



# Consejo Regulador del Mezcal

Consejo Mexicano Regulador de la Calidad del Mezcal

## PROPUESTA DE MODIFICACION DE LA NOM 070

### 0. Introduction

This NOM (Official Mexican Norm, according to its initials in Spanish: Tr.) refers to the Denomination of Origin Mezcal, whose ownership corresponds to the Mexican State under the terms contained in the Law of Industrial Property. The publication of this NOM is necessary according to point 2 of the “General Declaration of the Protection of the Denomination of Origin Mezcal,” published XI/28/1994, and with sections II, XII, XV and XVIII of Article 40 of the LFMN.

The specifications which are stipulated below can only be satisfied when the product which is the subject of this NOM complies with the applicable laws, when raw materials and ingredients of sanitary quality are used and when good manufacturing processes are applied in order to assure that the product is apt for human consumption.

### 1. Objective

This NOM establishes the characteristics and specifications which Mezcal must fulfill and which the producers, bottlers and vendors of Mezcal must meet.

### 2. Field of Application

This NOM applies to the production in the geographic area included in the General Declaration of the Protection of the Denomination of Origin Mezcal and its modifications.

### 3. References

For the proof of the specifications established in this NOM, the Official Mexican Norms (NOMs) and Mexican Norms that are currently in effect, or those which substitute for them and which are mentioned below, will be applied:

#### 3.1 Official Mexican Norms

- 3.1.1 **NOM-030-SCFI-2006**, Commercial information relating to quantity on labels, published in the Official Diary of the Federation, November 6, 2006.
- 3.1.2 **NOM-106-SCFI-2000**, Characteristics of the design and the use of the of the official password, published in the Official Diary of the Federation on February 2, 2001.
- 3.1.3 **NOM-127-SSA1-1994**, Environmental Health, water for human use and consumption. Permitted limits of quality and the treatments that water must be submitted to in order to render it potable, published in the Official Diary of the Federation on January 18, 1996.



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- 3.1.4** **NOM-142-SSA1-1995**, Goods and services-Alcoholic beverages-Sanitary specifications-Sanitary & commercial labeling, published in the Official Diary of the Federation, July 9, 1997.
- 3.1.5** **NOM-251-SSA1-2009**, Hygienic practices for the processing of foods, drinks or dietary supplements, published in the Official Diary of the Federation, March 1, 2010.
- 3.2** **Mexican Norms**
- 3.2.1** **NMX-V-005-NORMEX-2005**, Alcoholic beverages – Determination of aldehydes, methanol, esters and higher alcohols- Testing methods. Declaration of current validity published in the Official Diary of the Federation, June 23, 2005.
- 3.2.2** **NMX-V-006-NORMEX-2005**, Alcoholic beverages, Determination of directly-reducing & total sugars. Testing methods. Published in the Official Diary of the Federation, June 23, 2005.
- 3.2.3** **NMX-V-013-NORMEX-2005**, Alcoholic beverages, Determination of the alcoholic content (percent of alcohol/volume at 293° K – 20° C) (%Alc./Vol.). Testing methods. Published in the Official Diary of the Federation, June 23, 2005.
- 3.2.4** **NMX-V-017-NORMEX-2005**, Alcoholic beverages, Determination of dry extract and ash. Testing methods. Declaration of current validity. Published in the Official Diary of the Federation, June 23, 2005.
- 3.2.5** **NMX-V-006-NORMEX-2013**, Alcoholic beverages, Determination of directly-reducing & total sugars. Testing methods. Published in the Official Diary of the Federation, January 23, 2014.
- 4.** **Definitions**
- For purposes of this NORM the following definitions apply
- 4.1** **Flavored with:** Procedure whereby additives permitted by the applicable judicial regulations are incorporated as well as those who are satisfied to the OEC not pose a risk to health. The added substance(s) must not exceed 5% mass/volume.
- 4.2** **Additive:** Those substances that are added directly to Mezcal to supply or intensify aroma, taste or color; to improve its stability or for its conservation, as long as they do not pose any health risks.
- 4.3** **Final consumer:** the physical or moral person who acquires Mezcal in centers of consumption .
- 4.4** **Distilled with:** procedure that is carried out further distillation ingredients which have the effect of incorporating flavors, permitted by the applicable judicial regulations, as well as those who demonstrated to the OEC not pose a risk to health.
- 4.5** **DGN:** Central Office of Norms
- 4.6** **DOM:** Denomination of Origin Mezcal, and its modifications.



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- 4.7 Label:** Any sticker, label, inscription, image or other descriptive or graphic material that is written, printed, screened or engraved with high relief or low relief and which is glued, printed or otherwise affixed to the container of a product.
- 4.8 Main label:** That which has the information expressed in Sections 6.4.1.1 to 6.4.1.9. Any export product must have sections 6-4-2-1 to 6.4.2.8. An export product also requires that which is indicated in sections 6.4.2.1 to 6.4.2.8.
- 4.9 Back label:** That which has the information indicated in sections 6.4.1.10 to 6.4.1.13. Any export product must have sections 6-4-2-1 to 6.4.2.8. An export product also requires that which is indicated in sections 6.4.2.1 to 6.4.2.8.
- 4.10 IMPI:** Mexican Institute of Industrial Property
- 4.11 Ingredient:** Any substance or product, including additives, that are used in the production or preparation of Mezcal and that are present in the final product whether or not they are transformed, as permitted by the applicable judicial regulations, as well as those which can be demonstrated before the OEC not to pose any health risks.
- 4.12 Legible at plain sight:** To be read under normal conditions of illumination with printed information with letters that are at least 1.5 mm in height.
- 4.13 Lot number:** Graphic information which makes it possible to track the Mezcal.
- 4.14 Maguey:** Any species of the genus *Agave*.
- 4.15 Mezcal:** A Mexican alcoholic beverage, 100% maguey, obtained by means of the distillation of juices fermented with Mexican yeasts, whether spontaneous or cultivated, and juices that have been extracted from the mature cooked heads of magueys harvested within the territory included in the Denomination of Origin Mezcal.
- It is a liquid whose aroma and flavor are derived from the species of maguey used and the specific production process, with its qualities being diversified by the types of soil and topographical features, climate, water, producer (master Mezcal maker), the range of alcoholic content, and the yeasts, among other factors that define the character and the organoleptic sensations produced by each Mezcal.
- Applies to the three categories described in sections 5.3.1, 5.3.2 and 5.3.3.
- 4.16 NOM:** Official Mexican Norm
- 4.17 Trackability:** The complete set of procedures established by the OEC that make it possible to determine the place, date and characteristics of the maguey, of the mezcal, of the bottling and of the commercial destination.
- 4.18 Certification Seal:** This is the distinguishing characteristic that proves the certification of Mezcal. It's a hologram that includes a corporate image in its design as well as the symbol of the OEC and a unique numeric code for each bottle. The hologram is provided to the bottler by the OEC once it has been shown that the product to be



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bottled complies with this NOM and the evaluation guidelines to determine its conformity.

4.19 **OEC:** Organism for the Evaluation of Conformity

## 5. Specifications

### 5.1 Raw Material for the production of Mezcal

5.1.1 All species of maguey are permitted, whether cultivated or wild, as long as their biological development has taken place in the geographic area included in the DOM.

5.1.2 The land where the magueys are located must be registered with the OEC.

5.1.3 The magueys must be mature (with the imminent appearance of the quote - inflorescence-or cut during flowering). It must be born in mind that according to their species, magueys can take anywhere from 5 to 25 years for them to reach their physiological maturity.

### 5.2 Categories:

According to the process used, there are three categories for mezcal:

5.2.1 **Mezcal:** the product obtained according to section 5.3.1.

5.2.2 **Artisanal Mezcal:** the product obtained according to section 5.3.2.

5.2.3 **Ancestral Mezcal:** the product obtained according to section 5.3.3.

### 5.3 Process:

The raw material must be subjected to the following procedures in order to obtain bulk Mezcal:

5.3.1 **Mezcal:** Its production requires at least four stages in which at least some of the following equipment is used:

5.3.1.1 **Cooking:** Sunken or pit ovens, elevated masonry oven or pressure cookers (autoclave) for the heads or maguey juices.

5.3.1.2 **Grinding:** Tahona (circular millstone), Chilean or Egyptian mill, "trapiche", shredder or series of mills.

5.3.1.3 **Fermentation:** wooden tanks/containers, masonry tanks or stainless steel tanks

5.3.1.4 **Distillation:** Stills, continuous stills or distillation columns made of copper or stainless steel may be used.

5.3.2 **Artisanal Mezcal:** Its production must comply with at least four stages, during which some of the following equipment is used:

5.3.2.1 **Cooking:** Pit ovens or elevated masonry ovens



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- 5.3.2.2** **Grinding:** A “canoe” style trough with mallets, tahona (circular millstone), Chilean or Egyptian mill, “trapiche” or shredder.
- 5.3.2.3** **Fermentation:** hollows in stone, earth or tree trunks, masonry tanks, wooden or clay containers, animal skins, and the process may include maguey fibers (bagazo).
- 5.3.2.4** **Distillation:** With direct fire in stills made of copper or clay pots and coils made of clay, wood, copper or stainless steel; and maguey fiber (bagazo) may be included in the process.
- 5.3.3** **Ancestral Mezcal:** Its production must include at least four stages in which some of the following equipment is used:
- 5.3.3.1** **Cooking:** Pit ovens
- 5.3.3.2** **Grinding:** Mallets in canoes, Tahona (circular millstone), Chilean or Egyptian mill
- 5.3.3.3** **Fermentation:** hollows in stone, earth or tree trunks, masonry tanks, wooden or clay containers or animal skins, and the process must include maguey fiber (bagazo).
- 5.3.3.4** **Distillation:** with direct fire in clay pots and coils of clay or wood; the process must include maguey fiber (bagazo).
- 5.4** **Physiochemical Specifications:** The bulk product must comply with the following specifications:

**Table 1**

Specifications	Units	Minimum	Maximum	Applicable Norm
Vol of Alcohol at 20°C	% Alc. Vol.	36	55	NMX-V-005-NORMEX
Dry Extract	g/L of Mezcal	0	10	NMX-V-017-NORMEX
Higher Alcohols	mg/dL of Anhydrous alcohol	100	500	NMX-V-05-NORMEX
Methanol	mg/dL of Anhydrous alcohol	30	300	NMX-V-05-NORMEX

- 5.5** **Classes:** The bulk product can be submitted to distinct treatments in order to give rise to the following four Classes:
- 5.5.1** **White:** Mezcal produced according to sections 5.2.1, 5.2.2 or 5.2.3 and which is not subjected to any resting, maturing or aging process.
- 5.5.2** **Matured in Glass:** Mezcal within a glass container for at least 12 months, either underground or in a space with stable conditions of darkness, temperature and humidity.



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- 5.5.3** **Rested:** Mezcal which has been contained from 2 to 12 months in wooden containers with a contact surface of at least one square meter of surface area for each 120 liters of volume in a space with stable conditions of temperature and humidity.
- 5.5.4** **Aged:** Mezcal which has been contained for at least 12 months in wooden containers, with a contact surface of at least one square meter of surface area for each 120 liters of volume in a space with stable conditions of temperature and humidity.
- 5.6** **Additional operations:** The various classes of Mezcal can also be submitted to additional processes according to the following procedures:
- 5.6.1** **Flavored with:** may be utilized to flavor Mezcal in the White, Matured in Glass, Rested and Aged classes.
- 5.6.2** **Distilled with:** This may be used to flavor Mezcal only the categories of Artisanal Mezcal and Ancestral Mezcal, and exclusively in the White Class.
- 5.7** **Bottling:**
- 5.7.1** The bulk Mezcal which has fulfilled the conditions of **Table 1**, may be bottled only as White class Mezcal, as long as its alcoholic content has not been modified, in which case it must first be subjected to another analysis, but only of its alcoholic content, in terms of the specifications of the same table.
- 5.7.2** For the classes of Reposed, Matured in Glass, Aged and additional operations, previous to the bottling, there must be a second analysis that shows compliance with all of the parameters established in Table 1. Only for those which are “Mezcal Flavored with” is it permitted to add up to 50g/l in the parameter of dry extract.
- 5.7.3** The finished product must be bottled manually or by machine and must comply with at least 5 stages: a) washing of the bottles, b) filtration of the finished product, c) filling, d) capping and e) sealing.
- 5.7.4** Bottle washing: must be done with Mezcal and/or water which is fit for human consumption.
- 5.7.5** Filtration of the product: Filters that can capture solids must be used.
- 5.7.6** The bottler must not simultaneously bottle any product besides Mezcal in its installations unless it has clearly differentiated bottling programs that have previously been approved by the OEC.
- 6.** **Labeling**
- 6.1** Prior to beginning the conformity evaluation process, the interested party must get the document which shows compliance with that which is set forth in this chapter from the OEC.



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- 6.2 The container must have a visible label whose information must be legible at plain sight. Letters may be upper case or lower case, except where this NOM specifies otherwise.
- 6.3 The information on the label must be truthful, provable and free of texts, phrases, images or marks that might produce or lead to confusion or errors or be deceitful or abusive.
- 6.4 For the effect of this NOM, abusive or deceitful information is understood to be those attributes which—whether or not they are true—might lead consumers to errors or confusion by the false, vague, exaggerated, partial artificial or contentious way in which they are presented.
- 6.4.1 Labeling for national sale**
- 6.4.1.1 A commercial brand registered in Mexico to the IMPI on the front label.
- 6.4.1.2 The words: “Mezcal”, “Artisanal Mezcal” or “Ancestral Mezcal”, according to its category, on the front label.
- 6.4.1.3 The words: “White”, “Matured in Glass”, “Rested” or “Aged”, according to its class, on the front label.
- 6.4.1.3.1 In the case of Matured in Glass or Aged Mezcal, the amount of time of the aging process used may be expressed in terms of complete years, using only whole numbers, on the front label.
- 6.4.1.4 The expression “100% Maguey” on the front label followed by, grouped with or next to that which is stipulated in sections 6.4.1.5 and 6.4.1.6
- 6.4.1.5 The scientific name(s) of the maguey used on the front label.
- 6.4.1.6 In the case of having used 2 or more species of maguey, they must be listed in decreasing quantitative order on the front label.
- 6.4.1.7 Net contents according to that which is established in **NOM-030-SCFI-1993** on the front label
- 6.4.1.8 Percent of alcohol by volume at 20° C must appear obviously and must be abbreviated “% Alc. Vol.” on the front label.
- 6.4.1.9 It must clearly bear the expression “PROTECTED DENOMINATION OF ORIGIN” in all capital letters on the front label.
- 6.4.1.10 The name of the state of the Mexican Republic where the Mezcal was produced.
- 6.4.1.11 The letters “DOM” followed by a hyphen and the authorization number assigned to the producer by the IMPI for the use of the Denomination of Origin Mezcal.
- 6.4.1.12 The expressions “flavored with” or “distilled with” and the name(s) of the additives or ingredients in the case of any additional operations.
- 6.4.1.13 The name or incorporated identity, address and RFC number of the bottler.



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- 6.4.1.14** Each container must have either engraved or marked an identification of the lot to which it belongs. This may be applied by hand. It must also have either **Made in Mexico** or **Product of Mexico** or a graphic indication of its origin.
- 6.4.1.15** Any other sanitary or commercial information demanded by other legal rules that are applicable to alcoholic beverages.
- 6.4.2** **Labeling for exportation:**  
Independently of complying with any of the requirements imposed by the laws of the country to which it is exported, it must include:
- 6.4.2.1** The commercial trademark registered in Mexico before the IMPI on the front label.
- 6.4.2.2** The words: “Mezcal”, “Artisanal Mezcal” or “Ancestral Mezcal”, according to its category, on the front label.
- 6.4.2.3** The words: “White”, “Matured in Glass”, “Rested” or “Aged”, according to its class, on the front label. This information can be translated to the language in which the product is to be sold.
- 6.4.2.3.1** In the case of Matured in Glass, Rested or Aged Mezcal, the amount of time of the aging process used may be expressed in terms of years or months fulfilled, using only whole numbers, on the front label. This information may be translated to the language of the country in which the product is to be sold.
- 6.4.2.4** The expression “100% Maguey” on the front label followed by, grouped with or next to that which is stipulated in sections 5.7.1.4.1 and 5.7.1.4.2.
- 6.4.2.4.1** The scientific name(s) of the magueys used on the front label.
- 6.4.2.4.2** In the case of having used 2 or more species of maguey, they must be listed in the order of decreasing quantitative content on the front label.
- 6.4.2.5** It must clearly bear the expression “PROTECTED DENOMINATION OF ORIGIN” in all capital letters on the front label. This information may be translated to the language of the country where the product is to be sold.
- 6.4.2.6** The caption “Made in Mexico” or “Product of Mexico” or a graphic indication of its origin. This information may be translated to the language of the country where the product is to be sold.
- 6.4.2.7** The expressions “flavored with” or “distilled with” and the name of the additive(s) or ingredient(s) in the case of any additional operations. This information may be translated to the language of the country where the product is to be sold
- 6.4.2.8** The letters “DOM” followed by a hyphen and the authorization number assigned to the producer for the use of the DOM.
- 6.4.2.9** The name or business name, domicile and RFC of the bottler.



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- 6.4.3** When the Mezcal has a declaration, an organic certificate or other document issued by a third party and that is not considered in this NOM, that may be included on the label as long as it has prior written approval from the OEC.
- 7. Commercialization**
- 7.1** Commercialization is permitted in bottles up to 5 liters.
- 7.2** Export of the product in bulk form is prohibited.
- 7.3** The bottler must incorporate the Certification Seal directly on the bottle. It must be so placed as to cover part of the label and part of the bottle itself. In case that both surfaces are not well defined, it must have authorization from the OEC.
- 7.4** Sale of Mezcal in bulk form to the final consumer is prohibited.
- 7.5** Any product which intends to use the DOM for commercial ends must submit itself to that which is set forth in this NOM and have the authorization of the OEC, and for that reason: It must demonstrate that the only alcoholic ingredient is Mezcal and be subject to verification and certification.
- 7.6** For each of the operations of the export of mezcal, the corresponding certificate issued by the OEC must be included.
- 8. Evaluation of Conformity**
- 8.1** The Evaluation of Conformity will be performed by the accredited OEC, and, in such a situation approved in accordance with the LFMN, without undermining the authority and vigilance of the competent authorities.
- 8.2** Every person who requires an evaluation of conformity in terms of this NOM must contract the OEC.
- 8.3** The OEC will evaluate:
- 8.3.1** That the Producer has the knowledge, documents, staff, equipment and spaces to produce Mezcal, and that the Mezcal complies with the specifications in section 5.3.4.
- 8.3.2** That the Bottler has the knowledge, documents, staff, equipment and spaces to bottle Mezcal.
- 8.3.3** That the Distributor has the documents and warehouse(s) to market Mezcal.
- 8.4** The Producer approved by the OEC must get authorization for the use of the DOM from the IMPI. When the Bottler and the Distributor are separate from the Producer, they must sign agreements of co-responsibility in order to make use of the DOM of a Producer.
- 8.5** The Producer, Bottler and Distributor must have a contract with the OEC in order to receive the services of the evaluation of conformity once they have been approved by the OEC.



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- 8.6 The Producer, Bottler and Distributor must at all times be able to demonstrate that the product has not been adulterated, and for that reason: The Producer must keep a Log—which the OEC will provide for that purpose—in which there will be a registry of the equipment used in the process, the origin of the raw material and the rest of the materials, an inventory of the Mezcal, all laboratory analyses and the destination of the bulk Mezcal, among other operations determined by the OEC. This information must be sent to the OEC at the end of each month.
- 8.7 The Bottler must keep a Log—which the OEC will provide for that purpose—in which there will be a registry of the equipment used in the process, the origin of the bulk Mezcal and the other materials, an inventory of the product, laboratory analyses and the destination of the bottled Mezcal, among other operations determined by the OEC. This information must be sent to the OEC at the end of each month.
- 8.8 The Distributor must keep a Log—which the OEC will provide for that purpose—in which there will be a registry of the origin of the bottled Mezcal, inventories, laboratory analyses, and the destination of the marketed Mezcal, among other operations determined by the OEC. This information must be sent to the OEC at the end of each month.
- 8.9 The proof of that which is established in this NOM will be achieved by means of permanent inspections by the OEC, independently of any corroboration by any competent authority or by any accredited verification unit. This requirement will be fulfilled by means of the uninterrupted use of random inspections that have been previously approved by the DGN.
9. **PRESUMPTION OF NON-COMPLIANCE**
- 9.1 If, by means of accounting and tracing procedures and the balance of materials or raw materials accepted by the OEC or by any competent authority a non-compliance with any of the points stipulated in this NOM is detected, it will be presumed that an infraction has been committed.
- 9.2 Within 15 working days following the notification of the decision by the competent authority, the presumed offender may make whatever written declaration it considers convenient, with the understanding that once that grace period has run out, the authority which issued the decision may impose the corresponding sanctions according to the legislation on the matter.
- 9.3 The foregoing leaves intact all of the faculties conferred in other legislation regarding inspections carried out by competent authorities.
10. **BIBLIOGRAPHY**  
Federal Law on Measurements and Standards



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Law of Industrial Property

Declaration of the Denomination of Origin for Mezcal

**11. AGREEMENT WITH INTERNATIONAL NORMS**

No agreement with international norms is established since there was no such reference at the time of the elaboration of this document.