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**NATIONAL AGENCY FOR FOOD AND DRUG ADMINISTRATION AND
CONTROL (NAFDAC)**

ANIMAL FEEDSTUFF ADVERTISEMENT REGULATIONS, 2019

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ANIMAL FEEDSTUFF ADVERTISEMENT REGULATIONS, 2019
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ANIMAL FEEDSTUFF ADVERTISEMENT REGULATIONS, 2019

[] Commencement

In exercise of the powers conferred on it Sections 5 and 30 of the National Agency for Food and Drugs Administration and Control Act Cap N1 Laws of the Federation of Nigeria (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 of the National Agency for Food and Drug Administration and Control with the approval of the Honorable Minister of Health makes the following Regulations -

1. **Scope of application**

These Regulations apply to all advertisement of animal feedstuff imported, exported, manufactured, distributed, advertised, sold or used in Nigeria.

2. **Prohibition**

A person shall not advertise animal feedstuff unless:

- (a) it has been registered by the Agency, and
- (b) the advertisement has been approved by the Agency

3. **Nature of advertisement**

All advertisements of animal feedstuff shall be accurate, complete, clear and designed to promote credibility and trust by the general public and such statements or illustrations contained on the packaging shall not mislead directly, indirectly or by implication.

4. **Non-referential advertisement**

An advertisement of an animal feedstuff shall not:

- (a) imitate the general layout, text, slogan or visual presentation or devices of other animal feedstuff in a way likely to mislead or confuse the consumer; or
- (b) be framed in such a manner as to make reference directly or indirectly to the scientific or any of its allied professions, except such reference is scientifically proven.

5. **Application for the approval of advertisement**

All advertisement materials including scripts, story-boards, art work, radio scripts and any other advertisement material as may be required by the Agency shall be submitted along with an application to the Agency.

6. **Particulars of application**

Application for the advertisement of an animal feedstuff submitted by any advertisement agent, distributor, manufacturer or the sponsor of the advertisement shall be accompanied with the following:

- (a) the animal feedstuff approved label;
- (b) name and location address of the local distributor;
- (c) name and location address of the advertising company;
- (d) date of first introduction of the animal feedstuff to the Nigerian market;

- (e) previous advertisement of the animal feedstuff in Nigeria (if any);
- (f) copy of the scripts, storyboard, and artwork and upon approval audio and video recording of the approved advertisement material;
- (g) the proposed media for the advertisement;
- (h) a copy of the Certificate of Incorporation of the company;
- (i) justification for any special claims on the animal feedstuff.
- (j) evidence of payment and
- (k) such other materials as may be required by the Agency from time to time

7. Validity of approval

- (1) The approval of an advertisement shall be valid for a period of one year beginning from the date of approval.
- (2) Subsequent advertisement applications shall be valid for two (2) years provided no alteration is made and conditions of renewal approval remain the same.
- (3) Notwithstanding 7 (1), consumer promotions shall have validity of fifteen weeks.

8. Alteration in approved Advertisement material

- (1) Alteration shall not be made in the format of the approved scripts, storyboard, artwork, audio or video recording without the approval of the Agency.
- (2) Any alteration made on the approved scripts, storyboard, artwork, audio or video recording without the approval of the Agency renders the approval invalid.

9. Withdrawal of an approval

Agency may withdraw the approval for an advertisement of animal feedstuff if -

- (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) in the light of new scientific evidence against claims contained in the advertisement can no longer be substantiated or are no longer correct.

10. Prohibition of reference to health care profession

Advertisement shall not make reference directly or indirectly to any

- (a) individual member of the healthcare profession, hospitals, clinic and health centres,
- (b) professional body or any such organization without approval from the Agency.

11. Advertisement not to prejudice public confidence

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

12. Unfairly disparage competition

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

13. Restriction

- (1) Advertisement shall not contain-
 - (a) half-truths, inadequate qualification and limitation regarding the safety or effectiveness of the animal feedstuff;
 - (b) vague or unsubstantiated statement or suggestion of superiority over competing product; or
 - (c) statements or visual presentations likely to alarm or generate irrational or unfounded fears among the target audience or suggest that a state of good health may be impaired by not using the product.
- (2) Advertisement shall not by implication, omission, ambiguity or exaggeration, mislead or deceive or be likely to mislead or deceive, abuse the trust of or exploit the lack of knowledge, experience, the myth or fear in the consumer.
- (3) Animal feedstuff advertisement shall not:
 - (a) contain such word as "**optimum**" "**magic**" "**miracle**" or such other words as to induce the daily or continuous use of the animal feedstuff;
 - (b) contain a message that if the reader or viewer or listener does not use a particular animal feedstuff the animals will not grow effectively;
 - (c) disparage or attack unfairly any competitive animal feedstuff.
- (4) Animal feedstuff advertisement shall not contain any statement claiming or implying a superlative function such as "**most effective**" "**high performance**", "**best tolerated**" or other special status.

14. Prohibition of misleading comparison

- (1) Comparison in an advertisement shall not mislead the public either directly, indirectly or by implication and where there is comparison it shall be supported by reliable current scientific data.
- (2) A 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.
- (3) 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 by implication.

15. Accurate interpretation of research findings

- (1) All advertisement materials including scripts, story-boards, art work, radio scripts and any other advertisement material for animal feedstuff shall be so written as to accurately interpret valid and representative research findings.
- (2) Statistics in an advertisement of animal feedstuff shall be so written as to reflect only their true validity and significance.
- (3) Copy of any reference cited by an applicant or in the advertisement of animal feedstuff shall be provided to the Agency for verification.

16. Scientific articles and literatures to contain both positive features and negative findings

- (1) A claim or quotation shall contain both the negative and positive findings and shall be readily verifiable by the Agency.
- (2) A claim based on, or quotation that has been selected from a scientific article or series of articles which emphasize only the positive features while ignoring negative findings, shall not be acceptable.

17. Product launches and Press release

All product launch materials or press release of animal feedstuff shall be as approved by the Agency for the product advertising materials

18. Interpretation of research findings

- (1) Any copy of advertisement shall be written as to accurately interpret valid and representative research findings.
- (2) Statistics in an advertisement shall be written to reflect only their true validity and significance.

19. Claims

- (1) Claims for animal feedstuff shall be substantiated before approval.
- (2) Superiority claims may be used only when a product proves to be superior to an identified comparator or to all products in same category.
- (3) Top parity claims and 'Natural claims' may be permitted provided they are adequately substantiated.
- (4) Advertisement for animal feedstuff shall not state or imply in absolute terms or by quotations that any animal feedstuff has guaranteed effectiveness.
- (5) Any statement claiming or implying a superlative function such as "the product of choice", or any such statements, for animal feedstuff shall not be used unless it can be adequately substantiated.

- (6) "Best-selling" claims shall not be allowed in animal feedstuff advertisement.
- (7) Nutrition claims in animal feedstuff advertisements shall be allowed provided such claims can be adequately substantiated.
- (8) Any statement relating to content such as 'contains x' shall be substantiated.

20. Offences and Penalties.

- (1) Any person who contravenes any of the provisions of these Regulations shall be guilty of an offence and liable on conviction. In case of :
 - (a) an individual, to imprisonment for a term not exceeding one year or to a fine not exceeding N300,000 or to both such imprisonment and fine; and
 - (b) a body corporate, to a fine not exceeding N500, 000.
- (2) Where an offence under these Regulations is committed by a body corporate, firm or 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 sub-regulation, is severally liable to be proceeded against and punished for that offence 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

21. Forfeiture after conviction

- (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, as a result of the offence;
 - (b) any of the person's property or instrumentalities 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.

22. Interpretation

In these Regulations, unless the context otherwise requires:

Advertisement means is 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 animal feedstuff which includes labels, wrappers, catalogues and price lists, billboards, posters, newspapers, magazines and any other documents made orally or otherwise by means of projected light and sound recordings;

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

Animal Feedstuff means a component part or constituent of any combination or mixture making up a feed, whether or not it has a nutritional value in the animal's diet, including food additive. It can be of plant, animal or aquatic origin or other organic or inorganic substances;

Claim means any representation, which states, suggests or implies that the product has particular qualities relating to its origin, nutritional properties, 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 writing, printed or graphic matter relating to and accompanying the animal feed and pet food.

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.

23. **Citation**

These Regulations may be cited as the Animal Feedstuff Advertisement Regulation, 2019.

MADE at Abuja thisday of2019

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Inuwa Abdulkadir Esq
Chairman Governing Council
National Agency for Food and Drug Administration and Control (NAFDAC)