



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

**NON-NUTRITIVE SWEETENERS IN FOOD  
PRODUCTS REGULATIONS 2018**

**COMMENTS ARE WELCOMED FROM STAKEHOLDERS WITHIN 60 CALENDAR DAYS  
(ending 29<sup>th</sup> August, 2018).**

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## **ARRANGEMENT OF REGULATIONS**

Commencement

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## 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 apply to all non-nutritive sweeteners listed in Schedule 1.

### 2. General requirements for the use of non-nutritive sweeteners

- (1) Non-nutritive sweeteners may be used in special non-nutritive dietary foods/beverages such as energy-reduced foods or low calories foods or beverages and the use of non-nutritive sweeteners in foods shall be as authorized by the Agency.
- (2) Non-nutritive sweeteners shall not be used in foods intended for infants and young children, including foods intended for infants and young children that are not in good health, unless stipulated otherwise.

### 3. Prohibition of use of non-nutritive sweeteners in food and beverages

- (1) No person shall manufacture, import, export, advertise, sell, or present any food item or beverage containing a non-nutritive sweetener for human consumption, except as provided for in these Regulations.
- (2) No person shall sell a sweetener or food product containing a sweetener as an ingredient, other than a sweetener referred to in Schedule I of these Regulations.

### 4. Declaration on label for foods and beverages containing non-nutritive sweetener

- (1) Where the Agency permits the use of non-nutritive sweetener in food or beverage, a declaration as to the identity of the sweetener shall be made on the labels of such food products/beverages.
- (2) Where there are mandatory precautionary warnings for any non-nutritive sweeteners, they shall be boldly and conspicuously indicated on the label. e.g. "Contains Aspartame a source of phenylalanine , people allergic to phenylalanine should not consume".
- (3) The label of a sweetener or a mixture of sweeteners intended for table use shall not contain the word "diet", "low energy", "low joule", "non-nutritive" or "artificial" or words of a similar meaning unless the energy value of a quantity of the sweetener which has the sweetening equivalent of 5g of sucrose is not more than 8kJ.
- (4) A sweetener which is intended for table use and which contains aspartame shall bear the following statement on the label of the sweetener: "Loss of sweetness may occur when used in cooking and baking".
- (5) Where a mixed, compounded or blended food product contains a non-nutritive sweetener the words "non-nutritive sweetener" shall appear immediately after the name of the sweetener.
- (6) For the purposes of Regulation 4(3) above, to the extent that it is applicable to food products, a sweetener shall at all times conform to the applicable Specifications of Identity and Purity

recommended by National Industrial Standards. In terms of safety, food grade quality is achieved by conformance of sweeteners to their specifications as a whole (not merely with individual criteria) and through their production, storage, transport, and handling in accordance with GMP.

## 5. **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.

## 6. **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.

## 7. **Interpretation**

- (1) For the purpose of these Regulations, unless the context otherwise requires:-  
**Agency**" means National Agency for Food and Drug Administration and Control.

**"Non-nutritive sweetener"** means a sweetener or a mixture of non-nutritive sweeteners, of which the level of sweetening equals 5 g of sucrose and does not have an energy value of more than 8 kJ;

**"Permitted sweeteners"** means any substance listed as a sweetener in the Schedule I of these Regulations.

**GMP:** means Good Manufacturing Practice

**8. Repeal of non-nutritive sweeteners in food products regulations 2005**

- (1) The Non-nutritive sweeteners in Food Products Regulations 2005 is hereby repealed.
- (2) The repeal of these Regulations specified in Regulation 8.1 shall not affect anything done or purported to be done under the repealed Regulations.

**9. Citation**

These Regulations may be cited as Non-Nutritive Sweeteners in Food Products Regulations 2018.

**SCHEDULE 1**  
**LIST OF PERMITTED NON-NUTRITIVE SWEETENERS FOR FOODS**

Acesulfame potassium;  
Alitame;  
Aspartame;  
Aspartame-acesulfame salt;  
Saccharin (and sodium, potassium, calcium salts);  
Sucralose; and  
Thaumatococin.  
Neotame  
High purity Steviol glycosides purified from the leaves of *Stevia rebaudiana*  
Advantame  
And any other sweetener as may be prescribed by the Agency

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

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**Inuwa Abdulkadir Esq**  
**Chairman Governing Council**  
**National Agency for Food and Drug Administration and Control (NAFDAC)**