



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

**RECALL, HANDLING AND DISPOSAL OF UNWHOLESOME AND
ADULTERATED FOOD AND FOOD PRODUCTS REGULATIONS, 2019**

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

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RECALL, HANDLING AND DISPOSAL OF UNWHOLESOME AND ADULTERATED FOOD AND FOOD PRODUCTS REGULATIONS, 2019

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- (e) nature of defect
 - (i) product label
 - (ii) manufacturers details and date of import (where applicable)
 - (iii) distribution details including quantity of affected food on the market
 - (iv) geographical area of distribution
 - (v) details of complaints received and any reported illnesses (where applicable)
 - (vi) plans for public communications
 - (vii) timings for food recall/withdrawal and communication
 - (viii) recall protocol
 - (ix) any other information as may be prescribed by the Agency to make informed decision

5. **Initiation of non-voluntary recall**

- (1) The Agency shall initiate the non-voluntary recall of unwholesome and adulterated food and food products.
- (2) The Agency upon the establishment of the reason for recall of unwholesome and adulterated products shall notify the Certificate of Registration Holder or business owner. The notification shall include the following;
 - (a) name of the certificate of registration holder or business owner and contact details
 - (b) product name
 - (c) batch number
 - (d) manufacture date
 - (e) expiry date/best before date
 - (f) nature of defect
 - (g) product label
 - (h) manufacturers details and date of import (where applicable)
 - (i) distribution details including quantity of affected food on the market
 - (j) geographical area of distribution
 - (k) details of complaints received and any reported illnesses (where applicable)
 - (l) plans for public communications
 - (m) timings for food recall/withdrawal and communication
 - (n) recall protocol
 - (o) any other information as may be prescribed by the Agency to make informed decision
- (3) Where there is no identifiable person responsible for the presence of the unwholesome and adulterated food and food products in Nigeria, the Agency shall request any outlets and the public in possession of the unwholesome and adulterated food and food products to report such to the nearest office of the Agency.
- (4) A Certificate of Registration Holder or business owner shall bear the cost of the recall.

6. **Recall strategy**

- (1) The Certificate of Registration Holder shall prepare and obtain approval for the recall strategy.
- (2) The recall strategy shall include but not limited to;

- (a) the duration for the recall.
- (b) the key personnel appointed to coordinate the recall and provide feedback to the Agency at intervals until the completion of the exercise.

7. Notification and public announcement

Upon the Agency's approval for the recall of the unwholesome and adulterated food and food products, the Agency shall make a public service announcement in the media at the expense of the Certificate of Registration Holder or business owner. The information shall also be hosted on the Agency's website.

8. Submission of Recall report

- (1) The Certificate of Registration Holder or business owner shall submit documented evidence of the recall at the end of the process.
- (2) The Agency shall assess the performance of the recall and take necessary action as may be determined by the Agency.

9. Storage

- (1) The recalled food and food products shall be transferred to the Agency's storage facility and all inventories shall be reconciled.
- (2) The product shall be appropriately stacked and stored until disposal exercise is scheduled.

10. Decision for disposal of unwholesome and adulterated food and food products

The Agency shall initiate the process of disposal when there is need for disposal of unwholesome and adulterated food and food products.

11. Planning for disposal of unwholesome and adulterated food and food products

- (1) For the purpose of effective disposal of the products, the following shall be identified;
 - (a) the quantities of the unwholesome and adulterated food and food products.
 - (b) the respective disposal methods for all the identified food and food products;
 - (c) the required human resources
 - (d) the location, space, equipment, materials and logistics for the volume of unwholesome and adulterated food and food products to be disposed.
 - (e) the estimated cost of the disposal exercise.

12. Health and safety

The Agency shall provide appropriate safety gears and sanitary provision on the site.

13. Transfer of unwholesome and adulterated products to disposal site

The recalled unwholesome and adulterated food and food products shall be transported to the disposal site in a secured manner and in the company of regulatory officer and security personnel.

14. **Sorting at the disposal site**

The recalled unwholesome and adulterated food and food products shall be sorted at the disposal site according to the identified method of disposal as stated in Regulations 11 (1) (b) to these Regulations.

15. **Disposal**

(1) The recalled and sorted food and food products shall be disposed in accordance with the identified disposal method.

(2) The cost of the disposal of the unwholesome and adulterated food and food products shall be borne by the Certificate of Registration Holder, business owner or any person found in possession of the unwholesome and adulterated food and food products.

16. **Security**

The Agency shall provide security measures during the transportation, sorting and disposal of the recalled unwholesome and adulterated food and food products.

17. **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 N800, 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.

18. **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.

19. Interpretations

In these Regulations unless the context otherwise requires:

Adulterated Food and Food Products means food that has been prepared, packed, or held under condition that is unfit for human consumption whereby it may have become contaminated with filth, chemical or microbial substances and it may have been rendered injurious to health. It includes the addition or subtraction to or from food so that the natural composition and quality of the food is affected.

Agency means National Agency for Food and Drug Administration and Control

Disposal means the action or process of getting rid of any unwholesome and adulterated food and food products;

Food recall plan means the procedures and arrangements that a food business operator may have in place to retrieve food and food and food products from the food chain if a problem arises.

Regulatory officer means graduate trained by the Agency to perform regulatory functions.

Recall means the process for withdrawing or removing of food and food product from the distribution chain because it is either unwholesome or adulterated. The recall might be initiated by the manufacturer, importer, distributor or the Agency.

Security personnel means anyone employed by government to protect from any form of hazards.

Unwholesome Food and Food Products means any food product which

- (a) consists in whole or in part of any filthy, putrid or decomposed substances;
- (b) has been prepared, packaged or stored under unsanitary conditions where it may have been contaminated with filth or whereby it may have been rendered injurious to health;
- (c) is packed in a container composed in whole or in part of any injurious or deleterious substance which may render the content injurious to health;
- (d) bears or contains for the purpose of colouring only other than one which is prescribed; or
- (e) contains any harmful or toxic substance which may render it injurious to health or has been mixed with some other substance so as to reduce its quality or strength.

20. Citation

These Regulations shall be cited as the Recall, Disposal and Handling of Unwholesome and Adulterated Food and Food Products Regulations, 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)

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