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NAFDAC (ANIMAL FEED PREMIX ADVERTISEMENT) REGULATIONS, 2024



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S. I. No. 49 of 2024

NAFDAC (ANIMAL FEED PREMIX 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 — APPLICATION AND OBJECTIVE

1. These Regulations provide regulatory framework for the advertisement of animal feed premix manufactured, imported, distributed, sold or used in Nigeria.

Objective

2. These Regulations shall apply to advertisement and promotion of animal feed premix manufactured, imported, distributed, sold or used in Nigeria.

Application

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

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

Nature of
advertisement

(2) Statement or illustration contained on the package of animal feed premix shall not be misleading either directly or indirectly.

4. Advertisement of animal feed premix shall not —

- (a) imitate the general layout, text, slogan or visual presentation of another animal feed premix in a way that is likely to mislead or confuse the user; or
- (b) be stated in such a manner to induce fear in the users, thereby causing them to purchase the animal feed premix.

Non-
referential
advertisement

5.—(1) Advertisement materials including scripts, story-boards, art work, radio scripts and other advertisement material shall be submitted with an application accompanied with the following —

Particulars
of an
application

- (a) the approved product label;
- (b) name and location address of the advertising company;
- (c) date of first introduction of the animal feed premix to the Nigerian market;
- (d) previous advertisement approval of the animal feed premix in Nigeria, if any;

- (e) copy of the old scripts, if any;
- (f) the proposed medium for the advertisement;
- (g) evidence of Certificate of Registration;
- (h) justification for any special claims relating to the animal feed premix;
- (i) evidence of payment of prescribed fee; and
- (j) any other requirement that the Agency may from time to time prescribe.

(2) Materials submitted in relation to the animal feed premix under this regulation shall be authenticated by the Chief Executive or an authorised technical person of the company sponsoring the advertisement.

Validity of approval

6.—(1) Approval for advertisement of animal feed premix shall be valid for a period of one year at first instance from the date of the approval and may be renewed.

(2) Subsequent advertisement application shall be valid for two years, provided that no alteration is made to the advertisement and conditions of renewal.

(3) Notwithstanding the provision of subregulation (1) of this regulation, consumer promotions shall have validity of not more than 15 weeks.

Alteration to approved Advertisement material

7. Any alteration to an approved script or recording without the approval of the Agency shall render such approval invalid.

Withdrawal of approval

8. The Agency may withdraw the approval for an advertisement, where —

- (a) the grounds upon which the approval was granted was later found to be false or incomplete;
- (b) any of the conditions upon which the approval was granted has been contravened; or
- (c) there is new scientific evidence that may require a change to the approved advertisement.

Caution on animal feed premix advertisement

9. Animal feed premix advertisement caution shall be in writing or pictorials to indicate that —

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

Prohibition of misleading comparison

10.—(1) Animal feed premix advertisement shall not contain misleading comparison either directly or indirectly.

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

(3) Reference to competitive manufacturer or their specialties shall be restricted to factual comparison without the use of any identifiable animal feed premix.

(4) Data illustration presented in advertisement including chart, graph, table extracted from reference studies, reproduced by artwork or other sources shall —

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

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

11.—(1) Advertisement of animal feed premix shall not contain —

Restriction

(a) false or misleading information;

(b) partial-truth, inadequate qualification and limitations regarding safety or effectiveness of the animal feed premix;

(c) vague, unsubstantiated statement, or suggestion of superiority over other competing animal feed premix; or

(d) false impression that the advertised animal feed premix is for universal purpose or as a more effective and safer alternative to other animal feed premix in the same category.

(2) Animal feed premix advertisement shall not —

(a) contain word as “magic”, “miracle” or description such as “upper potency” or other words as to induce the daily or continuous use of the animal feed premix outside its prescribed use;

(b) contain a message that if the reader, viewer or listener does not use the animal feed premix, the animal may not grow effectively;

(c) disparage or attack unfairly any competitive brand of animal feed premix; or

(d) contain a statement that claims or implies a superlative function such as “most effective”, “least toxic”, “best tolerated” or other special status except the claim has been scientifically proven.

12.—(1) Advertisement material, including script, story-board, art work, radio script and other advertisement material for animal feed premix shall be written to accurately interpret valid and representative research findings.

Accurate interpretation of research findings

(2) Statistics in an advertisement of animal feed premix shall be written as to reflect their true validity and significance.

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

(c) describe an animal feed premix in a manner that –

(i) encourages excessive consumption of any feed additive by the animals, and

(ii) implies that the animal feed premix may impact health.

16.—(1) Advertisement shall be written 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.

17. A person shall not advertise any Animal Feed Premix unless —

Prohibition

(a) the animal feed premix is registered; and

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

PART III — OFFENCES AND PENALTIES

18.—(1) A person who contravenes any of the provisions of these Regulations commits an offence and 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 ₦800,000 or both,

(b) a body corporate, to a fine not exceeding ₦5,000,000.

(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 was purporting to act in a capacity referred to in paragraphs (a) to (d) of this regulation,

commits an offence and liable to be proceeded against and punished 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.

19.—(1) A person convicted of an offence under these Regulations shall forfeit to the Federal Government —

Forfeiture
after
conviction

(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.

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 premix 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. It is used 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 premix*” 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;

“*Justification*” means written explanation in respect of any claim, which shall be in the light of current knowledge acceptable to the Agency;

“*Label*” means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stenciled, marked, embossed or impressed on, or attached to a package (container) of animal feed premix;

“*Media*” means newspaper, magazine, medical journal, television, radio, the internet, out of home, vehicle branding, posters, handbills, cinema, point of sale material, online, digital and social media, any form of projected light and sound recordings or any of such means of communication; and

“*Top Parity*” means a claim used 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.

25. These Regulations may be cited as the NAFDAC (Animal Feed Premix Advertisement) Regulation, 2024.

Citation

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

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