



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

## **MALT DRINK REGULATIONS 2023**

**COMMENTS ARE WELCOMED FROM STAKEHOLDERS WITHIN 60  
CALENDAR DAYS (ENDING 8<sup>TH</sup> DECEMBER, 2023).**

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# MALT DRINK REGULATIONS 2023

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

Malt Drink 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. Scope**

These Regulations shall apply to the quality and labelling requirements for malt drink manufactured, imported, exported, advertised, sold, distributed or used in Nigeria.

**2. Prohibition**

No person shall manufacture, import, export, advertise, display for sale, or distribute malt drink in Nigeria unless it has been registered in accordance with the provision of these Regulations.

**3. Ingredients for Malt Drink**

- a. Essential ingredients used in the production of malt drink shall include malted cereals/extracts, unmalted cereals/extracts, potable water, sugar, food grade carbon dioxide, hops or its derivatives.
- b. Malt drink may contain other ingredients which shall include caramel, vitamins and minerals, additives and flavour.
- c. The additives permitted for use shall be as provided by the Agency.

**4. Requirements for Malt Drink**

- a. The word "malt" shall not appear on the label of any package unless the product complies with the specific requirements provided in the Schedule II to these regulations.
- b. Malt drink shall have the characteristic taste, colour and flavour.
- c. Malt drink shall not have sediment and/or any foreign matter.
- d. Malt drink shall be free from any type of narcotic, psychotropic substances including caffeine and alcohol.

## **5. Classification of malt drink**

- a. Malt drink shall be classified based on the level of sugar present, as specified in Schedule I to these Regulations.

## **6. Labelling**

In addition to the Pre-Packaged Food (Labelling) Regulations 2022, the following labelling provisions shall apply:

1. Where a manufacturer has facilities in many cities or towns, the corporate head office would suffice provided every malt drink has a code or mark to identify the processing facility, where it was manufactured.
2. Where a flavouring has been added to malt drink to render a distinctive flavour thereto, the product name concerned shall be preceded by the descriptive name for the distinctive flavour.
3. Nutritional Information or nutritional facts per 100ml or per serving of the product shall be provided on the label containing the following –
  - a. energy value in KJ/kcal;
  - b. carbohydrate with specification of the quantity of sugar
  - c. vitamins and minerals shall be expressed per 100ml and/or as a percentage on Nutrient Reference Value.
  - d. The amount of any other nutrient for which a nutrition or health claim is made.

## **7. Packaging**

- a. Malt drink shall be filled in an airtight and suitable food grade packaging glass bottles, PET bottles, cans or other suitable containers which shall protect the safety and quality of the product.
- b. The packaging material shall not impart any toxic substance or undesirable smell or taste to the product.
- c. The interior and the neck of the bottle shall be free from chips, cracks and defects.
- d. Crowns and other closures for glass bottle shall be lined internally with suitable material.

## **8. Maximum limits of Contaminants**

- (a) Metallic contaminants in malt drink shall not exceed the amounts as specified in Schedule III to these Regulations
- (b) Mycotoxin present in malt drink shall not exceed the maximum level specified in Schedule III to these Regulations
- (c) Pesticide residues and microbial contaminants shall be as provided by the Agency.

## **9. Offences and Penalties**

- a) Any person who contravenes any of the provisions of these Regulations commits an offence and shall be liable on conviction, in case of -
  - i. an individual, to imprisonment for a term not exceeding one year or to a fine not exceeding N800,000.00 or to both; and
  - ii. a body corporate, to a fine not exceeding N5,000, 000.00.
- b) Where an offence under these Regulations is committed by a body corporate, firm or other association of individuals, every –
  - i. director, manager, secretary or other similar officer of the body corporate;
  - ii. partner or officer of the firm;
  - iii. trustee of the body concerned;
  - iv. person concerned in the management of the affairs of the association; or
  - v. person who purports to act in a capacity referred to in paragraphs (i) to (iv) 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.

## **10 Forfeiture after Conviction**

- a) A person convicted of an offence under these Regulations shall forfeit to the Federal Government of Nigeria: –
  - i.i. asset or property constituting proceeds derived from or obtained, directly or indirectly, as a result of the offence;
  - ii.ii. any of the person's property or instrument used in any manner to commit or to facilitate the commission of the offence.
- b) In these Regulations, "proceeds" means any property derived or obtained, directly or indirectly, through the commission of the offence.

## 11. Interpretation

In these Regulations, unless the context otherwise requires:

1. **Agency** means National Agency for Food and Drug Administration and Control
2. **Cereal (grains)** means any grass (family Poaceae) yielding starchy seeds suitable for brewing
3. **Degree Plato** means measure of sugar derived from malt and including other soluble materials in wort.
4. **Degree Saccharine** means a measure of original gravity in malt drink
5. **Malt drink** means non-alcoholic beverage prepared from cereals (grains) and other optional ingredients
6. **Malted cereal** means partially germinated and dried cereal
7. **Unmalted cereal** means grain (whole grain) that has not been malted.

### SCHEDULE I

#### Classification of Malt drink

<b>Class</b>	<b>Maximum Sugar as Brix (%)</b>
Standard malt drink	8.7 – 15.1
Light malt drink	2.5 – 8.6
Low sugar malt drink	2.5
Clear Malt Drink	5.1

### SCHEDULE II

#### Specific Requirements for Malt Drink

S/N	Parameters		Requirements			
			Standard Malt Drink	Light Malt Drink	Low Sugar Malt Drink	Clear Malt Drink
1.	Original Gravity	(Degree) Saccharine	1048 – 1064	1026 – 1047.6	<1026	≤1064
		(Degree) Plato	12-16	6.5 – 11.9	< 6.5	≤16
2.	Ethyl alcohol (%) (v/v)		Nil	Nil	Nil	Nil
3.	Carbon dioxide @20°C (g/l)		4.5-6.2	4.5-6.2	4.5-6.2	4.5 -6.2
4.	Sugar as Brix (%)		11.6 – 15.4	6.2 – 11.5	<6.2	<15.4
5.	pH		2.5 – 5.0	2.5–5.0	2.5 – 5.0	2.5 – 5.0
6.	Total Air (ml/l) (max)		5.0	5.0	5.0	5.0
7.	Colour (EBC)		100-300	100-300	100-300	4 - 30
8.	Foam Stability (seconds)		≥100	≥100	≥100	≥100
9.	Bitterness (ISO-humulone) (EBU)		5-16	5-16	5-16	≤16
10.	Ascorbic acid (mg/l) (max)		150	150	150	150

### SCHEDULE III

#### Metallic contaminants

Metals	Maximum Limits
Lead (Pb) (mg/L)	2
Arsenic (As) (mg/L)	2
Tin (Sn) (mg/L)	0

## **Mycotoxins**

<b>Parameter</b>	<b>Requirement (ppb) (max)</b>
Aflatoxins	4
Ochratoxins	5
Fumonisin	3

*These Regulations shall be cited as Malt Drink Regulations 2023*

### **12. Citation**

These Regulations shall be cited as Malt Drink Regulations, 2023.

MADE at Abuja this .....day of .....2023.

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