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Food and Agricultural Import Regulations and

Standards

Country Report

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Report Highlights:

This FAIRS report provides updates to three Sections: Food Laws, Other Regulatory Requirements, and Import Procedures due to changes in Honduras' food laws, and agency's responsibilities of some of the regulatory requirements and several of the import procedures.

Includes PSD changes: No
Includes Trade Matrix: No
Annual Report
Guatemala [GT1], HO

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HONDURAS:

**FOOD AND AGRICULTURAL IMPORT REGULATIONS AND STANDARDS
(FAIRS)**

DISCLAIMER: This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Tegucigalpa, Honduras for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. **FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.**

A. FOOD LAWS

In Honduras, food safety is governed primarily by the Health Code (Congressional Decree 65-91, dated 05/28/91) and its implementing regulations (Ministry of Public Health Decrees 0035 and 0077, dated 03/08/93 and 06/08/98, respectively). To a lesser degree, certain food safety issues such as those dealing with animal products, pesticides and agricultural chemicals, and veterinary products, are also governed by the Phytosanitary & Zoosanitary Law (Congressional Decree 157-94, dated 11/04/94) and its implementing regulations. The Consumer Protection Law and the Municipalities Law also deal with food safety issues on a limited scale. The main regulatory agencies regarding food safety are the National Plant & Animal Health Service (SENASA) of the Ministry of Agriculture & Livestock and the Division of Food Control (DFC) of the Ministry of Public Health. As a general rule of thumb, SENASA is responsible for imports of raw material and the process for food products to arrive to the shelf and the DFC is responsible for the safety of the product sold to the consumer. In areas of overlapping responsibilities, the two agencies normally coordinate their efforts. In June of 1999 a joint Commission of the Ministries of Public Health and Agriculture & Livestock was formed to coordinate food safety issues more closely. This Commission has already brought about many changes in the GOH's regulatory framework pertaining to food safety which have been here reported. In addition, the Commission is an on going committee reviewing procedures and increasing coordination between the various agencies involved in food safety.

In general terms, food safety legislation is geared toward: a) protecting the health of consumers in relation to their consumption of food products; b) avoiding fraud in transactions dealing with food products; and c) protecting Honduras' economic interests in both domestic and international trade of food products to strengthen Honduras' commercial ties with other countries.

Unfortunately, at times the Government of Honduras (GOH) lacks the basic infrastructure and the necessary human and economic resources to adequately implement its food safety legislation. Imported food products, for instance, are inspected only at major ports and border crossings. Many products enter through alternative channels which forces the DFC to inspect products as well at the wholesale and retail levels. However, it is common knowledge that many products go unchecked. As is the case in many countries with limited resources, enforcement is inconsistent of existing laws and regulations. Nonetheless, the GOH is making efforts to strengthen its enforcement of food safety laws and regulations. Increased laboratory testing, in terms of both quantity and quality, as well as harmonization of food safety regulations within the Central American region can be expected in upcoming years.

B. LABELING REQUIREMENTS

Required Information

The following information must be specified on labels of all food products:

Name of the product. The name, which is normally specific and not generic, must indicate the true nature of the product. When a specific name is not available, the common name normally associated with the product should be used as long as it is not misleading to the consumer.

Name of the manufacturer or packaging company.

Origin (country).

List of ingredients (except for single-ingredient products). The list should be clearly marked and must be in descending order by initial weight (m/m) at the time the product was manufactured. The list must specify if water has been added except in cases when water is part of an ingredient such as brine, syrup or broth. When a product contains one or more additives, the label must specify the name, purpose, and concentration of each. When a product contains enriched nutritious substances such as vitamins, mineral salts and proteins, the label should read: "Naturally Enriched Food Product" or "Enriched Artificial Food Product," whichever the case may be. The label should also specify the name and the content per serving or consumption unit.

Lot number. This number must be engraved or marked in an indelible manner and may be placed on any external surface of the package.

Expiration date. When the product has a short life span, the day, month and year of expiration must be specified. The following products are excluded from this requirement: alcoholic beverages containing 10 percent or more of alcohol by volume, bakery products which due to their nature are generally consumed within 24 hours of the time they were produced, vinegar, salt, chewing gum, fresh fruits and vegetables.

Net content. The content must be specified in units of the international system and in the following manner: by volume for liquid food products, by weight for solid food products, and by either weight or volume for semi-solid or viscous food products.

Sanitary registration number provided by the DFC.

Additional Requirements

In addition to the above, food products must also adhere to the following labeling requirements:

1. Labels may be made of paper or any other material that can be attached or permanently printed on the package.
2. All writing on labels shall be made in a clear and legible manner and shall not fade under normal use. All inscriptions should also be made in Spanish, unless authorized otherwise by the DFC.
3. Labels that are attached to a container may have inscriptions on the reverse as long as they are clearly visible through the container.
4. The information contained in the label of pre-packaged foods shall not be misleading in any way as to the product's: true nature, composition, quality, origin, quantity, expiration, essential properties and the general treatment(s) to which it was submitted.

5. When the product requires refrigeration it must be labeled accordingly.
6. When the product is easily contaminated and requires refrigeration after opening or must be consumed immediately, the label must state either: "For immediate consumption after opening" or "Refrigerate after opening", whichever the case may be.
7. When the product is artificial it must be labeled accordingly.
8. All food products which have been treated with radiation (ionizing energy) must specify on the label (close to the product's name) the nature of the treatment. When an irradiated product is utilized as an ingredient in another product, this must be specified on the list of ingredients.
9. Product labels should not be misleading, cause erroneous interpretations, or confusion.
10. Products should not be labeled as to imitate another product.
11. Labels are not permitted on the internal part of a package or container which would cause it to come in contact with the product itself.
12. Product labels should not indicate that the product has therapeutic, preventive or healing, or any other attributes not normally associated with the product.
13. Required labeling information should not be displayed on strips, bands, lids, tops, covers, caps, or any other part of the package which is used in opening the product, unless so authorized by the DFC.
14. Labels of products for export may be partially or wholly written in the language of the country of destination and may contain the inscription: "For Export."

Legally, products cannot be imported into Honduras with just the standard U.S. label. However, since most imported foodstuffs are of U.S. origin and the GOH recognizes that in the vast majority of cases U.S. food products are wholesome and safe to consume, the GOH generally allows the importation of U.S. products which simply display the standard U.S. label. The DFC reports no complaints regarding U.S. labels either from trade sources or consumers. Stick-on labels are also allowed in order to fully comply with Honduran labeling requirements. Labels must be affixed prior to customs clearance and at the time of product registration. As mentioned earlier, enforcement of these regulations is an uphill battle for the GOH, but the DFC is working toward making improvements in this regard.

Samples need not be registered with the DFC nor are they required to be labeled. However, all samples are subject to laboratory analysis and DFC approval. Bulk-packed or institutional-size products may display only one label per package, as long as smaller individual packages are not intended for individual retail sale.

Recommended Daily Intake (RDI) standards may vary from those in the U.S. as Honduras follows those of the Codex Alimentarius. As mentioned above, products with limited shelf-life are required to

display an expiration date. In practice, the DFC usually determines the shelf-life for perishable products. The U.S. bar code system is being implemented by major retail outlets. The DFC is not opposed to the bar code being included on labels. Any exceptions to the above requirements, such as might be granted to products donated for humanitarian purposes, must be approved by the DFC.

Nutritional Labeling

Honduras has no requirements regarding nutritional labeling. Consequently, the U.S. nutrition panel is fully acceptable. The DFC treats nutrient content claims (i.e. low in saturated fat), absolute descriptors (i.e. high fiber or low fat), relative descriptors (i.e. "light" or "reduced sugar"), and other implied claims on a case by case basis when complaints are received from the public. As mentioned earlier, product labels should not indicate that the product has therapeutic, preventive or healing, or any other attributes not normally associated with the product. While enforcement of such health claims is often difficult, the DFC does place special care in ensuring that this is the case with sugar. The Honduran sugar industry adds vitamin A to all sugar for direct human consumption. Therefore, the DFC oversees that only this sugar is labeled as such.

C. FOOD ADDITIVE REGULATIONS

The DFC has neither a list of acceptable nor unacceptable food additives. In practice, all the Codex food additives are accepted for the specific products for which they are approved. Special requirements exist only for food colorings. The DFC allows only the following seven (7) colorings in foodstuffs:

1. Yellow #5
2. Yellow #6
3. Blue #1
4. Blue #2
5. Red #2
6. Red #3
7. Red #40

D. PESTICIDES AND OTHER CONTAMINANTS

Pesticide use is regulated by SENASA. All pesticides, as well as veterinary products, must be registered with SENASA prior to being marketed. SENASA uses a list of pesticides approved for use in Honduras. However, SENASA does not have specific tolerance levels of pesticides in food products. Generally speaking, SENASA accepts the tolerance levels set forth by the Codex Alimentarius.

E. PRODUCT REGISTRATION

All processed food products must be registered and a sanitary registration number issued, prior to entering the country. Only samples, to be used for the registration process, will be allowed to enter the

country. The registration of a food product is done at DFC.

Product registration must be carried out by the legal representative of the importer. Moreover, all U.S. documents must be authenticated by a U.S. lawyer or the local Honduran Consulate. DFC regulations allow for up to 30 days to process a product registration. In practice, first-time registrations usually take between 15 and 20 days, but subsequent registrations are usually handled in less time.

The request for product registration must include the following items:

1. Full name, marital status, occupation, National Identification Card (number and place of issue only), and address of the product owner or distributor.
2. Name of the manufacturer or establishment.
3. Name of the product.
4. Product origin (including the nationality and address of manufacturer, distributor or representative).
5. Quantitative as well as qualitative listing of product's ingredients (including any additives).
6. Statement indicating whether the product registration is for purposes of producing, exporting, or domestic distribution.
7. Two (2) label samples.
8. Three (3) commercially packaged samples of the product.
9. Copy of the Sanitary License of the Establishment.
10. Authenticated copy of the Trademark Registration Certificate issued by the Ministry of Industry and Commerce (only if deemed necessary by the DFC).
11. In the case of imported products, the DFC may require special certificates which guarantee the innocuousness of the product. Such certificates (i.e. Certificate of Free Sale, Radiation Certificate, etc.) are to be issued by the appropriate Health Authority in the country of origin and duly authenticated by the Honduran Consulate in that country. If the certificates are in a language other than Spanish, they must be accompanied by a Spanish translation.
12. Proof of payment of the laboratory analysis and sanitary registration.

Registration requirements are equal for all product. New or unusual packaging or containers are usually analyzed prior to product registration. Unlike in other countries, all products undergo laboratory analysis prior to registration. The analysis may be conducted by the GOH or it may be conducted by a private laboratory if so authorized by the DFC.

F. OTHER REGULATORY REQUIREMENTS

The table that follows shows legislation and regulatory agencies affecting certain key issues regarding the importation of food products:

Issue	Legislation	Regulatory Agency (Ministry)
1. Consumer Packaging	Health Code & Regs. 1/	Public Health
2. Weights and Measures	Consumer Protection Law	Industry & Commerce
3. Vitamin Enrichment	Health Code & Regs. 1/	Public Health
4. Novel Foods	Health Code & Regs. 1/	Public Health
5. Dietetic or Special Use Foods	Health Code & Regs. 1/	Public Health
6. Food Sanitation	Health Code & Regs. 1/	Public Health
7. Marine Products	Phyto & Zoosanitary Law 2/ Health Code & Regs. 1/	Agriculture & Livestock Public Health
8. Animal Quarantine	Phyto & Zoosanitary Law 2/	Agriculture & Livestock
9. Wine/Beer/Alcoholic Beverages	Health Code & Regs. 1/	Public Health
10. Organic Foods & health Foods	Health Code & Regs. 1/	Public Health
11. Product Samples & Mail Order Shipments	3/	3/
12. Meat Products	Phyto & Zoosanitary Law 2/ Health Code & Regs. 1/	Agriculture & Livestock Public Health

1/ - Health Code (Congressional Decree 65-91) and Implementing Regulations (Ministry of Public Health Decrees 0035-93 & 0077-93).

2/ - Phytosanitary & Zoosanitary Law (Congressional Decree 157-94 and Implementing Regulations).

3/ - The postal system is generally not used for sending food product samples.

Depending on the circumstances, other GOH agencies may be involved in one way or another with imports of food products (see the List of Useful Contacts at the end of this report).

G. COPYRIGHTS AND TRADEMARKS

The GOH has taken recent actions to substantially improve the Intellectual Property Right (IPR) climate. Traditionally, well-known trademarks have been routinely infringed and protection under local law did not approach international standards. However, in 1993 Honduras passed a comprehensive IPR law. The GOH has since complied with this legislation's requirements by creating an IPR Office within the Ministry of Industry and Commerce to implement and enforce its copyright, trademark, and patent laws. Important amendments to the country's copyright law are now under consideration by the executive branch of the GOH.

As a signatory to the Uruguay Round agreements and member of the World Trade Organization (WTO), Honduras has accepted the new TRIPS standard. In addition, Honduras is currently negotiating a bilateral IPR agreement with the United States. To be protected under Honduran Law, trademarks must be registered with the Ministry of Industry and Commerce. Trademark Registrations are valid for 10 years from the registration date. "Notorious marks" are protected under the Pan-American Convention (1917) of which Honduras is a party. Illegal registration of a notorious mark, however, must be contested in court by the original holder.

H. IMPORT PROCEDURES

Imports of raw and processed agricultural products are reviewed by the National Plant and Animal Health Service (SENASA) of the Ministry of Agriculture and Livestock. In order to obtain an import permit, all importers of foodstuffs, additives, and inputs used in food processing, must submit the following documents to SENASA:

Phyto or Zoo Sanitary Import Permit Request provided by SENASA
Pre-Certification Application
Certificate of Origin
Pro- Forma Invoice

The authorities at SENASA are requesting importers to complete a Pre-Certification Application that was not in existence prior to January 2002. This application is a request from the importer that SENASA inspects the U.S. plant that the product comes from. SENASA has not been inspecting the exporting manufacturing plants and it appears to the Office of Agricultural Affairs that SENASA is attempting to create a listing or registry of "approved" plants. Importers are required to complete a pre-certification application. In addition, the importer should indicate the Establishment Registration Number that SENASA has assigned to them.

Please note that SENASA is requesting the Phyto or Zoo Sanitary Certificate be issued by a federal government authority in the plant where the food has been processed. For the U.S., this is normally a FSIS inspector. SENASA is not accepting documents from the commercial trading companies.

Regarding imports of U.S. poultry products, SENASA has requested USDA to add an Additional Declaration to the phyto certificates. The AD indicates that "the poultry product or sub-product originates in areas free of high or low pathogenic avian influenza".

At the port, the Ministry of Agriculture and Livestock and OIRSA (Regional-International Organization for Animal and Plant Health) have agreed to delegate OIRSA the responsibility of all quarantine inspections and treatment of agricultural imports. OIRSA's Plant and Animal Protection Service (SEPA) follows SENASA guidelines for requirements of raw material and processed foods imports.

A SEPA Inspector, a Customs Inspector, and an Enforcement Official of the Ministry of Finance are usually involved in clearing imports of food products. In order to expedite Customs clearance all the information pertaining to the import of foodstuffs should be in Spanish. Product labels not in Spanish must be accompanied by a Spanish translation.

Prior to granting Customs clearance, the SEPA Inspector will conduct the appropriate inspection of the product. Shipments of food products with an Import Permit approved by SENASA, and for which all the necessary documentation has been provided, are normally granted Customs clearance in a short period of time, ranging from a few hours to two days (depending on the work load at the port). Shipments of food products that were not registered with SENASA prior to import are normally detained at the port of entry where product sampling is conducted. The samples will later be subject to laboratory analysis to check the physical, chemical and biological characteristics of the product. If the laboratory analysis indicates that the product does not meet acceptable standards, the product may be confiscated and later destroyed, re-exported, or tagged for animal consumption depending on its condition and characteristics as determined by the authorities. An appeals system does exist for disputed product rejections. The Honduran Ministry of Agriculture and Livestock has a Legal Department, which handles these types of issues.

I. TARIFFS

Honduras did not negotiate any Tariff Rate Quotas when it became a member of the WTO. It does however, have limitations on imports of rice and corn in order to protect local production. Imports of these two products during harvest time are not allowed. In addition, Honduras doesn't allow the importation of U.S. poultry due to Phytosanitary barriers.

Duties in Honduras are in general:

- 0-5% Raw materials
- 10% Intermediate goods
- 15% Finished goods

J. POST INFORMATION

If you have any questions regarding this report or need assistance exporting to Honduras, please contact the U.S. Agricultural Affairs Office at the following address.

Office of Agricultural Affairs, U.S. Embassy
Avenida Reforma 7-01 Zona 10
Guatemala, Ciudad 01010
Phone: (502) 332-4030
Fax: (502) 331-8293
E-mail: AgGuatemala@fas.usda.gov

Office of Agricultural Affairs, U.S. Embassy
Avenida La Paz, Tegucigalpa, Honduras
Phone: (504) 238-5114, ext. 4354, 4544
Fax: (504) 236-8342
E-mail: GomezA@fas.usda.gov or DavidT@fas.usda.gov

For further information on exporting U.S. agricultural products to Honduras and other countries, please visit the Foreign Agriculture Service home page: www.fas.usda.gov or contact the following officials directly.

Appendix A

1. Name: Dr. Lizardo Reyes Title: Director General
Institution: Servicio Nacional de Sanidad Agropecuaria (SENASA),
Secretaría de Agricultura y Ganadería
Address: Blvd. Miraflores, Avenida La FAO, Tegucigalpa, Honduras
Phone: (504) 239-7067, 232-7867
Fax: (504) 232-6213

2. Name: German Alfaro
Title: Director
Institution: División de Control de Alimentos,
Secretaría de Salud Pública
Address :Barrio Morazán, Frente a Estación de Bomberos, Tegucigalpa, Honduras.
Tel. (504) 232-1139
Fax: (504) 232-2713

Appendix B

1. Name: Dr. Luis Munguía
Title: Director

Institution: Centro de Estudio y Control de Contaminantes (CESCO)
Address: Barrio Morazán, Frente a Estación de Bomberos, Tegucigalpa, Honduras
Phone: (504) 231-1006
Fax: (504) 239-0954

2. Name: Sr. Max Alexis Rivera
Title: Director
Institution: Laboratorio Nacional de Análisis de Residuos Químicos y Biológicos
Address: Col. San José del Pedregal Apartado. Postal 3416, Tegucigalpa, Honduras
Phone: (504) 233-6361
Fax: (504) 233-1081

3. Name: Ing. Eduardo Salgado
Title: Sub-Director Técnico
Institution: Dept. De Sanidad Vegetal, Servicio Nacional de Sanidad Agropecuaria (SENASA),
Secretaría de Agricultura y Ganadería
Address: Blvd. Miraflores, Ave. La FAO, Tegucigalpa, Honduras
Phone: (504) 235-8425, 232-6213
Fax: (504) 235-8425, 232-6213

4. Name: Dr. Carlos Humberto Aguilar
Title: Jefe del Servicio de Inspección Oficial de Productos de Origen Animal
Institution: Servicio Nacional de Sanidad Agropecuaria (SENASA),
Secretaría de Agricultura y Ganadería
Address: Blvd. Miraflores, Ave. La FAO, Tegucigalpa, Honduras
Phone: (504) 239-7089, 232-5400
Fax: (504) 231-0786/239-7067