



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

## **ANIMAL FEED PREMIX ADVERTISEMENT REGULATIONS 2023**

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## **Animal Feed Premix Advertisement Regulations 2023**

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

**Animal Feed Premix Advertisement Regulations 2023**

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 Minister of Health hereby makes the following Regulations: -

**1. Application**

These Regulations shall apply to the advertisements of Animal Feed Premix manufactured, imported, distributed, sold or used in Nigeria.

**2. Prohibition**

A person shall not

- (a) advertise any Animal Feed Premix unless it has been registered and the advert material approved by the Agency.
- (b) display, screen or present an advertisement of a fertilizer except in accordance with the provisions of these Regulations.
- (c) display on a screen or otherwise present an advertisement of an Animal Feed Premix unless in accordance with the provision of these Regulations.
- (d) make any claim to assert, imply or convey the impression as to the suitability of an Animal Feed Premix for use in the prevention, alleviation, management, treatment or cure of a disease, disorder or physiological condition;
- (e) make a claim that an Animal Feed Premix 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.
- (f) describe an Animal Feed Premix as “healthy” or represent it in a manner that implies that the animal feed additive will impact health; and
- (g) make health claims that encourage or condone excessive consumption of any feed additive by the animals.

**3. Nature of advertisement**

- (1) Advertisements of Animal Feed Premix products shall be accurate, complete, clear and designed to promote credibility and trust by the general public.

(2) Statements or illustrations contained on the packaging shall not mislead directly, indirectly or by implication.

#### 4. **Non-referential advertisement**

Advertisement of any Animal Feed Premix 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. Alteration in approved Advertisement material**

Any alteration in the format of the approved script or recording without the approval of the Agency shall render the approval invalid.

**9. Withdrawal of an approval within the validity period**

Agency may withdraw the approval for an advertisement of Animal Feed Premix 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;

**10. Reference to professional bodies or associations etc.**

Advertisement of an Animal Feed Premix shall make reference directly or indirectly to any individual member of professional body or association, farms or commercial millers as approved by the Agency.

**11. Advertisement not to prejudice public confidence**

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

**12. Unfairly disparage competition**

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

**13. 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 Premix; 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.

**14. 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 brand name.
- (3) Data illustrations including charts and graphs, tables extracted from reference studies or other sources or reproduced by artwork, 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.

#### **15. 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 Premix shall be so written as to accurately interpret valid and representative research findings.
- (2) Statistics in an advertisement of Animal Feed Premix 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.

#### **16. Content of scientific articles and literature**

- (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.

#### **17. Product launch and Press release**

All product launch materials or press release of Animal Feed Premix shall be as approved by the Agency for the product advertising materials.

#### **18. Claims**

- (1) Claims for Animal Feed Premix 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 Premix shall not state or imply in absolute terms or by quotations that any Animal Feed Premix 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.

#### **19. 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.

#### **20. Penalty.**

- (1) Any person who contravenes any of the provisions of these Regulations commits an offence and liable on conviction. In the case of: -
  - (a) an individual, to imprisonment for a term not exceeding one year or to a fine not exceeding N800,000:00 or both,
  - (b) a body corporate, to a fine not exceeding N5,000,000:00.
- (2) Where an offence under these Regulations is committed by a body corporate, firm or any 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 was purporting to act in a capacity referred to in paragraphs (a) to (d) of this regulation, commits an offence and liable to be proceeded against and punished 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.

#### **21. Forfeiture after conviction**

- (1) 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 instruments used in any manner to commit or to facilitate the commission of the offence.
- (2) In this section, "proceeds" means any property derived or obtained, directly or indirectly, through the commission of the offence.

#### **22. Enforcement of the Regulations**

The Agency is exclusively responsible for the enforcement of these Regulations.

### 23. Interpretation

In this regulation, unless the context otherwise requires:

**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.

**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 sound recordings;

**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.

**Media** means newspaper, magazine, medical/journal, television, radio, the internet; out of home, vehicle branding, posters, handbills, cinema, point of sale material, online, digital and social media, any form of projected light and sound recordings or any of such means of communication; and



**Top Parity** means a claim used where several products within the same category are of equal efficacy and the evidence shows that no product is superior to the one being advertised.

**24. Citation**

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

**MADE** at Abujathis.....day of ..... 2023

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

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