risk to the consumer, will be generated.

The above requirement shall only be applicable when the product undergoes any deterioration in its properties and, in any case, it will depend on the manufacturer or importer to include this information and carry out the calculations to determine the corresponding date.

- h) In the case of imported goods, name, trademark or corporate name and fiscal domicile of the Importer. This information may be placed on the product in Mexico, after customs clearance and prior to marketing of the product.**

In the same manner as the data of the domestic manufacturer for products made in Mexico, the information on the importer for imported products serves the purpose of attending the complaints and claims made by consumers.

In any case, this information must invariably be incorporated in the products prior to sale in Mexico, either prior or subsequent to the customs procedures, as provided in NOM-050-SCFI.

## 5.2.2 Language and Terms

The information printed on the labels shall:

- a) Be expressed in the Spanish language, in addition to any other languages. When the commercial information is provided in other languages, it must also appear in Spanish, printed in the same typographical size and proportion and equally visible. In all cases, the information specified under point 5.2.1 must perforce appear.**

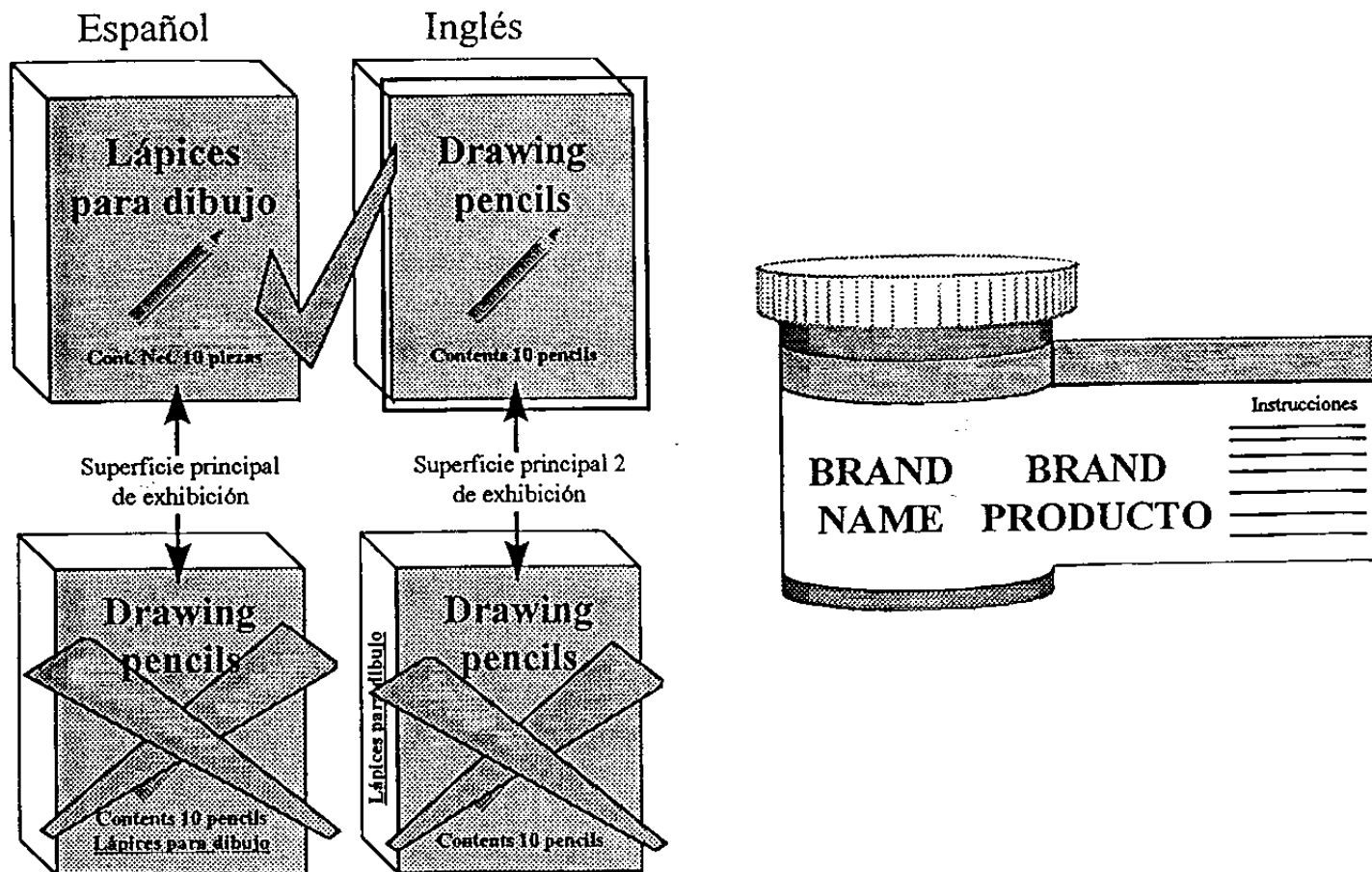
In accordance with the provisions of subclause a), Point 5.2.2. of Official Mexican Standard "NOM-050-SCFI-1994, commercial information - General Provisions for Products", when the commercial information is expressed in other languages, the information regulated by the Standard which must be presented in the Spanish language is only the obligatory commercial information established in Point 5.2.1 of the same standard. In addition, the Standard does not prohibit or restrict any other information from being translated into the Spanish language.

In other words, if a package originally has the obligatory commercial information mentioned in Point 5.2.1. of the Standard in another language other than Spanish, only that information must be presented in the Spanish language.

For example, if the package declares, "Net Weight", which is equivalent to the statement of quantity, this must be stated in Spanish to read, "Net Contents"; If the label of a product states "Made in Japan", this information must be translated into the Spanish language reading; "Hecho en Japón". In both

cases, the obligation of translating the information is related to the fact that the data refer to the obligatory commercial information established in the Standard.

However, if the container contains a phrase in another language, such as "Ready to enjoy", which translated into Spanish is, "Listo para disfrutarse", this phrase can or not be presented in the Spanish language, since it is not part of the obligatory commercial information established in the Standard.



In accordance with the provisions of subclause a), Point 5.2.2. of Official Mexican Standard "NOM-050-SCFI-1994, Commercial Information - General Provisions for Products", when the commercial information is expressed in other languages, the information which must also be presented in the Spanish language, "at least in the same typographical size and proportion and in an equally visible manner", is only the obligatory commercial information established in Point 5.2.1 of the same standard.

For the effects of the paragraph preceding, the phrase, "at least in the same typographical size and proportion and in an equally visible manner" indicates that the information which is expressed in other languages, must also appear in Spanish with the same font or type (courier, arial, times, new roman, avant garde, etc.), style (outline, medium or bold; normal or script); and size of the typography (letters, signs and symbols). Also, the phrase, "in an equally visible manner", indicates that the information appearing in the Spanish language and that expressed in another language, must look the same and

be exhibited in an equally clear manner, so that in addition to maintaining the same previously mentioned typographical proportion, it must appear in a similar or equal place, with similar or equal colors and design, both in background and the typography used. The information in Spanish may be presented so that it will be even more visible than that expressed in the other language.

If the information provided under Point 5.2.1. of the subject Standard appears more than once in a language other than Spanish, it must also be printed an equal number of times in the Spanish Language and in all cases must be, "at least in the same typographical size and proportion and in an equally visible manner", which has been detailed in the paragraph preceding.

For example, if a label states, "SEE INSTRUCTIONS", in letters which are two centimeters high, in boldfaced script, in Spanish, the phrase "VER INSTRUCTIVO ANEXO" should also be two centimeters high and in boldfaced script, in the same way in which the foreign language is printed (English in this case).

In the same manner, if the same information we are referring to appears on the upper right portion of the face of the container, the information in Spanish must be placed in the same or a similar spot, and it will not be permissible, for example, to place the information in Spanish at the bottom of the container.

In addition, if for example the word, "SPOONS" ("CUCHARAS") corresponding to the brand name of the product, should appear in yellow with a red background, in Spanish it must appear if not in the same colors, in similar colors, but no other presentation may be used which could be detrimental to the texts shown in the Spanish language.

In the same example of the paragraph preceding, if the word, "SPOONS" appears both on the principal exhibition area of the box, as well as on the sides of the same box, it must also appear in each of those same areas in the Spanish language. However, it is also allowed that if the word appears on one face of the container in the other language, it may appear in Spanish on the opposite side, care being taken, in any case, to comply with the requirements of size, typographical proportion and appearance, as previously detailed.

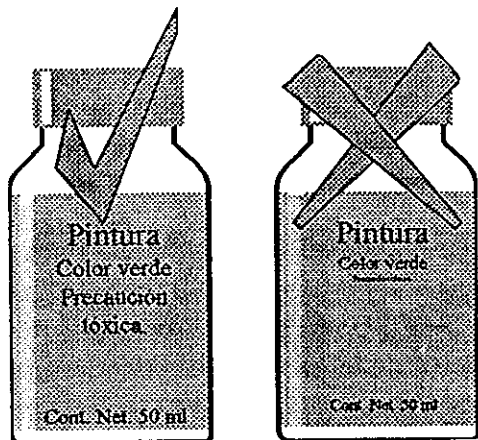
When the products originally present the information referred to in Point 5.2.1 of the subject standard in a language other than Spanish, that information can be concealed in whole or in part by any method (for example, by sticking another label in Spanish over the information given in the other language so that the information is hidden). In this case, there is no obligation that the information being provided in Spanish be presented with the same characteristics as the concealed information (as refers to the same size and typographical proportion and in an equally visible manner).

For example, if the word "pencils" appears on a bag in capital letters in the color orange, which are two centimeters high, it will not be necessary that the word "pencils" appear in those terms if the word is covered, either with a label indicating "pencils", or with any other information, or even with a blank label over that information. In other words, if the information does not appear in a language other than Spanish, there is no parameter to compares its characteristics.

- b) Be expressed in comprehensible and legible terms, in a manner that the size and type of letters allow the consumer to read the message at first sight.**



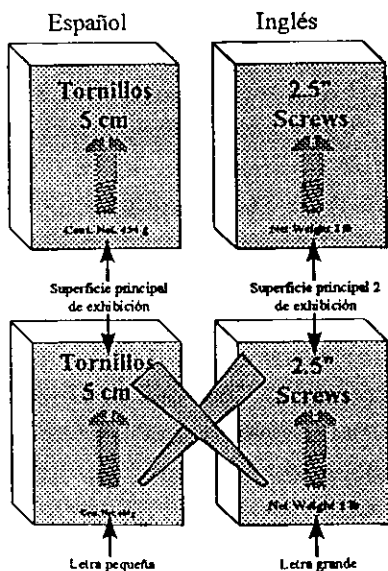
Comprehensible shall be interpreted to mean that the words used to describe the commercial information will be clear, common and simple, and chosen to avoid any confusions.



The size and type of the letters must be chosen so they do not appear to overlap or are so small or thin that a person with normal eyesight requires a magnifying glass to read the texts on the label. For example, this combination of sizes and types of letters is not permitted.

- *Paint XXX*
- *Small Paint XXX*

- c) Comply with the provisions established in Official Mexican Standards NOM-008-SCF1 and NOM-030-SCF1 (see "References"), without prejudice to additionally expressing this information by means of other unit systems. The information given in a system of units other than the General System of Units of Measurement must also appear in the latter, at the least in the same typographical size and proportion, and equally visible.



In accordance with Point 3 of the Standard (See comments in Point 3) in order to fully comply with Standard NOM-050-SCF1, it is also necessary to comply with the provisions of Official Mexican Standards NOM-008 and NOM-030, this situation being confirmed in subclause c), Point 5.2.2. under discussion.

Standard NOM-008-SCF1 establishes the General System of Units of Measurement of obligatory use in Mexico, as established in the Federal Law of Metrology and Standardization. This system fully concurs with the International System of Units of Measurement, which is commonly known as the "metric" system, the most well known

units being the meter, liter or gram. These units of measurement must be used on the labels even when other additional measures are shown which are common in other languages. Special care must be taken to comply with the characteristics of size, typographical proportion and appearance. [See comments in Point 5.2.2., subclause a)].

- d) Be applied to each unit or multiple or collective container, in a manner in which the label will remain fixed to the product until the time of its use or consumption under normal conditions has been effected.**

In accordance with the provisions of subclause d), Point 5.2.2. of Official Mexican Standard "NOM-050-SCFI-1994, Commercial Information - General Provisions for Products", when the form of presentation to the final consumer is a multiple or collective package which permits viewing of the contents, all of the obligatory commercial information provided in Point 5.2.1. of this standard, must be presented on the multiple or collective packages.

If the form of presentation to the final consumer is a multiple or collective package which allows viewing of the contents, the obligatory commercial information may appear on the multiple or collective packaging, or on each and every one of the prepackaged products individually; or otherwise, one part of the obligatory commercial information may appear on the multiple or collective packaging and the rest on each and every one of the product containers individually, provided that the obligatory commercial information which appears on each of the product containers individually can be seen from the outside of the multiple or collective packaging, without having to open the exterior package. In any case, the multiple or collective packaging, in accordance with Official Mexican Standard NOM-030-SCFI-1993, "Commercial Information - Statement of Quantity on the Label - Specifications", must indicate the statement of quantity (only that corresponding to the multiple or collective package, and not that corresponding to each of the product containers individually).

Notwithstanding the above, in the case of products which must carry warning texts (such as tobacco, alcoholic beverages, personal hygiene products, perfume and beauty products), these texts must appear on each of the product containers individually, in accordance with the applicable provisions.

If the multiple or collective containers are opened and the prepackaged products they contain are removed for the purpose of selling them individually to a final consumer, each of those products must individually contain all of the obligatory commercial information established in the standard, provided that such are not included in the assumptions indicated in Point 2.2 of the same standard.

#### *LABEL, PRODUCT, CONTAINER OR PACKING INFORMATION*

When the compulsory commercial information of the merchandise is on the container or packaging of the final presentation to the consumer, it shall not be necessary that such information also appear on the surface of the merchandise itself.

- e) Be placed in the most easily visible area of exhibition, at the least in the case of the following information:**
- i) generic name of the product in the terms of Paragraph 5.2.1 a), and*
  - ii) indication of quantity.*

For example, if the product is a box containing 20 pens, the phrases, "Pens" and "Contents: 20 pieces" must be shown on the principal exhibition area.

Nevertheless, in accordance with Point 5.2.1., subclause a) and the field of application of Standard NOM-030, it is not necessary either to provide such data, or the information referred to in this clause.

### **5.3 Instructions, operating manuals and warranties.**

#### **5.3.1 Language**

**The instructions, operating manuals and warranties must be in the Spanish language and in accordance with the General System of Units of Measurement, without prejudice to additionally expressing such information in other languages and by means of other unit systems. The information given in other languages must also appear in the Spanish language, taking care that it is shown at least in the same typographical size and proportion, and is equally visible.**

*(See the comments in Point 5.2.2., subclauses a) and c)).*

#### **5.3.2 Contents**

**The products subject to this Standard requiring instructions for their use, handling and conservation, must include, with no additional charge to the consumer, instruction sheets, operating manuals and, as applicable, warranties, with clear and exact indications for the normal use, handling, conservation, assembly and utilization of the products, as well as precautions and warnings for the safe and reliable handling thereof.**

When dealing with products which are considered potentially dangerous for the consumer or injurious to the environment, or when the products are foreseeably hazardous, the Federal Consumer Protection Law establishes the obligation of suppliers to include instructions to warn users of the harmful characteristics of the product, clearly explaining the recommended use or purpose and the possible effects of its use, application or purpose outside of the recommended guidelines.

In addition to the provisions for hazardous products, the user of the product must have the facts and knowledge necessary to use the products adequately, so that the life of the product is in congruence with the use it is given.

The facts and knowledge provided to give the products the proper use will also serve the user to obtain the maximum duration of the product in relation to the price paid.

##### **5.3.2.1 The instructions and operating manuals shall further indicate:**

- a) Name, trade name or corporate name, fiscal domicile and service telephone in Mexico, of domestic manufacturer or importer.**

The inclusion of this information in the instructions and operating manuals is of the utmost importance for certain products, in the event that after having been assembled and conditioned for use, a problem should arise because the product does not meet the consumer's expectations. If a problem should arise, the consumer should be able to receive help from the supplier. Accordingly, the supplier's service telephone must be available on business days during office hours.

- b) Identification of the corresponding product.**

The product in question must be clearly indicated in the corresponding instructions or operating manual, and specify the model, type, class, etc., so that the consumer can verify, in each case, that the parts are complete, or that product performance is acceptable.

- c) Precautions for the user or consumer.**

If the product can represent a risk to the consumer, in addition to the indications in Clause 5.3.2., the necessary warnings and the form of preventing accidents or risks must be included.

- d) When applicable, indications for installation, connection, assembly, maintenance and proper operation of the product.**

These indications must be made in simple terms which are easily understood by any type of consumer, without technical or academic preparation being required to be able to connect, install, assemble or maintain the product in question.

**When the products offer a warranty which is included with the product, it shall not be required that the data referred to under subclause a) above also be indicated in the instructions and operating manuals.**

### **5.3.3 Warranties**

**When warranties are offered by suppliers, these should be issued in the terms and form established in the Federal Consumer Protection Law, indicating and complying with the following:**

- a) Name, trade name, or corporate name, fiscal domicile and service telephone in Mexico of domestic manufacturer or importer,**

- b) Identification of the corresponding product.**
- c) Name and domicile of the establishments within the Mexican Republic where the warranty will be honored, as well as those establishments at which the consumer can acquire spare parts.**
- d) Term of the warranty.**
- e) Items covered by the warranty as well as limitations and exceptions.**
- f) Procedure to make use of the warranty.**
- g) Date on which the consumer received the product or indication of the documents in which said information is specified. It is the responsibility of the dealer to ensure that such information is available at the time of sale of the product to the consumer. In the event of failing to do so, the dealer will be directly responsible for complying with the terms of the warranty.**
- h) No other requirements shall be demanded to honor the warranty other than presentation of the policy in effect and the sales receipt.**

**In all cases, the instructions, operating manuals and warranties must be given to the consumer at the commercial establishment at the time the products are purchased.**

## **WARRANTY TEXTS**

When on a product, container or package the words, guaranteed, guaranty or any equivalent thereof are used, there must also be an indication on same or in an attachment thereto, of what the guaranty consists of and the manner in which the consumer can make claim thereto, under the terms of item 5.3.3 of the Standard and in accordance with the Federal Consumer Protection Law.

With the purpose of correctly interpreting the terms, warranty, instructions and operating manual, the definitions under clauses 4.7, 4.8 and 4.9, respectively, have been herein included. The importance and usefulness of certain data, which are similar to those of the instructions and operating manuals, is equivalent to that of the warranties.

The warranty is a contract which serves to establish the conditions and responsibilities under which the supplier of a product or service is bound for a predetermined period of time, in accordance with the indications prescribed for the use and handling of the product in question, so that the consumer can make claims on the warranty.

### **5.3.4 Inclusion of instructions, operating manuals and warranties**

**In all cases the instructions, operating manuals and warranties must be given to the consumer by the commercial establishment at the time the products are purchased.**

## **6 SURVEILLANCE**

**The surveillance of the present Standard shall be entrusted to the competent authorities and verification units authorized for that purpose.**

The competent authorities for the application of this standard are the Ministry of Commerce and Industrial Development and the Federal Attorney's Consumer Office ("Procuraduría Federal del Consumidor", i.e., PROFECO).

Verification Units consist of those persons who have been accredited by the Ministry to verify compliance with Official Mexican Standard NOM-050-SCFI. Verification Units operate at the request of the departments which as auxiliaries for the surveillance of the Official Mexican Standards, or also at the request of private citizens, request verification of compliance therewith, in the latter case under the terms of the Agreement establishing the procedures of verification for importers who wish to import merchandise into the Mexican territory under Official Mexican Standards NOM-050-SCFI-1994 and NOM-051-SCFI-1994, published in the *Official Gazette of the Federation* on the 24th of February, 1997.

Note: Any other interpretation related to this Manual will be subsequently included.