

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

**MILK AND DAIRY PRODUCTS REGULATIONS 2018**

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**ARRANGEMENT OF REGULATIONS**

Commencement

1. Scope
2. Prohibition
3. Labeling information
4. Definition, composition and label designation for milk a d dairy products
5. Food Additives
6. Penalty
7. Forfeiture
8. Interpretation
9. Repeal
10. Citation
11. Schedules

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 National Agency for Food and Drug Administration and Control Act Cap NI Laws of the Federation of Nigeria (LFN) 2004 and all 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 hereby makes the following Regulations:-

1. **Scope**

These Regulations apply to milk and dairy products intended for direct consumption or further processing.

1. **Prohibition**

No milk or dairy products shall be manufactured, imported, exported, advertised, sold or distributed in Nigeria, unless it has been registered in accordance with the provisions of these Regulations;

1. **Labeling Information**
2. Milk and dairy products shall be labelled in accordance with the Pre-packaged Food (Labelling) Regulations, 2018.
3. Where milk from any source other than a cow is used for the manufacture of any of the products specified therein, such products shall be designated according to the origin of the milk; and where the milk is from two origins, the one in larger proportion shall be indicated first.
4. Milk which is modified in composition by the addition and/or withdrawal of milk
constituents may be identified with a name using the term “milk”, provided that a
clear description of the modification to which the milk has been subjected is given in close proximity to the name with the essential product characteristics maintained and the limits of such compositional modifications shall be detailed in the Schedule to these Regulations.
5. Nutritional information shall be mandatory for all milk and dairy products.
6. **Definitions, compositions and label designation for milk and dairy products**

The definitions, compositions and label designations for milk and dairy products

Shall be as specified in the Schedule to these Regulations.

1. **Food Additives**

Only those Additives Classes indicated in Schedule B may be used for the product categories specified. Within each Additive Class and where permitted according to the Schedule, only those individual Additives listed may be used and only within the limits specified. Additional Additives may be present in the Flavoured Yoghurt and drinks based on fermented milk as a result of carry-over from non-dairy ingredients.

1. **Penalty**
2. A person who contravenes any of the provisions of these Regulations shall be guilty of an offence and liable on conviction, in case of -
	1. an individual to imprisonment for a term not exceeding one year or to a fine of N50,000.00 or both imprisonment and fine;
	2. a body corporate, to a fine not exceeding N100, 000.
3. Where an offence under these regulations is committed by a body corporate, firm or other

 association of other individuals every: -

* 1. director, manager, secretary, or other similar officer of the body corporate; or
	2. partner or officer of the firm; or
	3. trustee of the body concerned; or
	4. person concerned in the management of the affairs of the association; or
	5. person who was purporting to act in a capacity referred to in 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 his knowledge, consent or connivance.
1. **Forfeiture**

In addition to the penalty specified Regulations 5 (6) of these Regulations, a person convicted of an offence under these regulations shall forfeit to the Agency the Milk and Dairy products and whatsoever is used in connection with the commission of the offence.

1. **Interpretation**

 In these Regulations unless the context otherwise requires:

1. **"Agency"** means National Agency for Food and Drug Administration and Control;
2. **“Dairy terms”** means names, designations, symbols, pictorial or other devices which refer to or are suggestive, directly or indirectly, of milk or milk products.
3. “**Edible** **acid** **Casein**” means the milk product obtained by separating, washing and drying the acid-precipitated coagulum of skimmed milk and/or of other products obtained from the milk.
4. “**Edible Rennet Casein**” means the milk product obtained by separating, washing and drying the coagulum of skimmed milk and/or of other products obtained from the milk. The coagulum is obtained through the reaction of rennet or other coagulating enzymes.
5. “**Edible Caseinate**” means the milk product obtained by action of edible casein or edible Casein curd coagulum with neutralizing agents followed by drying.
6. “**Milk”** means the normal mammary secretion of milking animals obtained from one or more milkings without either addition to it or extraction from it, intended for consumption as liquid milk or for further processing;
7. “**Milk product”** means a product obtained by any processing of milk, which may contain food additives, and other ingredients functionally necessary for processing;
8. **“Milk solids”** means
	* 1. in respect of a dairy product, other than cheese, is any constituent of milk — other
		than water or casein — singly or in combination with other constituents of milk, that has not been altered in its chemical composition, and
		2. in respect of cheese, any constituent of milk — other than water — singly or in combination with other constituents of milk;
9. **"Pasteurized" (when used in connection with milk or milk product) means the process of heating the milk to** a temperature of not less than -
10. 63oC and not more than 66oC, holding it at such temperature for not less than 30 minutes and immediately thereafter reducing it to a temperature below 40oC; or
11. 71.5oC and retaining it for at least fifteen seconds or at any other approved time/temperature combination and immediately thereafter reducing the milk to a temperature below 4oC.
12. **“Whey”** means the fluid separated from the curd after the coagulation of milk, skimmed milk, cream or butter milk in the manufacture of cheese, casein or similar products, principally with rennet type enzymes.
13. **Repeal of Milk and Dairy products Regulations 2005**
	* 1. The Milk and Dairy products Regulations 2005 is hereby repealed.
		2. The repeal of these Regulations Specified in Regulations 8 (1) shall not affect anything done or purported to be done under the repealed Regulations

1. **Citation**

These Regulations may be cited as Milk and Dairy Product Regulations 2018.

**SCHEDULE “A”**

**DEFINITIONS, COMPOSITIONS AND LABEL DESIGNATIONS FOR MILK AND DAIRY PRODUCTS**

**Skimmed Milk**

1. Skimmed milk shall be the milk from which part of the milk fat has been removed and which contains not more than 1.5 percent of milk fat and not less than 8.5 percent of milk
2. **Reconstituted milk product** is a product resulting from the addition of water to the dried or concentrated form of the product in the amount necessary to re-establish the
appropriate water to solids ratio not less than 3.0 percent of milk fat and not less than 8 percent of milk solids not-fat.

**Reconstituted Milk product**

**Evaporated Milk.** 3. (1) Evaporated milk shall be the liquid

product obtained by the partial removal of water only from milk and it shall have –

1. minimum milk fat 7.5% (m/m);
2. minimum milk solids 25% (m/m);
3. minimum milk protein in milk solids-not-fat 34% (m/m), and it may contain stabilizers or emulsifiers as permitted by the Agency.

(2) The product may be labelled as “Evaporated Milk” or “Evaporated Full Cream Milk”.

**Evaporated skimmed milk.** 4**.** (1) Evaporated skimmed milk shall contain –

1. maximum milkfat 1.0% (m/m)
2. minimum milk solids 20% (m/m)
3. minimum milk protein in milk solids-not-fat 34% (m/m), and

it may contain food additives as permitted by the Agency.

 (2) The product may be labelled “Evaporated skimmed

milk”.

**Evaporated partly** 5**.** (1)Evaporated partly skimmed milk shall contain -

**skimmed milk**.

1. milkfat more than 1.0% and less than 7.5% (m/m);
2. minimum milk solids 20% (m/m);
3. minimum milk protein in milk solids-not-fat 34% (m/m), and it may contain food additives as permitted by the Agency.

(2) The product may be labeled as “Evaporated partly skimmed milk”.

**Evaporated high-fat milk.** 6**.** (1) Evaporated high-fat milk shall contain –

1. minimum milkfat 15% (m/m);
2. minimum milk solids-not-fat 11.5% (m/m);
3. minimum milk protein in milk solids-not-fat 34% (m/m); and

it may contain food additives as permitted by the Agency.

 (2) The product may be labeled as “Evaporated high-fat milk”.

**Sweetened Condensed Milk** 7. (1) Sweetened condensed milk shall be the productobtained by the partial removal of water only from milk with the addition of sugar and it shall contain -

1. minimum milk fat 8.0% (m/m);
2. minimum milk solids 28% (m/m);
3. minimum milk protein in milk solids-not-fat 34% m/m,

it may contain food additives as permitted by the Agency.

(2) The product may be labelled as “Sweetened Condensed Milk” or “Sweetened Condensed Whole Milk” or “Sweetened Full Cream Milk”.

 (3) When one or several sugars are used, the name of each sugar shall be declared on the label, for example “with sucrose” ”with dextrose” “with sucrose and dextrose”.

**Sweetened condensed** 8**.** (1) Sweetened condensed skimmed milk **skimmed milk.** shall contain -

1. maximum milkfat 1.0% (m/m);
2. minimum milk solids 24% (m/m);
3. minimum milk protein in milk solids-not-fat 34% (m/m); and

it may contain food additives as permitted by the Agency.

 (2) The product may be labelled as “Sweetened

condensed skimmed milk”

(3) When one or several sugars are used the name of each of such sugar shall be declared on the label, for example “with sucrose” “with dextrose” “with sucrose and dextrose”.

**Sweetened condensed partly** 9**.** (1) Sweetened condensed partly skimmed **skimmed milk** milk shall contain -

1. Milkfat more than 1.0%(m/m) and less than 8.0% (m/m);
2. minimum milk solids-not-fat of 20% (m/m);
3. minimum milk solids 24% (m/m);
4. minimum milk protein in milk solids-not-fat 34% (m/m); and

it may contain food additives as permitted by the Agency.

* 1. The product may be labelled as “sweetened condensed partly skimmed milk”.
	2. When one or several sugars are used, the name of each sugar shall be declared on the label, for example “with sucrose”, “with dextrose” or “with sucrose and dextrose”.

**Sweetened condensed high-fat** 10**.** (1) Sweetened condensed high-fat milk **milk** shall contain -

1. minimum milkfat 16% (m/m);
2. minimum milk solids-not-fat 14% (m/m);
3. minimum milk protein in milk solids-not-fat 34% (m/m); and

it may contain food additives as permitted by the Agency.

 (2) The product may be labelled as “Sweetened

condensed high-fat milk”.

 (3) When one or several sugars are used the name of each sugar shall be declared on the label for example “with sucrose” “with dextrose” “with sucrose and dextrose”.

**Whole Milk Powder**  11. (1) Whole milk powder shall be the product obtained by the

removal of water only from milk after adjusting the fat and milk solids, if necessary, and the milk fat content shall be minimum 26% (m/m) and maximum 42% (m/m).

 (2) The milk protein in milk solids-not-fat shall not be less than

 24% (m/m). It may contain food additives as permitted

 by the Agency.

 (3) The moisture content shall not be more than 5% (m/m).

**Skimmed milk powder.** 12**.** Skimmed milk powder shall be the product obtained by the removal of water from skimmed milk, and

shall have –

1. maximum milkfat 1.5% (m/m);
2. maximum water 5% (m/m);
3. minimum milk protein in milk solids-not-fat 35 % (m/m); and

 it may contain food additives as permitted by the Agency.

**Partly Skimmed milk powder.** 13**.**  PartlySkimmed milk powder shall be the product obtained by the removal of water from skimmed milk, and shall have –

1. Milkfat more than 1.5% and less than 26% m/m
2. maximum water 5% (m/m);
3. minimum milk protein in milk solids-not-fat 34 % (m/m); and

it may contain food additives as permitted by the Agency.

**Filled Milk.** 14. Filled milk shall be skimmed milk to which milkfat has been wholly or partially replaced with an equivalent amount of edible vegetable oil or fat. It shall contain

1. not less than 3% (m/m) fat
2. not less than 8.5 % (m/m) of milk solids-not-fat.
3. minimum of 28 % vegetable fat and a maximum of 40% m/m.
4. minimum of 23.5% m/m protein

it may contain food additives as permitted by the Agency.

**Flavoured Milk** 15**.** (1) Flavoured milk shall be the pasteurized or sterilized liquid product made from milk or milk powder and any

permitted flavouring agent and shall contain not less than 3.0

 percent (m/m) of milkfat and it may also contain food

 additives as permitted by the Agency.

(2) Flavoured milk shall be labelled by the common name of the

 characteristic flavouring agent e.g. vanilla flavoured milk.

**Flavoured Skimmed** 16. Flavoured skimmed milk shall be the product

**Milk.** made from skimmed milk and a flavouring agent

 permitted by the Agency.

**Chocolate Milk Drink.** 17**.** Chocolate drink shall be the pasteurized liquid product made from milk, milk powder, cocoa and sugar and may contain food additives as permitted by the Agency.

**Malted Milk powder** 18.(1) Malted milk or malted milk powder shall be the product made

by combining milk with the liquid separated from mash of malted cereal and may contain food additives as permitted by the Agency.

 (2) It shall contain not less than 7.5 percent (m/m) of milkfat and not more than 3.5 per cent of water.

**Butter Milk**  (19) (1) Butter milk shall be the nearly milkfat-free fluid

remaining from the butter making process.

(2) It shall contain :

(a) Minimum Moisture 4%

(b) Minimum milk fat 4% and 13% max.

(c) Minimum Protein 30%

**Butter. (**20)**.** Butter shall be the fatty product exclusively derived from

Milk principally in the form of an emulsion of the type water-

in-oil and shall contain any of the food additives as approved

by the Agency and shall contain:

1. minimum milkfat 80%(m/m);
2. maximum milk solids-not-fat 2%(m/m); and
3. maximum water 16 %( m/m).

**Cream.** 21. Cream shall be the pasteurized fatty emulsion prepared from

 milk by separating milk constituents in such manner as to increase the milk fat content and shall contain for -

1. Cream, minimum milk fat content 18% (m/m);
2. Half cream, minimum milk fat content 10% (m/m) and maximum milk fat content of less than 18% (m/m);
3. Whipping and Whipped cream, with minimum milk fat content 28% (m/m);
4. Heavy Whipping and Whipped Heavy cream, with minimum milk fat content of 35% (m/m); and
5. Double cream with minimum milk fat content of 45% (m/m).

**Yoghurt.** 22**.** (1) Yoghurt shall be the coagulated milk product which has been

 pasteurized prior to fermentation through the action of *Lactobacillus* *bulgaricus* and *Streptococcus* *thermophilus* from

 milk and milk products and with or without the following

 optional additions:-

1. Milk powder, skimmed milk powder, unfermented buttermilk, concentrated whey, whey powder, whey proteins, whey protein concentrate, water-soluble proteins, edible casein, caseinates (definition), manufactured from pasteurized products;
2. Cultures of suitable lactic acid producing bacteria in addition to those in Schedule 22 (a) of these Regulations;
3. Sugars (in sweetened yoghurt only).

(2) It shall contain not less than 3.0 %( m/m) of milk fat and not less than 8.2 %( m/m) milk solids not fat.

(4) Traces of benzoates derived from the essential raw materials of the yoghurt may be permitted and the limits of these shall be as prescribed by the Agency.

**Low-fat** **(skimmed) yoghurt.** 23**.** Low-fat Yoghurt shall be the coagulated milk product

 prepared in same manner as prescribed in Schedule

 “A” to these Regulations, except that it shall contain maximum milkfat 0.5 %( m/m) and minimum milk solids

 not-fat 8.2 %( m/m).

**Flavoured Yoghurt** 24. (1) Flavoured Yoghurt shall be coagulated milk product which has

been pasteurized prior to fermentation through the action of

 *Lactobacillus bulgaricus* and *Streptococcus thermophilus* from

 milk and milk products, to which have been added the

 following flavouring foods or other flavouring ingredients:-

1. natural flavouring ingredients such as fruit (fresh, canned, quick frozen, powdered), fruit puree;
2. fruit pulp, jam, fruit juice, honey, chocolate, cocoa, nuts, coffee, spices and other harmless natural flavouring food.

 (2) It shall contain not less than 3.0 %( m/m) of milk fat and not

 More than 8.2 %( m/m) milk solids non-fat.

 (3) It may contain the following optional ingredients:-

1. sugars;
2. Milk powder, skimmed milk powder, unfermented buttermilk, concentrated whey, whey powder, whey proteins whey protein concentrate, water-soluble milk proteins, edible casein, caseinates, manufactured from pasteurized products;
3. Cultures of suitable lactic acid producing bacteria in addition to *Lactobacillus bulgaricus* and *Streptococcus thermophilus*;
4. Harmless natural colouring agents.

 (4) It may contain preservatives which come exclusively from natural flavouring substances as a result of carry-over and the limit of these shall be prescribed by the Agency.

**Heat-treated Fermented Milk** 25. These are products as described under Regulation 24

 of these Regulations which have been

 subjected to heat treatment after fermentation and shall

 not contain viable and abundant micro-organism.

 **Ice Cream.** 26.(1) Ice Cream shall be the pasteurized frozen

 food made from combination of cream, milk or other milk product, and may contain egg, fruits, nut, cocoa, sugar and glucose syrup and it shall have a minimum milk fat content of 8.0 % (m/m) and not less than 16.0% (m/m) of milk solid.

 (2) When Ice Cream is described as "Dairy Ice Cream" it

 shall not contain any fat other than milk fat. If the fat

 used is of vegetable origin, the product shall be

 labelled with the words "contains vegetable fat".

(3) Ice Cream that contains no artificial flavour but fruits or other bulky flavouring substances shall be designated with the name of the flavouring substance e.g. Vanilla Ice Cream, and Ice Cream that contains artificial flavouring agent shall be so designated. e.g. Artificial vanilla ice cream or artificially flavoured vanilla ice cream.

 **Cheese.** 27 **. (1)** Cheese shall be the fresh or matured solid

 or semi-solid product obtained:

* 1. by coagulating milk, skimmed milk, partly skimmed milk, cream, whey cream, or butter milk, or any combination of these materials, through the action of rennet of other suitable coagulating enzymes and by partially draining the whey resulting from such coagulation or,
	2. by processing techniques involving coagulation of milk and materials obtained from milk which give an end product with the same essential physical, chemical and organoleptic characteristics as the product defined in Schedule “A” to these Regulations.

(2) Ripened cheese is cheese which is not ready for consumption shortly after manufacture but which must be held for such time, at such temperature, and under such other conditions as will result in the necessary biochemical and physical changes characterizing the cheese in question.

1. Mould ripened cheese is a ripened cheese in which the ripening has been accomplished primarily by the development of characteristic mould growth throughout the interior and/or on the surface of the cheese.
2. Unripened cheese (including fresh cheese) is cheese which is ready for consumption shortly after manufacture.
3. When a variety name is used to describe a named-variety process(ed) cheese and spreadable process(ed) cheese, the cheese blend from which the product is made shall contain at least 75% of the cheese variety mentioned. The remaining cheese shall be of similar type.
4. In relation to process(ed) cheese and spreadable process(ed) cheese, the name of a product in accordance with these Regulations shall be Processed) Cheese or Spreadable Process(ed) Cheese as applicable.

Whey powders 28. Whey powders are milk products obtained by drying whey or acid

whey.

The term “sweet” may accompany the name of whey powder,

provided that the whey powder meets the following compositional

criteria:
(a) minimum lactose: 65%
(b) minimum protein: 11%
(c) maximum ash: 8.5%

**MADE** at Abuja this day of 2018

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**Inuwa Abdulkadir Esq**

**Chairman, Governing Council**

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