

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

**FOOD ADDITIVES (LABELLING) REGULATIONS 2018**

**COMMENTS ARE WELCOMED FROM STAKEHOLDERS WITHIN 60 DAYS.**

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**Commencement: -**

**In exercise of the powers conferred on the Governing Council of the National Agency for Food and Drug Administration and Control (NAFDAC) by Sections 5 and 30 of the NAFDAC Act Cap N1 LFN 2004 and Section 12 of the Food, Drugs and Related Products (Registration, Etc.) Act Cap F33 LFN 2004 and of all the 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 hereby makes the following Regulations:-**

1. **Scope**
	* 1. These Regulations shall apply to the labelling of food additives sold as such whether by retail or other than by retail, including sales to caterers and food manufacturers for the purposes of their business.
		2. These Regulations shall also apply to food processing aids; any reference to food additives shall include food processing aids.
2. **Prohibition**
	1. No person shall manufacture, import, export, distribute, advertise, display for sell or use any food additives, except food additives set out in the prescribed standards and such food additive shall be incorporated in the food in a quantity within the limits prescribed for such food and food additive in the National Standards for the particular food and Codex standards where applicable. [as prescribed by the Agency]

##  Where the limit prescribed for a food additive in the Codex standard is stated to be “Good Manufacturing Practice”, the amount of the food additive added to a food in the manufacturing and processing shall not exceed the amount required to accomplish the purpose for which that additive is required in that food.

1. **Food additives**

Food additives shall not be described or presented on any label or in any labelling:

* 1. in a manner which is false, misleading or is likely to create an erroneous impression regarding its character in any respect;
	2. by words, pictorials or other devices which refer to or are suggestive, either directly or indirectly of any other product with which such food additives might be confused, or in such a manner as to lead the purchaser or consumer to suppose that the food additive is connected with or derived from such other product.
1. **Labeling of synthetic colour and mixture of colours in food**
2. No person shall manufacture, import, export, distributes, advertise, display for sale or sell synthetic colour or a mixture of colours for use in food unless the label carries the:-
	1. lot number of the mixture;
	2. words “food grade colour”; and
	3. common name of the individual colours (Synthetic or inorganic) in the mixture.
3. Food additives with a shelf life not exceeding 18 months shall carry the date of minimum durability using words such as ‘will keep at least until…...
4. The words ‘for food use’ or a statement substantially similar thereto shall appear in a prominent position on the label.
5. **Net weight**

The net content shall be declared in the metric units and this declaration shall be made in the following manner:

* + - 1. for liquid food additives, by volume or weight;
			2. for solid food additives, other than those sold in tablet form, by weight;
			3. for semi-solid or viscous food additives, either by weight or volume;
			4. for food additives sold in tablet form, by weight together with the number of tablets in the package.

1. **Name and address of manufacturer**
	1. The name and address of the manufacturer, packer, distributor, importer or vendor of the food additive shall be declared.
	2. Where a food additive undergoes processing in a second country which changes its chemical or physical nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labeling.
2. **Labelling information**
	1. All information presented on the label of Food Additives shall be in compliance with the Pre-packaged Food (Labelling) Regulations 2018.
	2. In the case of repackaging of Food Additives, the mandatory information provided shall be fully and accurately reflected in the original label.
	3. The name of each food additive which shall be given shall be specific and not generic and shall indicate the true nature of the food additive;
	4. Where a name has been established for a food additive in a codex list of additives, that name shall be used in relation to the food additives. In other cases, the common or usual name shall be listed or, where none exists, an appropriate descriptive name shall be used;
	5. Where two or more food additives are present, their names shall be listed in the order of the proportion by weight which each additive bears to the total contents of the container, the food additive present in the greatest proportion by weight being listed first.
	6. Where one or more of the food additives is subject to a quantitative limitation in a food in which the food additive is to be used, the quantity or proportion of that additive and adequate instruction to enable the compliance with the limitation shall be stated.
	7. If food ingredients are part of the preparation, they shall be declared in
	the list of ingredients in descending order of proportion.
	8. Where two or more food additives in the same functional class are present in a product, satisfactory documented evidence of safety of the combination shall be provided to the Agency.
	9. In the case of mixtures of flavourings, the name of each flavouring present in the mixture need not be given but the generic expression of ‘flavour’ or ‘flavouring’ may be used together with a true indication of the flavour.
	10. The expression ‘flavour’ or ‘flavouring’ may be quantified by the words ‘natural’, ‘nature-identical’, ‘artificial’ or a combination of these words, as appropriate.
	11. This provision does not apply to flavour modifiers, but applies to ‘herbs’ and ‘spices’ of which generic expressions may be used.
3. **Instructions on storage and use**

Adequate information shall be given about the manner in which the food additive is to be kept

and is to be used in food.

1. **Processing aids and carry-over of food additives**
2. For a food additive carried over into a food in significant quantity or in an amount sufficient to perform technological function in that food as a result of the use of raw materials or other ingredients in which the additive was used shall be included in the lists of ingredients.
3. For a food additive carried over into foods at a level less than that required to achieve

technological function processing aids are exempted from declaration in the list of ingredient.

1. **Conditions for a request to add to or change food additives**

Any person who wishes to request for a food additive to be added to or a change to be made shall submit his request to the Agency in form, manner and content satisfactory to the Agency which shall include:-

1. a description of the food additive including its chemical name and the name under which it is proposed to be sold, method of its manufacture, chemical and physical properties, composition and specifications;
2. a statement of the amount of the food additive for use and the purpose for which it is proposed to be used, together with all directions, recommendations and suggestions for use;
3. where necessary, in the opinion of the Agency, an acceptable method of analysis suitable for regulatory purposes that shall determine the amount of food additive in any substance arising from the use of the food additive;
4. data establishing that the food additive shall have the intended physical or other technical effect;
5. detailed reports of test method to establish the safety of the food additive under the conditions of use recommended;
6. data to indicate the residues that may remain in or on the finished food when the food additive is used in accordance with Good Manufacturing Practice;
7. a proposed maximum limit for residues of the food additive in or on the finished food;
8. specimen of the labelling proposed for the food additive; and
9. a sample of the food additive in the form in which it is proposed to be used in foods and on request, a sample of food containing the food additives.
10. **Restriction on sale, of baby foods containing food additives**

No person shall manufacture, import, exportdistribute, advertise, display for sale or sell a food that is presented for use in babies, if thefood contains food additives, unless permission for such use has been granted by the Agency.

1. **Conditions for allowing more than one preservatives**

Where more than one preservative is used in a food, the sum of the ratios of the quantities of each preservative present in the product to thequantities permitted in the product shall be as prescribed by the Agency.

1. **Ionizing radiation**

Food additives which have been treated with ionizing radiation shall be so designated and in

compliance with the Food Irradiation Regulations 2018.

1. **Repeal**
	1. The Food Additives Regulations 2005 is hereby repealed.
	2. The repeal of these Regulations Specified in section 18, Sub section (1) of these regulations shall not affect anything done or purported to be done under the repealed Regulations
2. **Penalty**
3. A person who contravenes a provision of these Regulations is guilty of an offence and liable on conviction:-
4. in case of an individual, to imprisonment for a term not exceeding two years or to a fine not exceeding N50,000 or to both imprisonment and fine; and
5. in the case of body corporate, to a fine not exceeding N100, 000.
6. Where an offence under these Regulations is committed by a body corporate or firm or other association of individuals:-
	1. every director, manager, secretary or other similar officer of the body corporate; or
	2. every partner or officer of the firm; or
	3. every trustee of the body concerned; or
	4. every person concerned in the management of the affairs of the association; or
	5. every person who was purporting to act in a capacity referred to in paragraphs (a) to (d) of this regulation, is severally guilty of that offence and 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 their knowledge, consent or connivance.

**19**. **Forfeiture**

In addition to the penalty specified in regulation 19 of these Regulations, a person convicted of an offence under these Regulations shall, forfeit to the Agency, the food product or food additive and whatsoever is used in connection with the commission of the offence.

 **20. Interpretation**

 In these Regulations, unless the context otherwise requires:-

1. **“Agency”** means National Agency for Food and Drug Administration and Control;
2. **“Contaminant”** means any substance not intentionally added to food, which is
present in such food as a result of the production (including operations carried
out in crop husbandry, animal husbandry and veterinary medicine), manufacture,
processing, preparation, treatment, packing, packaging, transport or holding of
such food or as a result of environmental contamination;
3. “**Container”** means any form of packaging of food additives for sale as a single
item, whether by completely or partially enclosing the food additives, and
includes wrappers;
4. “**Flavour modifier**” means a flavouring substance with modifying properties that changes individual orangoleptic characteristic of a food product but does not produce and overall enhancement of all the sensorial properties
5. **“Food”** means any article manufactured, sold, labelled or advertised for human and animal consumption and any ingredient that may be mixed with food for any purpose whatsoever, but does not include live animals, birds or fish;
6. **“Food additive”**  means any substance not normally consumed as a food by itself and not normally used as a typical ingredient of the food, whether or not it has nutritive value, the intentional addition of which to food for a technological
(including organoleptic) purpose in the manufacture, processing, preparation,
treatment, packing, packaging, transport or holding of such food results, or may
be reasonably expected to result, (directly or indirectly) in it or its by-products
becoming a component of or otherwise affecting the characteristics of such
foods. The term does not include contaminants, or substances added to food for
maintaining or improving nutritional qualities, or sodium chloride;
7. **“Processing aid”** means a substance or material not including apparatus or
utensils and not consumed as a food ingredient by itself, intentionally used
in the processing of raw materials, foods or its ingredients to fulfil a certain
technological purpose during treatment or processing and which may result in
the non-intentional but unavoidable presence of residues or derivatives in the
final product;
8. “**Label”** includes any tag, brand, mark, pictorial or other descriptive matter, written painted, stenciled, marked, embossed or impressed on, or attached to, a
container;
9. “**Labeling”** includes the label and any written, printed or graphic matter relating
to and accompanying the food additives. The term does not include bills, invoices and similar material which may accompany the food additives;
10. “R**etail”** means any sale to a person buying otherwise than for the purpose of resale but does not include a sale to caterers for the purposes of their catering business or a sale to manufacturers for the purposes of their manufacturing business.
11. **“Synthetic colour”** means any organic colour, other than caramel, that is produced by chemical syntheses and has no counterpart in nature.

**21. Citation**

This Regulation may be cited as the Food Additives Regulations 2018

1. **MADE at Abuja this ……………………….day of …………………………..2005**

**Inuwa Abdulkadir esq.**

**Chairman Governing Council**

**National Agency for Food and Drug Administration and Control (NAFDAC)**