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**NAFDAC (BIO-PESTICIDE ADVERTISEMENT)
REGULATIONS, 2024**



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NAFDAC (BIO-PESTICIDE 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. The objective of these Regulations is to provide regulatory framework for the advertisement of bio-pesticides manufactured, imported, distributed, sold or used in Nigeria.

Objective

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

Application

PART II — APPLICATION FOR ADVERTISEMENT, PARTICULARS OF AN APPLICATION, APPROVAL, WITHDRAWAL OF APPROVAL, ETC.

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

4. Advertisement of bio-pesticides shall not —

Non-
referential
advertisement

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

5.—(1) Application for the advertisement of bio-pesticides 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-pesticides to the Nigerian market;

(d) previous advertisement approval of the bio-pesticides 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-pesticides;
- (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-pesticides 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-pesticides 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 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 bio-pesticide advertisement

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

- (a) feeding animal with bio-pesticides is illegal;
- (b) the bio-pesticide is not to be ingested;
- (c) user shall wear appropriate Personal Protective Equipment while handling bio-pesticides; and
- (d) bio-pesticides shall be kept out of reach of children.

Prohibition of misleading comparison

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

(2) Comparison in a bio-pesticide 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-pesticides.

(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-pesticides shall not contain —

Restriction

(a) false or misleading information;

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

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

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

(2) Bio-pesticides 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-pesticides outside its prescribed use;

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

(c) disparage or attack unfairly any competitive brand of bio-pesticides; or

(d) not 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-pesticides shall be written to accurately interpret valid and representative research findings.

Accurate
interpretation
of research
findings

(2) Statistics in an advertisement of bio-pesticides 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-pesticides 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-pesticides 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 manufacture, import, export, distribute, advertise, display for sale, offer for sale, sell, or use any bio-pesticides, except it is labeled 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 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.

Forfeiture
after
conviction

17.—(1) 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 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-pesticide 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 (NAFDAC);

"*Bio-pesticides*" means substance derived from such natural materials as animals, plants and microorganisms that control pest and pathogens;

"*Claim*" means any representation, which states, suggests or implies that the bio-pesticide 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-pesticide 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-pesticide Advertisement Regulations, 2024.

Citation

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

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