



Federal Republic of Nigeria Official Gazette

No. 158

Lagos - 15th September, 2021

Vol. 108

Government Notice No. 184

The following is published as Supplement to this *Gazette* :

<i>S. I. No.</i>	<i>Short Title</i>	<i>Page</i>
85	Soft Drinks Regulations, 2021	B3301-3307

Printed and Published by The Federal Government Printer, Lagos, Nigeria
FGP 175/092021/150

Annual Subscription from 1st January, 2021 is Local : ₦45,000.00 Overseas : ₦60,500.00 [Surface Mail] ₦75,000.00 [Second Class Air Mail]. Present issue ₦2,500 per copy. Subscribers who wish to obtain *Gazette* after 1st January should apply to the Federal Government Printer, Lagos for amended Subscriptions.

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

SOFT DRINKS REGULATIONS, 2021



ARRANGEMENT OF REGULATIONS

Regulation :

1. Scope of application.
2. Prohibition.
3. Labelling of soft drinks, fruit squash, cordial or fruit crush.
4. Offences and Penalties.
5. Forfeiture after conviction.
6. Revocation.
7. Enforcement of these Regulations.
8. Interpretation.
9. Citation.

SCHEDULE

S. I. No. 85 of 2021

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

SOFT DRINKS 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 Honourable Minister of Health makes the following Regulations—

1. These Regulations shall apply to all soft drinks that are manufactured, imported, exported, advertised, sold, distributed or used in Nigeria.

Scope of
application.

2. A person shall not manufacture, import, export, distribute, advertise, display for sale, offer for sale, sell or use soft drinks specified in the Schedule to these Regulations, unless it has been registered in accordance with the provisions of these Regulations.

Prohibition.

3. In addition to compliance with the Agency's Pre-packaged Food, Labelling Regulations and any other relevant Regulations of the Agency, the following shall apply—

Labelling of
soft drinks.
fruit squash,
cordial or
fruit crush.

(a) labelling of soft drinks specified in these Regulations shall not bear the word "fruit juice" unless the fruit content is as prescribed in the Agency's Fruit Juice Nectar Regulations ;

(b) labelling of soft drinks specified in these Regulations shall not bear the word "fruit drink", unless the fruit juice content is 5% and above ;

(c) the package of the soft drink specified in these Regulations shall not show any pictures, images and likeness of fruits, or unless the fruit juice content is not less than 5% ;

(d) every package containing fruit squash, fruit cordial or fruit crush of the standard of composition prescribed by the Agency shall bear a label, which shall indicate the nature of the contents and the fruits from which they have been prepared ; and

(e) every package containing imitation, synthetic or artificial squash, or cordial or crush with their synonymous names or of same composition shall bear a label with the words "flavoured..." and in close proximity to this and in the same letter and colour type shall bear the words "contain no natural fruit juice."

4.—(1) Any person who contravenes any of the provisions of these Regulations, commits an offence and shall be liable on conviction, in the case of—

Offences and
Penalties.

(a) an individual, to imprisonment for a term not exceeding 1 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 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.

5. Any 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) any of the person's property or instrumentalities used in any manner to commit or to facilitate the commission of the offence.

Revocation.

6.—(1) The Soft Drinks Regulations, 2005 is revoked.

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

Enforcement
of these
Regulations.

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

Interpretation.

8. In these Regulations—

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

“Food” means any substance, whether processed, semi-processed or raw, which is intended for human consumption and includes drinks, chewing gum and any substance, which has been used in the manufacture, preparation or treatment of “food” but does not include cosmetics or tobacco or substances used only as drugs.

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

“Soft Drinks” means non-alcoholic carbonated or non-carbonated ready to drink beverages.

9. These Regulations shall be cited as the Soft Drinks Regulations, Citation.
2021.

CLASSIFICATION OF SOFT DRINKS

Soft Drinks are classified as follows—

(1) *Carbonated soft drinks*

Carbonated soft drinks are the class of beverages made by absorbing carbon dioxide in potable water with or without various added substances.

(2) *Added substances for carbonated soft drinks*

The following added substances may be used in carbonated soft drinks in such proportions as are to accomplish their intended effects—

(a) nutritive sweeteners consisting of dry or liquid form of sugar, invert sugar, dextrose, glucose syrup, sorbitol, mannitol, honey or any combination of—

(i) food flavours approved by the Agency,

(ii) food colours approved by the Agency,

(iii) other food additives or mixture of food additives as approved by the Agency ;

(b) quinine in an amount as approved by the Agency in which case the label shall bear a prominent declaration to the effect that it contains quinine ;

(c) in the case of canned carbonated soft drinks, stannous chloride, in a quantity approved by the Agency with or without one or more of the other chemical preservatives shall be as permitted by the Agency ;

(d) caffeine, when used shall be in an amount as approved by the Agency ; and

(e) any other non-nutritive sweetener as may be approved by the Agency.

(3) *Names of carbonated soft drinks*

(a) the name of the carbonated drink, which is neither flavoured nor sweetened shall be "soda water", "club soda", or "soda" ;

(b) the name of each carbonated soft drink containing flavouring ingredients as provided in the Regulations shall be "carbonated beverage" or "drink", the brand designates the characterizing flavour of the carbonated soft drink for example "grape soda" ; and

(c) where the carbonated soft drink is one generally designated by a particular common name, for example ginger ale, root beer, or sparkling water, that name may be used *in lieu* of the name prescribed by these Regulations.

CLASSIFICATION OF SOFT DRINKS

Soft Drinks are classified as follows—

(1) *Carbonated soft drinks*

Carbonated soft drinks are the class of beverages made by absorbing carbon dioxide in potable water with or without various added substances.

(2) *Added substances for carbonated soft drinks*

The following added substances may be used in carbonated soft drinks in such proportions as are to accomplish their intended effects—

(a) nutritive sweeteners consisting of dry or liquid form of sugar, invert sugar, dextrose, glucose syrup, sorbitol, mannitol, honey or any combination of—

(i) food flavours approved by the Agency,

(ii) food colours approved by the Agency,

(iii) other food additives or mixture of food additives as approved by the Agency ;

(b) quinine in an amount as approved by the Agency in which case the label shall bear a prominent declaration to the effect that it contains quinine ;

(c) in the case of canned carbonated soft drinks, stannous chloride, in a quantity approved by the Agency with or without one or more of the other chemical preservatives shall be as permitted by the Agency ;

(d) caffeine, when used shall be in an amount as approved by the Agency ; and

(e) any other non-nutritive sweetener as may be approved by the Agency.

(3) *Names of carbonated soft drinks*

(a) the name of the carbonated drink, which is neither flavoured nor sweetened shall be "soda water", "club soda", or "soda" ;

(b) the name of each carbonated soft drink containing flavouring ingredients as provided in the Regulations shall be "carbonated beverage" or "drink", the brand designates the characterizing flavour of the carbonated soft drink for example "grape soda" ; and

(c) where the carbonated soft drink is one generally designated by a particular common name, for example ginger ale, root beer, or sparkling water, that name may be used *in lieu* of the name prescribed by these Regulations.

(4) *Non-carbonated Soft drinks*

Non-carbonated soft drinks are in the classes of—

(a) beverages containing more or less similar ingredients to the carbonated beverages, but in greater amount without the addition of carbon-dioxide ; and

(b) soft drinks, which include fruit squash, fruit cordial, comminated drinks, crushes.

(5) *Fruit squash and Fruit Cordial*

A fruit squash or a fruit cordial shall be prepared with the juice of sound fruit or fruits, or concentrate of fruit juice, potable water, sugar, dextrose, liquid glucose or fructose with or without citric acid, tartaric acid or lactic acid and food colours and other additives as approved by the Agency and all fruit squash or fruit cordial shall not contain any flavouring substance other than naturally present in the fruits or fruits from which they have been prepared.

(6) *Fruit Crush*

Fruit crush shall be ready to drink fruit squash or fruit cordial conforming to the composition prescribed in this Schedule.

(7) *Comminute drinks*

Comminute drinks shall be prepared from the whole citrus fruit or fruits rather than the juice, potable water, sugar, dextrose or liquid glucose, wholesome food ingredients, with or without flavouring substances, food additives and food colours as approved by the Agency.

(8) *Flavoured squash or cordial*

Flavoured squash or cordial shall include artificial cordials, synthetic squash or synthetic cordials and shall be prepared with potable water, sugar, sucrose, dextrose or liquid glucose, wholesome food ingredients, with or without flavouring substances, food additives and food colours as approved by the Agency.

(9) *Flavoured crush*

Flavoured crush includes, imitation, artificial or synthetic crush, which shall conform to the composition prescribed in these Regulations.

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

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