

Extraordinary



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<i>S. I. No.</i>	<i>Short Title</i>	<i>Page</i>
59	NAFDAC (Fertilizer Advertisement) Regulations, 2024 .. ..	B1099-1105

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## NAFDAC (FERTILIZER ADVERTISEMENT) REGULATIONS, 2024



### ARRANGEMENT OF REGULATIONS

*Regulation :*

#### PART I — OBJECTIVE AND APPLICATION

1. Objective
2. Application

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

3. Nature of advertisement
4. Non-referential advertisement
5. Particulars of application
6. Validity of approval
7. Alteration to approved advertisement material
8. Withdrawal of approval within the validity period
9. Caution on advertisement of fertilizer
10. Prohibition of misleading comparison
11. Restriction
12. Accurate interpretation of research findings
13. Content of scientific articles and literature
14. Product launch and press release
15. Prohibition

#### PART III — OFFENCES AND PENALTIES

16. Offences and penalties
17. Forfeiture after conviction

#### PART IV — MISCELLANEOUS

18. Enforcement of these Regulations
19. Interpretation
20. Citation



## NAFDAC (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. The objective of these Regulations is to provide regulatory framework for the regulation of the advertisement of fertilizer manufactured, imported, distributed, sold or used in Nigeria.

Objective

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

Application

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

3.—(1) Advertisement of fertilizer products shall be clear, precise and designed to promote credibility and trust to the general public.

Nature of  
advertisement

(2) Statement or illustration contained on the fertilizer packaging shall not be misleading.

4. Advertisement of a fertilizer shall not —

Non-  
referential  
advertisement

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

5.—(1) Application for the advertisement of fertilizer submitted by any advertisement agent, distributor, manufacturer or the sponsor of the advertisement shall be accompanied with the following —

Particulars  
of  
application

(a) the approved product label;

(b) name and location address of the advertising company;

(c) date of first introduction of the fertilizer to the Nigerian market;

(d) previous advertisement approval of the 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 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 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 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 the 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 is been contravened; or
- (c) there is new scientific evidence that may require a change to approved advertisement.

Caution on advertisement of fertilizer

9. Fertilizer advertisement caution shall be in writing or pictorials to indicate that —

- (a) feeding animal with 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 fertilizer; and
- (d) fertilizer shall be kept out of reach of children.

Prohibition of misleading comparison

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

(2) Comparison in a 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 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 fertilizer shall not contain —

Restriction

(a) false or misleading information;

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

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

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

(2) 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 fertilizer outside its prescribed use;

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

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

Accurate  
interpretation  
of research  
findings

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

13.— A claim or quotation —

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

Content of  
scientific  
articles and  
literature



(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. Product launch material or press release of a fertilizer product shall be as approved by the Agency for the product advertisement material.

Prohibition

15. A person shall not —

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

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

(c) display, screen or otherwise present an advertisement of a 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 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

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

"Advertisement" means the publicity of fertilizer which includes any form of notices in circulars, handouts, labels, wrappers, catalogues and billboard, poster, newspaper, magazine, and any other document made orally or by means of projected light;

"Claim" means any representation, which states, suggests or implies that the fertilizer has particular qualities relating to its origin, nature, processing, composition or any other quality;

"Fertilizer" means any substance which is intended or offered to be used for improving or maintaining the growth of plants or the productivity of the soil;

"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, use, storage and display of 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 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*