

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

**COSMETIC PRODUCTS (ADVERTISEMENT) REGULATIONS 2018**

**COMMENTS ARE WELCOMED FROM STAKEHOLDERS WITHIN 60 DAYS.**

**PLEASE SEND ALL INPUT TO**[**REGULATORYAFFAIRS@NAFDAC.GOV.NG**](mailto:regulatoryaffairs@nafdac.gov.ng)

**ARRANGEMENT OF REGULATIONS**

Commencement:

1. Scope
2. Prohibition
3. Nature of advertisement
4. Non-Referential Advertisement
5. Application for the approval of advertisement
6. Particulars of Application
7. Validity of Approval
8. Alteration in approved script
9. Withdrawal of an approval
10. Appeal in case of withdrawal of approval
11. Prohibition of reference to member of health care professionals, etc.
12. Contravention of ethical standards not permitted
13. Advertisement not to prejudice public confidence
14. Unfairly disparage competition
15. Restriction
16. Prohibition of misleading comparison
17. Accurate interpretation of research findings
18. Scientific articles and literatures to contain both positive features and negative findings
19. Product launches and Press release
20. Claims
21. Penalty
22. Forfeiture
23. Interpretation
24. Repeal
25. Citation

**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 NAFDAC Act Cap N1 LFN 2004 and Section 12 of the Food, Drugs and Related Products (Registration, Etc.) Act Cap F33 LFN 2004 and of all the 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 apply to all advertisements and promotion of cosmetics products (both single and compound entity) manufactured, imported, exported, sold, distributed or used in Nigeria.

1. **Prohibition**

No person shall advertise the a cosmetics product unless-

1. the product has been registered by the Agency;
2. the advertisement has the approval of the Agency.
3. **Nature of advertisement**

The advertisement of any cosmetic product shall be accurate, complete, clear and designed to promote credibility and trust by the general public and therefore statements or illustrations shall not mislead directly, indirectly or by implication.

1. **Non-referential advertisement**

No advertisement of a cosmetic product shall-

1. imitate the general layout, text, slogan or visual presentation of another cosmetic product in a way likely to mislead or confuse the consumer; or
2. be framed in such a manner as to exploit any superstitions or be calculated to induce fear among consumers causing them to purchase the cosmetic product being advertised.
3. **Application for the approval of advertisement**

All advertisement materials including scripts, story-boards, art work, radio scripts and any other advertisement material as may be required by the Agency shall be submitted along with an application, to the Agency.

1. **Particulars of application**
2. An application submitted by any advertisement agent, distributor, manufacturer or the sponsor of the advert shall be as specified by the Agency.
3. All advertisement materials including scripts, story-boards, art work, radio scripts and any other advertisement material as may be required by the Agency shall be submitted along with the application.
4. All materials submitted under these Regulations shall be authenticated by the Chief Executive or the appropriate technical persons of the cosmetics company sponsoring the product.
5. **Validity of approval**
6. An approval for advertisement of cosmetics product shall be valid for a period of one year from the date of the approval and may be renewed.
7. Notwithstanding, consumer promotions shall have validity of fifteen weeks.
8. **Alteration in approved script**

Any alteration in the format of the approved script or recording without the approval of the Agency shall render the approval null and void

1. **Withdrawal of an approval**

The Agency may withdraw the approval for an advertisement of cosmetic products if-

1. the grounds on which the approval was granted was later found to be false or incomplete; or
2. any of the conditions under which the approval was granted has been contravened; or
3. the standard of the advertisement contravenes the provisions of these Regulations.
4. in the light of new scientific evidence against claims contained in the advertisement.
5. **Appeal in case of withdrawal of approval**

If the approval of an advertisement of cosmetic products is withdrawn during the one year period of approval, an appeal shall be lodged within thirty days after the receipt of the withdrawal to the Governing Council in writing and accompanied by supportive information; If no appeal is made after thirty days, the withdrawal stands as issued.

1. **Prohibition of reference to member of health care profession, etc.**

No advertisement of cosmetic products shall make reference directly or indirectly to any member of the healthcare profession, any professional body or to a hospital, clinic or any other health centre.

1. **Contravention of ethical standards not permitted**

No advertisement of cosmetic products shall contravene the ethical standard of the health care profession.

1. **Advertisement not to prejudice public confidence**

No advertisement of cosmetic products shall bring the pharmaceutical industry into disrepute, undermine or prejudice public confidence in medicine.

1. **Unfairly disparage competition**

No advertisement of cosmetic products shall unfairly disparage any company of its competitive products either directly or by implication.

1. **Restriction**

No advertisement of cosmetic products shall contain-

1. half-truth, inadequate qualification and limitation regarding the safety or effectiveness of the product; or
2. vague or unsubstantiated statement or suggestion of superiority over competing product; or
3. any false impression that the product advertised is more effective or safer than any other competing product.
4. **Prohibition of misleading comparison**
   1. No comparison in an advertisement of cosmetic products shall mislead the public either directly or by implication and where there is comparison it shall be supported by reliable current scientific data.
   2. A reference to a competitive manufacturer or its specialties in an advertisement of cosmetic products shall be restricted to factual comparison without the use of identifiable regulated product or brand name.
   3. Data illustrations including charts and graphs, tables extracted from reference studies or other sources or reproduced by art work, presented in an advertisement, shall (correct in drug-
5. be accurate, complete and clear, with their source specifically identified;
6. not be misleading or ambiguous or distort the original intended meaning or interpretation either directly or by implication.
7. **Accurate interpretation of research findings**
   1. A copy of an advertisement of cosmetic products shall be so written as to accurately interpret valid and representative research findings.
   2. Statistics in an advertisement of cosmetic products shall be so written as to reflect only their true validity and significance.
   3. Any claim or quotation from a scientific literature concerning the efficacy, safety and adverse reaction, use in children or during pregnancy or any such precautionary statements with the constraints of the accepted products monograph, shall specify the scientific source of the claim or quotation.
   4. Copy of any reference cited by an applicant or in the advertisement of cosmetic products shall be provided to the Agency for verification.
8. **Scientific articles and literatures to contain both positive features and negative findings**
   1. A claim or quotation shall contain both the negative and positive findings and shall be readily verifiable by the Agency.
   2. A claim based on, or quotation that has been selected from a scientific article or series of articles which emphasises only the positive features while ignoring negative findings, shall not be acceptable.
9. **Product launches and Press release:**

All product launches and press releases for cosmetic products shall obtain approval from the Agency.

1. **Claims**
   1. Claims for cosmetic products shall be substantiated before approval.
   2. Superiority claim may be used only when a product proves to be superior to an identified comparator or to all products in same category.
   3. Top parity claims and ‘Natural claims’ may be permitted provided they are adequately substantiated.
   4. No advertisement for cosmetic products shall state or imply in absolute terms or by quotations taken out of context that any cosmetic product is or has guaranteed efficacy.
   5. Any statement claiming or implying a superlative function such as “**most effective**“, or special status such as “**the product of choice**“, or any such statements, for a cosmetic product shall not be used unless it can be adequately substantiated.
   6. *“*Best-selling*”* claims when used shall not imply superiority in any form to other products in same category.
   7. “Duration of action” claims in cosmetic product advertisements shall be allowed provided such claims can be adequately substantiated.
2. **Penalty**

A person who contravenes a provision of these Regulations is guilty of an offence and liable on conviction to a fine of N50, 000

**24. Interpretation**

* 1. In these Regulations, unless the context otherwise requires-
  2. “**Agency**” means the National Agency for Food and Drug Administration and Control
  3. “**Advertising**” means the publicity of goods and description of all products (which includes any form of notices in circulars, handouts, labels, wrappers, catalogues and price lists, bill boards, posters, newspapers, magazines, and any other documents) made orally or otherwise or by means of projected light and sound recordings;
  4. “**Advertisement**” is a form of communication through the media about products, services or ideas paid for by an identified sponsor. It is used to encourage, persuade or manipulate an audience (viewers, readers or listeners) to continue with or take some new action.
  5. “**Agency**” means the National Agency for Food and Drug Administration and Control;
  6. “**Claim**” means any representation which states, suggests or implies that the cosmetic product has particular qualities relating to its origin, nature, processing, composition or any other quality;
  7. “**Cosmetic**” means any substance or mixture of substances intended to be rubbed,poured, sprinkled or sprayed, introduced into or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness or altering the complexion, skin, hair or teeth and includes deodorants and detergent powder.
  8. “**Justification**” in respect of any claim shall be in the light of current knowledge;
  9. “**Label**” means a display of written, printed or graphic matter upon the immediate containers to the cosmetics product;
  10. “**Package labelling**” includes the label on the immediate container plus all other printed matter such as outer wrapper, carton or leaflet associated with the package;
  11. “**Media**”: means newspaper, magazine, medical/journal, television, radio, the Internet; Out of home, vehicle branding, posters, handbills, cinema, point of sale material; any form of projected light and sound recordings or any of such means of communication.
  12. “**Top Parity**”: Where several products within the same category are of equal efficacy and the evidence shows that no product is superior to the one being advertised, a top parity claim may be used.

1. **Repeal:**

The Cosmetic and Medical Devices Advertisement Regulation 1996 is hereby repealed

1. **Citation:**

These Regulations may be cited as the Cosmetics and Medical Devices (Advertisement) Regulations, 2018.

**MADE at Abuja this ……………………….day of …………………………..2018**

**Inuwa Abdulkadir Esq**

**Chairman Governing Council**

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