



**NATIONAL AGENCY FOR FOOD AND DRUG ADMINISTRATION
AND CONTROL (NAFDAC)**

**PRE-PACKAGED FOOD, WATER AND ICE (LABELLING)
REGULATIONS 2019**

ARRANGEMENTS OF SECTION

Commencement:-

1. Scope
2. Prohibition
3. Name of the food
4. Brand name/Trade mark
5. Labelling information
6. List of ingredients
7. Processing aids and carry-over of food additives
8. Net content of pre-packaged food
9. Name, address and contact information of the manufacturer and distributor
10. Clear, prominent statements
11. Date marking
12. Storage conditions
13. Batch number
14. Registration number
15. Language
16. Ionizing radiation
17. Frozen foods
18. Instructions for use
19. Nutritional information
20. Quantitative labelling of ingredients
21. Bulk stock
22. Grade designations
23. Penalty
24. Forfeiture
25. Interpretation
26. Repeal
27. Citation
28. Schedules

Commencement:-

In exercise of the powers conferred on the Governing Council of the National Agency for Food and Drug Administration and Control (NAFDAC) by sections 5 and 30 of the National Agency for Food and Drug Administration and Control Act Cap NI Laws of the Federation of Nigeria (LFN) 2004 and all powers enabling it in that behalf, the Governing Council of the National Agency for Food and Drug Administration and Control with the approval of the Honourable Minister of Health hereby makes the following regulations:-

1. Scope

These Regulations shall apply to the labeling of all pre-packaged food (including water and ice) to be offered as such to consumers

2. Prohibition

- (1) No person shall;
 - (a) Manufacture, import, export, distribute, advertise, sell or use a pre-packaged food unless it is labelled in accordance with the provisions of these Regulations.
 - (b) Manufacture, import, export, distribute, advertise, sell or use of food
 - i) Whose expiry date has lapsed,
 - ii) Whose expiry date or best before date has been obliterated or forged,
 - iii) Whose label has been altered, obliterated or removed.
 - (c) Make advertisement claim(s) or professional association endorsement on a food product label unless authorized by the Agency.

3. Name of the Food

- (1) The specific name of the food shall be presented in the Principal Display Panel (PDP) of the label and shall clearly indicate the true nature of the food.
- (2) Where a name or names have been established for a food in a Codex standard, at least one of the names shall be used.
- (3) Where there is no specific, common or usual name of the food, the appropriate product statement of identity shall be used in a manner that is not misleading or confusing to the consumer.
- (4) A “coined”, “fanciful”, “brand” name, or “trade mark” name may be used provided it is not misleading, deceptive or confusing and shall be accompanied by one of the name provided in Regulation 3 (2) & (3).
- (5) There shall appear on the label of a food product either in conjunction with, or in close proximity to, the name of the food, such additional words or phrases, as necessary to avoid misleading or confusing the consumer with regards to the true nature and physical condition of the food including but not limited to the type of packing medium, style, and the condition or the type of treatment it has undergone, for example dried, concentrated, reconstituted, smoked, ozonized or as may be applicable.
- (6) Any characterizing flavour or ingredient shall form part of the name of the product.

4. Brand name/ Trade name

- (1) Where a pre-packaged food product has a brand name or trademark displayed on the label, the brand name or trade mark shall not give a wrong impression of the nature, quality or substance of the food item.
- (2) Where the brand name or trademark is in conflict with any Regulations or requirements of the Agency, the Regulations or requirements of the Agency shall supercede and prevail.

5. Labelling information

- (1) A pre-packaged food shall not be described or presented on any label:
 - (a) In a manner that is false, misleading, deceptive or is likely to create an erroneous impression regarding its identity, character, quality, quantity, composition or origin;
 - (b) By words, expressions, figures, pictorials, images or other devices which refer to or are suggestive either directly or indirectly, of any other product with which such food might be confused, or in such a manner as to lead the purchaser or consumer to suppose that the food is connected with such other product. This clause shall exclude images of serving suggestions.
 - (c) No claims concerning medicinal (preventive, alleviative or curative) effects shall be made in respect of the properties of a prepackaged food.
 - (d) Label in pre-packaged food shall be applied in such a manner that they will not become separated from the container through ordinary use.
- (2) No pre-packaged food label that is directed at children shall-
 - (a) portray images or events which encourage unsafe uses of a product or
 - (b) create an unrealistic impression in the minds of children or their parents or caregivers about safety.
 - (c) condone or encourage the consumption of food items that are detrimental to children's health.

6. List of ingredients

- (1) Except for single ingredient foods, a list of ingredients shall be declared on the label of a pre-packaged food, water or ice product.
- (2) The list of ingredients shall be headed or preceded by an appropriate title which consists of or includes the term "Ingredients".
- (3) All Ingredients used in the product shall be listed in descending order of ingoing weight (m/m) at the time of the manufacture of the food.
- (4) Where an ingredient of a food product is itself the product of two or more ingredients, such a compound ingredient shall be declared as such in the list of ingredients and shall be accompanied by a list in brackets of its ingredients in descending order of proportion by mass.
- (5) Notwithstanding Regulations 6(4), when a compound proprietary ingredient(s) is used in the manufacture of a product, it shall be indicated on the label as a proprietary ingredient.

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- (6) Where a compound ingredient for which a name has been established in a Codex standard constitutes less than 5% of the food, the ingredients other than food additives which serve a technological function in the finished product need not be declared.
- (7) The following foods and ingredients are known to be allergens/may cause hypersensitivity and shall always be declared:
- (a) Cereals containing gluten; i.e., wheat, rye, barley, oats, spelt or their hybridized strains and products of these;
 - (b) Crustacea and products of these;
 - (c) Eggs and egg products;
 - (d) Fish and fish products;
 - (e) Peanuts (groundnuts) and products of these,
 - (f) Soybeans and products of these;
 - (g) Milk and milk products (lactose included);
 - (h) Tree nuts and nut products; and
 - (i) Sulphite in concentrations of 10 mg/kg or more
- Or other products as may be prescribed by the Agency.
- (8) Added water shall be declared in the list of ingredients except in cases where water forms part of an ingredient such as, brine, syrup or broth used in the compound food and declared as such in the list of ingredients;
- (9) Water or other volatile ingredients evaporated in the course of manufacture need not be declared;
- (10) In the case of dehydrated or condensed foods which are intended to be reconstituted by the addition of water only, the ingredients may be listed in order of proportion by mass in the reconstituted product when prepared in accordance with the directions on the label.
- (11) The presence in any food or food ingredients obtained through biotechnology of an allergen transferred from any of the products listed in Regulation 5 (6) shall be declared.
- (12) A specific name shall be used for ingredients in the list of ingredients in accordance with the provisions set out in Regulation 3 (1) to (3) except that-
- (a) the class names used for ingredients shown in the First Schedule, may be used for the ingredient falling within the classes therein;
 - (b) notwithstanding paragraph 11(1), pork fat, lard and beef shall always be declared by their specific names;
 - (c) in the case of food additives falling in the respective classes and appearing in lists of food additives permitted for use in foods generally, the class titles as specified in the Second Schedule shall be used together with the specific name or recognized numerical identification;
 - (d) ingredients and substances falling in the respective classes specified in the Second Schedule to these Regulations shall bear the specific name or recognized identification number;
 - (e) the classes of food additives as specified in the Second Schedule may be used for the food additives in their respective classes and appearing in the corresponding lists of food additives generally permitted for use in foods-

- i) flavours and flavourings, and
- ii) modified starches; and
- iii) the expression "flavours" may be qualified by "natural", "nature identical", or "artificial".

7. Processing aids and carry-over of food additives

- (1) Food additive that are carried over from raw materials into food in a quantity sufficient (within the threshold permitted by the Agency) to perform a technological function in that food when it is used, shall be included in the list of ingredients.
- (2) A food additive or a processing aid that is carried over from raw materials into food in a quantity not sufficient to perform a technological function in that food when it is used is exempt from declaration in the list of ingredients.

8. Net content of pre-packaged food

- (1) The average net content of every pre-packaged food item shall be declared in the metric system or International System of units (herein referred to as S.I. units).
- (2) The declaration of the average net content of the food item shall be made in the following manner:
 - (a) liquid food/water in volume;
 - (b) solid food/ice by weight and number or count (where applicable);
 - (c) semi-solid or viscous food by weight or volume.
- (3) Any food pre-packaged in liquid form normally discarded before consumption, shall carry a declaration of the drained weight of the food item.
- (4) For multi-unit retail packages, a statement of the quantity of contents on the outside package shall include the number of the individual units, the net content of each individual unit, and the total quantity of contents of the multi-unit package.

9. Name, address and contact information of the manufacturer and distributor

- (1) The name and address of the manufacturer, packer, re-packer, distributor, importer, exporter or vendor of a pre-packaged food shall be declared on the product label.
- (2) Where the product is imported, the name and address of the manufacturer and the Certificate of Registration holder shall be declared on the product label.
- (3) Where a manufacturer has plants in many cities and/or towns, the corporate head office would suffice provided every food package has a code/mark to identify the processing plant where it was manufactured.
- (4) Where the pre-packaged food is not manufactured by the person or company whose name appears on the label, the name shall be qualified by "Manufactured for" or "Packed for" or similar expression.
- (5) The country of origin of pre-packaged food shall be declared on the label.
- (6) Where a food undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purpose of labeling.

10. Clear, prominent statements

- (1) Any statement required to appear on the label of a pre-packaged food product shall be clear, prominent and legible to the consumer and be of contrasting colour to that of the background.
- (2) No information shall be obscured by design or by other written, printed or graphic matter contained on the label.
- (3) The statement of identity of the product shall be presented in bold type on the principal display and shall be of a size reasonably related to the most prominent printed matter on such panel and shall be in line generally parallel to the base on which the package rests as it is designed to be displayed.
- (4) The net content of the product shall be printed on the principal display panel.
- (5) Where the container is covered by a wrapper, the wrapper shall carry the necessary information or the label on the container shall be readily legible through the outer wrapper and not obscured by it.

11. Date marking

- (1) All pre-package food shall specify and legibly display the day, month and year of manufacture on the label.
- (2) When a food must be consumed before a certain date to ensure its safety and quality the "Use-by Date" or "Expiration Date" shall be declared.
- (3) Where a "Use-by Date" or "Expiration Date" is not required, the "Best-Before Date" or "Best Quality Before Date" shall be declared.
- (4) The date shall be introduced by appropriate words "Best Before" or "Best quality before" "Use By", "Expiration date" depending on the nature of the product.
- (5) The day and year shall be declared by un-coded numbers with the year to be denoted by 2 or 4 digits and the month declared in letters or character or numbers.
- (6) Where the day is denoted with one or two digits, and where only numbers are used to declare the date or where the year is expressed as only two digits, the sequence of the day, month, year shall be given by appropriate abbreviations accompanying the date mark as **(DD/MM/YYYY or MM/DD/YYYY)**.
- (7) A "Date of Manufacture" shall be used in combination with Regulation 11 (1) to 11(2) and shall be introduced with the words "Date of Manufacture" as appropriate.
- (8) In cases where several items are included in an outer wrapper which during normal usage by the consumer will be discarded, the date shall appear on the packaging that will be retained by the consumer until consumption.
- (9) Notwithstanding Regulation 11(a) and 11(b) of these regulations, an indication of the best before date/best quality before date shall not be required for:
 - (a) fresh fruits and vegetables, including tubers, which have not been peeled, cut or similarly treated;
 - (b) alcoholic beverages containing at least 10% alcohol by volume;
 - (c) bakers' or pastry-cooks' wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture;

- (d) vinegar;
- (e) non-iodized food grade salt;
- (f) non-fortified solid sugars;

12. Storage conditions

The required storage conditions shall be specified on the label.

13. Batch number

The batch number shall be indicated on the label of all pre-packaged food products.

14. Registration number

Every pre-packaged food, water or ice product shall bear the Agency's Registration number issued on registration in a manner as prescribed by the Agency.

15. Language

Any declaration required to be made on pre-packaged food product under these Regulations shall be in English language and may include any other language.

16. Ionizing radiation

- (1) A Pre-packaged food which has been treated with ionizing radiation shall be so declared and the nature of the ionizing radiation shall be stated on the label.
- (2) The label shall carry a written statement indicating the treatment in close proximity to the name of the food.
- (3) The international food irradiated symbol shall be indicated on all irradiated food and shall be in close proximity to the name of the food.
- (4) When an irradiated food is used as an ingredient in another food, this shall be so declared in the list of ingredients.
- (5) When a single ingredient product is prepared from a raw material which has been irradiated, the label of the product shall contain a statement indicating the treatment.

17. Frozen foods

The form of freezing of a pre-packaged food shall be indicated on the label.

18. Instructions for use

Instruction for use, including reconstitution, where applicable, shall be included on the label to ensure correct utilization of the food.

19. Nutritional information

- (1) Nutrient labeling shall be required for any pre-packaged food for all non-single ingredient foods.
 - (a) For food products without nutritional claims, nutritional information shall be limited to energy, carbohydrates (specify quantity of sugar), proteins, fats and sodium.

- (2) Any nutritional claim shall be justified expressly in the nutritional information of the food product label.
- (3) For food products which a nutrition claim is made by manufacturer.
 - (a) Nutritional Information or nutritional facts per 100gm or 100ml or per serving of the product shall be given on the label containing the following:—
 - (i) energy value in kcal;
 - (ii) the amounts of protein, carbohydrate (specify quantity of sugar);
 - (iii) fat in gram (g) or ml;
 - (iv) sodium in gram
- (4) The amount of any other nutrient for which a nutrition or health claim is made;
 - (a) Provided that where a claim is made regarding the amount or type of fatty acids or the amount of cholesterol; the amount of saturated fatty acids, monounsaturated fatty acids and polyunsaturated fatty acids in gram (g) and cholesterol in milligram (mg) shall be declared, and the amount of trans fatty acid in gram (g) shall be declared in addition to the other requirement stipulated above;
 - (b) Wherever, numerical information on vitamins and minerals is declared, it shall be expressed in metric units;
 - (c) Where the nutrition declaration is made per serving, the amount in gram (g) or milliliter (ml) shall be included for reference beside the serving measure; Provided that the food claimed to be enriched with nutrients, such as, minerals, proteins, vitamins, metals or their compounds, amino acids or enzymes shall give the quantities of such added nutrients on the label.

20. Quantitative labelling of ingredients

- (1) Where the labelling of a food places special emphasis on the presence of one or more valuable or characterizing ingredients, the percentage of the ingredient by mass in the final product shall be declared.
- (2) Where the labelling of food places special emphasis on the low content of one or more ingredients, the percentage of the ingredient by mass in the final product shall be declared.
- (3) A reference in the name of a food to a particular ingredient shall not of itself constitute the placing of special emphasis.
- (4) A reference in the labelling of food to an ingredient used in a small quantity and only as a flavouring shall not of itself constitute the placing of special emphasis.

21. Bulk stock

- (1) Where food is sold from bulk stock, the bulk stock container shall be labelled in accordance with the requirements for individually labelled food, and the lettering shall be legible and placed conspicuously on the container.
- (2) Regulation 20 (1) shall not apply where the contents of the bulk container are individually packed and labelled in accordance with the requirements for individually labelled food.
- (3) For re-packaged food, the expiration date shall be as indicated on the bulk stock.

22. Grade designations

Where grade designations for ingredients are used, they shall be readily understandable and shall not be misleading or deceptive in any way.

23. Penalty.

- (1) Any person who contravenes any of the provisions of these Regulations shall be guilty of an offence and liable on conviction. In case of :
 - (a) an individual, to imprisonment for a term not exceeding one year or to a fine not exceeding N50,000 or to both such imprisonment and fine; and
 - (b) a body corporate, to a fine not exceeding N100, 000.

- (2) Where an offence under these Regulations is committed by a body corporate, firm or other association of individuals every:-
 - (a) director, manager, secretary or other similar officer of the body corporate; or
 - (b) partner or officer of the firm or
 - (c) trustee of the body concerned ;or
 - (d) person concerned in the management of the affairs of the association ;or
 - (e) person who was purporting to act in a capacity referred to in paragraphs (a) to (d) of this regulation, is severally guilty of that offence and liable to be proceeded against and punished for that offence in the same manner as if he had himself committed the offence, unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.

24. Forfeiture after conviction

- (1) A person convicted of an offence under these Regulations shall forfeit to the Federal Government-
 - (a) any asset or property constituting proceeds derived from or obtained, directly or indirectly, as a result of the offence;
 - (b) any of the person's property or instrumentalities used in any manner to commit or to facilitate the commission of the offence.
- (2) In this section, "**proceeds**" means any property derived or obtained, directly or indirectly, through the commission of the offence.

25. Interpretation

- (1) For the purpose of these regulations unless the context otherwise requires, the following words mean:-

"Address" means where the business of manufacture, sale, distribution, storage and display of pre-packaged food and water and ice item is carried out which includes the house number, plot number, street name, town/city, State, Country, etc.

"Agency" means National Agency for Food and Drug Administration and Control;

“Best Before Date” or “Best Quality Before Date” means the date which signifies the end of the period, under any stated storage conditions, during which the unopened product will remain fully marketable and will retain any specific qualities for which implied or express claims have been made. However, beyond the date the food may still be acceptable for consumption.

"Container" means any form of packaging of food for sale as a single item whether by completely or partially enclosing the food and includes wrappers, but does not include leaves traditionally used as food wrappers. A container may enclose several units or types of packages when such is offered to the consumer.

“Date of Manufacture” means the date on which the food becomes the product as described. This is not an indication of the durability of the product.

“Date of Packaging” means the date on which the food is placed in the immediate container in which it will be ultimately sold. This is not an indication of the durability of the product.

“Food” means any substance, whether processed, semi-processed or raw, which is intended for human consumption, and includes water and other drinks, chewing gum and any substance which has been used in the manufacture, preparation or treatment of “food” but does not include cosmetics or tobacco or substances used only as drugs.

“Food Additive” means any substance not normally consumed as a food by itself and not normally used as a typical ingredient of the food, whether or not it has nutritive value, the intentional addition of which to food for a technological (including organoleptic) purpose in the manufacture, processing, preparation, treatment, packing, packaging, transport or holding of such food results, or may be reasonably expected to result, (directly or indirectly) in it or its by-products becoming a component of or otherwise affecting the characteristics of such foods. The term does not include “contaminants” or substances added to food for maintaining or improving nutritional qualities.

“Ingredient” means any substance, including a food additive, used in the manufacture or preparation of a food and present in the final product although possibly in a modified form.

“Label” means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stenciled, marked, embossed, impressed on, or attached to a container of food.

“Labelling” includes any written, printed or graphic matter that is present on the label, accompanies the food, or is displayed near the food, including that for the purpose of promoting its sale or disposal.

“Lot” means a definitive quantity of a commodity produced essentially under the same conditions.

“Prepackaged” means packaged or made up in advance in a container, ready for offer to the consumer.

“Prepackaged food” means food water or ice made up in advance in a container ready for offer to the consumer or for catering purposes

“Processing Aid” means a substance or material, not including apparatus or utensils, and not consumed as a food ingredient by itself, intentionally used in the processing of raw materials, foods or its ingredients, to fulfil a certain technological purpose during treatment or processing and which may result in the non-intentional but unavoidable presence of residues or derivatives in the final product.

“Principal Display Panel”: means that part of the label that bears the brand name or trade name and product name in greatest prominence and which is likely to be seen at first glance by the consumer at the time of purchase, that enables the consumer to immediately identify a product in terms of its character or nature;

“Use-by Date” or “Expiration Date” means the date which signifies the end of the period under any stated storage conditions, after which the product should not be sold or consumed due to safety and quality reasons.

26. Repeal

- (1) The Pre-packaged Food (Labelling) Regulations 2005 and Bottled Water Labelling Regulations 1996 are hereby repealed.
- (2) The repeal of these Regulations specified in Regulation 26(1) shall not affect anything done or purported to be done under the repealed Regulations.

27. Citation

These Regulations may be cited as Pre Packaged Food, Water and Ice (Labelling) Regulations 2018

FIRST SCHEDULE

| NAME OF CLASSES | CLASS NAMES |
|--|---|
| Refined oils other than olive | 'Oil' together with either the term 'vegetable' or 'animal', qualified by the term 'hydrogenated' or 'partially-hydrogenated', as appropriate |
| Refined fats | 'Fat' together with either, the term 'vegetable' or 'animal', as appropriate |
| Starches, other than chemically modified starches | 'Starch' |
| All species of fish where the fish constitutes an ingredient of another food and provided that the labelling and presentation of such food does not refer to a specific species of fish | 'Fish' |
| All types of poultry meat where such meat constitutes an ingredient of another food and provided that the labelling and presentation of such a food does not refer to a specific type of poultry meat | 'Poultry meat' |
| All types of cheese where the cheese or mixture of cheeses constitutes an ingredient of another food and provided that the labelling and presentation of such food does not refer to a specific type of cheese | 'Cheese' |
| All spices and spice extracts not exceeding 2% by weight either singly or in combination in the food | 'Spice', 'spices', or 'mixed spices', as appropriate |
| All herbs or parts of herbs not exceeding 2% by weight either singly or in combination in the food | 'Herbs' or 'mixed herbs', as appropriate |
| All types of gum preparations used in the manufacture of gum base for chewing gum | 'Gum base' |
| All types of sucrose | 'Sugar' |
| Anhydrous dextrose and dextrose monohydrate | 'Dextrose' or 'glucose' |
| All types of caseinates | 'Caseinates' |
| Milk products containing a minimum of 50% of milk protein (m/m) in dry matter * | 'Milk Protein' |
| Press, expeller or refined cocoa butter | 'Cocoa butter' |

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| All crystallized fruit not exceeding 10% of the weight of the food | 'Crystallized fruit' |
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SECOND SCHEDULE

1. Acidity Regulator
2. Flour Treatment Agent
3. Anticaking Agent
4. Foaming Agent
5. Antifoaming Agent
6. Gelling Agent
7. Antioxidant
8. Glazing Agent
9. Bleaching Agent
10. Humectant
11. Bulking Agent
12. Preservative
13. Carbonating agent
14. Propellant
15. Colour
16. Raising Agent
17. Colour Retention Agent
18. Sequestrant
19. Emulsifier
20. Stabilizer
21. Emulsifying Salt
22. Sweetener
23. Firming Agent
24. Thickener
25. Flavour Enhancer

MADE at Abuja this.....day.....2019

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Inuwa Abdulkadir Esq
Chairman Governing Council

National Agency for Food and Drug Administration and Control (NAFDAC)