



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

ANIMAL FEED ADDITIVE ADVERTISEMENT REGULATIONS, 2023

**COMMENTS ARE WELCOMED FROM STAKEHOLDERS WITHIN 60
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ANIMAL FEED ADDITIVE ADVERTISEMENT REGULATIONS, 2023
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ANIMAL FEED ADDITIVE ADVERTISEMENT REGULATIONS, 2023

Commencement:

In exercise of the powers conferred on it Sections 5 and 30 of the National Agency for Food and Drugs Administration and Control Act Cap N1 Laws of the Federation of Nigeria (LFN) 2004 and Section 12 of the Food, Drugs 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 Honorable Minister of Health makes the following Regulations-

1. Scope of application

The Regulations shall apply to all advertisements of animal feed additives, manufactured, imported, distributed, sold or used in Nigeria.

2. Prohibition

(1) A person shall not advertise an:

- (a) animal feed additives unless it has been registered by the Agency and
- (b) animal feed additives unless the advertisement has been approved by the Agency.

(2) A person shall not-

- (a) display on a screen or otherwise present an advertisement of an animal feed additive unless in accordance with the provision of these Regulations;
- (b) make any claim to assert, imply or convey the impression as to the suitability of an animal feed additive for use in the prevention, alleviation, management, treatment or cure of a disease, disorder or physiological condition;
- (c) make a claim that an animal feed additive contains a particular value, when that value is not wholly contributed by the animal feed additive, but it is partially contributed by other animal feed additive with which it may be consumed.
- (d) describe an animal feed additive as “healthy” or represent it in a manner that implies that the animal feed additive will impact health; and
- (e) make health claims that encourage or condone excessive consumption of any feed additive by the animals.

3. Nature of advertisement

Advertisements of animal feed additives shall be accurate, complete, clear and designed to promote credibility and trust by the general public and such statements or illustrations contained on the packaging shall not mislead directly, indirectly or by implication.

4. Non-referential advertisement

Advertisement of any animal feed additives shall not -

- (a) imitate the general layout, text, slogan or visual presentation or devices of other animal feed additives in a way likely to mislead or confuse the consumer; or
- (b) be framed in such a manner as to make reference directly or indirectly to the scientific or any

of its allied professions, except such reference is scientifically proven.

5. Application for the approval of advertisement

- (1) Advertisement materials including scripts, story-boards, art work, radio scripts and other advertisement material shall be submitted along with an application in a manner as may be prescribed by the Agency.
- (2) Materials submitted under these Regulations shall be authenticated by the Chief Executive or appropriate technical person of the animal feed additive company sponsoring the advertisement.

6. Particulars of application

An application submitted by an advertising agent, distributor, manufacturer or the sponsor of the advert shall contain the following-

- (a) the brand name of the animal feed additive, if any;
- (b) place of importation or local manufacturer;
- (c) the name and address of the manufacturer;
- (d) the name and address of the local distributor;
- (e) the name and address of the advertising company;
- (f) the date of first introduction of the animal feed additive to the Nigerian market, for new products;
- (g) information about any previous advertisement of the animal feed additive in Nigeria, where necessary;
- (h) the proposed media of the advertisement;
- (i) evidence of current product registration;
- (j) a justification for any special claims on the animal feed additive;
- (k) scripts and recordings; and
- (l) such other materials as may be required by the Agency from time to time.

7. Validity of approval

- (1) The approval of an advertisement shall be valid for a period of one year beginning from the date of approval.
- (2) Subsequent advertisement applications shall be valid for two (2) years provided no alteration is made and conditions of renewal approval remain the same.
- (3) Notwithstanding the provisions of sub-regulation (1) of this regulation, consumer promotions shall have validity of fifteen (15) weeks.

8. Withdrawal of an approval

Agency may withdraw the approval for an advertisement of animal feed additives products if:

- (a) the grounds on which the approval is granted was later found to be false or incomplete;
- (b) any of the conditions under which the approval was granted has been contravened;
- (c) there is new scientific evidence against claims contained in the advertisement; or
- (d) there is an order of the court;

9. Prohibition of reference to professional bodies/ associations

Advertisement shall not make reference directly or indirectly to any individual member of

professional bodies/ associations, farms or commercial millers; without approval from the Agency.

10. Advertisement not to prejudice public confidence

A person shall not advertise animal feed additives in a manner that brings the feed industry to disrepute or prejudice public confidence in the feed.

11. Unfairly disparage competition

Advertisement shall not unfairly disparage any company of its competitive products either directly, indirectly or by implication.

12. Restriction

- (1) An advertisement shall not contain-
 - (a) Any false or misleading information;
 - (b) inadequate qualification and limitation regarding the safety or effectiveness of the animal feed additive; and
 - (c) vague or unsubstantiated statement or suggestion of superiority over competing product.
- (2) Advertisement shall contain information that is reliable, accurate, truthful, informative, balanced and can be substantiated.
- (3) Advertisement shall not by implication, omission, ambiguity or exaggeration, mislead or deceive or likely to abuse the trust of or exploit the lack of knowledge, experience, the myth or fear in the consumer.

13. Prohibition of misleading comparison

- (1) Comparison in an advertisement shall not mislead the public either directly, indirectly or by implication and where there is comparison it shall be supported by reliable current scientific data.
- (2) A reference to a competitive manufacturer or its specialties in an advertisement shall be restricted to factual comparison without the use of identifiable regulated product or brandname.
- (3) Data illustrations including charts and graphs, tables extracted from reference studies or other sources or reproduced by art work, presented in an advertisement, shall-
 - a. be accurate, complete and clear, with their source specifically identified;
 - b. not be misleading or ambiguous or distort the original intended meaning or interpretation either directly or by implication.

14. Accurate interpretation of research findings

- (1) All advertisement materials including scripts, story-boards, art work, radio scripts and any other advertisement material for animal feed additives shall be so written as to accurately interpret valid and representative research findings.
- (2) Statistics in an advertisement of animal feed additives shall be so written as to reflect only their true validity and significance.
- (3) Any claim or quotation from a scientific literature concerning the efficacy, safety and adverse

reaction, or any of such precautionary statements with the constraints of the accepted products monograph, shall specify the scientific source of claim or quotation.

- (4) Copy of any reference cited by an applicant or in the advertisement of animal feed additives shall be provided to the Agency for verification.

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15. Scientific articles and literatures to contain both positive features and negative findings

- (1) A claim or quotation shall contain both the negative and positive findings and shall be readily verifiable by the Agency.
- (2) A claim based on, or quotation that has been selected from a scientific article or series of articles which emphasize only the positive features while ignoring negative findings, shall not be acceptable.

16. Product launch and Press release

All product launch materials or press release of animal feed additives shall be as approved by the Agency for the product advertising materials.

17. Claims

- (1) Claims for animal feed additives shall be substantiated before approval.
- (2) Superiority claims may be used only when a product proves to be superior to an identified comparator or to all products in same category through trial.
- (3) Top parity claims and 'Natural claims' may be permitted provided they are adequately substantiated through trial.
- (4) Advertisement for animal feed additives shall not state or imply in absolute terms or by quotations that any animal feed additives has guaranteed effectiveness.
- (5) Any statement claiming or implying a superlative function such as "the product of choice", or any such statements, for animal feed additives shall not be used unless it can be adequately substantiated through trial.
- (6) "Best-selling" claims shall not be allowed in animal feed additive advertisement.
- (7) Nutrition claims in animal feed additive advertisements shall be allowed provided such claims can be adequately substantiated through trial.
- (8) Any statement relating to content such as 'contains x' shall be substantiated.

18. Interpretation of research findings

- (1) Any copy of advertisements shall be written to accurately interpret valid and representative research findings.
- (2) Statistics in an advertisement shall be written to reflect only their true validity and significance.

19. Offences and Penalties

- (1) Any person who contravenes any of the provisions of these Regulations shall be guilty of an offence and liable on conviction. In case of :
 - (a) an individual, to imprisonment for a term not exceeding one year or to a fine not exceeding N800,000 or to both;and
 - (b) a body corporate, to a fine not exceeding N5,000,000.

- (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 severally 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.

20. Forfeiture after conviction

- (1) A person convicted of an offence under this Regulation 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;
 - (b) any of the person's property or instrumentalities used in any manner to commit or to facilitate the commission of the offence.

21. Interpretation

In this regulation, unless the context otherwise requires:

Advertisement means a form of communication through the media about products, services or ideas paid for by an identified sponsor. It is used to encourage, persuade or manipulate an audience (viewers, readers or listeners) to continue with or take some new action.

Advertising means the publicity of goods and description of all products (which includes any form of notices in circulars, handouts, labels, wrappers, catalogues and price lists, bill boards, posters, newspapers, magazines, digital and social media, and any other documents) made orally, online or otherwise or by means of projected light and soundrecordings;

Agency means the National Agency for Food and Drug Administration and Control (NAFDAC);

Animal Feed Additive means any intentionally added ingredient not normally consumed as feed by itself, whether or not it has nutritional value, which affects the characteristics of feed or animal products.

Claim means any representation which states, suggests or implies that the cosmetic product has particular qualities relating to its origin, nature, processing, composition or any other quality.

Justification means written explanation in respect of any claim, which shall be in the light of current knowledge acceptable to the Agency;

Label means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stenciled, marked, embossed or impressed on, or attached to a package or container of animal feed additive.

Location Address means a place where the business of manufacture, sale, distribution, use, storage and display of animal feed additive is carried out which includes the house number, plot number, street name, town, city, state or country.

Trial means science-based product evaluation to ascertain the claim pronounced on the product.

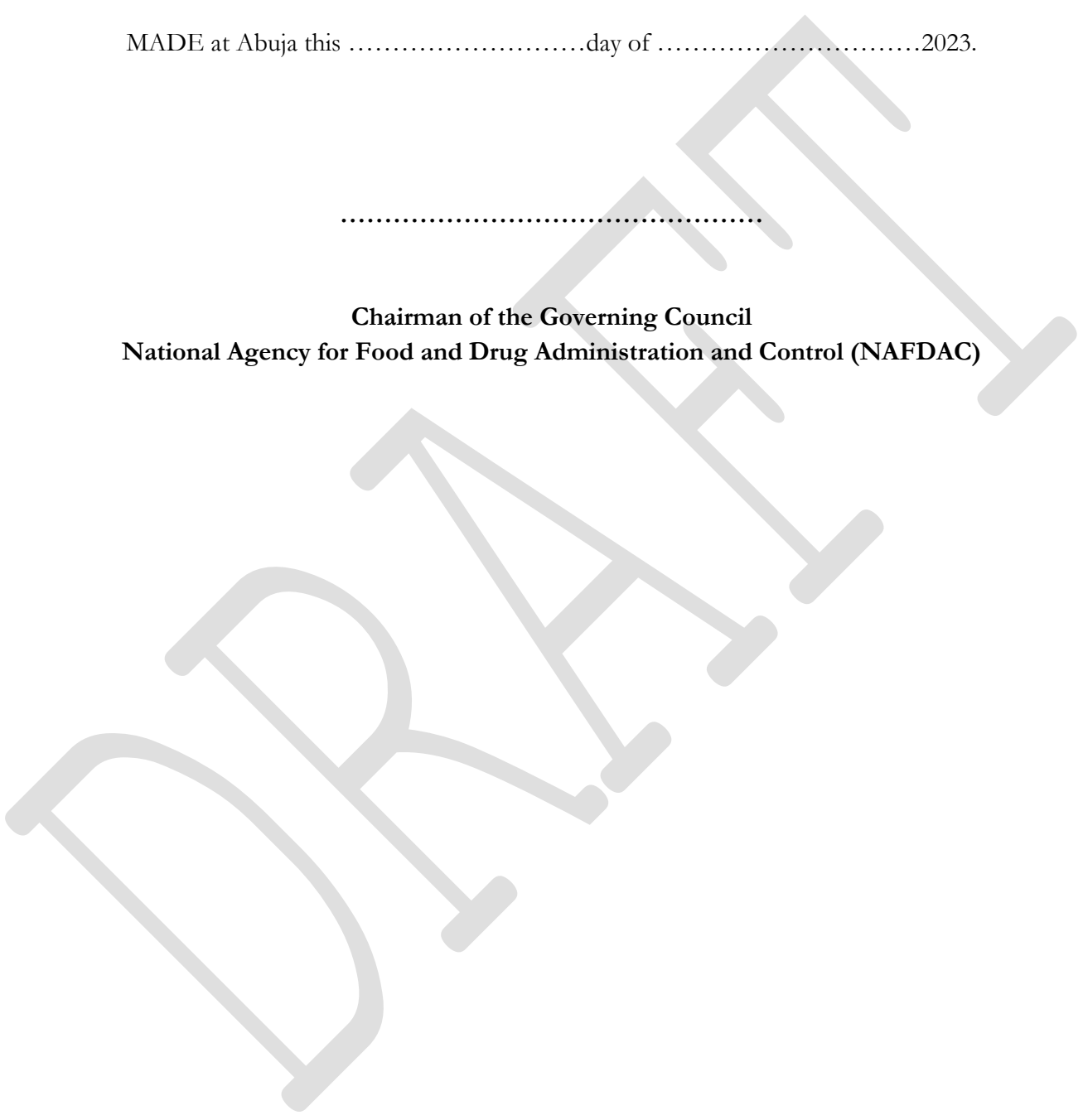
22. Citation

These Regulations may be cited as the Animal feed additives Advertisement Regulation, 2023

MADE at Abuja thisday of2023.

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**Chairman of the Governing Council
National Agency for Food and Drug Administration and Control (NAFDAC)**



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