



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

**FORMULATED CAFFEINATED BEVERAGE (LABELLING)  
REGULATIONS, 2019**

**COMMENTS ARE WELCOMED FROM STAKEHOLDERS WITHIN 60 CALENDAR  
DAYS (ending 9<sup>th</sup> March, 2020).**

**PLEASE SEND ALL INPUT TO [REGULATORYAFFAIRS@NAFDAC.GOV.NG](mailto:REGULATORYAFFAIRS@NAFDAC.GOV.NG)**

# FORMULATED CAFFEINATED BEVERAGE (LABELLING) REGULATIONS, 2019

## ARRANGMENT OF REGULATIONS

### *Regulations*

1. Scope of application
  2. Prohibition
  3. Composition
  4. Labeling
  5. Packaging
  6. Offences and Penalties.
  7. Forfeiture after conviction
  8. Interpretation
  9. Citation
- Schedule

Draft

## FORMULATED CAFFEINATED BEVERAGE (LABELLING) 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 prescribe the requirements for Regulation of non-alcoholic beverages containing caffeine as specified in Regulations 4(1), which shall include guarana, glucuronolactone, taurine, ginseng, inositol, carnitine, B-vitamins, and other similar substances that may act as stimulants.

### 2. Prohibition

A formulated caffeinated beverage shall not be manufactured, imported, exported, advertised, sold or distributed in Nigeria, unless it has been registered and import permit obtained in accordance with the provisions of these Regulations.

### 3. Composition

- (1) A formulated caffeinated beverage shall contain not less than 14.5mg/100ml and not more than 32 mg/100mL of caffeine.
- (2) A formulated caffeinated beverage may contain the substances listed in Schedule to these Regulations.
- (3) A formulated caffeinated beverage shall not contain any alcoholic substance.
- (4) Except as prescribed in Regulation (1) of these Regulations any other herbal substance or exotic substances added shall be as permitted by the Agency.

### 4. Labeling

- (1) In addition to the provisions of Pre-packaged Food, Water and Ice(Labelling) Regulations 2019, the following shall apply -
  - (a) the label on a package of formulated caffeinated beverage shall include declarations of the average quantities, per serving size and per 100 ml of;
    - (i) caffeine, expressed in milligrams;
    - (ii) the substances listed in Schedule to these Regulations where present, expressed in the metric units as appropriate.
  - (b) a Nutritional Facts panel showing details of the amount of nutrients in the product.

- (c) the label on a package of formulated caffeinated beverage shall include advisory statements to the effect that:
  - (i) the food contains caffeine; and
  - (ii) the food is not recommended for:
    - (1) Children
    - (2) Pregnant or lactating women
    - (3) Individuals sensitive to caffeine.
    - (4) Diabetics
- (d) If the food contains a listed substance, not more than a one-day quantity should be consumed per day as specified in Schedule to these Regulations.
- (e) the product shall not be mixed with alcohol
- (f) the label on a package of formulated caffeinated beverage shall not include declarations of the quantities of vitamins present therein expressed as a proportion or multiple of the Nutrient Reference Value (NRV).
- (g) for the advisory statement required by Regulations 5 (1) (d), the one-day quantity may be expressed as ml, or as cans or bottles, as appropriate.

#### **5. Packaging**

Formulated caffeinated beverage shall be packed in suitable containers. The containers shall not affect the quality and safety of the product.

#### **6. 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 N7500, 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; or
  - (b) partner or officer of the firm or
  - (c) trustee of the body concerned ;or
  - (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.

#### **7. 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.

## 8. Interpretation

In these Regulations, unless the context otherwise requires –

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

**Formulated Caffeinated Beverage** means a flavoured, non-alcoholic beverage, or a flavoured non-alcoholic beverage to which other substances like carbohydrates, amino acids, vitamins, have been added that contains caffeine, has the purpose of enhancing mental performance.

**Caffeine** means all caffeine present from whatever source in a formulated caffeinated beverage.

**Nutrient Reference Value (NRV)** means a set of numerical values that are based on scientific data for the purpose of nutrition labelling and relevant claims.

**The one-day quantity** means the maximum amount that should be consumed in a day. For each listed substance that the beverage contains, one-day quantity will not contain more than the amount as specified in Schedule to these Regulations.

## 9. Citation

These Regulations may be cited as Formulated caffeinated Beverage (Labelling) Regulations 2019

Made at Abuja this .....Day of.....2019

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

## SCHEDULE

Table of permitted substances and the maximum permitted amount that can be added to Formulated Caffeinated Beverages

<b>Column 1</b>	<b>Column 2</b>
<u>Substance</u>	<u>Maximum amount per one-day quantity</u>
Thiamin	40 mg
Riboflavin	20 mg
Niacin	40 mg
Vitamin B6	10 mg
Vitamin B12	10 µg
Pantothenic acid	10 mg
Taurine	2000 mg
Glucuronolactone	1200 mg
Inositol	100 mg

Draft