



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

MILK AND DAIRY PRODUCTS REGULATIONS 2018

COMMENTS ARE WELCOMED FROM STAKEHOLDERS WITHIN 60 CALENDAR DAYS

(ending 29th August, 2018).

PLEASE SEND ALL INPUT TO REGULATORYAFFAIRS@NAFDAC.GOV.NG

ARRANGEMENT OF REGULATIONS

Commencement

1. Scope
2. Prohibition
3. Labeling information
4. Definition, composition and label designation for milk and dairy products
5. Food Additives
6. Penalty
7. Forfeiture
8. Interpretation
9. Repeal
10. Citation
11. Schedule

DRAFT

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 be applicable to all milk and dairy products manufactured, imported, exported, advertised, sold distributed or used in Nigeria.

2. **Prohibition**

No milk or dairy products shall be manufactured, imported, exported, advertised, sold or distributed in Nigeria, unless it has been registered in accordance with the provisions of these Regulations;

3. **Labeling Information**

- (1) Milk and dairy products shall be labelled in accordance with the Pre-packaged Food (Labelling) Regulations, 2018.
- (2) The name of the food shall be declared in accordance with the extant Prepackaged Foods Labelling Regulations.
- (3) Where milk from any source other than a cow is used for the manufacture of any of the products specified therein, such products shall be designated according to the origin of the milk;
- (4) Where the milk is from two origins, the one in larger proportion shall be indicated first.
- (5) Milk which is modified in composition by the addition or withdrawal of milk constituents may be identified with a name using the term "milk", provided that a clear description of the modification to which the milk has been subjected is given in close proximity to the name in accordance with the limits of compositional as specified in Schedule 'A' to these Regulations.
- (6) Nutritional information shall be mandatory for all milk and dairy products.
- (7) A word or words denoting the animal or, in the case of mixtures, all animals from which the milk has been derived shall be inserted immediately before or after the designation of the product. Such declarations are not required if the consumer would not be misled by their omission.

(8) Only a food complying with the definition of milk shall be named “milk”.

4. **Definitions, compositions and label designation for milk and dairy products**

The definitions, compositions and label designations for milk and dairy products shall be as specified in Schedule A to these Regulations.

5. **Food Additives**

These shall be harmless, non-carcinogenic, safe and as prescribed in the schedule to these Regulations.

6. **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 50,000 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.

7. **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.

8. Interpretation

In these Regulations unless the context otherwise requires:

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

"Dairy terms" means names, designations, symbols, pictorial or other devices which refer to or are suggestive, directly or indirectly, of milk or milk products.

"Edible acid Casein" means the milk product obtained by separating, washing and drying the acid-precipitated coagulum of skimmed milk and/or of other products obtained from the milk.

"Edible Rennet Casein" means the milk product obtained by separating, washing and drying the coagulum of skimmed milk and/or of other products obtained from the milk. The coagulum is obtained through the reaction of rennet or other coagulating enzymes.

"Edible Caseinate" means the milk product obtained by action of edible casein or edible Casein curd coagulum with neutralizing agents followed by drying.

"Milk" means the normal mammary secretion of milking animals obtained from one or more milkings without either addition to it or extraction from it, intended for consumption as liquid milk or for further processing;

"Milk product" means a product obtained by any processing of milk, which may contain food additives, and other ingredients functionally necessary for processing;

"Milk solids" means

- (a) in respect of a dairy product, other than cheese, is any constituent of milk — other than water or casein — singly or in combination with other constituents of milk, that has not been altered in its chemical composition, and

(b) in respect of cheese, any constituent of milk — other than water — singly or in combination with other constituents of milk;

"Pasteurized" (when used in connection with milk or milk product) means the process of heating the milk to a temperature of not less than;

- (a) 63°C and not more than 66°C, holding it at such temperature for not less than 30 minutes and immediately thereafter reducing it to a temperature below 40°C; or
- (b) 71.5°C and retaining it for at least fifteen seconds or at any other approved time/temperature combination and immediately thereafter reducing the milk to a temperature below 4°C.

"Whey" means the fluid separated from the curd after the coagulation of milk, skimmed milk, cream or butter milk in the manufacture of cheese, casein or similar products, principally with rennet type enzymes.

9. **Repeal of Milk and Dairy products Regulations 2005**

- (1) The Milk and Dairy products Regulations 2005 is hereby repealed.
- (2) The repeal of these Regulations specified in Regulations 9 (1) shall not affect anything done or purported to be done under the repealed Regulations

10. **Citation**

These Regulations may be cited as Milk and Dairy Product Regulations 2018.

SCHEDULE "A"
DEFINITIONS, COMPOSITIONS AND LABEL DESIGNATIONS FOR MILK
AND DAIRY PRODUCTS

Butter

Butter shall be the fatty product exclusively derived from Milk principally in the form of an emulsion of the type water-in-oil and shall contain any of the food additives as approved by the Agency and shall contain:

- (a) minimum milkfat 80%(m/m);
- (b) maximum milk solids-not-fat 2%(m/m); and
- (c) maximum water 16 %(m/m).

Butter milk

Butter milk shall be the nearly milkfat-free fluid remaining from the butter making process. It shall contain:

- (a) Minimum Moisture 4%
- (b) Minimum milk fat 4% and 13% max.
- (c) Minimum Protein 30%

Cream

Cream shall be the pasteurized fatty emulsion prepared from milk by separating milk constituents in such manner as to increase the milk fat content and shall contain for -

- (a) Cream, minimum milk fat content 18% (m/m);
- (b) Half cream, minimum milk fat content 10% (m/m) and maximum milk fat content of less than 18% (m/m);
- (c) Whipping and Whipped cream, with minimum milk fat content 28% (m/m);
- (d) Heavy Whipping and Whipped Heavy cream, with minimum milk fat content of 35% (m/m); and
- (e) Double cream with minimum milk fat content of 45% (m/m).

Cheese

- (1) Cheese shall be the fresh or matured solid or semi-solid product obtained:
 - (a) by coagulating milk, skimmed milk, partly skimmed milk, cream, whey cream, or butter milk, or any combination of these materials, through the action of rennet or other suitable coagulating enzymes and by partially draining the whey resulting from such coagulation or,
 - (b) by processing techniques involving coagulation of milk and materials obtained from milk which give an end product with the same essential physical, chemical and organoleptic characteristics as the product defined in Schedule "A" to these Regulations.
- (2) Ripened cheese is cheese which is not ready for consumption shortly after manufacture but which must be held for such time, at such temperature, and under such other conditions as will result in the necessary biochemical and physical changes characterizing the cheese in question.
- (3) Mould ripened cheese is a ripened cheese in which the ripening has been accomplished primarily by the development of characteristic mould growth throughout the interior and/or on the surface of the cheese.
- (4) Unripened cheese (including fresh cheese) is cheese which is ready for consumption shortly after manufacture.
- (5) When a variety name is used to describe a named-variety processed cheese and spreadable processed cheese, the cheese blend from which the product is made shall contain at least 75% of the cheese

variety mentioned. The remaining cheese shall be of similar type.

- (6) In relation to processed cheese and spreadable processed cheese, the name of a product in accordance with these Regulations shall be processed) Cheese or Spreadable processed Cheese as applicable.

Evaporated milk

- (1) Evaporated milk shall be the liquid product obtained by the partial removal of water only from milk and it shall have;
 - (a) minimum milk fat 7.5% (m/m);
 - (b) minimum milk solids 25% (m/m);
 - (c) minimum milk protein in milk solids-not-fat 34% (m/m), and it may contain stabilizers or emulsifiers as permitted by the Agency.
- (2) The product may be labelled as “Evaporated Milk” or “Evaporated Full Cream Milk”.

Evaporated skimmed milk

- (1) Evaporated skimmed milk shall contain;
 - (a) maximum milkfat 1.0% (m/m)
 - (b) minimum milk solids 20% (m/m)
 - (c) minimum milk protein in milk solids-not-fat 34% (m/m), and; it may contain food additives as permitted by the Agency.
- (2) The product may be labelled “Evaporated skimmed milk”.

Evaporated partly filled milk

- (1) Evaporated partly skimmed milk shall contain;
Filled milk shall be skimmed milk to which milkfat has been wholly or partially replaced with an equivalent amount of edible vegetable oil or fat. It shall contain

- (a) not less than 3% (m/m) fat
- (b) not less than 8.5 % (m/m) of milk solids-not-fat.
- (c) minimum of 28 % vegetable fat and a maximum of 40% m/m.
- (d) minimum of 23.5% m/m protein

it may contain food additives as permitted by the Agency.

Flavoured milk

- (1) Flavoured milk shall be the pasteurized or sterilized liquid product made from milk or milk powder and any permitted flavouring agent and shall contain not less than 3.0 percent (m/m) of milkfat and it may also contain food additives as permitted by the Agency.
- (2) Flavoured milk shall be labelled by the common name of the characteristic flavouring agent e.g. vanilla flavoured milk.

Flavoured Yoghurt

- (1) Flavoured yoghurt shall be coagulated milk product which has been pasteurized prior to fermentation through the action of *Lactobacillus bulgaricus* and *Streptococcus thermophilus* from milk and milk products, to which have been added the following flavouring foods or other flavouring ingredients:-
 - (a) natural flavouring ingredients such as fruit (fresh, canned, quick frozen, powdered), fruit puree;
 - (b) fruit pulp, jam, fruit juice, honey, chocolate, cocoa, nuts, coffee, spices and other harmless natural flavouring food.

- (2) It shall contain not less than 3.0 % (m/m) of milk fat and not more than 8.2 % (m/m) milk solids non-fat.
- (3) It may contain the following optional ingredients:-
 - (a) sugars;
 - (b) Milk powder, skimmed milk powder, unfermented buttermilk, concentrated whey, whey powder, whey proteins whey protein concentrate, water-soluble milk proteins, edible casein, caseinates, manufactured from pasteurized products;
 - (c) Cultures of suitable lactic acid producing bacteria in addition to *Lactobacillus bulgaricus* and *Streptococcus thermophilus*;
 - (d) Harmless natural colouring agents.
- (4) It may contain preservatives which come exclusively from natural flavouring substances as a result of carry-over and the limit of these shall be prescribed by the Agency.

Flavoured skimmed evaporated high-fat milk.

Flavoured skimmed milk shall be the product made;

- (1) Evaporated high-fat milk shall contain;
 - (a) minimum milkfat 15% (m/m);
 - (b) minimum milk solids-not-fat 11.5% (m/m);
 - (c) minimum milk protein in milk solids-not-fat 34% (m/m); and it may contain food additives as permitted by the Agency.
- (2) The product may be labeled as “Evaporated high-fat milk”.

Heat-treated fermented milk

These are products as described under Regulation 24 of these Regulations which have been subjected to heat treatment after fermentation and shall not contain viable and abundant micro-organism.

Ice Cream.

- (1) Ice Cream shall be the pasteurized frozen food made from combination of cream, milk or other milk product, and may contain egg, fruits, nut, cocoa, sugar and glucose syrup and it shall have a minimum milk fat content of 8.0 % (m/m) and not less than 16.0% (m/m) of milk solid.
- (2) When Ice Cream is described as "Dairy Ice Cream". It shall not contain any fat other than milk fat. If the fat used is of vegetable origin, the product shall be labelled with the words "contains vegetable fat".
- (3) Ice Cream that contains no artificial flavour but fruits or other bulky flavouring substances shall be designated with the name of the flavouring substance e.g. Vanilla Ice Cream, and Ice Cream that contains artificial flavouring agent shall be so designated. E.g. artificial vanilla ice cream or artificially flavoured vanilla ice cream.

Low-fat (skimmed) yoghurt

Low-fat Yoghurt shall be the coagulated milk product prepared in same manner as prescribed in Schedule "A" to these Regulations, except that it shall contain maximum milkfat 0.5 % (m/m) and minimum milk solids not-fat 8.2 % (m/m).

Malted milk powder

- (1) Malted milk or malted milk powder shall be the product made by combining milk with the liquid separated from mash of malted cereal and may contain food additives as permitted by the Agency.
- (2) It shall contain not less than 7.5 percent (m/m) of milkfat and not more than 3.5 per cent of water.

Milk

from skimmed milk and a flavouring agent permitted by the Agency.

Partly skimmed milk powder.

Partly skimmed milk powder shall be the product obtained by the removal of water from skimmed milk, and shall have

- (a) Milkfat more than 1.5% and less than 26% m/m
- (b) maximum water 5% (m/m);
- (c) minimum milk protein in milk solids-not-fat 34 % (m/m); and it may contain food additives as permitted by the Agency.

Reconstituted milk product

Reconstituted milk product is a product resulting from the addition of water to the dried or concentrated form of the product in the amount necessary to re-establish the appropriate water to solids ratio not less than 3.0 percent of milk fat and not less than 8 percent of milk solids not-fat.

Recombined milk product

Is a product resulting from the combining of milkfat and

- (a) milk-solids-non-fat in their preserved forms with or without the addition of water to

(b) achieve the appropriate milk product composition.”

Skimmed Milk

Skimmed milk shall be the milk from which part of the milk fat has been removed and which contains not more than 1.5 percent of milk fat and not less than 8.5 percent of milk.

Skimmed milk powder.

Skimmed milk powder shall be the product obtained by the removal of water from skimmed milk, and shall have –

- (a) maximum milkfat 1.5% (m/m);
- (b) maximum water 5% (m/m);
- (c) minimum milk protein in milk solids-not-fat 35 % (m/m); and

it may contain food additives as permitted by the Agency.

Skimmed milk.

- (a) milkfat more than 1.0% and less than 7.5% (m/m);
- (b) minimum milk solids 20% (m/m);
- (c) minimum milk protein in milk solids-not-fat 34% (m/m), and;

it may contain food additives as permitted by the Agency.

- (2) The product may be labeled as “Evaporated partly skimmed milk”.

Sweetened Condensed Milk

(1) Sweetened condensed milk shall be the product obtained by the partial removal of water only from milk with the addition of sugar and it shall contain -

- (a) minimum milk fat 8.0% (m/m);
- (b) minimum milk solids 28% (m/m);

(c) minimum milk protein in milk solids-not-fat 34% m/m, and

it may contain food additives as permitted by the Agency.

(2) The product may be labelled as “Sweetened Condensed Milk” or “Sweetened Condensed Whole Milk” or “Sweetened Full Cream Milk”.

(3) When one or several sugars are used, the name of each sugar shall be declared on the label, for example “with sucrose” “with dextrose” “with sucrose and dextrose”.

Sweetened condensed skimmed milk.

(1) Sweetened condensed skimmed milk shall contain -

(a) maximum milkfat 1.0% (m/m);

(b) minimum milk solids 24% (m/m);

(c) minimum milk protein in milk solids-not-fat 34% (m/m); and

it may contain food additives as permitted by the Agency.

(2) The product may be labelled as “Sweetened condensed skimmed milk”

(3) When one or several sugars are used the name of each of such sugar shall be declared on the label, for example “with sucrose” “with dextrose” “with sucrose and dextrose”.

Sweetened condensed partly skimmed milk

(1) Sweetened condensed partly skimmed milk shall contain;

(a) Milkfat more than 1.0%(m/m) and less than 8.0% (m/m);

(b) minimum milk solids-not-fat of 20% (m/m);

(c) minimum milk solids 24% (m/m);

(d) minimum milk protein in milk solids-not-fat 34% (m/m); and

it may contain food additives as permitted by the Agency.

(2) The product may be labelled as “sweetened condensed partly skimmed milk”.

(3) When one or several sugars are used, the name of each sugar shall be declared on the label, for example “with sucrose”, “with dextrose” or “with sucrose and dextrose”.

Sweetened condensed high-fat milk

(1) Sweetened condensed high-fat milk shall contain

(a) minimum milkfat 16% (m/m);

(b) minimum milk solids-not-fat 14% (m/m);

(c) minimum milk protein in milk solids-not-fat 34% (m/m); and

it may contain food additives as permitted by the Agency.

(2) The product may be labelled as “Sweetened condensed high-fat milk”.

(3) When one or several sugars are used the name of each sugar shall be declared on the label for example “with sucrose” “with dextrose” “with sucrose and dextrose”.

Whey powders

Whey powders are milk products obtained by drying whey or acid whey. The term “sweet” may accompany the name of whey powder, provided that the whey powder meets the following compositional criteria:

(a) minimum lactose: 65%

(b) minimum protein: 11%

(c) maximum ash: 8.5%

Whole Milk Powder

- (1) Whole milk powder shall be the product obtained by the removal of water only from milk after adjusting the fat and milk solids, if necessary, and the milk fat content shall be minimum 26% (m/m) and maximum 42% (m/m).
- (2) The milk protein in milk solids-not-fat shall not be less than 24% (m/m).
It may contain food additives as permitted by the Agency.
- (3) The moisture content shall not be more than 5% (m/m).

Yoghurt

- (1) Yoghurt shall be the coagulated milk product which has been pasteurized prior to fermentation through the action of *Lactobacillus bulgaricus* and *Streptococcus thermophilus* from milk and milk products and with or without the following optional additions:-
 - (a) Milk powder, skimmed milk powder, unfermented buttermilk, concentrated whey, whey powder, whey proteins, whey protein concentrate, water-soluble proteins, edible casein, caseinates (definition), manufactured from pasteurized products;
 - (b) Cultures of suitable lactic acid producing bacteria in addition to those in Schedule 22 (a) of these Regulations;
 - (c) Sugars (in sweetened yoghurt only).
- (2) It shall contain not less than 3.0 % (m/m) of milk fat and not less than 8.2 % (m/m) milk solids not fat.
- (3) Traces of benzoates derived from the essential raw materials of the yoghurt may be permitted and the

limits of these shall be as prescribed by the Agency.

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

.....

Inuwa Abdulkadir Esq

Chairman, Governing Council

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

DRAFT