

MINISTRY OF HEALTH AND SOCIAL PROTECTION

RESOLUTION NUMBER 2492 OF 2022

(13 Dec 2022)

Whereby Articles 2, 3, 16, 25, 32, 37 and 40 of Resolution 810 of 2021, which establishes the technical regulation on the front-of-package and nutritional labeling that must be met by packaged foods for human consumption.

THE MINISTER OF HEALTH AND SOCIAL PROTECTION

In exercise of its legal powers, especially those conferred by Article 267 of Law 9 of 1979, paragraphs 4, 7 and 30 of Article 2 of Decree Law 4107 of 1979, 267 of Law 9 of 1979, numbers 4, 7 and 30 of article 2 of Decree Law 4107 of 2011, in compliance with article 5 of Law 2120 of 2021, and

CONSIDERING

That Article 5 of Law 1751 of 2015, which establishes the fundamental right to health, establishes as obligations of the State those of "b) *To formulate and adopt health policies aimed to guaranteeing the effective enjoyment of the right in equality of treatment and opportunities for the entire population, ensuring the harmonious coordination of the actions of all the agents of the System:* c) *To formulate and adopt policies that promote health promotion, prevention and care of the disease and rehabilitation of its sequels, through collective and individual actions.*

That, by means of Resolution 810 of June 16, 2021, the Ministry of Health and Social Protection established the technical regulation on nutritional and front-of-package labeling requirements to be met by packaged foods for human consumption and defined the shape, color, size, maximum values, location, legend, proportions, and dimensions to be contained in the front-of-package warning labeling for packaged foods for human consumption.

Article 2 of Resolution 810 of 2021 establishes the field of application of the regulation, as well as its exceptions; Article 3 determines the definitions used in the subject of nutritional and front-of-package labeling; Article 16 establishes the parameters for nutritional claims and Article 25 establishes the parameters for health claims. Article 32 establishes the technical parameters, shape, color, size, location, values of the front-of-package warning labels and finally, article 37 establishes the terms related to the exhaustion and use of adhesives.

That, on July 30, 2021, Law 2120 was enacted, the purpose of which refers to the adoption of effective measures to promote healthy food environments and prevent the appearance of non-communicable diseases, through access to clear, truthful, timely, visible, suitable and sufficient information on food components with the purpose of promoting healthy habits.

That, the first two paragraphs of article 5 of Law 2120 of 2021, establish that;

"(...)All edible or drinkable products classified according to the level of processing with excessive amount of critical nutrients established by the Ministry of Health and Social Protection, must implement a front-of-package labeling where a warning label is incorporated, which must be of high preventive impact. Clear, visible, legible, easy to identify and understand for consumers, with unequivocal messages that warn the consumer of the excessive content of critical nutrients.

"The National Government, headed by the Ministry of Health and Social Protection, will regulate the technical parameters of this labeling, defining the form, content, figure, proportion, symbols, texts, maximum values, colors, size and location on the packaging of the products that must contain it, based on the best scientific evidence available and free of conflict of interest. For this purpose, it may take into account the scientific evidence provided by the World Health Organization (WHO) (...)"

That, in accordance with the provisions of paragraphs 2 and 3 of article 5 of Law 2120 of 2021, the criteria applicable to nutritional declarations or health declarations on the label of the products that must adopt the warning labels must be regulated, excepting from the front-of-package warning labeling the typical or artisanal and minimally processed edible or drinkable products in accordance with the classification issued by the Ministry of Health and Social

Protection.

That, in compliance with the provisions of Law 2120 of 2021, this Ministry prepared the technical study in 2022, regarding the maximum values or nutrient profiles for front-of-package warning labeling, concluding that the "Nutrient Profile Model" of the Pan American Health Organization (OPS), meets the requirements defined in the standard, with regard to the level of processing and scientific evidence found in the literature.

In this regard, it is necessary to modify table 17 of article 32 of Resolution 810 of 2021 and, consequently, to add to article 3 of Resolution 810 of 2021 the definitions of unprocessed food, typical or artisanal food and beverages, processed food product, minimally processed food and ultra-processed food product.

That, likewise, in order to comply with the provisions of Article 5 of Law 2120 of 2021, the Ministry of Health and Social Protection signed Contract 113 of 2022 with the University of Antioquia, the purpose of which was as follows; *"Conduct the evaluation of the best available evidence to establish shapes, color, size, legends and location of the front-of-package warning labeling for processed products in Colombia"*, The entity that carried out a systematic review of the literature.

That, as a result of the execution of the aforementioned contract, the University of Antioquia recommends modifying Article 32 of Resolution 810 of 2021, concluding that the best scientific evidence free of conflict of interest for front-of-package labeling is as follows:

'Figure/shape: octagonal: color: black: border: white: located in the upper third of the main display panel: warning text: "EXCESS IN" critical nutrients: the text of the regulatory body: "Ministry of Health"; and insufficient evidence was found on the characteristics of proportion, size and symbols.'

That, according to the Regulatory Impact Analysis (AIN) Expost for front-of-package warning labeling, in which the new scientific evidence free of conflict of interest was reviewed, it was found that the best evidence for the shape is octagonal, black color, white border, with the word EXCESS, with the PAHO Nutrient Profile Model and with the restrictions to nutritional or health claims when the product has a warning label. In that regard, the results suggest that articles 2; 3. 16 and 25, paragraphs 25.4 and 25.5 (on restrictions to nutrition or health claims) should be modified. 32, 37 and 40 of Resolution 810 of 2021.,

That, in this context, the regulatory proposal was published and submitted for national consultation from August 1 to 31, 2022 and international consultation from September 27 to November 27, 2022.

That, during the consultation period, comments were received regarding the technical impossibility (hygroscopicity of raw meat) of including the number of portions per package in products of variable weight and that this exception is already provided for in the current legal metrology regulations, that is, in Resolution 32209 of 2020 of the Superintendence of Industry and Commerce, for which reason the pertinent adjustment is being made.

That, taking into account the observations made in the national consultation by the National Institute of Food and Drug Surveillance (INVIMA), it is necessary to unify literal e) fruits, vegetables, grains, eggs, fishery products, meats and edible meat products that are presented in their natural state, with literal k) Unprocessed foods, of Article 2 of this resolution, because they belong to the same class of products and, consequently, literal e) of paragraph 1 and 2 of Article 2 will be eliminated and literal k) will be included.

That, in compliance with Decrees 210 of 2003, 1471 of 2014, 1595 of 2015 and 1468 of 2020, this Ministry requested prior concept to the Ministry of Commerce, Industry and Tourism. To this effect, said portfolio, through the Regulation Directorate, by means of file number 1-2022-028262, indicated that: *"the issuance of a prior concept by this Directorate is not required. Therefore, it is possible to proceed with the request for international notification before the World Trade Organization (WTO).*

That the technical regulation to be adopted by this resolution was notified to the WTO by means of the symbol G/TBT/N/COL/246/Rev.1 of September 27, 2022.

That regarding the draft resolution, the concept of competition advocacy was issued, in accordance with the provisions of Article 7 of Law 1340 of 2009 regulated by Decree 1074 of 2015, in which the Superintendent Delegate for the Protection of Competition of the Superintendence of Industry and Commerce, by means of file 22-367783 of September 30, 2022, recommends the following;

"1. Extend the time periods set forth in the paragraphs contained in Article 40 of the Project in such a way as

to be sufficient and duly justified based on market realities and the observations of interested third parties; 2. To eliminate "culinary ingredients" from paragraphs 1 and 2 of article 1 of the Draft; 3. Refrain from using the same symbol used to warn about the content of critical nutrients, to warn about the content of sweeteners in a canned or packaged food for human consumption until there is information regarding the types of sweeteners that exist in the market and their relationship with the benefits or detriments to health; 4. In the case of the label whose legend or descriptor is "Contains Sweetener" design a different and particular symbol for the case, in order not to limit free economic competition or impact negatively and without due justification to some agents in the market with respect to others."

That, in view of the observations made by the Superintendence of Industry and Commerce, the second recommendation will be accepted, while recommendations 1, 3 and 4 will not be accepted, considering that the period of 6 months, counted after the publication of the act, is sufficient time for producers, marketers and importers to adapt the labeling of their products, is sufficient time for producers, marketers and importers to adapt the labeling of their products, especially since August 2021, and in accordance with the provisions of Law 2120 of the same year, the obligation to review aspects of nutritional information and front-of-package warning labeling has been generated. Additionally, it should be noted that the evidence provided by the expert's research and *Expost Analysis* suggests that caloric and non-caloric sweeteners have an impact on health and that the most appropriate form of warning is the octagonal one.

That, in accordance with numeral 2 of Article 1 of Law 962 of 2005, modified by Article 39 of Decree Law 019 of 2012 and Article 3 of Decree 2106 of 2019, this Ministry requested the opinion of the Administrative Department of Public Function, who issued an opinion under file number 20225010371971, as follows;

"Hereby informs that this does not include the adoption of a new procedure, nor the structural modification of existing procedures, and therefore, does not require the favorable concept referred to in paragraph 2 of Article 1 of Law 962 of 2005, as amended by Article 39 of Decree Law 019 of 2012 and Article 3 of Decree Law 2106 of 2019."

That, in accordance with the above, in order to comply with Article 5 of Law 2120 of 2021, based on scientific evidence free of conflict of interest, it is necessary to amend Articles 2, 3, 16, 25, 32 and 37 of Resolution 810 of 2021 and therefore repeal the provisions of Article 40, in order to establish concordant periods of transition to comply with the amendments provided in this act and specify the effective dates of the rules that currently regulate the matter.

Considering the above,

RESOLVES

Article 1. Modify article 2 of resolution 810 of 2021, which shall read as follows:

"Article 2. Scope of application. *The provisions established in this resolution apply to all packaged foods for human consumption and processed and ultra-processed packaged or packaged, national and imported food products marketed in the national territory.*

2.1. *The following foods are exempted from the application of nutrition labeling:*

- a) Infant formula for children between 0 and 6 months.*
- b) Infant formula for children between 6 and 12 months.*
- c) Special infant formula.*
- d) Food for Special Medical Purposes (APMES).*
- e) Single ingredient products that do not contain additional additives.*
- f) Foods with packaging made of natural origin materials.*
- g) Herbal and fruit infusions; tea, decaffeinated tea, instant or soluble tea, or tea extract, decaffeinated tea extract: decaffeinated coffee, ground coffee, instant or soluble coffee, or coffee extract, or decaffeinated coffee extract, which do not contain added ingredients.*
- h) Food in bulk.*
- i) Food used as raw material for the industry and secondary ingredients that are not sold directly to the consumer.*
- j) Spices or vegetable seasonings, which have not been added salt or additives with sodium, fats or sugars.*

- k) Unprocessed foods.
- l) Minimally processed foods.
- m) Typical or artisanal foods and beverages.

2.2. The following foods are exempted from the application of front-of-package warning labeling:

- a) Infant formula for children between 0 and 6 months.
- b) Infant formula for children between 6 and 12 months.
- c) Special infant formula.
- d) Food for Special Medical Purposes (APMES).
- e) Single ingredient products that do not contain additional additives.
- f) Iodized and fluorized salt, and salt substitutes.
- g) Foods with packaging of natural origin materials.
- h) Herbal and fruit infusions; tea, decaffeinated tea, instant or soluble tea, or tea extract, decaffeinated tea extract: decaffeinated coffee, ground coffee, instant or soluble coffee, or coffee extract, or decaffeinated coffee extract, which do not contain added ingredients.
- i) Food in bulk.
- j) Foods used as raw material for the industry and secondary ingredients that are not sold directly to the consumer.
- k) Packaged foods with no added salt/sodium and/or fats or sugars.
- l) Hydrating-energy drinks for sportsmen and women.
- m) Unprocessed foods.
- n) Minimally processed foods.
- o) Typical or artisanal foods and beverages.

The manufacturer wishing to make nutrient, nutritional or health claims for the previously excluded foods shall comply with the provisions of this technical regulation.

Paragraph 1. Packaged raw meat to which food products, seasonings or additives containing salt or sodium have been added, must only declare the sodium content and, if it exceeds the limit established in article 32 of this administrative act, it must label the front-of-package sodium warning label. The nutritional table must be at least 15% of the area where it is located.

Paragraph 2. For products of variable weight, the inclusion of portions per package in the nutritional table and on the main display side of the package does not apply."

Article 2. Modify article 3 of Resolution 810 of 2021, which shall read as follows;

"Article 3. Definitions. For the application of this resolution, the following definitions are adopted:

- 3.1. **Essential fatty acids:** nutrients that are required and cannot be synthesized by the human organism, so they must be supplied in the diet. The essential fatty acids are linoleic and alpha-linolenic, as well as EPA (eicosapentaenoic acid) and DHA (docosahexanoic acid), which, due to their very low conversion rate, must be supplied in the diet.
- 3.2. **Minimally processed foods:** unprocessed foods that have been subjected to cleaning, removal of inedible or undesirable parts, drying, grinding, fractionation, roasting, blanching, pasteurization, cooling, freezing, vacuum packaging or non-alcoholic fermentation. Minimally processed foods also include combinations of two or more foods that are unprocessed or minimally processed and may contain vitamins and minerals added to restore the original micronutrient content or for public health purposes. These foods may not be added with salt/sodium, fats or sugars or additives containing them, including, but not limited to: fresh cut dried, chilled or frozen fruits; dried, chilled, or frozen vegetables, grains, and legumes; nuts; chilled or frozen edible meat products; chilled or frozen fish products; eggs and milk.
- 3.3. **Typical or artisanal foods and beverages:** packaged foods that meet the following requirements: (i) produced from traditional non-industrialized practices, (ii) that correspond to the cultural tradition of the regions of the country and (Hi) gradually complying with the safety conditions in accordance with the provisions of Articles 3 and 7 of Law 2254 of 2022, or the one that modifies or replaces it.
- 3.4. **Unprocessed foods:** foods obtained directly from plants or animals that are not subjected to any

physical or chemical modification from the moment they are extracted from nature until their culinary preparation for consumption. They may also be referred to as fresh or natural foods.

- 3.5. **Total available printing area:** *total area of the label minus the back labels.*
- 3.6. **Total sugars:** *monosaccharides and disaccharides carbohydrates naturally present in foods or added to them.*
- 3.7. **Added sugars:** *are added or added sugars, including sugars that are added during food processing or packaged as such, and include sugars such as monosaccharides and disaccharides, those contained in syrups and those naturally present in honey and fruit or vegetable juice concentrates. They do not include intrinsic sugars found in milk, fruits and vegetables and sugars that are non-glycemic carbohydrates.*
- 3.8. **Total carbohydrates:** *all mono-, di-, oligo- and polysaccharides, including polyols and fiber present in the food.*
- 3.9. **Available or glycemic carbohydrates:** *total carbohydrates in the food minus the content of dietary fiber, polyols, and non-glycemic carbohydrates.*
- 3.10. **Non-available or non-glycemic carbohydrates:** *carbohydrates that have various chemical forms, and although digested, do not provide glucose for cellular metabolism. They must demonstrate a glycemic index lower than 15, corresponding to the lowest value presented by a glycemic carbohydrate (fructose).*
- 3.11. **Cholesterol:** *sterol-like substance present in fats of animal origin.*
- 3.12. **Nutrient function claims:** *are claims that describe the physiological role of the nutrient in the growth, development and normal functions of the organism.*
- 3.13. **Nutrient declaration:** *a standardized list or enumeration of the nutrient content of a food.*
- 3.14. **Other function claims:** *concern specific beneficial effects of the consumption of foods and their constituents (nutritive and non-nutritive) on physiological functions or biological activities, but do not include nutrient function claims. Such claims relate to a positive contribution to health or a health-related condition, or to the improvement of a function, or to the modification or preservation of health.*
- 3.15. **Health claim:** *any representation that states, suggests or implies that there is a relationship between a food or a constituent/component of such food, and health.*
- 3.16. **Nutrition claim:** *any representation that states, suggests or implies that a product has particular nutritional properties, including, but not limited to, its energy value and protein, fat, carbohydrate and dietary fiber content, as well as its vitamin and mineral content. The following shall not constitute a nutrition claim: the mention of substances in the list of ingredients, nor the name or brand of the packaged food or the mention of nutrients as a mandatory part of nutrition labeling or the quantitative or qualitative declaration of some nutrients or ingredients in the label or label.*
- 3.17. **Disease risk reduction claims:** *are claims related to the consumption of a food or a component of such food in the context of a total diet, which may assist in the reduction of the risk of a disease or health-related condition. Risk reduction means significantly altering a major risk factor or factors recognized as being involved in the development of a chronic disease or adverse health-related condition.*
- 3.18. **Total diet:** *usual diet of a person or population.*
- 3.19. **Sweeteners:** *any substance other than added and/or free sugars that imparts a sweet taste.*
- 3.20. **Variable weight packages:** *packages in which the contents are individually measured, packed, labeled and each package has a different weight and/or volume.*
- 3.21. **Container of materials of natural origin:** *element designed to contain a food that includes, but is*

- not limited to banana leaves, bijao leaves, corn leaves, totumos, etc., and is made of natural materials.
- 3.22. **Dietary fiber:** edible carbohydrates that are not digested or absorbed in the human small intestine. Dietary fiber consists of one or more of the following carbohydrates: edible carbohydrates naturally occurring in foods in the form in which they are consumed, carbohydrates obtained from food raw materials by physical, enzymatic, or chemical means, and synthetic carbohydrates.
- 3.23. **Insoluble fiber:** the fraction of dietary fiber that does not dissolve in water.
- 3.24. **Soluble fiber:** the fraction of dietary fiber that dissolves in water.
- 3.25. **Infant formula for children from 0 to 6 months:** product in liquid or powder form intended for the feeding of children from 0 to 6 months of age, used when indicated by a health professional; which by itself, covers the nutritional needs of the child, as the main liquid source of nutrition until the introduction of complementary feeding, for cases in which breastfeeding is not possible.
- 3.26. **Infant formula for children between 6 and 12 months:** product in liquid or powder form, specially manufactured according to the nutritional needs of children between 6 and 12 months of age, used when indicated by a health professional, in conjunction with complementary feeding.
- 3.27. **Special infant formula:** product in liquid or powder form whose composition has been modified to address certain philological disorders or conditions during the first months of life and even after the introduction of complementary feeding.
- 3.28. **Voluntary nutrient fortification:** a process by which food manufacturers decide to add specific essential nutrients to certain foods or certain categories of foods.
- 3.29. **Total fat:** sum of saturated fat, monounsaturated fat, polyunsaturated fat and includes trans fats.
- 3.30. **Fats or lipids:** substances insoluble in water and soluble in organic solvents, consisting especially of fatty acid esters. This term includes triglycerides, phospholipids, glycolipids, waxes and sterols.
- 3.31. **Saturated fat or saturated fatty acids:** those without double bonds in their hydrocarbon chain.
- 3.32. **Monounsaturated fat to monounsaturated fatty acids:** those that present a double bond in its hydrocarbon chain. For labeling or labeling purposes, monounsaturated fat shall be understood as that which presents a double bond in its Cis.
- 3.33. **Polyunsaturated fat or polyunsaturated fatty acids:** those with two or more double bonds in their hydrocarbon chain. For labeling or labeling purposes, polyunsaturated fat is understood as that which presents double bonds in its Cis configuration
- 3.34. **Trans fat or transiomer fat or trans fatty acids:** all the geometric isomers of monounsaturated and polyunsaturated fatty acids that have, in the trans configuration, one or more non-conjugated carbon-carbon double bonds. For labeling or labeling purposes, trans fat shall be understood as the sum of all monounsaturated and polyunsaturated isomers in trans configuration that meet the above described.
- 3.35. **Glycemic index:** is defined as the incremental area under the blood glucose response curve from a 50 g serving of carbohydrate from a test food, expressed as a percentage of the response to the same amount of carbohydrate from a standard food (white bread or glucose) consumed by the same subject. This value is only considered valid when it is determined directly following the official protocol established by the FAO/WHO Panel of Experts, as it is a biological test susceptible to different factors.
- 3.36. **Syrups:** viscous liquids consisting of a solution of sugars in water or fruit juices or a mixture of these, with or without aromatic agents and authorized additives.
- 3.37. **Household measure:** are utensils or shapes commonly used by the consumer to measure food, including, but not limited to: cup, glass, slice, unit, tablespoon, teaspoon

- 3.38. **Minerals:** inorganic substances that are necessary for phylogenetic processes and are not a source of energy.
- 3.39. **Nutrient:** any chemical substance normally consumed as a component of a food that is necessary for growth, development and/or maintenance of health, or the deficiency of which will cause characteristic chemical or philological changes to occur.
- 3.40. **Essential nutrient:** nutrient that is not synthesized by the body or is synthesized in insufficient quantities and must be consumed to ensure growth, development and/or maintenance of health.
- 3.41. **Serving:** is the amount of a food normally consumed on one occasion by persons over 4 years of age and adults or by children over 6 months and under 4 years of age, which must be declared on the label and expressed using common household measures appropriate for that food.
- 3.42. **Prebiotics:** substrates that are selectively utilized by host microorganisms conferring a health benefit.
- 3.43. **Probiotics:** live microorganisms that, when administered in appropriate amounts, confer a health benefit to the host.
- 3.44. **Processed food products:** food products elaborated with technological processes, subjected to transformation processes to which two or more ingredients such as salt, sugar, fats or others may be added. They have two or more ingredients or additives and more than 50% of the ingredients are unprocessed or minimally processed foods.
- 3.45. **Ultra-processed food products:** food products elaborated with technological processes, subjected to transformation processes to which salt, sugar, fats or other ingredients are added. They have more than 5 ingredients and/or additives and less than 50% of the ingredients are unprocessed or minimally processed foods. Ingredients include, but are not limited to: casein, whey, protein hydrolysate, soy protein isolate, hydrogenated, partially hydrogenated or interesterified oils, modified starches, and modified starches.
- 3.46. **Single-ingredient product:** packaged food in which the list of ingredients contains only one ingredient, including, but not limited to, packaged water, coffee, ground coffee beans, sugar, olive oil.
- 3.47. **Reconstituted product:** that which by its nature of consumption must be reconstituted in some edible solvent either to obtain a solid, semi-solid or liquid product, ready to be consumed.
- 3.48. **Protein:** polymers of L-alpha amino acids linked by peptide bonds. Proteins are called simple when they consist only of amino acids, and compound when they include other substances such as lipids, carbohydrates, minerals, among others.
- 3.49. **Glycemic response:** the degree of change or gradient in blood glucose content, following consumption of a test carbohydrate in a beverage or food, relative to a standard such as glucose.
- 3.50. **Nutrition labeling:** any description contained on a food label intended to inform the consumer about the nutrient content, nutritional properties and health properties of a food.
- 3.51. **Front-of-package warning labeling:** information system located on the main display face, which shows in a truthful, clear, quick, and simple manner, when a packaged product has excessive content of nutrients of public health concern (sugars, saturated fat, trans fat, sodium) and the presence of sweeteners.
- 3.52. **Positive label:** a label of approval indicating that the food contains low levels of nutrients of public health concern (added sugars, saturated fat and sodium) and that no sweeteners are used in its formulation.
- 3.53. **Symbiotics:** means the combination of prebiotic substances with probiotic cultures that are present in the same food.
- 3.54. **Main meal time:** in the framework of daily food planning, it refers to the times when food is

distributed in greater proportion, namely breakfast, lunch and dinner.

- 3.55. **Nutrient Reference Values (NRVs) or Reference Value:** *are a set of numerical values that are based on scientific data for purposes of nutrition labeling and relevant claims. These two types of NRVs include:*
- a. **Nutrient Reference Values-Needs (NRV-N):** *are those that refer to NRVs based on nutrient levels associated with nutrient needs.*
 - b. **Nutrient reference values - noncommunicable diseases (NRV-NCDs):** *are those that refer to NRVs - based on nutrient levels - associated with reduced risk of diet-related noncommunicable diseases, excluding diseases or disorders caused by nutrient deficiencies.*
- 3.56. **Vitamins:** *organic substances essential for the maintenance of health, growth and normal body function. They are required in small amounts and are not a source of energy."*

Article 3. Modify Article 16 of Resolution 810 of 2021, which shall read as follows;

"Article 16. General requirements. *All foods that make use of nutritional claims must comply with the following requirements:*

- 16.1 *The only nutrition claims allowed are those based on the daily reference values established in this technical regulation, and the fatty acids established in articles 19.1 and 19.2 of the same technical regulation.*
- 16.2 *The font size of terms or descriptors used for nutrition claims shall not exceed twice the size of the letters used in the name of the food.*
- 16.3 *When a product has 1 or more front-of-package warning labels, it cannot make nutritional claims.*
Paragraph. *The nutritional property declarations that had already been approved by the Specialized Food and Beverages Chamber of INVIMA will continue to be in force, for the present technical regulation. Additionally, if another declaration of a nutrient that does not have reference value is required, the manufacturer shall request it to that entity."*

Article 4. Modify Article 25 of Resolution 810 of 2021, which shall read as follows:

"Article 25. Prohibitions on health claims. *The following statements are prohibited:*

- 25.1. *Health claims should not suggest that the food alone is sufficient for daily nutrition or that a balanced diet based on common foods does not provide sufficient amounts of all nutrients.*
- 25.2. *Health claims should not promote the excessive consumption of any food, nor be contrary to the good eating habits established in the Food-Based Dietary Guidelines for the Colombian population.*
- 25.3. *Health claims should not raise doubts about the safety and quality of similar foods.*
- 25.4. *When a product has 1 or more front-of-package warning labels, it shall not make health claims.*
- 25.5. *It is not allowed to quantify the degree of disease risk reduction caused by metabolic factors attributable to NCDs.*
- 25.6. *Health claims should in no case imply curative, medicinal or therapeutic properties.*
- 25.7. *The term "wholesome" or any term derived therefrom, such as "health", "wholesome", "healthily", "wholesomeness", "good health", "healthy state", may not be used in the labeling or labelling of a food to describe it as "wholesome" or present it in such a way as to imply that the food itself communicates "health".*
- 25.8. *The terms "complete food", "balanced nutrition", "complete nutrition" or equivalents, by which it may be assumed that a food alone is sufficient for daily nutrition, may not be used."*

Article 5. Modify Article 32 of Resolution 810 of 2021, which shall read as follows:

“Article 32. Front-of-package warning labeling. When salt/sodium, sugars, fats or sweeteners have been added to a packaged processed or ultra-processed food product and its content is equal or exceeds the value established in Table No. 17, it shall label the nutritional characteristic or characteristics related to the added nutrient.

Table No. 17 Nutrient content limits for front-of-package warning label establishment

Nutrient	Solids (100 g) - semi-solids	Liquids (100 ml)
Sodium	≥ 1mg/kcal and/or ≥ 300 mg/100 g for packaged raw meats to which salt/sodium has been added, the limit is 300 mg/100 g	≥ 1mg/kcal non-alcoholic beverages without calories: ≥ 40 mg sodium per 100 ml
Sugars	≥ 10% of total energy from free sugars	≥ 10% of the total energy from free sugars
Saturated Fat	≥ 10% of total energy from saturated fats	≥ 10% of total energy from saturated fat
Trans fats	≥ 1% of total energy from trans fats from trans fats	≥ 1% of the total energy from trans fats
Sweeteners	Any amount of sweeteners	Any amount of sweeteners

32.1. For the application of the above table, the following rules shall be taken into account:

- a. For the purposes of this article, it shall be understood that a food is solid or liquid according to the unit of measurement used in the declaration of the net content of the food, i.e., it shall be solid if its net content is expressed in units of mass according to the international system of units, or liquid if its net content is expressed in units of volume according to the international system of units. Packaged foods that are consumed reconstituted shall be understood as solid or liquid, depending on how the product is ready to be consumed, according to the reconstitution instructions defined by the manufacturer. These instructions may include cooking.
- b. A processed or ultra-processed packaged food product to which salt/sodium has been added shall mean a food product to which any salt or additive containing sodium or any ingredient containing added sodium salts has been used as an ingredient or additive in the manufacturing process.
- c. A processed or ultra-processed packaged food product that has added sugars shall be understood as those that meet the definition of free sugars, as defined in Resolution 3803 of 2016, or that which modifies or replaces it.
- d. A processed or ultra-processed packaged food product to which fats have been added shall be understood to be those to which vegetable or animal fats, partially hydrogenated vegetable oils (vegetable shortening, vegetable cream or margarine) and ingredients containing added fats have been used as ingredients during the manufacturing process.
- e. A processed or ultra-processed packaged food product to which sweeteners have been added shall be understood as those to which sweeteners or ingredients containing added sweeteners have been used as an ingredient or additive during the manufacturing process.

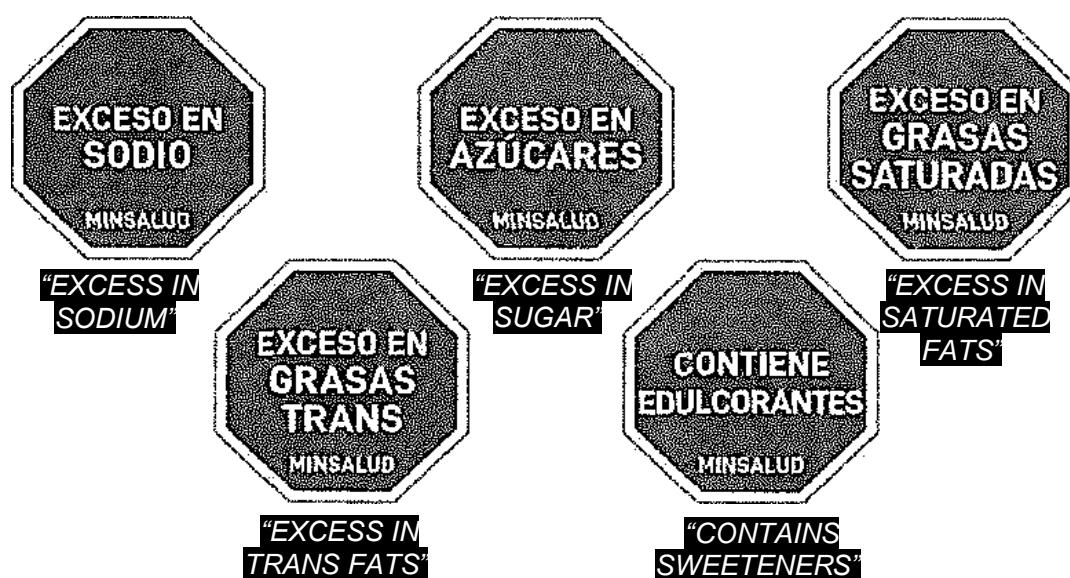
32.2. To calculate the percentages set forth in table 17, the following procedure shall be followed:

- a. **Sodium:** in the case of sodium, two calculations must be performed, if either of the two results is equal to or greater than the established amount, the sodium warning label must be applied. 1. First calculation: if it is a solid food or beverage with calories, take any amount of food, it can be 100 g or ml, or the portion, and divide the declared sodium content by the number of kcal, declared in the same amount, if this ratio is equal to or greater than 1, the sodium warning label must be applied. 2. Second calculation: The sodium content in 100 g or ml must be calculated, and if this is equal to or exceeds 300 mg, the sodium warning label must be applied. Now, for non-caloric or calorie-free beverages, the sodium content in 100 ml must be calculated, and if it is equal to or exceeds 40 mg,

the sodium warning label must be applied.

- b. **Sugars:** the free sugars of the food must be identified, as established in Resolution 3803 of 2016 or in the one that modifies or replaces it. Once identified, in any amount of food, the amount of free sugars in grams must be multiplied by the sugar conversion factor (4 kcal / g). This result is divided by the total kcal of the same amount of food and multiplied by 100. Finally, this result is compared with the percentage established in Table 17, and if it is equal to or greater than 10%, the sugar warning label must be applied. Additionally, to account for free sugars from added sugars, start from the added sugars and add the sugars present in fruit and/or vegetable juices.
- c. **Saturated fats:** multiply the amount of saturated fats in grams, by the fat conversion factor (9 kcal / g), in any amount of food. This result is divided by the total kcal of the same amount of food and multiplied by 100. Finally, this result is compared with the percentage established in table 17. and if it is equal or higher than 10%, the saturated fat warning label must be applied.
- d. **Trans fats:** multiply the amount of trans fats in grams by the fat conversion factor (9 kcal/g) in any quantity of food. This result is divided by the total kcal of the same amount of food and multiplied by 100. Finally, this result is compared with the percentage established in Table 17, and if it is equal to or greater than 1%, the trans fats warning label must be applied.
- 32.3. **Form of the front-of-package warning label:** the way to highlight the nutritional characteristics indicated in the first paragraph of this article shall be by including warning labels on the front of package, which shall consist of an octagonal symbol with a black background and white border, and in its interior the text "EXCESS IN", followed by: "SATURATED FATS" or "TRANS FATS" or "SODIUM" or "SUGARS" or with the text "CONTAINS SWEETENERS" individually or with 2 or 3 or 4 or 5 labels (as appropriate). The letters in the text of the labels must be capital letters and white in color, ARIAL BOLD font. In addition, in the same symbol, the word "MINSALUD" must be inscribed in white letters, according to figure 6 of this article.

FIGURE 6. Shape of the front-of-package warning label



No other front-of-package labeling format or type of warning label shape may be used, nor may the text, typeface, diagram or drawing be changed on any product, regardless of whether or not it has front-of-package warning labeling. Similarly, the front-of-package warning labeling form may not be used to include labels with a different text that alludes to other nutrients or any component of the packaged products other than those that are the subject of this regulation (salt/sodium, sugars, fats, sweeteners, etc.), or to any other component of the packaged products other than those that are the subject of this regulation (salt/sodium, sugars, fats, sweeteners)

- 32.4. **Dimensions and location of the warning label:** the referred symbol(s) shall be located in the upper right third of the front of package (or main package display) of the product. In the case of cylindrical and conical containers, the labels shall be placed in the upper central third. The dimensions of the

referred symbol(s) shall be determined according to the area of the main display face of the label, as per the following table:

Table 18. Warning label dimensions

Area of the main label face (cm ²)	Label width and height (in cm)
< 30cm ²	Label on secondary packaging and if it does not have one, a QR code or a web page where it can be consulted must be included.
≥ 30cm ² a < 35cm ²	1.7 x 1.7 cm
≥ 35cm ² a < 40cm ²	1.8 x 1.8 cm
≥ 40cm ² a < 50cm ²	2.0 x 2.0 cm
≥ 50cm ² a < 60cm ²	2.2 x 2.2 cm
≥ 60cm ² a < 80cm ²	2.5 x 2.5 cm
≥ 80cm ² a < 100cm ²	2.8 x 2.8 cm
≥ 100cm ² a < 125cm ²	3.1 x 3.1 cm
≥ 125cm ² a < 150cm ²	3.4 x 3.4 cm
≥ 150cm ² a < 200cm ²	3.9 x 3.9 cm
≥ 200cm ² a < 250cm ²	4.4 x 4.4 cm
≥ 250cm ² a ≤ 300cm ²	4.8 x 4.8 cm
> 300cm ²	5% of the size of the main face

32.4.1. When more than one symbol is to be labeled with the descriptor "EXCESS IN", they shall be arranged side by side or one below the other, taking into account the forms described in paragraph f) of Article 32.3.

32.4.2. For products that must bear two (2) or more labels, the area of the main face available for labels (ADS) shall be determined as follows:

- a. For surfaces with area of the main face of the containers greater than or equal to 30 cm² and less than or equal to 300 cm², the ADS should be considered 65% of the result obtained from the specifications of "calculation of the area of the main face of the containers".
- b. For surfaces with an area of the main face of the containers greater than 300 cm², according to table 18, only one size of octagonal label of 3.9 cm x 3.9 cm is required.

32.4.3. The symbol(s) shall be labeled in a visible, indelible and easily readable manner under normal circumstances of purchase and use. In no case may they be covered in whole or in part.

32.3 **Warning label proportions:** All elements (text and icons) must be centered on the y-axis of the black box. The proportions are shown below. The letter "x" corresponds to the proportion unit on which the label icon is built.

32.3.1. Sodium. The letter "x" corresponds to the unit of proportion on which the label icon is built.



32.3.2. Saturated fats. The letter "x" corresponds to the unit of proportion on which the label icon is built.



**"EXCESS IN
SATURATED
FATS"**

32.3.3. *Trans fats. The letter "x" corresponds to the unit of proportion on which the label icon is built.*



**"EXCESS IN
TRANS FATS"**

32.3.4. *Sugars. The letter "x" corresponds to the unit of proportion on which the label icon is built.*



**"EXCESS IN
SUGAR"**

32.3.5. *Sweeteners. The letter "x" corresponds to the unit of proportion on which the label icon is built.*



"CONTAINS SWEETENERS"

32.3.6. Forms of distribution.

a. Opción 1



b. Opción 2



c. Opción 3



e. Opción 4



Paragraph. Adhesives may also be used on the label in an indelible manner, provided that they meet the requirements of characteristics, size and location defined in this administrative act. The adhesive must be securely fixed by means of adhesion, printing, sewing, embossing, silkscreen printing, heat labeling, or other similar means, in such a way as to ensure that it does not come off the product under normal conditions of use, conservation, storage, transportation and remain adhered until the time of its commercialization and useful life".

Article 6. Modify Article 37 of Resolution 810 of 2021, which shall read as follows;

"Authorization for the exhaustion of stock of labels, use of adhesives and complementary label. For the exhaustion of stock of labels, use of adhesives and complementary label, the following rules shall be followed:

37.1. The holders of the registration, permit or sanitary notification of packaged food and beverages that have already implemented the front-of-package warning (circular label) and nutritional labeling, and those who continue to comply with the provisions of Resolution 333 of 2011, may file a request for

the exhaustion of labels only once before INVIMA until February 28, 2023; the deadline for exhaustion shall be defined by INVIMA, without exceeding the term established in paragraph 2 of Article 8 of this administrative act.”

- 37.2. *Those responsible for packaged or packaged foods may use adhesives on the label, as established in article 32, as long as the adhesives comply exactly with the provisions contained in this technical regulation. This alternative shall not require prior authorization by INVIMA.*
- 37.3. *For imported products, as long as they have the Certificate of Sanitary Inspection CIS, issued by Invima, the use of a label or complementary label containing the information required in this resolution shall be allowed, which shall be attached in a visible place and its adjustment may be made before, during or after the nationalization process and before its commercialization.*
- 37.4. *In the case of national products, the use of a label or complementary label containing only the nutritional information required in this resolution shall be allowed, which shall be affixed in a visible place, until December 15, 2023, without authorization from Invima, or until June 15, 2024, at the latest, when authorized by the same entity.*

Article 7. Modify article 40 of Resolution 810 of 2021, which shall read as follows;

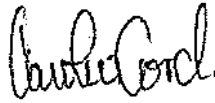
"Article 40. Transitory nature. *The implementation of the technical requirements of nutritional and front-of-package labeling shall follow the following rules:*

- 40.1. *The modifying provisions established in this administrative act, as well as the other requirements described in the technical regulation of nutritional and front-of-package label, shall be implemented within six (6) months following the date of publication of this act in the Official Gazette. During this period, the holders of registrations, permits and sanitary notifications, producers, importers and marketers of packaged foods for human consumption and the other sectors obliged to comply with the provisions herein, shall adapt their processes and products in accordance with the conditions established in the technical regulation.*
- 40.2. *The manufacturers that wish to adjust the nutritional and front-of-package warning labels before the six (6) months foreseen in the previous paragraph, will be able to do it, giving total compliance to what is required in this administrative act.*
- 40.3. *As of June 5, 2024, in the Official Journal, packaged and packaged foods that do not comply with the nutritional and front-of-package warning labeling established in the technical regulation must be withdrawn from the market by the producer or marketer, regardless of the date of manufacture, marketing or packaging of the food.*
- 40.4. *In the case of returnable containers, a period of five (5) years from the date of publication of this administrative act in the Official Journal shall be granted for compliance with the conditions set forth in the technical regulation. However, as of June 16, 2023, the front-of-package warning label must be placed on the lid for returnable containers that cannot be labeled on the front of package, or with an adhesive or on the secondary container.*
- 40.5. *Entrepreneurs shall comply with the requirements established in the technical regulation of nutritional and front-of-package warning labeling, in the time stipulated in the regulation to be issued, in accordance with article 7 of Law 2254 of 2022.”*

Article 8. Validity and repeals. This administrative act is effective as of the date of its publication in the Official Gazette, modifies articles 2, 3, 16, 25, 32, 37 and 40 of Resolution 810 of 2021 and repeals, once the six (6) month term provided in the previous article has expired, article 3 of Resolution 4135 of 1976, Resolution 333 of 2011 and numeral 5.2 and article 6 of Resolution 2508 of 2012.

PUBLISH AND EXECUTE

Given in Bogotá. D.C., on the 13 Dec 2022



DIANA CAROLINA CORCHO MEJIA
Minister of Health and Social Protection

Approved
Vice Minister of Public Health and Service Delivery
Director of Promotion and Prevention
Legal Director

