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

BEER REGULATIONS, 2019

COMMENTS ARE WELCOMED FROM STAKEHOLDERS WITHIN 60 CALENDAR DAYS

(ending 9th March, 2020).

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BEER REGULATIONS, 2019

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BEER 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

These Regulations prescribe the requirements, classification and types of beer manufactured, imported, exported, advertised, sold, distributed or used in Nigeria.

2. Prohibition

A person shall not manufacture, export, advertise, sell or distribute beer specified in Second Schedule to these Regulations in Nigeria unless it has been registered in accordance with the provision of these Regulations.

3. Requirement for beer

- (1) Except as otherwise provided in these Regulations, the word "beer" ("lager", "ale" or "stout") shall not appear in the label of any food product unless the food complies with the standard for beer prescribed in First and Second Schedules of these Regulations.
- (2) Beer shall be the product of the alcoholic fermentation of liquid derived from a mash of malted grain with hops or other appropriate vegetable bitters.
- (3) Beer;
 - (a) may contain unmalted cereal or cereal meal, sugar, yeast nutrient or carbon dioxide;
 - (b) may contain caramel as colouring substance,
 - (c) may contain ascorbic acid and not more than 25 mg/kg of sulfur dioxide or sulphite as permitted food conditioner.
- (4) Beer shall have clarity with characteristic colour, taste and form of its type.
- (5) Beer shall be appropriately packaged and effectively pasteurized.
- (6) Beer shall be free from narcotic and psychotropic substances including caffeine or any other substances which, when mixed with alcohol, are injurious to health.

4. **Consistency of beer**

A person shall not sell any beer unless it consists of that substance produced from the alcoholic fermentation of grain malt with the addition of hop or hop extract, in water and brewed in a manner as to possess the taste, smell and characteristics commonly attributed to beer.

5. **Classification of beer**

(1) Beer shall be classified based on the ethyl alcohol content present as specified in First Schedule of these Regulations.

(2) Where a beer contains the percentage of alcohol by volume as provided in First Schedule, the common name shall be used on the label of the beer.

6. **Labelling**

In addition to compliance with the Pre-packaged Food, Water and Ice Labelling Regulations, 2019, the following shall be indicated on the label of a beer:

(a) percentage of alcohol

(b) caution statement: Drink responsibly and 18+

7. **Packaging**

(1) Beer shall be filled in suitable containers and shall not affect the quality of the beer.

(2) Beer shall be sealed in airtight containers that shall meet the specifications of the respective standards for such material.

8. **Advertisement of beer**

(1) All advertisement of beer shall be as prescribed in the Food Products advertisement Regulations 2019.

(2) The content of advertisement of beer shall be free of health claims.

(3) Beer advertising and marketing materials shall not claim or represent that individuals cannot obtain social, professional, educational, athletic, or financial success or status without beer consumption.

(4) Beer advertising or marketing materials shall not claim or represent that individuals cannot solve social, personal, or physical problems without beer consumption.

(5) Advertisement of beer shall not be permitted on children's programs nor shall children, sportsmen or expectant mothers be used as models.

(6) Gift items promoting beer shall not be directed at children and sportsmen.

9. Maximum limits of contaminant

- (1) Beer manufactured, distributed, exported, sold, or advertised in Nigeria shall conform to the specifications provided in Fourth Schedule of these Regulations.
- (2) Contaminants in beer shall not exceed amounts as specified in Fifth Schedule.

10. 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 N500,000 or to both such imprisonment and fine; and
 - (b) a body corporate, to a fine not exceeding N750, 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.

11. 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.

12. Interpretation

In these Regulations, unless the context otherwise requires:

Agency means National Agency for Food and Drug Administration and Control

Adjuncts means additional materials from the following sources:

- (a) starches derived from a variety of sources such as maize, barley, wheat, rice and potato;

- (b) syrups prepared from starches;
- (c) sugar from cane and beet

Ale means beer produced with top fermenting yeast strains at slightly warm temperature stored for maturation after fermentation.

Alcohol by Volume (abv): means ethyl alcohol (ethanol) in an alcoholic beverage expressed as a percentage of total volume.

Beer means an alcoholic beverage resulting from fermentation of yeast culture of an extract derived from cereals, with or without malt, with or without adjuncts, with or without enzymes, with or without hops in potable water.

Draught beer means beer packaged in a suitable container and drawn with a dispensing device under a counter gas pressure.

Hops means dried ripe female flowers of the hop plant (*Humulus lupulus*) used to give a bitter taste to beer. Hops are used in the form of flowers, extracts, pellets, or hops oil of different alpha acids.

Lager beer means beer produced with bottom fermenting yeast strains stored for maturation after fermentation.

Stout beer means beer which is dark and bitter and the colour derived from roasted cereals or its derivatives.

“Yeast” means unicellular fungi responsible for fermentation to produce alcoholic beverages. Yeast metabolizes the fermentable sugars to produce mainly alcohol and carbon dioxide.

13. Citation

These Regulations may be cited as Beer Regulations, 2019.

FIRST SCHEDULE

TYPES OF BEER

This classification of beer is based on the types of yeast used in brewing (top fermenting yeast or bottom fermenting yeast) and alcohol content

S/N	Class of beer	Requirement
1.	Non-alcoholic beer	shall contain below 0.5% ethyl alcohol volume per volume
2.	Low Alcoholic beer	shall contain above 0.5% but less than 1.0 % ethyl alcohol volume per volume
3.	Light Beer	This shall contain above 1.0% but less than 4.0 % ethyl alcohol volume per volume
4.	Standard Beer	shall contain above 4.0% but less than 6.0 % ethyl alcohol per volume
5.	Strong beer	shall contain above 6.0% ethyl alcohol volume per volume
6.	Ale	shall contain above 6.0 % but less than 7.0% ethyl alcohol volume per volume
7.	Strong Stout	shall contain above 6.0% ethyl alcohol volume per volume
8.	Standard Stout	shall contain above 4.0% but less than 6.0% ethyl alcohol volume per volume
9.	Light Stout	shall contain above 1.5% and less than 4.0% ethyl alcohol volume per volume
10.	Extra strong beer, Extra strong Ale, Extra strong stout, Extra strong Porter, extra strong malt liquour	shall contain above 8.6 ethyl alcohol volume per volume
11.	Extra light beer, Extra light Ale, Extra light stout, Extra light Porter, Extra light malt liquour	shall contain above 1.1% but less than 2.5 % ethyl alcohol volume per volume
12.	Porter:	shall contain above 4.0% but less than 6.0 % ethyl alcohol per volume

Categories of beer

S/N	Category of beer	Requirement
1.	Lager	Prepared by using bottom fermenting yeast and aged; may have low or high alcohol content and can be found in a wide variety of colours from light to dark. It is stored for a specified period before being bottled or canned.
2.	Pilsner	Is light with 3.0–3.8% alcohol and has a medium hop flavour.
3.	Ale Beer	Prepared by using top fermenting yeast and usually lighter in colour, prepared from pale malt and has a medium bodied flavour.
4.	Stouts and porters	Are dark beers made using roasted malts or roast barley, and typically brewed with slow fermenting yeast.
5.	Root beer	Are beers containing an infusion of various roots, bark and herbs.
6.	Draught Beer	All types (lager, ale, stout, pilsner; mild and strong beers) may or may not be pasteurized.
7.	Flavoured Beer	Is a beer-based beverage with added natural or nature identical flavours.
8.	Blended beer	Is a beer-based beverage blended with small quantities of spirits in any form to get unique flavours.
9.	Irish beer	Produced in Ireland is known as Irish beer. It can be either lager, stout or ales type.
10.	Wheat beer	Is brewed with a large proportion of wheat although it often also contains a significant proportion of malted barley. Wheat beers are usually top-fermented. Wheat provides a soft character to beer and is sometimes hazy or cloudy with a touch of spice notes.
11.	Ice beer	Is beer a claim for beer that has been subjected to the process of freezing and removal of the ice crystal so formed.
12.	Spiced beer	Beer spiced with a spice or herb may be described using a common name such as “beer with (common or class name of the ingredients)”. The common name will be considered in the list of ingredients.

SECOND SCHEDULE

Requirements for Beer

Beer shall comply with the following specific requirements

Classification Description Parameters	Unit	Ale	Strong Stout	Standard Stout	Light Stout	Strong Lager Beer	Standard Lager Beer	Light Lager Beer	Low Alcohol Beer	Non-Alcohol Beer
Original Gravity	Plato	12-16	>16	10-16	4-10	>16	10-16	4-10	N/A	N/A
	Saccharine (%) (v/v)	1050-1065	>1065	1040-1065	1016-1040	>1065	1040-1065	1016-1040	N/A	N/A
Ethyl Alcohol	(%) (v/v)	6-7	>6.0	4.0-6.0	1.5-4.0	>6.0	4.0-6.0	1.0-3.9	0.5-1.0	<0.5
Carbon Dioxide	g/L	4.0-7.5	4.0-7.5	4.0-7.5	4.0-7.5	4.0-7.5	4.0-7.5	4.0-7.5	4.0-7.5	4.0-7.5
pH	N/A	3.5-4.7	3.5-4.7	3.5-4.7	3.5-4.7	3.5-4.7	3.5-4.7	3.5-4.7	3.5-4.7	3.5-4.7
Total air (Max)	mL/L	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Deposits (max)	mg/L	10	50	50	50	Nil	Nil	Nil	Nil	Nil
Bitterness (Isohumulone)	EBU	35-55	50-90	30-50	25-50	12-30	12-30	12-30	12-30	12-30
Colour	EBC	25-300	120-280	110-100	90-110	6-16	6-16	6-16	6-16	6-16
Turbidity (Haze) Max after 6 months	EBC	N/A	N/A	N/A	N/A	4.0	4.0	4.0	4.0	4.0

THIRD SCHEDULE

Beer shall comply with the microbiological requirements as specified

Parameters	Ale	Strong stout	Standard Stout	Light Stout	Strong beer	Standard beer	Light Beer	Low alcoholic beer
Total Bacteria Count (APC) (cfu/mL) (max)	100	100	100	100	100	100	100	100
Coliform (MPN) (cfu/mL) (max)	<3	<3	<3	<3	<3	<3	<3	<3
E.coli (cfu/mL) (max)	0	0	0	0	0	0	0	0
Yeast and mould (cfu/mL) (max)	20	50	50	50	50	50	50	50

APC- Areobic Plate Count

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FOURTH SCHEDULE MAXIMUM LEVEL OF ADDITIVES PERMITTED IN BEER

Additives	Maximum amount in parts per million
Sulphur dioxides	25
Benzoic acid	70
Methyl or propyl parahydroxybenzoate	70

FIFTH SCHEDULE

Beer shall comply with the metallic contaminants as specified

Maximum Level of contaminants Permitted In Beer

Elements	Maximum Limits
Lead (Pb)	0.2mg/kg
Arsenic (As)	0.1 mg/kg
Copper (Cu)	0.4mg/kg
Iron (Fe)	2.5mg/kg
Tin (Sn) for canned beverages	150mg/kg

14. Citation

These Regulations may be cited as Beer Regulations (2019)

MADE at Abuja this day of2019

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Chairman Governing Council
National Agency for Food and Drug Administration and Control (NAFDAC)**