

November 3, 2022

Honorable Justices of the Second Chamber
Mexican Supreme Court

Re: Review of a document of unconstitutionality 358/2022

The World Public Health Nutrition Association (WPHNA), a professional organization dedicated to advocating and developing the evidence base and capacity to improve public health nutrition, prevent disease, and promote well-being, wishes to show its support in favor of the current Mexican front-of-pack warning label.

Mandatory interpretive front-of-package labeling is an important part of creating a healthy food environment and is recommended by the World Health Organization as part of a global approach to promoting healthy diets and reducing overweight, obesity, and diet-related noncommunicable diseases. Below, we have outlined our support for several elements of the proposed labeling system. If you would like more information about what we have described below, please do not hesitate to contact us.

The General Health Law and Official Mexican Norm 051, establish an evidence-based front-of-pack warning label that is coherent with international recommendations for the prevention of obesity and chronic disease and has been recognized by UNICEF as an example for other countries to follow ¹. Currently, there is scientific evidence at a global level that demonstrates the effectiveness of front-of-package warning labeling in reducing the purchase and consumption of ultra-processed products and sugar-sweetened beverages ²; this warning labeling guides the consumer to quickly and easily identify those products that exceed critical ingredients such as sugars, saturated fats, trans fats and sodium ³.

The impact and utility of the warning label was shown to be especially significant among adults with non-communicable diseases. For example, analyzed data from over 14,000 Mexican adults demonstrated that the warning label helped Mexicans to classify unhealthy food products more adequately than the Guideline Daily Amount (GDA), which was the FOP system previously utilized in Mexico ⁴. In addition, it has been shown that the front warning labeling is objectively understood by the child population; In a study conducted in 2019, it was possible to analyze how Mexican school children were able to easily identify those ultra-processed products that were not healthy when purchased with the GDA label ⁵.

Additionally, in Mexico, it has been shown that one of the main results derived from the implementation of the front warning labeling has been the reformulation of products since about 56% of packaged products had a reduction in critical ingredients. Some corporations such as Lala, PepsiCo, Coca-Cola, Bimbo, and Nestlé have reported an important reformulation of their portfolio ⁶. In the Chilean case, it was observed that two years after the implementation of the front warning labeling, there was a considerable decrease in packaged products high in sugar (in beverages, milks,

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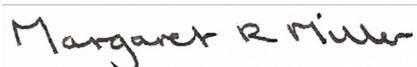
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and milk-based drinks, breakfast cereals, sweet baked products, and sweet and savory spread); and in sodium (in savory spreads, cheeses, ready-to-eat meals, soups, and sausages); this shows not only the impact on the individual but also opens a window of opportunity for corporations to offer products of better nutritional quality⁸.

We see front-of-package warning labeling as a decisive measure to help combat the obesity and chronic disease epidemics in Mexico and an example for other countries to follow. We trust that your decision will be made based on scientific evidence, free of conflict of interest, and protecting the health of the Mexican population.



Margaret Miller
President World Public Health Nutrition Association

¹ UNICEF: El etiquetado frontal de alimentos y bebidas aprobado en México, “de los mejores del mundo” <https://www.unicef.org/mexico/comunicados-prensa/unicef-el-etiquetado-frontal-de-alimentos-y-bebidas-aprobado-en-m%C3%A9xico-de-los>

² Jáuregui, A., Vargas-Meza, J., Nieto, C. et al. Impact of front-of-pack nutrition labels on consumer purchasing intentions: a randomized experiment in low- and middle-income Mexican adults. *BMC Public Health* 20, 463 (2020).

³ Gallardo S; Carriedo A; Tolentino.Mayo L; Jacqueline A; Allemandi L; Murillo A; et al. Front-of-pack warning labels are preferred by parents with low education level in four Latin American countries. *World Nutrition* 2019(10):11-26

⁴ Sagaceta-Mejia J, Tolentino-Mayo L, Cruz-Casarrubias C, Nieto C, Barquera S (2022) Understanding of front of package nutrition labels: Guideline daily amount and warning labels in Mexicans with non-communicable diseases. *PLoS ONE* 17(6): e0269892 <https://doi.org/10.1371/journal.pone.0269892>.

⁵ Alejandra Contreras-Manzano, Alejandra Jauregui, Jorge Vargas et al. Objective Understanding of Front of Pack Warning Labels Among Mexican Children of Public Elementary Schools. A Randomized Experiment, 13 July 2021, PREPRINT (Version 1) available at Research Square [<https://doi.org/10.21203/rs.3.rs-691027/v1>]

⁶ El Financiero. El nuevo etiquetado de advertencia obliga a reformular productos. <https://www.elfinanciero.com.mx/empresas/el-nuevo-etiquetado-de-advertencia-obliga-a-reformular-productos/>

⁷ INSP. Respuesta técnica del Instituto Nacional de Salud Pública (INSP) sobre el impacto del etiquetado frontal de advertencia relativo a la nota publicada en la revista Forbes el 8 de junio de 2021.

⁸ Reyes M, Smith Taillie L, Popkin B, Kanter R, Vandevijvere S, Corvalán C (2020) Changes in the amount of nutrients of packaged foods and beverages after the initial implementation of the Chilean Law of Food Labelling and Advertising: A nonexperimental prospective study. *PLoS Med* 17(7): e1003220. <https://doi.org/10.1371/journal.pmed.1003220>

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