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

WINE REGULATIONS, 2021



ARRANGEMENT OF REGULATIONS

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SCHEDULE

S. I. No. 57 of 2021

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

WINE 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. These Regulations shall regulate and apply to wine manufactured, imported, exported, advertised, sold, distributed or used in Nigeria.

Scope of
application.

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

Prohibition.

3.—(1) The Agency shall approve the use and limits of food additives or food colors in the manufacturing process of a wine.

Use and
limit of food
additives.

(2) Where sulphites are present at a level above 10ppm, it shall require a declaration on the label that it contains sulphites.

4.—(1) Grape wine shall be classified by any or all of the following—

Categories of
grape wine.

(a) vintage ;

(b) variety ; and

(c) sugar content and sweetness.

(2) All categories of grape wine shall be produced exclusively from the complete or partial alcoholic fermentation of fresh grape and grape juice.

(3) The categories of grape wine shall be as follows—

(a) table wine ;

(b) ice wine ;

(c) botrytized wine ;

(d) late harvest wine, including selected late harvest wine and special selected late harvest wine ;

(e) vine du curé ;

(f) nouveau red wine ;

(g) blanc de noirs ;

- (h) blanc de blanc ;
- (i) liqueur wine ;
- (j) fortified wine ;
- (k) sparkling wine ;
- (l) port wine ; or
- (m) as may be prescribed by the Agency.

Vintage
dating.

5.—(1) All varietal wines shall be classified by the identified crop year, except for sparkling, fortified and liqueur wines.

(2) At least 85% of any grape wine, shall be derived from grapes grown in the same identified crop year.

(3) Cuvée that is made up of less than the minimum percentage required by regulation 5 (2) of this regulation shall be appropriately labelled as such.

(4) Any sweet reserve from the same vintage that is added to a grape wine shall be included in calculating the percentage required under regulation 5 (2).

Varietal
designations.

6.—(1) The wine is produced from at least 75% of the grapes of the said varietal—

- (a) this varietal determines the specific character of a wine ;
- (b) the name of the varietal is devoid of confusion either with a recognised name of its origin or recognised geographic indication.

(2) When the names of two varietals are required to be specified—

- (a) the wine shall come entirely from the two varietals ;
- (b) they shall be indicated in decreasing order of importance ; and
- (c) the minimum percentage for the quantity of the least important grape shall not be less than 15%.

(3) Where two or more varietals are indicated in the label of a wine, the percentage of each of such varietal shall be declared on the label.

Sugar
content and
sweetness
description.

7. The sweetness descriptors permitted on the principal display panel and the limits of sugar content shown for the various wine categories are as set out in Second Schedule to these Regulations.

Single-
vineyard
designated
wine.

8. A producer may designate a grape wine as a single-vineyard wine and display its designation on the principal display panel, subject to the following conditions—

- (a) at least 85% of the wine is from grapes grown on the designated vineyard ;

(b) the remaining 15% or less of the wine is from grapes grown in the same geographical location.

9. Notwithstanding the provisions of the Agency's Pre-packaged Food, Labelling Regulations, the following shall apply—

Labelling
Information.

(a) any wine that contain less than 10 percent absolute alcohol by volume shall have the 'Best Before' date declared ;

(b) country of origin—

(i) a clear indication of the country of origin shall be shown on the Information Panel of a wine ;

(ii) where the wine was blended, bottled or packed in a foreign country other than the country of origin, and the label identifies the country of origin, the label shall state "blended by," "bottled by," or "packed by," or other appropriate statement, followed by the name of the blender, bottler or packer and the place where the wine was blended, bottled or packed ;

(iii) "blend of wines from ...", or other similar expression, "wine produced in ... from grapes harvested in ...", or other similar expression, shall be declared ;

(iv) the "18+" age restrictions shall be prominently displayed on the product label ; and

(v) health claims shall not be made on wines.

10.—(1) The name of every wine shall indicate its accurate nature.

Name of
wine to
indicate the
nature.

(2) Where a name has been established for the wine in these Regulations, only such a name shall be used.

(3) Where no common name exists for the wine, an appropriate descriptive name shall be used.

11. The indication of terms that is relative to a superior quality of wine (including grand vin, cru, superior wine, classico, and vino nobile), where applicable, shall satisfy the following conditions—

Traditional
terms of
quality.

(a) the wine shall have entitlement to a recognized appellation of origin or recognized geographic indication ;

(b) the terms shall be attributed by an official organization of the country of origin and refer either to the classification of the viticultural land or to criteria relating to wine quality ; and

(c) the labels shall show the vintage.

12.—(1) The advertisement of wine shall be in accordance with the Agency's Food Products (Advertisement) Regulations.

Advertise-
ment.

(2) A person shall not advertise wine in any media unless such advertisement has been pre-cleared and approved by the Agency.

(3) The content of advertisements of wine shall not be misleading and shall be free of health claims.

(4) Advertisements of wine in any media shall not be permitted on children's programmes.

(5) Children sportsmen or expectant mothers shall not be used as models.

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

Offences and Penalties.

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

(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.

14. 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 ; and

(b) any of the person's property or instrument used in any manner to commit or to facilitate the commission of the offence.

Revocation.

15.—(1) The Wine Regulations of 2005 is revoked.

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

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

17. In these Regulations—

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

“Cuvée” means wine or grape in fermentation used in preparing sparkling wine ;

“Dry wine” means wine produced by complete fermentation of the sugar contained in the juice or of the grapes from which it is made ;

“Flavouring” means using one or more of the flavourings or aromatic herbs or spices or flavouring foodstuffs in the preparation of wines ;

“Label” means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stenciled, marked, embossed or impressed on or attached to, a package (container) of wine ;

“Grape juice” means the fermentable liquid that is obtained from pressing fresh grapes or grape and used for making wine with an actual alcohol content of 1% or less by volume from the juice ;

“Grape product” means a product derived from grapes and includes grape juice, grape and grape wine ;

“Grape” means unpressed, unfermented grape juice that may have been in contact with the grape skins, pulp, and seeds ;

“Grape wine” means wine derived exclusively from grapes ;

“Identified crop year” means the calendar year in which the vines bear fruit ;

“Method of production” means methods in relation to sparkling wine used to produce the wine as described in these Regulations ;

“Non-grape wine” means a wine derived from a wine crop other than grapes ;

“Perry” means the fruit wine prepared from the juice of pears and not more than 25 % of the juice or of the apples ;

“Principal display panel” means the main label on a wine bottle or container that is normally used when displaying the wine to a consumer ;

“Sweet reserve” means grape or concentrated fruit juice that is unfermented and sterile and is added to fermented wine to increase sweetness and balance excess acidity ;

“Sweet wine” means wine containing sugar derived only from the juice or the grapes from which it is made ;

“*Varietal wine*” means a grape wine that is derived from one or more specific identifiable varieties of grapes ;

“*Vintage-dated wine*” means a grape wine derived from grapes grown in an identified crop year ;

“*Wine*” means—

(a) the product of fermentation of the juice of fruits, fresh grapes, grape products derived solely from fresh grapes or any combination of fruits and which may also have added to it yeast, concentrated grape juice, sugar, dextrose or invert sugar ;

(b) fermentation of fruits (other than grapes) or fruit juice concentrates—

(i) fruit juice or fruit juice concentrâtes,

(ii) sugar,

(iii) dextrose or invert sugar,

(iv) aqueous solution of caramel,

(v) permitted food additives,

(vi) colors ; and

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

Citation.

18. These Regulations shall be cited as Wine Regulations, 2021.

FIRST SCHEDULE

[Regulation 2]

CLASSIFICATION OF WINE

Blanc de noirs wine

A grape wine that meets all of the following criteria may be designated as blanc de noirs—

(a) it is produced exclusively from fresh grapes, of which 85% are a red variety;

(b) it is produced from grapes that have been naturally harvested on the vine; and

(c) the juice is separated from the skins before fermentation and vinified using processes and treatments suitable for producing white wine.

Blanc de blanc wine

A grape wine that is produced exclusively from fresh grapes, of which 85% are white variety. It is produced from grapes that have been naturally harvested on the vine and the juice is separated from the skins before fermentation and vinified using processes and treatments suitable for producing whitewine.

Botrytized wine

A grape wine produced exclusively from fresh ripe grapes grown in the geographical location. A portion of the grapes is affected under natural conditions by the mould *Botrytis cinerea*. The resulting juice shall achieve a minimum of 34°Brix when measured after transfer to the fermentation vessel.

Carbonated light sparkling wine

A grape wine that is surcharged with carbon dioxide gas to a pressure of at least 300 kPa at 10°C and has actual alcohol content, including the alcohol contained in any added expedition liqueur, of at least 5.5% and not greater than 7.5% by volume.

Carbonated sparkling wine

A grape wine that is surcharged with carbon dioxide gas to a pressure of at least 300 kPa at 10°C and has actual alcohol content, including the alcohol contained in any added expedition liqueur, of at least 7.5% by volume.

Cider

Cider shall be the product of fermentation of apple juice or a mixture of the juice of apple and pear with or without the addition of potable water, sugar or concentrated apple or pear, provided that not more than 25% of the juice shall be pear juice and shall contain not less than 2.5% and not more than 13% alcohol by volume.

Champagne Cider

Champagne Cider shall be derived from cider that is impregnated with carbon dioxide under pressure by conducting the after part of the fermentation in closed vessels or Secondary fermentation in closed vessels with or without the addition of sugar, dextrose, invert sugar, glucose or glucose solids or aqueous solutions thereof and shall contain not less than 7% absolute alcohol by volume.

Flavoured Wine, Wine Cocktail, Aperitif

Flavoured Wine, Wine Cocktail, Aperitif shall be wine to which has been added herbs, spices, other botanical substances, fruit juices or a flavouring preparation, and shall contain not more than 20% absolute alcohol by volume.

Fortified Wine

Fortified (otherwise called dessert) wines shall be wine to which distilled spirits (usually distilled from wine) have been added during or after fermentation and shall contain absolute alcohol in excess of 14% but not more than 24% by volume.

Fruit Wine

Fruit wine shall be the product of fermentation of the juice of sound and ripe fruits and which in all other respects, shall meet the requirements of the standard for wine as prescribed by Regulation 4 and 10 of these Regulations.

Heritage light sparkling wine

A Heritage light sparkling wine is derived from grape wine that is surcharged with carbon dioxide gas to a pressure of at least 300 kPa at 10°C and has actual alcohol content, including the alcohol contained in any added expedition liqueur, of at least 5.5% but not greater than 7.5% by volume. It derives its effervescence exclusively from a primary or secondary alcoholic fermentation in a closed vessel and is produced exclusively using one of the following methods, the—

- (a) traditional method ;
- (b) charmat method ; and
- (c) transfer method.

Heritage sparkling wine

A grape wine that has actual alcohol content, including the alcohol contained in any added expedition liqueur, of at least 7.5% by volume ; that derives its effervescence exclusively from a primary or secondary alcoholic fermentation in a closed vessel. It is produced exclusively using one of the following methods, the—

- (a) traditional method,

- (b) charmat method,
- (c) transfer method.

Honey Wine

Honey Wine shall be the product of the alcoholic fermentation of an aqueous solution of Honey.

Late Harvest wines

A grape wine produced exclusively from fresh ripe grapes grown in the Geographical location that have been desiccated under natural conditions in a way that favours the concentration of sugars in the berries. It is produced with residual sugar and actual alcohol content resulting exclusively from the natural sugar of the grapes. It is produced from grapes that are naturally harvested on the vine after achieving a minimum of—

- (a) for late harvest wine, 22°Brix at harvest,
- (b) for selected late harvest wine, 26°Brix at harvest ; and
- (c) for special selected late harvest wine, 30°Brix at harvest.

Liqueur wine

A grape wine that is produced exclusively from the alcoholic fermentation of fresh grapes, grape juice, grape must, or wine. It has an actual alcohol content of greater than 14.9% but not greater than 22.9% by volume. A liqueur wine may be labelled as “natural”, where the residual sugar in the finished wine results exclusively from the sugar of the grapes.

Ice wine

A grape wine produced exclusively from grapes grown in the geographical location that have been harvested while still naturally frozen on the vine at an air temperature of 8°C or lower. The finished wine shall be produced from a computed average of at least 35°Brix ; the residual sugar in the wine shall not be less than 110 g/L, when the wine is bottled. The unfermented residual sugar and the actual alcohol remaining in the finished wine shall result exclusively from the natural sugar of the grapes.

Malt wine

Malt wine or any wine which purports to contain any malt extract, shall be wine conforming to the general standard for wine, to which has been added malt extract, so that the resultant wine contains not less than 5% (w/v) malt extract.

May wine

May wine shall be wine to which has been added artificial woodruff flavouring preparation.

Nouveau red wine

A grape wine that meets all of the following criteria may be designated as nouveau red wine—

- (a) it is a red wine produced exclusively from fresh grapes that have been naturally harvested on the vine after achieving a minimum of 16°Brix at harvest ; and
- (b) it utilizes the carbonic maceration process.

Prestige cuvée wine

A grape wine that is surcharged with carbon dioxide gas to a pressure of at least 300 kPa at 10°C and has actual alcohol content, including the alcohol contained in any added expedition liqueur, of at least 7.5% by volume and it is produced from a minimum of 85% juice from first pressing, which derives its effervescence exclusively from a primary or secondary alcoholic fermentation in a closed vessel and is produced exclusively using one of the following methods, the—

- (a) traditional method,
- (b) charmat method,
- (c) transfer method.

Quinine wine

Quinine wine shall be wine containing quinine or compounds of quinine (calculated as quinine hydrochloride) in proportion of not less than 0.5 and not more than 2.3 mg per ml.

Semi-sparkling wine

A grape wine that is surcharged with carbon dioxide gas to a pressure of between 100 kPa to 250 kPa at 10°C may be designated as semi-sparkling wine.

Sparkling Wine

Sparkling wine shall be wine that has been allowed to undergo a secondary fermentation in the bottle so that visible carbon dioxide is produced and it may contain not less than 14% and not more than 21% absolute alcohol by volume.

Table Wine

Table wine shall contain not less than 6% and not more than 17% absolute alcohol by volume. 5% to 8.5% of the actual alcohol content shall be achieved through naturally occurring sugar content. It shall be made from grapes that meet a minimum level of 15°Brix at harvest.

Tonic Wine

Tonic wine shall be wine which had been fortified with vitamins or introduced naturally from the processing method (fermentation of the grapes/herbs), provided the required level of vitamin is met.

Vermouth

Vermouth shall be the wine to which has been added bitters, aromatics or other approved botanical substances or flavouring preparations and shall contain not more than 20% absolute alcohol by volume.

Vin du curé wine

A grape wine that it is produced exclusively from fresh grapes grown in the geographical location that have been naturally harvested on the vine after achieving a minimum of 30°Brix, when measured after transfer to the fermentation vessel, the residual sugar and the actual alcohol content of the finished wine result exclusively from the natural sugar of the grapes.

Wine spirit

(1) Wine spirit is a spirit drink—

(a) produced exclusively by the distillation at less than 86% volume of wine or wine fortified for distillation or by the re-distillation of a wine distillate at less than 86% volume ;

(b) containing a quantity of volatile substances equal to or exceeding 125 grams per hectolitre of 100 % volume alcohol ; and

(c) having a maximum methanol content of 200 grams per hectolitre of 100% vol. alcohol.

(2) The minimum alcoholic strength by volume of wine spirit shall be 37.5%.

(3) Addition of ethyl alcohol of agricultural origin or distillates of agricultural origin to a spirit drink diluted or not, shall not take place.

(4) Wine spirit shall not be flavoured and this shall not exclude traditional production methods.

(5) Wine spirit may only contain added caramel as a means to adapt colour.

(6) Where wine spirit has been matured, it may continue to be placed on the market as “winespirit”, provided it has been matured for as long as, or longer than, the period stipulated for the spirit drink.

SWEETNESS DESCRIPTIONS

Dry

Dry sweetness description is when a wine contain a maximum of 4 g/l of glucose plus fructose or 9 g/l, when the total acidity strength (expressed in grams of tartaric acid per liter) is not less than 2 g/l to glucose plus fructose strength.

Medium dry

Medium dry sweetness description is when a wine contains more than the figures intended at the first drawing off and achieves at most 12g/l or 18g/l when the total acid content is fixed in implementing the first drawing above.

Mellow or semi-sweet

Mellow or semi-sweet sweetness is when the wine contains more than the figures aimed for in the second drawing off and achieves at most 45g/l.

Sweet

Sweet description is when the wine contains glucose plus fructose strength of at least 45 g/l.

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

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