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**NATIONAL AGENCY FOR FOOD AND DRUG
ADMINISTRATION AND CONTROL ACT (CAP. N1, LFN) 2004**

PRE-PACKAGED FOOD (LABELLING) REGULATIONS, 2022



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S. I. No. 27 of 2023

**NATIONAL AGENCY FOR FOOD AND DRUG
ADMINISTRATION AND CONTROL ACT (CAP. N1, LFN) 2004
PRE-PACKAGED FOOD (LABELLING) REGULATIONS, 2022**

[18th Day of November, 2022]

Commence-
ment.

In exercise of the powers conferred on it by sections 5 and 30 of the National Agency for Food and Drug Administration and Control Act (Cap. N1, LFN) 2004 and section 12 of the Food, Drug and Related Products (Registration, Etc.) Act (Cap. F33, LFN) 2004 and all other 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 Minister of Health makes the following Regulations —

1. These Regulations shall apply to labelling of pre-packaged food manufactured, imported, exported, sold, distributed or used in Nigeria.

Scope of
application

2. The name of a pre-package food shall be —

Name of
pre-package
food

(a) indicated in the Principal Display Panel (PDP) of the label, clearly indicating the specifics and true nature of the food and not generic description ;

(b) in accordance with the name established for the food in a Codex Standard ;

(c) the appropriate product statement of identity, where there is no specific, common or usual name of the food and shall be used in a manner that is not misleading or confusing to the consumer ;

(d) coined, fanciful, brand name, or trademark name, provided the name is not misleading, deceptive or confusing and shall be accompanied by one of the names provided in regulation 3 (2) and (3) of these Regulations and the Agency shall not be liable for any similarity in brand or trademark name ;

(e) on the label of the food product either in conjunction with, or in close proximity to the name of the food, such additional words or phrases, as are necessary to avoid misleading or confusing the consumer with regards to the true nature and physical condition of the food, including the type of packing medium, style, and the condition or the type of treatment it has undergone, such as dried, concentrated, reconstituted, smoked, ozonized or as may be applicable ; and

(f) composed of any characterizing flavour or ingredient and shall form part of the name of the product.

Brand name
or trade
name

3.—(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 wrong impression of the nature, quality or substance of the food item.

(2) The most prominent letters on the label shall be the brand name and the name of the food product.

(3) 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 supersede and prevail.

Labelling
information

4.—(1) A pre-packaged food shall not be described or presented on any label —

(a) in a manner that is false, deceptive or is likely to create an erroneous impression regarding its identity, character, quality, quantity, composition, origin or misleading, particularly —

(i) as to the characteristics of the food, its nature, identity, properties, composition, quantity, durability, country of origin or place of origin, method of manufacture or production,

(ii) by attributing to the food effects or properties, which it does not possess,

(iii) by suggesting that the food possesses special characteristics when in fact, all similar food possess such characteristics, by specifically emphasizing the presence or absence of certain ingredients and nutrients, and

(iv) by suggesting, means of the appearance, the description or pictorial representation, the presence of a particular food or an ingredient, while in reality a component naturally present or an ingredient normally used in that food has been substituted with a different component or a different ingredient ; and

(b) by words, expressions, figures, pictorials, images or other devices, which refer to or is 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 and shall exclude images of serving suggestions.

(2) Claims concerning medicinal such as preventive, alleviative or curative effects shall not be made in respect of the properties of a pre-packaged food.

(3) Label in pre-packaged food shall be attached in a manner that it shall not become separated from the container through ordinary use.

(4) Pre-packaged food label that is directed at children shall not -

(a) portray images or events, which encourage unsafe uses of a product ;

(b) create an unrealistic impression in the minds of children or their parents or caregivers about safety ; and

(c) encourage the consumption of such food items that are detrimental to children's health.

5.—(1) Except for single ingredient foods, list of ingredients of such foods shall be declared on the label of such pre-packaged food.

List of
ingredients

(2) The list of ingredients shall be headed by an appropriate title, consisting 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 in the list of ingredients and accompanied by a list in brackets of its ingredients in descending order of proportion by mass.

(5) Notwithstanding regulation 5(4) of these Regulations, where a compound proprietary ingredient is used in the manufacture of a product, it shall be indicated on the label as a proprietary ingredient.

(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) Foods and ingredients known to be allergens or likely to cause hypersensitivity shall be declared in the label as follows —

(a) cereals containing gluten, such as wheat, rye, barley, oats, spelt or their hybridized strains and products of these ;

(b) aquatic products such as crustaceans, scallops, fish, calamari and products of these ;

(c) eggs and egg products ;

(d) peanuts (groundnuts) and products of these ;

(e) soybeans and products of these ;

(f) milk and milk products, lactose included ;

(g) tree nuts and nut products ;

(h) seasoning such as monosodium glutamate ;

(i) sulphite in concentrations of 10 mg/kg or more ; and

(j) 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, water or other volatile ingredients evaporated in the course of manufacture need not be declared.

(9) In 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 direction on the label.

(10) The presence in any food or food ingredients obtained through biotechnology of an allergen transferred from any of the products listed in Regulation 5(7) shall be declared.

(11) Food and food ingredients derived from biotechnology genetically modified (GMOs) foods shall require approval of BioSafety as competent authority.

(12) Food and food ingredients derived from biotechnology genetically modified (GMOs) foods, shall be declared on the label.

(13) A specific name shall be used for ingredients in the list of ingredients in accordance with regulation 3 except that —

(a) the class names used for ingredients shown in the First Schedule to these Regulations, may apply for the ingredient within the classes ;

(b) notwithstanding regulation 3 (1), pork fat, lard and beef shall always be declared by their specific names ;

(c) food additives within 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 to these Regulations shall apply together with the specific name or recognized numerical identification code ;

(d) ingredients and substances within the respective classes specified in the Second Schedule to these Regulations shall bear the specific name or recognized identification number ; and

(e) the classes of food additives as specified in the Second Schedule to these Regulations may be used for the food additives within their respective classes and appearing in the corresponding lists of food additives generally permitted for use in food, such as —

(i) flavours and flavourings,

(ii) modified starches, and

(iii) the expression “flavours” may be qualified by “natural”, “nature identical”, or “artificial”, these preclude additives that can cause hypersensitivity, such as monosodium glutamate.

6.—(1) Food additives that are carried over from raw materials into food in a quantity within the threshold permitted by the Agency to perform a processing function in that food when it is used, shall be included in the list of ingredients.

Processing
aids and
carry-over of
food
additives

(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 processing function in that food when it is used is exempted from declaration in the list of ingredients.

7.—(1) The average net content of every pre-packaged food item shall be declared in the metric system or International System of units.

Net content
of pre-
packaged
food

(2) The declaration of average net content of food item shall be made in the following manner —

- (a) liquid food or water in volume ;
- (b) solid food or ice by weight and number or count, where applicable;
- and
- (c) semi-solid or viscous food by weight or volume.

(3) Any food pre-packaged in liquid form, which is 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.

8.—(1) The name and address of a manufacturer, packer, re-packer, distributor, importer, exporter or vendor of a pre-packaged food shall be declared on the product label.

Name and
contact
information
of
manufacturer
and
distributor

(2) Where a product is imported, the name and address of the manufacturer and the importer shall be declared on the product labelling.

(3) Where a manufacturer has facilities in many cities or towns, the corporate head office shall suffice, provided that every food package has a code or mark to identify the processing facility where it was manufactured.

(4) Where the corporate head office is decentralised to geographical zones and each geographical zone represented by a specified corporate head office, the relevant corporate head office shall suffice, provided that every food package has a code or mark to identify the processing facility where it was manufactured.

(5) Where the pre-packaged food is not manufactured by the person or company whose name appears on the label, the name shall be qualified with "Manufactured for" or "Packed for" or similar expression.

(6) The country of origin of a pre-packaged food shall be declared on the label.

(7) 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 labelling.

(8) Label shall include bar code containing all the required information for traceability.

Clear
statement

9.—(1) Any statement that is required to appear as label on a pre-packaged food product shall be clear, noticeable and legible to the consumer and be of contrasting colour to that of the background.

(2) Information shall not be covered 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 noticeable printed matter on such panel and shall be in line 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 covered by it.

Date
marking

10.—(1) Pre-packaged food shall specify and legibly display the day, month and year of manufacture on the label.

(2) Where a food is to be consumed before a certain date, to ensure its safety and quality, the "Use-by Date" or "Expiry Date" shall be declared.

(3) Where "Use-by Date" or "Expiry Date" is not required on a pre-packaged food, the "Best-Before Date" or "Best Quality Before Date" shall be declared on the label.

(4) The date shall be introduced with "Best Before" or "Best quality before" "Use By", "Expiry date" depending on the nature of the product.

(5) The day, month and year shall be declared by un-coded numbers with the year to be denoted by two or four digits, 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).

(6) The date of manufacture shall be used in combination with regulation 10(1) and (2) of this regulation, and shall be introduced with the words "Date of Manufacture" as appropriate in the circumstance.

(7) Bar coding shall be on the label with all traceable information in line with regulation 10 (1) to (6) of these Regulations.

(8) Where several items are included in the outer wrapper, which during normal usage by the consumer may be discarded, the date shall appear on both the packaging and the items to be retained by the consumer until consumption.

(9) Notwithstanding subregulation 10(1)(2) of these Regulations, an indication of the "Best Before" or "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 in 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 ; and
- (f) non-fortified solid sugar.

- | | |
|---|------------------------|
| 11. The required storage conditions shall be specified on the label. | Storage conditions |
| 12. The batch number shall be indicated on the label of all pre-packaged food. | Batch number |
| 13. All pre-packaged food shall bear the Agency's Registration Number (NAFDAC Reg.No.) issued on Certificate of Registration in a manner as shall be prescribed by the Agency. | Registration number |
| 14. Any declaration required to be made on any pre-packaged food under these Regulations shall be in English language and may include any other language. | Language |
| 15.—(1) A pre-packaged food which has been treated with ionizing radiation shall be declared and the nature of the treatment stated on the label very close to the name of the food. | Ionizing radiation |

(2) The international food irradiation symbol shall be indicated on all irradiated food and shall be very close to the name of the food.

(3) Where an irradiated food is used as an ingredient in another food, it shall be declared in the list of ingredients.

(4) Where 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.

Frozen
foods

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

Direction
for use

17. Direction for use, including reconstitution, where applicable to a pre-packaged food, shall be included on the label to ensure correct utilisation of the food.

Nutritional
information

18.—(1) Nutrient declaration shall be a mandatory requirement for all pre-packaged food.

(2) Notwithstanding regulation 18(1) of this regulation, the Agency may, in appropriate cases, prescribe exceptions for —

- (a) single ingredient foods, excluding fats and oils ;
- (b) spices and herbs ;
- (c) small units, where the largest surface areas is less than 10cm² ;
- (d) nutritionally insignificant foods ; and
- (e) any other food that the Agency may determine.

(3) Any nutritional claim shall be justified expressly in the nutritional information on the food label.

(4) Nutritional information or nutritional facts per 100g or 100ml or per serving of the product shall be given on the label, containing the following —

- (a) energy value in Kj/kcal ;
- (b) the amounts of fat, specifying saturated fat and trans-fat, carbohydrate specifying quantity of sugar, protein ;
- (c) salt ; and
- (d) the amount of any other nutrient for which a nutrition or health claim is made.

(5) For products containing fats and oils, including emulsions with fat as the continuous phase, either alone or as part of processed food shall include —

- (a) 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) where the nutrition declaration is applied, vitamins and minerals, which are present in amount less than 5% of the Nutrient Reference Value per 100g or 100ml or per serving as quantified on the label, shall not be declared ; and

(c) vitamins and minerals, which shall be expressed per 100g/ml and as a percentage on Nutrient Reference Value.

19.—(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.

Quantitative
labelling of
ingredients

(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 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.

20.—(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.

Bulk Stock

(2) Regulation 20 (1) of these Regulations 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.

21. Where grade designations are used, they shall be readily understandable and shall not be misleading or deceptive in anyway.

Grade
Designations

22. A person shall not —

Prohibition

(a) manufacture, import, export, distribute, advertise, display for sale, offer for sale, 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 food whose —

(i) expiry date has lapsed,

(ii) expiry date or best before date has been obliterated or forged,

(iii) label has been altered, obliterated or removed; and

(c) make advertisement claim or professional association endorsement on a food product label unless it is authorised by the Agency.

Offences
and
penalties

23.—(1) A person who contravenes any of the provisions of these Regulations, commits an offence and shall be liable on conviction, in the case of —

(a) an individual, to imprisonment for a term not exceeding 1 year or to a fine not exceeding N800,000.00 or to both ; and

(b) a body corporate, to a fine not exceeding N5,000,000.00.

(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 ;

(b) partner or officer of the firm ;

(c) trustee of the body concerned ;

(d) person concerned in the management of the affairs of the association ; or

(e) person who purports to act in a capacity referred to in paragraphs (a) to (d) of this sub-regulation,

is liable to be proceeded against and punished for the offence in the same manner as if the person committed the offence, unless the person proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.

Forfeiture
after
conviction

24. A person convicted of an offence under these Regulations shall forfeit to the Federal Government —

(a) asset or property constituting proceeds derived from or obtained, directly or indirectly, as a result of the offence ; and

(b) any of the person's property or instrumentalities used in any manner to commit or to facilitate the commission of the offence.

Revocation

25.—(1) The Pre-packaged Food (Labelling) Regulations, 2005 and Bottled Water Labelling Regulations, 1996 are revoked.

(2) The revocation of the Regulations specified in sub-regulation (1) of these Regulations shall not affect anything done or purported to have been done.

Interpretation

26. In these Regulations, —

“Agency” means National Agency for Food and Drug Administration and Control ;

“Bar Code” means a machine-readable code in the form of numbers and a pattern of lines having varying widths, printed on a product label ;

"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 may remain fully marketable and may retain a specific qualities for which implied or express claims have been made, 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 leaf traditionally used as food wrappers and 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 and does not indicate the durability of the product ;

"Date of Packaging" means the date on which the food is placed in the immediate container in which it may be ultimately sold and does not indicate the durability of the product ;

"food" means any substance, whether processed, semi-processed or raw, which is intended for human consumption, and includes 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, transporting 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; this 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 or impressed on, or attached to a package or container of food ;

"Labelling" includes any written, printed or graphic matter that is present on the label, accompanying 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 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 fulfill 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 ; and

“*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.

Citation

27. These Regulations shall be cited as Pre-Packaged Food (Labelling) Regulations, 2022.

FIRST SCHEDULE
CLASSIFICATION OF FOOD ADDITIVES

| <i>Name of Classes</i> | <i>Class Names</i> |
|---|---|
| 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 part 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" |
| Pressed, expeller or refined cocoa butter | "Cocoa butter" |
| All crystallised fruit not exceeding 10% of the weight of the food | "Crystallised fruit" |

SECOND SCHEDULE

FOOD ADDITIVES

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
26. Monosodium Glutamate

MADE at Abuja this 11th day of April, 2023.

DR. OSAGIE E. EHANIRE, MD, FWACS
Honourable Minister of Health