

*Extraordinary*



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# NAFDAC (BIO-FERTILIZER ADVERTISEMENT) REGULATIONS, 2024



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## NAFDAC (BIO-FERTILIZER 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 provides regulatory framework for the regulation of the advertisement of bio-fertilizer manufactured, imported, distributed, sold or used in Nigeria.

Objective

2. These Regulations shall apply to advertisement and promotion of bio-fertilizers manufactured, imported, distributed, sold or used in Nigeria.

Application

### PART II — ADVERTISEMENT, APPLICATION, PARTICULARS, APPROVAL, DURATION, PROHIBITION, ETC.

3.—(1) Advertisement of bio-fertilizer 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 bio-fertilizer shall not be misleading either directly or indirectly.

4. Advertisement of bio-fertilizer shall not —

(a) imitate the general layout, text, slogan or visual presentation of another bio-fertilizer 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 bio- fertilizer.

Non-  
referential  
advertisement

5.—(1) Application for the advertisement of bio-fertilizer submitted by any advertisement agent, distributor, manufacturer or the sponsor of the advertisement shall be 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 bio-fertilizer to the Nigerian market;
- (d) previous advertisement approval of the bio-fertilizer 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 bio-fertilizer;
- (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 bio-fertilizer 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 bio-fertilizer 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 remains the same.

(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 already approved script or recording without the approval of the Agency shall render such approval invalid.

Withdrawal  
of approval  
within the  
validity  
period

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  
advertisement  
of bio-  
fertilizer

9. Bio-fertilizer advertisement caution shall be in writing or pictorials to indicate that —

- (a) feeding animal with bio-fertilizer is illegal except the Urea in the formulation of the feed for ruminants —
- (b) the bio-fertilizer is not to be ingested;
- (c) user shall wear appropriate Personal Protective Equipment while handling bio-fertilizer; and
- (d) bio-fertilizer shall be kept out of reach of children.



**10.—**(1) Bio-fertilizer advertisement shall not contain misleading comparison either directly or indirectly.

(2) Comparison in a bio-fertilizer 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 bio-fertilizer.

(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 bio-fertilizer shall not contain —

Restriction

(a) false or misleading information;

(b) partial-truth, inadequate qualification and limitations regarding safety or effectiveness of the bio-fertilizer;

(c) vague, unsubstantiated statement, or suggestion of superiority over other competing bio-fertilizer; or

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

(2) Bio-fertilizer 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 bio-fertilizer outside its prescribed use;

(b) contain a message that if the reader, viewer or listener does not use the bio-fertilizer, the plant may not grow effectively;

(c) disparage or attack unfairly any competitive brand of bio-fertilizer; 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 bio-fertilizer shall be written to accurately interpret valid and representative research findings.

Accurate  
interpretation  
of research  
findings

(2) Statistics in an advertisement of bio-fertilizer 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 bio-fertilizer shall be provided to the Agency for verification.

Content of  
scientific  
articles and  
literature

**13. A claim or quotation —**

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

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

Product  
launch and  
press release

**14.—(1)** The material approved by the Agency for bio-fertilizer advertisement shall be the same for the product launch or press release.

(2) Where there is a change in the material for the product launch or press release, the change shall be approved by the Agency.

Prohibition

**15. A person shall not —**

(a) advertise bio-fertilizer except it has been registered and the advert material has been approved by the Agency;

(b) advertise bio-fertilizer contrary to the provisions of these Regulations; and

(c) display, screen or otherwise present an advertisement of a bio-fertilizer unless in accordance with the provisions of these Regulations.

**PART III — OFFENCES AND PENALTIES**

Offences  
and  
penalties

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

(a) an individual, to imprisonment for a term not exceeding one year or to a fine not exceeding ₦800,000 or to both; and

(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 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.



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

Forfeiture  
after  
conviction

(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 instrument 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

**18.** The Agency shall be responsible for the enforcement of these Regulations.

Enforcement  
of these  
Regulations

**19.** In these Regulations —

Interpretation

"*Advertisement*" means the publicity of bio-fertilizer which includes any form of notices in circulars, handouts, labels, wrappers, catalogues and billboards, posters, newspapers, magazines, and any other documents made orally or otherwise or by means of projected light;

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

"*Bio-fertilizer*" means substances which contain living microorganisms which when applied to the seed, plant surface, or soil, colonizes the rhizosphere or the interior of the plant and promote the growth by increasing the supply or availability of nutrients to the host plants;

"*Claim*" means any representation, which states, suggests or implies that the bio-fertilizer 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 food; and

"*Location address*" means a place where the business of manufacture, sale, distribution, storage and display of bio-fertilizer is carried out which includes the house number, plot number, street name, town or city, state, country.

**20.** These Regulations may be cited as the Bio-Fertilizer Advertisement Regulations, 2024.

Citation

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

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

