

Law for labeling of manufactured industrial products
LAW Nº 28405

Article 1.- Purpose of the Law

The purpose of this Law is to establish as mandatory the labeling of manufactured industrial products for use or final consumption, that are sold in the national territory, and the information required in this Law must be imprinted or adhere to the product, container or package, depending on the nature of the product, in order to protect human health, the safety of the public, and the environment, while ensuring the right to information of consumers and users.

Article 2.- Definition of label

A product label is any sticker, mark or other descriptive or graphic material that has been written, printed, stenciled, marked in relief or bas-relief, or adhering to the product, its container or package; it contains the information required in this Law.

Article 3.- Information on the label

The label should contain the following information:

- a) Name or title of the product.
- b) Country of manufacture.
- c) Whether the product is perishable:
 - c.1 Date of expiration.
 - c.2 Storage conditions.
 - c.3 Observations.
- d) Net product content, expressed in units of mass or volume, as appropriate.
- e) If the product contains some input or raw material that poses a risk to the consumer or user, it must be stated.
- f) Name and legal address in Peru of the responsible manufacturer or importer or packager or distributor, as appropriate, as well as the Unique Taxpayer Registration number (RUC - *Registro Único de Contribuyente*).
- g) Warning of any risks or hazards that may arise from the nature of the product, as well as from its use, when such things are foreseeable.
- h) Emergency treatment in the event of harm to the user's health, when applicable.

Detailed information should be presented preferably in Spanish in a clear fashion and in a visible place. The information in sub-paragraphs c), sections c.2 and c.3, d), e), f), g) and h) must be in Spanish.

Information concerning the country of manufacture and date of expiration must be printed in indelible characters on the product, container or package, depending on the nature of the product.

Article 4.- On the sworn statement

The importer of one or more manufactured industrial products in a foreign country must submit together with the Single Customs Declaration a sworn statement in which it is stated that the products in question include on the label the information set forth in detail in Article 3 of this Law, and must explicitly specify the country of manufacture of the product, and the date of expiration. Requiring inclusion of the date of expiration shall be done when applicable.

False information in the sworn statement shall be brought to the attention of the Office of the Public Prosecutor so that it may act accordingly and file the appropriate criminal charges against any individual(s) who may be responsible.

Article 5.- Verification of compliance of label

It is incumbent upon the Consumer Protection Commission (*Comisión de Protección del Consumidor*) of the National Institute for the Defense of Competition and the Protection of Intellectual Property (INDECOPI - *Instituto Nacional de Defensa de la Competencia y de la Protección de la Propiedad Intelectual*) to supervise and enforce compliance with what is established in Article 3 of this Law throughout the entire territory of the Republic.

In the case of industrial products manufactured abroad, it is incumbent upon the National Superintendency of Tax Administration (SUNAT - *Superintendencia Nacional de Administración Tributaria*), to ascertain compliance during the physical inspection of the merchandise, with the requirements concerning the country of manufacture and date of expiration by the importers, in accordance with the General Customs Law, without impairment to any criminal complaint that may be filed by any party that has been affected.

The requirements established in Article 3 of this Law must be fulfilled prior to the sale of the products in question. Verification is to be conducted by the National Institute for the Defense of Competition and the Protection of Intellectual Property (INDECOPI) at any of the outlets that are used for the sale of such products.

Article 6.- Non-compliance of label

Industrial products manufactured abroad that do not comply with the requirements indicated in the second paragraph of the foregoing Article can not be nationalized.

If the aforesaid products comply with such requirements, but not in the manner prescribed in the last paragraph of Article 3 of this Law, the importer must correct the error, prior to nationalizing the products.

Article 7.- Enforcement

It is incumbent upon the National Institute for the Defense of Competition and the Protection of Intellectual Property (INDECOPI) to impose sanctions on any natural or juridical persons that may infringe what is established in this Law, in accordance with Article 41 of Legislative Decree N° 716, the Law of Consumer Protection; without impairment to any other liability that may obtain pursuant to the Law.

Article 8.- Special and supplementary regulation

This Law is applicable in a supplementary fashion in those cases that are regulated by special rules.

Cosmetics and articles of personal hygiene, foods and beverages, pharmaceuticals and the like, agrochemicals, explosives and footwear as well as other products whose labeling is regulated by special provisions are subject to such provisions.

The prerogatives of supervision, control and applying sanctions by the competent authorities for the materials indicated in the foregoing paragraph, are to be implemented in such fashion as the special rules may establish.

SUPPLEMENTARY PROVISIONS

1st – Foreign products embarked with Peru as their destination

What is set forth in this Law is not applicable to manufactured industrial products abroad in the following cases:

- When they have been purchased before this Law went into effect, with demonstration of such status through a confirmed and irrevocable letter of credit, payment order, wire, transfer or any other document routed through the National Financial System that corroborates the respective payment or commitment to make payment.
- When it is shown that the bill of lading or respective shipping document has been issued prior to this Law's entry into force.
- When it is held under a Customs Storage Regime and Definitive Import status has not been applied for, prior to the entry into force of this Law.

2nd – Domestic or foreign products in stock, distribution or commercialization

What is set forth in this Law is not applicable to domestic and/or foreign products that are in the market, in stock or in a phase of distribution or commercialization at the time of this Law's entry into force.

3rd – Regulation

The Executive Branch of government shall regulate this Law within a period not greater than sixty (60) days following its publication.

4th – Revocation

Law N° 28103, Law N° 28224 and any other laws that are in conflict with this Law are hereby rescinded.

5th – Entry into Force of this Law

This Law shall enter into force six (6) months subsequent to its publication in the official bulletin *Diario Oficial El Peruano*, except for what is set forth in its 3rd and 4th Supplementary Provision, which shall enter into force on the day after its publication.

Unofficial Translation

Let this be conveyed to the Hon. President of the Republic for its enactment.
In Lima, on November Nineteenth, Two Thousand and Four