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**NATIONAL AGENCY FOR FOOD AND DRUG
ADMINISTRATION AND CONTROL ACT
(CAP. N1 LFN), 2004**

COCOA AND COCOA PRODUCTS REGULATIONS, 2021



ARRANGEMENT OF REGULATIONS

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SCHEDULES

S. I. No. 60 of 2021

**NATIONAL AGENCY FOR FOOD AND DRUG
ADMINISTRATION AND CONTROL ACT
(CAP. N1, LFN), 2004**

COCOA AND COCOA PRODUCTS REGULATIONS, 2021

[7th Day of July, 2021]

Commence-
ment.

In exercise of the powers conferred on it by sections 5 and 30 of the National Agency for Food and Drug Administration and Control Act (Cap N1, LFN) 2004 and section 12 of the Food, Drug 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 Minister of Health makes the following Regulations—

1.—(1) These Regulations shall apply to cocoa and cocoa products that are manufactured, imported, exported, advertised, sold, distributed or used in Nigeria.

Scope of
application.

2. Cocoa or cocoa product shall not be manufactured, imported, exported, advertised, sold, distributed or used in Nigeria, unless it has been registered in accordance with the provisions of these Regulations.

Prohibition.

3. The categorisations, definitions, compositions and properties of cocoa products shall be as specified in the First Schedule to these Regulations.

Categorisa-
tions,
definitions,
compositions
and
properties of
cocoa
products.

4. The permitted additives to be used in cocoa products shall be as specified in the Second Schedule to these Regulations.

Permitted
additives.

5. Cocoa products shall not contain contaminant in—

(a) amount and in such a form that is harmful to the health of the consumer ; and

(b) excess of the quantity specified in the Third Schedule to these Regulations.

Maximum
limits of
contaminants
to cocoa
products.

6.—(1) Cocoa products shall be labeled in accordance with the Agency's Pre-packaged Labelling Regulations.

Labelling
information.

(2) Cocoa product that is processed with hydroxides or carbonates of magnesium shall, conspicuously carry the name of the cocoa product on the principal display panel of the label with any of the phrases; "Processed with alkali", "Processed with (naming the alkali)" or "Alkali treated" or any such similar statements.

(3) Where sweeteners have been added to the product, the phrase “artificially sweetened” or “with added sweeteners” or “with sugars and added sweeteners” shall appear in close proximity to the name of the food or any such similar statements.

(4) Any characterising flavour (other than chocolate flavour), aromatic substance or ingredient shall form part of the name of the product.

Ash limit for
cocoa
products
processed
with alkali.

7. The ash limit provided for cocoa products in these Regulations may be increased for cocoa products processed with alkali as provided in regulation 6 (2) of these Regulations by the amount of ash from the processing agent used.

Conditions
for claims
that food is
cocoa based.

8. Where a statement or claim implying that a food is cocoa based is made on any label or in any advertisement, the food shall contain not less than 20% m/m of cocoa.

Offences and
Penalties.

9.—(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 ₦800,000.00 or to both ; and

(b) a body corporate, to a fine not exceeding ₦5,000,000.00.

(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 liable to be proceeded against and be punished for the offence 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.

10. 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) property or instrumentalities used in any manner to commit or to facilitate the commission of the offence.

11. The Agency shall be responsible for the enforcement of these Regulations.

Enforcement
of the
Regulations.

12.—(1) The Cocoa Products Regulations, 2005 is revoked.

Revocation.

(2) The revocation of the Regulations specified in sub-regulation (1) of this regulation shall not affect anything done or purported to be done under the revoked Regulations.

13. In these Regulations—

Interpretation.

“Agency” means the National Agency for Food and Drug Administration and Control ;

“Cocoa product” means a product derived from cocoa beans and includes cocoa nibs, cocoa liquor, cocoa mass, chocolate, bittersweet chocolate, semi-sweet chocolate, dark chocolate, sweet chocolate, milk chocolate and white chocolate, unsweetened chocolate, bitter chocolate, chocolate liquor, cocoa powder and low-fat cocoa powder ; and

“Proceeds” means any property derived or obtained, directly or indirectly, through the commission of the offence.

14. These Regulations shall be cited as Cocoa and Cocoa Products Regulations, 2021.

Citation

FIRST SCHEDULE

[Regulation 3]

DEFINITIONS, COMPOSITIONS AND PROPERTIES OF
COCOA PRODUCTS

Cocoa Nibs.

1. Cocoa nibs or cracked cocoa shall be the product obtained from cocoa beans which have been cleaned and freed from shells and other extraneous matters as thoroughly as is technically possible and shall contain, not more than—

- (a) 1.75% of cocoa shell (m/m) calculated on the dry matter ;
- (b) 0.3% of ash insoluble in hydrochloric acid (m/m) ; and
- (c) 8.00% of moisture (m/m).

Cocoa Powder.

2. Cocoa powders are the products obtained from cocoa cake and transformed into powder—

- (a) when the cocoa butter content in cocoa powder is greater than or equal to 20 % m/m of cocoa butter, it is designated cocoa powder ;
- (b) when the cocoa butter content in cocoa powder is greater than or equal to 10 % m/m, it shall be designated fat reduced cocoa powder.
- (c) when the cocoa butter content in cocoa powder is less than 10% m/m it shall be designated Highly fat reduced cocoa powder.

Cocoa Butter.

3. Cocoa Butter shall be the fat from cocoa beans, obtained either before or after roasting, and shall have—

- (a) free fatty acid content expressed as oleic acid of not more than 1.75% m/m ;
- (b) unsaponifiable matter of not more than 0.75% m/m except in the case of pressed cocoa butter, which shall not be more than 0.35% m/m ;
- (c) refractive index (40°C) of not less than 1.453 and not more than 1.458 ;
- (d) saponification value of not less than 188 and not more than 202 ;
- (e) an iodine value of not less than 32 and not more than 41 ; and
- (f) an acid value of not more than five.

Cocoa Mass
or Cocoa or
Chocolate
Liquor.

4. Cocoa mass or Liquor shall be the product obtained by mechanical disintegration of cocoa nibs without extraction or addition of any of its constituents and the fat content shall be 47 - 60% of cocoa butter calculated on the dry matter basis (m/m).

Chocolate,
Chocolate
powder and
Chocolate
drink.

5.—(1) Chocolate shall be the homogenous product obtained by an adequate process of manufacture, from a mixture of one or more cocoa products (not less than 60% m/m cocoa content) with or without the addition of cocoa butter, milk products, sugars or sweeteners, and other additives or any other approved optional ingredient, other edible foodstuffs, excluding added

flour and starch, animal fats other than milk fat, may be added to form various chocolate products and these combined additions shall be limited to 40% of the total weight of the finished product.

(2) The addition of vegetable fats other than cocoa butter shall not exceed 5% of the finished product, after deduction of the total weight of any other added edible foodstuffs, without reducing the minimum contents of cocoa materials.

(3) Chocolate powder shall be a mixture of cocoa powder and sugars or sweeteners containing not less than 32% m/m of cocoa powder (29% m/m) on the dry matter basis.

(4) Chocolate drink shall contain not less than 25% m/m of cocoa powder.

6.—(1) Chocolate (or bitter sweet, semi-sweet or dark chocolate “chocolate fondant”) shall contain on a dry matter basis, not less than 35% total cocoa solids of which not less than 18% shall be cocoa butter and not less than 14% fat-free cocoa solids.

Types of
Chocolate.

(2) Sweet chocolate or sweet chocolate coating shall contain on a dry matter basis, not less than 30% of total cocoa solids of which at least 18% shall be cocoa butter and at least 12% fat-free cocoa solids and all other permissible ingredients shall not exceed 70% and shall contain on the dry, sugar-free and fat-free basis, no greater proportion of crude fiber, total ash, or ash insoluble in hydrochloric acid respectively than does cocoa nib on the dry matter basis.

(3) Couverture chocolate shall contain on a dry matter basis, not less than 35% total cocoa solids of which not less than 31% shall be cocoa butter and not less than 2.5% of fat-free cocoa solids.

(4) Milk chocolate shall contain, on a dry matter basis, not less than 25% cocoa solids, including a minimum of 2.5% fat-free cocoa solids, and a specified minimum of milk solids between 12% and 14%, including a minimum of milk fat between 2.5% and 3.5%.

(5) Milk solids” refers to the addition of milk ingredients in their natural proportions, except that milk fat may be added, or removed.

(6) Family milk chocolate shall contain, on a dry matter basis, not less than 20% cocoa solids, including a minimum of 2.5% fat-free cocoa solids and not less than 20% milk solids, including a minimum of 5% milk fat.

(7) Milk Chocolate Couverture shall contain, on a dry matter basis, not less than 25% cocoa solids, including a minimum of 2.5% non-fat cocoa solids and not less than 14% milk solids, including a minimum of 3.5% milk fat and a total fat of not less than 31%.

(8) White Chocolate shall contain, on a dry matter basis, not less than 20% cocoa butter and not less than 14% milk solids, including a minimum milk fat in a range of 2.5% to 3.5%.

Vermicelli
and Flakes
(Drops,
shavings).

7. Vermicelli and Flakes are cocoa products obtained by mixing, extrusion and hardening technique which gives unique, crisp textural properties to the products and Vermicelli are presented in the form of short, cylindrical grains and flakes in the form of small flat pieces—

(1) Chocolate vermicelli or Chocolate flakes shall contain, on a dry matter basis, not less than 32% total cocoa solids, of which at least 12% shall be cocoa butter and 14% fat-free cocoa solids.

(2) Milk chocolate vermicelli or Milk chocolate flakes shall contain, on a dry matter basis, not less than 20% cocoa solids (including a minimum of 2.5% fat-free cocoa solids) and not less than 12% milk solids (including a minimum of 3% milk fat).

Filled
Chocolate.

8.—(1) Filled chocolate is a product covered by a coating of one or more of the chocolates defined in paragraph 7 of First Schedule to these Regulations, with the exception of Chocolate a la taza, the center of which is clearly distinct through its composition from the external coating and it does not include flour confectionery, pastry and biscuit or ice-cream products.

(2) The chocolate part of the coating shall make up at least 25% of the total weight of the product concerned.

Other
chocolate
products.

9. Other chocolate products are the additional commercially available products that rely for their essential character either totally or extensively on cocoa material and these include—

(1) *A Chocolate or Praline*—designates the product in a single mouthful size, where the amount of the chocolate component shall not be less than 25% of the total weight of the product. The product shall consist of either filled chocolate or a single or combination of the chocolates as defined under paragraph 7 of First Schedule with exception of chocolate a la taza, chocolate familiar a la taza and products of chocolate para mesa.

(2) *Gianduja*— (or one of the derivatives of the word “Gianduja”) Chocolate is the product obtained, firstly, from chocolate having a minimum total dry cocoa solids content of 32%, including a minimum dry non-fat cocoa solids content of 8%, and, secondly, from finely ground hazelnuts such that the product contains not less than 20 % and not more than 40% of hazelnuts. The following may be added—

(a) milk or dry milk solids obtained by evaporation, in such proportion that the finished product does not contain more than 5% dry milk solids ;

(b) almonds, hazelnuts and other nut varieties, either whole or broken, in such quantities that, together with the ground hazelnuts, they do not exceed 60% of the total weight of the product.

(3) *Gianduja Milk Chocolate* — Gianduja (or one of the derivatives of the word “Gianduja”) Milk Chocolate is the product obtained, firstly, from milk chocolate having a minimum dry milk solids content of 10% and, secondly, from finely ground hazelnuts such that the product contains not less than 15 % and not more than 40% of hazelnuts. The following may be added; Almonds, hazelnuts and other nut varieties, either whole or broken, in such quantities that, together with the ground hazelnuts, they do not exceed 60% of the total weight of the product.

(4)—(a) *Chocolate para mesa*— Chocolate para mesa is unrefined chocolate in which the grain size of sugar is larger than 70 microns ; and

(b) *Chocolate para mesa* shall contain, on a dry matter basis, not less than 20% total cocoa solids, including a minimum of 11% cocoa butter and a minimum of 9% fat-free cocoa solids.

(5) *Semi-bitter chocolate para mesa* :—Semi-bitter Chocolate para mesa shall contain, on a dry matter basis, not less than 30% total cocoa solids, including a minimum of 15% cocoa butter and a minimum of 14% fat-free cocoa solids.

(6) *Bitter chocolate para mesa* :—Bitter Chocolate para mesa shall contain, on a dry matter basis, not less than 40% total cocoa solid, including a minimum of 22% cocoa butter and a minimum of 18% fat-free cocoa solids.

SECOND SCHEDULE

[Regulation 4]

FOOD ADDITIVES

Only those food additives listed below may be used and only within the limits specified.

1. Alkalizing and neutralizing agents carried over as a result of processing cocoa materials in proportion to the maximum quantity as provided for.

2.	Acidity Regulators	Maximum Level
503(i)	Ammonium carbonate	Limited by GMP
527	Ammonium hydroxide	Limited by GMP
503(ii)	Ammonium hydrogen carbonate	Limited by GMP
170(i)	Calcium carbonate	Limited by GMP
330	Citric acid	Limited by GMP
504(i)	Magnesium carbonate	Limited by GMP
528	Magnesium hydroxide	Limited by GMP
530	Magnesium oxide	Limited by GMP
501(i)	Potassium carbonate	Limited by GMP
525	Potassium hydroxide	Limited by GMP
501(ii)	Potassium hydrogen carbonate	Limited by GMP
526	Calcium hydroxide	Limited by GMP
338	Orthophosphoric acid	2.5g/kg expressed as P_2O_5 in finished cocoa and chocolate products.
4.3	L-Tartaric acid	5g/kg in finished cocoa and chocolate.

3.	<i>Emulsifiers</i>	<i>Maximum Level</i>
471	Mono-and di-glycerides of fatty acids	Limited by GMP
322	Lecithins	Limited by GMP
422	Glycerol	Limited by GMP
442	Ammonium salts of Phosphatidic acids - 10g/kg	Limited by GMP
476	Polyglycerol esters interesterified Recinoleic acid - 5g/kg	15g/kg "
491	Sorbitan monostearate - 10g/kg	in combination
492	Sorbitan tristearate - 10g/kg	"
435	Polyoxyethylene (20) sorbitan Monostearate - 10g/kg	Limited by GMP
4.	<i>Flavouring Agents</i>	<i>Maximum Level</i>
(i)	Natural flavours as defined in the Codex Alimentarius, and their synthetic equipment except those which would imitate natural chocolate or milk flavours.	GMP
(ii)	Vanillin	GMP
(iii)	Ethyl vanillin	GMP
5.	<i>Sweeteners</i>	<i>Maximum Level</i>
950	Acesulfame K	500mg/kg
951	Aspartame	2000mg/kg
952	Cyclamic acid and its Na and Ca salts	500mg/kg
954	Saccharin and its Na and Ca salts	500mg/kg
957	Thaumatococin	Limited by GMP
420	Sorbitol	Limited by GMP
21	Mannitol	Limited by GMP
953	Isomalt	Limited by GMP
965	Maltitol	Limited by GMP
966	Lactitol	Limited by GMP
967	Xylitol	Limited by GMP
959	Neohesperidine dihydrochalcone	100mg/kg

6. Glazing Agents		Maximum Level
414	Gum Arabic (Acacia gum)	Limited by GMP
440	Pectin	Limited by GMP
901	Beeswax, white and yellow	Limited by GMP
902	Candelilla wax	Limited by GMP
903	Carnauba wax	Limited by GMP
	Temporarily endorsed	Limited by GMP
904	Shellac	Limited by GMP
7. Antioxidants		Maximum Level
304	Ascorbyl palmitate	200mg/kg
319	Tertiary butylhydroquinone	200mg/kg
320	Butylated hydroxyanisole	200mg/kg
321	Butylated hydroxytoluene	200mg/kg
310	Propylgallate	200mg/kg
307	G-Tocopherol	750mg/kg
8. Colours		Maximum Level
<i>(For Decoration Purpose Only)</i>		
175	Gold	Limited by GMP
174	Silver	Limited by GMP
9. Bulking Agents		Maximum Level
1200	Polydextrose A and N	Limited by GMP
10. Processing Aid		Limited by GMP
	Hexane (62°C-82°C)	1mg/kg

THIRD SCHEDULE**[Regulation 5]****LIMITS OF CONTAMINANTS IN COCOA PRODUCTS**

<i>Contaminants</i>	<i>Maximum Limit</i>
Arsenic (As)	0.5mg/kg
Copper (Cu)	20mg/kg
Lead (Pb)	1mg/kg

MADE at Abuja this 7th day of July, 2021.

DR OSAGIE E. EHANIRE, MD, FWACS
Honourable Minister of Health