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NAFDAC (ANIMAL FEED ADDITIVE ADVERTISEMENT) REGULATIONS, 2024



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S. I. No. 47 of 2024

**NAFDAC (ANIMAL FEED ADDITIVE ADVERTISEMENT)
REGULATIONS, 2024**

[16th Day of October, 2024]

Commence-
ment

In exercise of the powers conferred on the Governing Council of the National Agency for Food and Drug Administration and Control ("the Governing Council") by section 30 of the National Agency for Food and Drug Administration and Control Act, Cap. N1, LFN, 2004 and section 12 of the Food, Drugs and Related Products (Registration, Etc.) Act, Cap. F33, LFN, 2004 and all other powers enabling it in that behalf, the Governing Council, with the approval of the Minister, makes the following Regulations —

PART I — OBJECTIVE AND APPLICATION

1. These Regulations provide regulatory framework for the advertisement of Animal Feed Additives manufactured, imported, exported, advertised, sold, distributed, and used in Nigeria.

Objective

2. The Regulations shall apply to all advertisements of animal feed additives, manufactured, imported, distributed, sold or used in Nigeria.

Application

PART II — NATURE OF ADVERTISEMENT, NON-REFERENTIAL ADVERTISEMENT, PARTICULARS OF APPLICATION VALIDITY OF APPROVAL, ALTERATION IN APPROVED ADVERTISEMENT MATERIAL, ALTERATION, WITHDRAWAL, ETC.

3.—(1) Advertisements of animal feed additives shall be complete, accurate, clear and designed to promote credibility and trust by the general public.

Nature of
advertisement

(2) Statements or illustrations contained on the packaging shall not mislead directly or indirectly.

4. Advertisement of any animal feed additives shall not —

(a) imitate the general layout, text, slogan or visual presentation or devices of other animal feed additives in a way likely to mislead or confuse the consumer; or

Non-
referential
advertisement

(b) be framed in such a manner as to exploit any superstitions or be calculated to induce fear among consumers causing them to purchase the animal feed additive advertised.

5.—(1) Advertisement materials including scripts, story-boards, art work, radio scripts and other advertisement material shall be submitted along with an application in a manner as may be prescribed by the Agency.

Particulars
of
application

(2) An application submitted by an advertising agent, distributor, manufacturer or the sponsor of the advert shall contain the following —

(a) the brand name of the animal feed additive, if any;

- (b) place of importation or local manufacturer;
- (c) the name and address of the manufacturer;
- (d) the name and address of the local distributor;
- (e) the name and address of the advertising company;
- (f) the date of first introduction of the animal feed additive to the Nigerian market, for new products;
- (g) information about any previous advertisement of the animal feed additive in Nigeria, where necessary;
- (h) the proposed media of the advertisement;
- (i) evidence of permit granted by the Agency;
- (j) a justification for any special claims on the animal feed additive;
- (k) scripts and recordings; and
- (l) such other materials as may be required by the Agency from time to time.

(3) Materials submitted under these Regulations shall be authenticated by the Chief Executive or appropriate technical person of the animal feed additive company sponsoring the advertisement.

Validity of approval

6.—(1) The approval of an advertisement shall be valid for a period of one year at first instance from the date of approval any may be renewed.

(2) Subsequent advertisement applications shall be valid for two years provided no alteration is made and conditions of renewal remain the same.

(3) Notwithstanding the provisions of subregulation (1) of this regulation, consumer promotions shall have validity of 15 weeks.

Alteration to approved Advertisement material

7. Any alteration in the format of the approved script or recording without the approval of the Agency shall render the approval invalid.

Withdrawal of approval

8. The Agency may withdraw the approval for an advertisement of animal feed additives, where —

- (a) the grounds on which the approval is granted was later found to be false or incomplete;
- (b) any of the conditions under which the approval was granted has been contravened; or
- (c) there is a new scientific evidence against claims contained in the advertisement.

Reference to professional body or association, etc.

9. The label of an animal feed additives shall not refer or lay claim to an endorsement directly or indirectly, to a professional body or association, except as prescribed by the Agency.

10. A person shall not advertise animal feed additives in a manner that brings the feed industry to disrepute or prejudice public confidence in the feed.

Advertisement
not to
prejudice
public
confidence

11. Animal feed additive advertisements shall depict in writing or pictorial, the caution that the animal feed additive —

Caution on
advertisement
of animal
feed additive

- (a) is not to be ingested; and
- (b) shall be kept out of reach of children.

12. Advertisement shall not unfairly disparage any company of its competitive products either directly or indirectly.

Unfairly
disparage
competition

13.—(1) An advertisement shall not contain —

Restriction

- (a) false or misleading information;
- (b) inadequate qualification and limitation regarding the safety or effectiveness of the animal feed additive;
- (c) vague or unsubstantiated statement or suggestion of superiority over competing product;
- (d) false impression that the advertised animal feed additive is for universal purpose or regarded as a more effective and safer alternative to other animal feed additive in the same category;
- (e) such word as “magic” “miracle” or description such as “upper potency” or any other words as to induce the daily or continuous use of the animal feed additive;
- (f) a message that if the reader, viewer or listener does not use a particular animal feed additive, the animal may not grow effectively;
- (g) disparage or attack unfairly any competitive animal feed additive; and
- (h) any statement claiming or implying a superlative function such as “most effective” “least toxic,” “best tolerated” or other special status except such claim has been scientifically proven.

(2) Advertisement shall contain information that is reliable, accurate, truthful, informative, balanced and can be substantiated.

(3) Advertisement shall not by implication, omission, ambiguity or exaggeration, mislead or deceive or likely to abuse the trust of or exploit the lack of knowledge, experience, the myth or fear in the consumer.

14.—(1) Animal feed additive advertisement shall not contain misleading comparison directly or indirectly.

Prohibition
of misleading
comparison

(2) Comparison in animal feed additive advertisement shall be supported by verifiable current data.

(3) Reference to a competitive manufacturer or its specialties in an advertisement shall be restricted to factual comparison without the use of identifiable regulated product or brand name.

(4) Data illustrations including charts and graphs, tables extracted from reference studies or other sources or reproduced by art work, presented in an advertisement, shall —

(a) be accurate, complete and clear, with their source specifically identified;

(b) not be misleading or ambiguous or distort the original intended meaning or interpretation either directly or indirectly.

Accurate
interpretation
of research
findings

15.—(1) Advertisement materials including scripts, story-boards, art work, radio scripts and any other advertisement material for animal feed additives shall be written as to accurately interpret valid and representative research findings.

(2) Statistics in an advertisement of animal feed additives shall be 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, or any of such precautionary statements with the constraints of the accepted products monograph, shall specify the scientific source of claim or quotation.

(4) Copy of any reference cited by an applicant or in the advertisement of animal feed additives shall be provided to the Agency for verification.

Content of
scientific
articles and
literature

16. A claim or quotation —

(a) from scientific article or literature shall contain both the negative and positive findings and that is verifiable by the Agency; and

(b) selected from a scientific article or series of articles which emphasise only the positive features while ignoring negative findings, shall not be acceptable.

Product
launch and
press release

17. Product launch materials or press release of animal feed additives shall be as approved by the Agency.

Claims

18.—(1) Claims for animal feed additives shall be substantiated before approval.

(2) Superior claims may be used only when a product proves to be superior to an identified comparator or to all products in same category through trial.

(3) Top parity claims and 'Natural claims' may be permitted provided they are adequately substantiated through trial.

(4) Advertisement for animal feed additives shall not state or imply in absolute terms or by quotations that any animal feed additives has guaranteed effectiveness.

(5) Any statement claiming or implying a superlative function such as "the product of choice", or any such statements, for animal feed additives shall not be used unless it can be adequately substantiated through trial.

(6) "Best-selling" claims shall not be allowed in animal feed additive advertisement.

(7) Nutrition claims in animal feed additive advertisements shall be allowed provided such claims can be adequately substantiated through trial.

(8) Any statement relating to content such as 'contains x' shall be substantiated.

(9) A person shall not make any claim —

(a) to assert, imply or convey the impression as to the suitability of an animal feed additive for use in the prevention, alleviation, management, treatment or cure of a disease, disorder or physiological condition;

(b) that an animal feed additive contains a particular value, when that value is not wholly contributed by the animal feed additive, but it is partially contributed by other animal feed additive with which it may be consumed; and

(c) to describe an animal feed additive as 'healthy' claims that encourage or condone excessive consumption of any feed additive by the animals shall not be allowed.

19.—(1) Any copy of advertisement shall be written as to accurately interpret valid and representative research findings.

Interpretation
of research
findings

(2) Statistics in an advertisement shall be written to reflect only their true validity and significance.

20. A person shall not advertise animal feed additive unless —

Prohibition

(a) animal feed additive has been granted permit by the Agency; and

(b) the advertisement material has been approved by the Agency.

PART III — OFFENCES AND PENALTIES

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

Offences and
Penalties

(a) an individual, to imprisonment for a term not exceeding one year or to a fine not exceeding N800,000 or both; and

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

(2) Where an offence under these Regulations is committed by a body corporate, firm or any 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 regulation,

is liable to be proceeded against and be punished for the offence and 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

22.—(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, from the offence; and

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

(2) In this regulation, "proceeds" means any property derived or obtained, directly or indirectly, through the commission of the offence.

PART IV — MISCELLANEOUS

Enforcement
of these
Regulations

23. The Agency is exclusively responsible for the enforcement of these Regulations.

Interpretation

24. In these regulations,

"*Address*" means where the business of manufacture, sale, distribution, storage or display of animal feed additive is carried out which includes the house number, plot number, street name, Town or City, State, Country;

"*Advertisement*" means a form of communication through the media about products, services or ideas paid for by an identified sponsor, to encourage, persuade or manipulate an audience viewers, readers or listeners, to continue with or take some new action;

"*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, digital and social media, and any other documents, made orally, online or otherwise or by means of projected light and sound recordings;

“Agency” means the National Agency for Food and Drug Administration and Control (NAFDAC);

“Animal Feed Additive” means any intentionally added ingredient not normally consumed as feed by itself, whether or not it has nutritional value, which affects the characteristics of feed or animal products;

“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;

“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 animal feed additive; and

“Trial” means science-based product evaluation to ascertain the claim pronounced on the product.

25. These Regulations may be cited as the Animal feed additives Citation
Advertisement Regulation, 2024.

MADE at Abuja this 16th day of October, 2024.

MUHAMMAD ALI PATE, CON
*Coordinating Minister of Health
and Social Welfare*