

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

**NON-NUTRITIVE SWEETENERS IN DRUG PRODUCTS (PROHIBITION) 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**

These Regulations shall apply to the use of non-nutritive sweeteners in drug products.

1. **Prohibition**

No person shall;

1. Manufacture, import, export, advertise, sell, distribute, cause to be distributed or use any drug product which contains non-nutritive sweeteners, except as provided for in these Regulations
2. No person shall manufacture, import, export, advertise, sell, distribute, or cause to be distributed or use any drug product which contains non-nutritive sweeteners which are recognized as novel excipients.
3. **Adulterated Products**

A drug product shall be regarded as adulterated and hazardous to health, if it contains non-nutritive sweeteners not permitted by the Agency.

1. **Conditions of use of non-nutritive sweeteners**

Without prejudice to Regulation 2 of these Regulations, the Agency may authorize the manufacture, importation, exportation, sale, distribution, advertisement and use of registered or permitted non- nutritive sweeteners for special dietary requirements and drug formulations.

1. **Penalty**
2. A person who contravenes a provision of these regulations is guilty of an offence and liable on conviction:-
3. In the 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.
4. In the case of body corporate, to a fine not exceeding N 100,000.
5. Where an offence under these Regulations is committed by a body corporate or firm or other association of individuals every:-
6. director, manager, secretary or other similar officer of the body corporate; or
7. partner or officer of the firm; or
8. trustee of the body concerned; or
9. person concerned in the management of the affairs of the association; or
10. person who was purporting to act in a capacity referred to in paragraphs (i) to (iv), 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.
11. **Forfeiture**

In addition to the Penalty specified in Regulation 5 of these Regulations, a person convicted of an offence under these Regulations shall, forfeit to the Agency the Drug and Drug products and whatsoever is used in connection with the commission of the offence.

1. **Interpretation**

For the purpose of these regulations unless the context otherwise requires, the following words mean:-

1. **“Adulterated drug”** means a drug product which contains non-nutritive sweetener(s) not permitted by the Agency;
2. **“Agency”** means National Agency for Food and Drug Administration and Control;
3. **"Drug" or “Drug product”** includes any substance of vegetable, animal or mineral origin, orany preparation or admixture thereof manufactured, sold or advertised for use in-
	1. the diagnosis, treatment, mitigation or prevention of any disease, disorder, abnormal physical state or the symptom thereof, in man or animal;
	2. restoring, correcting or modifying organic functions in man or in animal;
	3. disinfection or the control of vermin, insects or pests; or
	4. contraception;
4. **“Non-nutritive sweetener”** means any substance having non-nutritive properties, which when added to a product is capable of imparting sweetness to the product.
5. **“Novel Excipient”** means any substance which is used as an excipient to impart sweetness for the first time in a drug product, or by a new route of administration.
6. **Repeal of Non-Nutritive Sweeteners (Prohibition) regulations 2005**
	1. The Non-Nutritive Sweeteners in Drug Products (Prohibition) Regulations 2005 is hereby repealed.
	2. The repeal of these Regulations specified Regulation 8 (1) shall not affect anything done or purported to be done under the repealed Regulations.
7. **Citation**

These Regulations may be cited as Non-Nutritive Sweeteners in Drug Products (Prohibition) Regulations 2018.

**SCHEDULE ‘A’**

**MAXIMUM LEVELS OF NON-NUTRITIVE SWEETENERS IN DRUG PRODUCTS**

|  |  |  |
| --- | --- | --- |
| **SWEETENER** | **PHARMACOPOEIA** | **ACCEPTABLE DAILY INTAKE (ADI)** |
| Acesulfame potassium | BP, Ph. Eur., USP-NF | 15mg/kg body-weight |
| Aspartame  | BP, Ph. Eur., USP-NF | 40mg/kg body-weight |
| Neotame | USP-NF | 2mg/kg body-weight |
| Saccharin | BP, JP, Ph. Eur., USP-NF | 2.5mg/kg body-weight |

\*Accepted Daily Intake (ADI) Limits set by World Health Organization (WHO)

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)**