

MEZCAL

NOM-070-SCFI-2016

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Introduction

This Official Mexican Standard refers to the Denomination of Origin Mezcal, whose ownership corresponds to the Mexican State under the terms contained in the Industrial Property Law. The issuance of this Official Mexican Standard is necessary in accordance with the second operative of the "Resolution by which the protection provided to Mezcal designation of origin is granted, to be applied to the alcoholic beverage of the same name, published on November 28. of 1994, as well as its subsequent modifications and with article 40 sections I and XV of the Federal Law on Metrology and Normalization.

1. Objective and field of application

1.1. objective

This Official Mexican Standard establishes the characteristics and specifications that the distilled alcoholic beverage called Mezcal must fulfill for its production, packaging and commercialization.

1.2. Scope

This Official Mexican Standard applies for the production and packaging of Mezcal in the entire geographical area included in the Resolution (See 2.9), as well as its commercialization in the national territory and export product.

2. Normative references

The following valid documents, or those that substitute them, are indispensable for the application of this Standard:

2.1 NOM-030-SCFI-2006

Commercial information of quantity on the label-Specifications, published in the Official Gazette of the Federation on November 6, 2006.

2.2 NOM-142-SSA1 / SCFI-2014

Alcoholic drinks. Sanitary specifications. Sanitary and commercial labeling, published in the Official Gazette of the Federation on March 23, 2015.

2.3 NOM-251-SSA1-2009

Hygiene practices for the process of food, beverages or food supplements, published in the Official Gazette of the Federation on March 1, 2010.

2.4 NMX-V-004-NORMEX-2013

Alcoholic Beverages- Determination of furfural-Test Methods (Test). Declaration of validity published in the Official Gazette of the Federation on January 23, 2014.

2.5 NMX-V-005-NORMEX-2013

Alcoholic beverages-Determination of aldehydes, esters, methanol and higher alcohols-Test methods (test). Declaration of validity published in the Official Gazette of the Federation on January 23, 2014.

2.6 NMX-V-013-NORMEX-2013

Alcoholic beverages-Determination of the alcohol content (alcohol percentage by volume at 293 K) (20°C) (% Alc. Vol.) – Test methods

(test). Declaration of validity published in the Official Gazette of the Federation on January 23, 2014.

2.7 NMX-V-017-NORMEX-2014

Alcoholic beverages-Determination of dry extract and ashes-Test methods (test). Declaration of validity published in the Official Gazette of the Federation on March 31, 2015.

2.8 NMX-V-050-NORMEX-2010

Alcoholic Beverages- Determination of metals such as copper (Cu), lead (Pb), arsenic (As), zinc (Zn), iron (Fe), calcium (Ca), Mercury (Hg), Cadmium (Cd), by atomic absorption – Test Methods (Test). Declaration of validity published in the Official Gazette of the Federation on February 22, 2011.

2.9 Resolution by which the protection provided to Mezcal designation of origin is granted, to be applied to the alcoholic beverage of the same name, published on November 28, 1994, as well as its subsequent modifications.

2.10 Agreement determining the additives and coadjuvants in food, beverages and food supplements, their use and sanitary provisions, issued by the Ministry of Health published in the Official Gazette of the Federation on July 16, 2012 and its subsequent amendments.

3. Terms, definitions and abbreviated terms

For the purposes of this Official Mexican Standard the following abbreviated terms, definitions and terms apply:

3.1. marketer holder or brand licensee

It is the owner or licensee of the brand that has authorization from the conformity assessment body for the acquisition, storage, distribution and marketing of the distilled alcoholic beverage called Mezcal certified, in terms of this Official Mexican Standard.

3.2. final consumer

The natural person who acquires or enjoys as a final recipient the product for personal consumption, without acquiring it to integrate it into any legal production or transformation process.

3.3. DGN

General Directorate of Standards.

3.4. SUN

Denomination of Origin Mezcal.

3.5. packer

It is the individual or entity, which may be different from the Mezcal producer, which has been certified by the conformity assessment body to carry it.

3.6. label

Any sign, label, inscription, image or other descriptive or graphic material, written, printed, stencilled, marked, engraved in high or low relief, attached, superimposed or fixed to the product packaging.

3.7. geo-reference

Identification by satellite media of the geographic location of the properties where the registered magueyes or agaves are located.

3.8. maguey or agave guide

Document issued by the Conformity Evaluating Body, who carries out the transfer of maguey or agave between the registered property and the place where the Mezcal is produced.

3.9. IMPI

Mexican Institute of Industrial Property.

3.10. ingredient

Any substance or product, including additives, used in the production of Mezcal and present in the final product, whether or not processed, allowed in the corresponding Agreement of the Ministry of Health (See 2.10).

3.11. LFMN

Federal Law on Metrology and Normalization.

3.12. readable to the naked eye

It is the one carried out under normal lighting conditions.

3.13. lot

The quantity of a product produced in the same cycle, integrated by homogeneous units and identified with a specific code.

3.14. maguey or agave

Any species of the genus Agave.

3.15. maguey or mature agave

The one that reaches its physiological maturity, which manifests visually with the thinning of the bud and / or growth of the quote or inflorescence.

3.16. brand:

The one defined in article 88 of the Industrial Property Law and that has a valid registration as a mixed, nominative or three-dimensional trademark before the Mexican Institute of Industrial Property in class 33. In the case of three-dimensional trademarks, they must be accompanied by registered or mixed distinctive signs registered before said Institute.

NOTE. In case there are brand conflicts, these must be resolved in terms of the Industrial Property Law.

3.17. Mezcal:

Mexican distilled alcoholic beverage, 100% maguey or agave, obtained by distillation of fermented juices with spontaneous or cultivated microorganisms, extracted from mature heads of maguey or cooked agaves, harvested in the territory included in the Resolution (See 2.9).

It is a liquid of aroma and flavor derived from the maguey or agave species used, as well as from the elaboration process; diversifying its qualities by the type of soil, topography, climate, water, authorized producer, master mezcal, alcohol, microorganisms, among other factors that define the character and organoleptic sensations produced by each Mezcal.

The mezcal can be added with sweeteners, colorants, flavors and / or flavors allowed by the corresponding Agreement of the Ministry of Health (See 2.10).

3.18. NOM

Official Mexican Standard.

3.19. authorized producer

It is the natural or legal person that has the authorization from the Mexican Institute of Industrial Property and the General Directorate of Standards of the Ministry of Economy, after obtaining the opinion of the conformity assessment body, in accordance with their respective attributions to devote to the Elaboration of Mezcal within its facilities, which must be located in the territory included in the Resolution (See 2.9).

3.20. OEC:

Conformity Assessment Body.

3.21. Conformity assessment body

Is the person accredited as certification body, verification unit or test laboratory, as appropriate, by an accreditation entity for the determination of compliance with this Official Mexican Standard, in accordance with the provisions of the Federal Law on Metrology and Standardization, as well as its Regulation.

3.22. Certification stamp:

It is the badge that certifies the Mezcal certification. It is a hologram that in its design includes the corporate image, brand of the conformity

assessment body and a unique numerical code per bottle. The hologram is provided by the conformity assessment body to the Envasador, after demonstrating that the product to be packaged complies with this Official Mexican Standard and the procedures for evaluating the Conformity.

3.23. Main display surface

It is where the denomination and the commercial brand of the product are located.

NOTE. It is determined according to the primary subsection 4.3 of NOM-030-SCFI-2006 (See 2.1)

3.24. traceability:

Series of systematized technical and administrative activities that allow tracking the process of a product until reaching the final consumer, identifying each stage to achieve traceability.

3.25. traceability

Ability to track the movement of a product through its stages of production, transformation and distribution.

3.26. RFC:

Federal taxpayer registration.

4. Specifications

4.1. Raw material for the elaboration of mezcal

Magueyes or agaves, cultivated or wild, whose biological development has elapsed in the geographical area included in the Resolution (see 2.9) and are allowed to be extracted by the competent authorities in accordance with applicable laws (see 11) are allowed.

The magueyes or agaves, as well as the properties from which they come, must be registered and georeferenced before the OEC. The magueyes or agaves must be ripe to be harvested.

The maguey or agave guide must be available in the transfer of the raw material between a registered property and an authorized Mezcal producer.

4.2. Categories

According to the specific process used for cooking maguey or agave, grinding, fermentation and distillation, three Mezcal categories are obtained (See Table 1):

Table 1-Categories of Mezcal

Mezcal

Craft Mezcal

Ancestral Mezcal

4.3. Physicochemical specifications

The Mezcal must comply with the following specifications (see Table 2):

TABLE 2-Physicochemical Specifications

Specifications

Units

Minimum

Maximum

Applicable standard

Alcohol Volume at 20 ° C

% Alc. Vol.

35

55

NMX-V-013-NORMEX-2013

(See 2.6)

Dry extract

g / L of Mezcal

0

10

NMX-V-017-NORMEX-2014

(See 2.7)

Superior alcohols

mg / 100 mL of anhydrous alcohol

100

500

NMX-V-005-NORMEX-2013

(See 2.5)

Methanol

mg / 100 mL of anhydrous alcohol

30

300

NMX-V-005-NORMEX-2013

(See 2.5)

Furfural

mg / 100 mL of anhydrous alcohol

0

5

NMX-V-004-NORMEX-2013 (See 2.4)

Aldehydes

mg / 100 mL of anhydrous alcohol

0

40

NMX-V-005-NORMEX-2013

(See 2.5)

Lead (Pb)

mg / L

–

0.5

NMX-050-NORMEX-

2010 (See 2.8)

Arsenic (As)

mg / L

–

0.5

NMX-050-NORMEX-

2010 (See 2.8)

4.4. Elaboration process of Mezcal

It must comply with NOM-251-SSA1-2009 (See 2.3) and the raw material must undergo the following procedures in order to obtain the different Mezcal categories:

4.4.1. Mezcal

Its preparation must comply with at least the following four stages and equipment:

- a) Cooking: cooking heads or juices of maguey or agave in wells, masonry or autoclave.
- b) Milling: tahona, Chilean or Egyptian mill, trapiche, heartbreaking, train of mills or diffuser.
- c) Fermentation: wooden containers, masonry basins or stainless steel tanks.
- d) Distillation: stills, continuous distillers or copper or stainless steel columns.

4.4.2. Mezcal Artesanal.

Its preparation must comply with at least the following four stages and equipment:

- a) Cooking: cooking of maguey or agave heads in well or elevated masonry ovens.
- b) Milling: with mallet, tahona, Chilean or Egyptian mill, trapiche or heartbreaking.
- c) Fermentation: hollows in stone, soil or trunk, masonry basins, wooden or clay containers, animal skins, whose process may include maguey fiber or agave (bagasse).
- d) Distillation: with direct fire in copper boiler stills or clay pot and pot, wood, copper or stainless steel; whose process may include maguey fiber or agave (bagasse).

4.4.3. Ancestral Mezcal.

Its preparation must comply with at least the following four stages and equipment:

- a) Cooking: cooking of maguey or agave heads in well furnaces.
- b) Milling: with mallet, tahona, Chilean or Egyptian mill.
- c) Fermentation: hollows in stone, soil or trunk, masonry basins, wooden or clay containers, animal skins, whose process may include maguey fiber or agave (bagasse).
- d) Distillation: with direct fire in clay pot and clay or wood pot; whose process may include maguey fiber or agave (bagasse).

4.5. Mezcal classes

a) White or Young

Colorless and translucent Mezcal that is not subject to any type of subsequent process.

b) Matured in Glass

Mezcal stabilized in a glass container for more than 12 months, underground or in a space with minimal variations of luminosity, temperature and humidity.

c) Reposado

Mezcal that must remain between 2 and 12 months in wooden containers that guarantee its innocuousness, without restriction of size, shape, and capacity in L, in a space with minimum variations of luminosity, temperature and humidity.

d) Añejo

Mezcal that must remain for more than 12 months in wooden containers that guarantee its safety of capacities less than 1000 L, in a space with minimum variations of

luminosity, temperature and humidity.

e) Abocado with

Mezcal which must be directly incorporated ingredients to add flavors, such as maguey worm, damiana, lemon, honey, orange, mango, among others, as long as they are authorized by the corresponding Agreement of the Ministry of Health (See 2.10), as well as in NOM-142-SSA1 / SCFI-2014 (See 2.2).

f) Distilled with

Mezcal must be distilled with ingredients to incorporate flavors, such as turkey breast or chicken, rabbit, mole, plums, among others, in terms of this Official Mexican Standard.

Only the mixture of mezcal of the same category and class is allowed.

5. Packaging

To pack the distilled alcoholic beverage called Mezcal, you must have authorization from the OEC. When the canner carries out the packaging of other products other than Mezcal, it must have different packing lines in its facilities, previously authorized by the OEC, ensuring that the Mezcal does not come in contact with lines, containers or infrastructure that could be used to the process, transportation or containment of another beverage or alcoholic product.

The Mezcal that complies with TABLE 2 (see, Table 2), can be packaged only as Mezcal class Joven or Blanco, as long as no alcohol content has been adjusted, in which case it should be the subject of a second analysis only of % Alc . Vol., In terms of the specifications of TABLE 2 (see, Table 2).

For the classes indicated in the primary subsection 4.5 of this Official Mexican Standard, a preliminary analysis must be made prior to packaging that demonstrates compliance with all the parameters established in TABLE 2 (see, Table 2).

Only in the case of Mezcal Abocado Con, a maximum of 60 g / L is allowed according to the NMX-V-017-NORMEX-2014 (see 2.7) in the dry extract parameter.

The finished product must be packed manually or mechanically in containers in accordance with NOM-142-SSA1 / SCFI-2014 (see 2.2) and must meet at least 4 stages:

- a) filtration of the finished product, you must use filter (s) to capture solids;
- b) filling;
- c) plugged, and
- d) sealed.

6. Labeling

The interested party must obtain from the CAB, prior to initiating the conformity assessment process, the document that demonstrates compliance with the provisions of this chapter.

The package must have a label, whose information must be legible to the naked eye. Uppercase or lowercase letters may be used interchangeably, except in cases in which this Official Mexican Standard or other legal instruments provide otherwise.

The information that is expressed on the labels must be truthful, verifiable and free of texts, phrases, images, marks and other descriptions that induce or may lead to error or confusion by deceptive or abusive. It must be free of denominations, legends, trade names, classes and associated categories or corresponding to other alcoholic beverages.

For the purposes of this Official Mexican Standard, misleading or abusive information is understood to refer to attributes or information that may or may not be true, mislead or confuse the consumer by the inaccurate, false, exaggerated, partial, artificial or tendentious in which it is presented.

When the Mezcal has an opinion or certification, issued by a person other than the CAB, that identifies it with characteristics or qualities not contemplated in this Official Mexican Standard, it must have the written approval of the CAB to include it in the label.

6.1. Labeling for national sale

- a) Mark on the main display surface.
- b) The legend: “Mezcal”, “Mezcal Artesanal” or “Mezcal Ancestral” according to its category, on the main exhibition surface, having to incorporate exclusively one of them and in an isolated manner from the brand with which the product is distinguished.
- c) The legend: “Joven” or “Blanco”, “Matured in Glass”, “Reposado”, “Añejo”, “Abocado con” or “Distilled with” according to its class, in the main exhibition surface, having to incorporate exclusively one of them and in isolation from the brand with which the product is distinguished.
- d) Only Mezcal Matured in Glass and Añejo, must show the time of maturation and aging in years completed using only whole numbers, on the main display surface.
- e) The legend: “100% Maguey” or “100% Agave”, on the main display surface.
- f) Net content in the main exhibition area, in accordance with the provisions of NOM-030-SCFI-2006 (see 2.1).
- g) Percent of alcohol in volume at 20 ° C, on the main exhibition surface, which must appear with the naked eye and must be abbreviated% Alc. Vol.
- h) The scientific or traditional name (commonly used) of the maguey or agave used.
- i) In the case of having used 2 or more species of maguey or agaves, they must be listed in decreasing quantitative order.
- j) The legend: DENOMINATION OF PROTECTED ORIGIN, in capital letters, in a size of less than 3 mm.
- k) The name of the state of the Mexican Republic where the Mezcal was produced.
- l) Name or business name, fiscal domicile and R.F.C. from authorized producer packer or proprietary marketer.
- m) Each package must have the identification of the lot to which it belongs that allows its traceability recorded or marked, and must be expressed on the label or bottle. It is allowed to be presented by handwriting in a clearly readable, visible and indelible manner for the consumer. Likewise, for its identification, subsection 9.3.4.3 of NOM-142-SSA1 / SCFI-2014 is applicable (See 2.2).
- n) The legend Made in Mexico or Product of Mexico or the origin indication graphic is optional information.

6.2. Labeling for export

Regardless of compliance with the requirements imposed by the laws of the country to which it is exported, it must include:

- a) Mark on the main display surface.
- b) The legend: “Mezcal”, “Mezcal Artesanal” or “Mezcal Ancestral” according to its category, on the main exhibition surface, having to incorporate exclusively one of them and in an isolated manner from the registered trademark with which the product is distinguished .
- c) The legend: “Joven” or “Blanco”, “Matured in Glass”, “Reposado”, “Añejo”, “Abocado con” or “Distilled with” according to its class, in the main exhibition surface, having to incorporate exclusively one of them and in isolation from the registered trademark with which the product is distinguished. This information may be translated into the language of the country where the product is marketed.
- d) Only Mezcal Matured in Glass and Añejo, must show the time of maturation and aging in years completed using only whole numbers, on the main display surface. This information may be translated into the language of the country where the product is marketed.
- e) The legend: “100% Maguey” or “100% Agave”, on the main display surface.
- f) The scientific or traditional name (commonly used) of the maguey or agave used must be indicated on the label.
- g) In the case of having used 2 or more species of maguey or agaves, they must be listed in decreasing quantitative order.
- h) The legend: DENOMINATION OF PROTECTED ORIGIN, in capital letters, in a size of less than 3 mm and on the main exhibition surface. This information may be translated into the language of the country where the product is marketed.
- i) The name of the state of the Mexican Republic where the Mezcal was produced.
- j) Name or business name, fiscal domicile and R.F.C of authorized producer, packer or commercial owner.
- k) Each container must have the identification of the lot to which it belongs that allows its traceability recorded or marked, and must be expressed on the label or on the bottle. It is allowed to be presented by handwriting in a clearly readable, visible and indelible manner for the consumer.
- l) The legend Made in Mexico or Product of Mexico or the indication of origin chart must

appear on the main exhibition surface, this information may be translated into the language of the country where the product is marketed.

7. Marketing

The volumetric presentation for the final consumer must be made in containers with a maximum volume of 5 L, either for national or export market.

The bottle must have the Certification Seal. This should be placed covering part of the label that is on the main display surface and part of the container. In any other case, you must have the authorization of the OEC.

Any alcoholic beverage that Mezcal uses in its preparation, as an ingredient, must obtain the certificate of compliance in accordance with the provisions of this Official Mexican Standard.

Any other product that expresses that Mezcal uses as one of its ingredients must demonstrate the veracity of said ostentation before the OEC.

For each of Mezcal's export operations, the corresponding certificate issued by the OEC must be available.

NOTE: The criteria for granting the certificate for the export of mezcal will be made in accordance with Article 80, section III of the LFMN and Article 91 of its Regulations.

8. Conformity assessment

The conformity assessment will be carried out by the accredited and approved person (OEC) in terms of the LFMN, without detriment to the powers of verification and surveillance of the competent authorities.

NOTE. The OEC in charge of evaluating the Mexican Standards related to test methods contained in this Standard must be accredited and, where appropriate, approved.

Any person that requires the conformity assessment in terms of this Official Mexican Standard must make it through the accredited and approved person (OEC) in terms of the LFMN.

The CAB must evaluate:

- a) That the Mezcal complies with the specifications of this NOM.
- b) That the packer complies with the specifications of this NOM.
- c) That the proprietary marketer or brand licensee has the documents and warehouse (s) to market Mezcal.

The authorized producer must obtain authorization for the use of the DOM by the IMPI.

When the packer and marketer owner or brand licensee are different from the Producer must subscribe co-responsibility agreements and register them with the IMPI to make use of the DOM of an authorized producer.

The authorized producer, packer and marketer holder or licensee of the Mezcal brand must contract the OEC to receive the conformity assessment services.

The authorized producer must demonstrate with the certification that his product is authentic, for this, he must keep a log, which for this purpose will be provided by the OEC, where he registers the equipment used in the process, the origin of the raw material, the balance of materials, Mezcal inventory, laboratory analysis and destination of Mezcal among other operations and legally valid information determined by the OEC.

The packer to be certified must keep a log, which for this purpose will provide the OEC, where register the equipment used in the process, the origin of Mezcal in bulk, balance of materials, inventory of Mezcal, laboratory analysis and destination of Mezcal packaging, among other operations and legally valid information determined by the OEC.

The proprietary marketer or brand licensee must keep a log, which will be provided by the OEC for this purpose, where it records the provenance of the packaged Mezcal, inventories, laboratory analysis and destination of the commercialized Mezcal, among other operations and legally valid information determined by the OEC

The verification of the provisions of this Official Mexican Standard is carried out through a permanent inspection by the OEC, which is contracted to supervise said process,

independently that it can be corroborated by any competent authority or by an accredited verification unit. This requirement is met through the uninterrupted use of random inspection systems previously approved by the DGN.

9. Surveillance

Monitoring of compliance with the provisions of this Official Mexican Standard is the responsibility of the Ministry of Economy and the Federal Consumer Protection Agency, in accordance with their respective powers and under the provisions of the LFMN and its Regulations.

If any competent authority or the CAB detects a breach of any provision contained in this Official Mexican Standard, by any member of the Mezcal productive, industrial or commercial chain, enforcement measures will be applied, precautions and, where appropriate , of corresponding sanctions in accordance with article 112 of the LFMN.

10. Agreement with International Standards

This Official Mexican Standard is not equivalent (NEQ) with any international standard, since the latter does not exist at the time of its elaboration.

11. Bibliography

- Federal Law on Metrology and Normalization, published in the Official Gazette of the Federation on July 1, 1992 and its reforms.
- Law on Industrial Property, published in the Official Gazette of the Federation on June 27, 1991 and its reforms.
- Resolution that modifies the General Declaration of Protection of Denomination of Origin Mezcal “published on October 2, 2015.
- Resolution by which the protection provided to the denomination of origin Mezcal is granted, to be applied to the alcoholic beverage of the same name, published on November 28, 1994 and its subsequent modifications.
- General Law on Sustainable Forest Development, published in the Official Gazette of the Federation on February 25, 2003 and its amendments.
- General Law of Ecological Balance and Protection of the Environment, published in the Official Gazette of the Federation on January 28, 1988 and its amendments.
- General Wildlife Law, published in the Official Gazette of the Federation on July 3, 2000 and its amendments.

TRANSITORIES

First: The present Official Mexican Standard will come into effect at 60 calendar days, counted from the day following its publication in the Official Gazette of the Federation.