

**NAFDAC Non-Retail Containers of Foods
(Labelling) Regulations 2025**

CLOSED FOR COMMENTS

NAFDAC Non-Retail Containers of Foods (Labelling) Regulations 2025

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NAFDAC Non-Retail Containers of Foods (Labelling) Regulations 2025

[] Commencement:

In exercise of the powers conferred on the Governing Council of the National Agency for Food and Drug Administration and Control ('the Governing Council') by Section 30 of the National Agency for Food and Drug Administration and Control 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 with the approval of the Minister makes the following Regulations: -

Part I

Application, General Requirements, Labelling information on non-retail container of food

13. Application

These Regulations shall apply to the labelling requirements for non-retail container of food excluding food additives and processing aids which are manufactured, imported, exported, advertised, sold, distributed or used in Nigeria.

14. General Requirements

- (1) Non-retail container of food shall be clearly identifiable as such.
- (2) The information on the label and the accompanying documents or information provided by other means shall be traceable to the food in the non-retail container and provide information to enable the labelling of the food intended for sale to the consumer.

15. Labelling information on non-retail container of food

- (1) The labelling of non-retail container of food shall be in accordance with the Agency's Prepackaged Food Labelling Regulations where applicable.
- (2) In addition to the provisions of the Agency's Pre-packaged Food (Labelling) Regulations, the following specific information shall appear on the label of non-retail container of food;
 - (a) The name of the food shall be declared on the label.
 - (b) The name shall indicate the true nature of the food and be specific.
 - (c) Where a name has been established for a food in a Codex standard, the name shall be in accordance with codex standard.
 - (d) Common name as an appropriate descriptive term which is not misleading or confusing to the food business shall be used.
 - (e) A "coined", "fanciful", "brand" name or "trademark" may be used, provided the name is not misleading, deceptive or confusing to the food business and shall be accompanied by one of the names provided in regulation 3(c) and (d).
 - (f) Where the non-retail container contains multiple types of food, the names of all the foods contained therein or a commonly understood descriptor that best explains the

foods present together in the container shall be provided on the label, as permitted by the Agency.

(3) Identification of a non-retail container of food

- (a) Non-retail container of food shall be clearly identifiable as such
- (b) The container shall;
 - (i) bear a statement, mark or symbol to indicate that the food is not intended to be sold directly to the consumer.
 - (ii) clearly identify it as a non-retail container in such statements as: “NON-RETAIL CONTAINER”, “NON-RETAIL CONTAINER – NOT FOR DIRECT SALE TO CONSUMER”.

Part II

Information requirements by means other than on the label, Presentation of information on Non-Retail Containers, Provisions for specific types of non-retail container of food

16. Information requirements by means other than on the label

- (a) Information that is provided by means other than the label shall be readily accessible, legible and clearly displayed.
- (b) The following information shall be provided in the accompanying documents, or through other means:
 - (i) Information required in regulation 3 of these Regulations.
 - (ii) Information sufficient to enable the safe preparation and to meet the requirements for labelling prepackaged foods from the food in the non-retail container.
- (c) The information required under regulation 4a of this regulation shall be traceable to the food in the non-retail container.
- (d) Where all information required under regulations 4a of this regulation is made available on the label, regulation 4a and 4b of this regulation do not apply

17. Presentation of information on non-retail containers

- (i) Labels on non-retail containers of foods shall be applied in such a manner that they will not become separated from the container
- (ii) The information on the label and accompanying documents or information provided by other means shall be traceable to the food in the non-retail container and provide information to enable the labelling of the Pre-packaged food intended for sale to the consumer.
- (iii) Information and the statements required to appear on the label of non-retail container of food shall be clear, prominent, readily legible and applied in such a manner that any tampering with it will be evident.

18. Provisions for specific types of non-retail container of food

- (a) Non-retail container of food used as food transportation unit

Where a non-retail container used as a food transportation unit that is not amenable to possess a label, all the information required under regulations 4 and 5 of these Regulations shall be provided in the accompanying documents or through other appropriate means and be effectively traceable to the food in such containers.
- (b) Non-retail container of food containing multiple types of food

Where a non-retail container contains multiple types of food, the information required by regulations 4 and 5 of these Regulations shall be provided for all the types of foods contained therein.

- (c) Non-retail container of food providing visual access.

Where a non-retail container which provides visual and legible access to all the information required by regulations 4 of these Regulations on the label of prepackaged foods within the non-retail container, the information in regulation 4 of these Regulations is not required.

19. Prohibition

A person shall not-

- (a) manufacture, import, export, advertise, sale, distribute or use food in non- retail container in Nigeria unless it has been labelled in accordance with the provision of these Regulations.
- (b) manufacture, import, export, distribute, sell or use food in non- retail container whose –
 - (i) expiry date has lapsed
 - (ii) expiry date or best before date has been forged
 - (iii) label has been altered, obliterated or removed
- (c) make advertisement claims or professional association endorsement on non- retail container of food label unless it is authorized by the Agency

Part III Offences and Penalties

20. Offences and Penalties

- (1) A person who contravenes any of the provisions of these Regulations, commits an offence and shall be liable on conviction, in the case of
 - (a) an individual, to imprisonment for a term not exceeding I year or to a fine not exceeding N800,000.00 or to both; and
 - (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 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 liable to be proceeded against and punished for the offence in the same manner as if the person committed the offence, unless the person proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.

21. Forfeiture after Conviction

A person convicted of an offence under these Regulations shall forfeit to the Federal Government:

- (a) 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 instrumentalities used in any manner to commit or to

facilitate the commission of the offence.

Part IV

Miscellaneous

22. Enforcement of Regulations

The Agency shall be responsible for the enforcement of these Regulations.

23. Interpretation

In these Regulations, unless the context otherwise requires:

Agency means National Agency for Food and Drug Administration and Control

Food Additive means any substance not normally consumed as a food by itself and not normally used as a typical ingredient of the food, whether or not it has nutritive value, the intentional addition of which to food for a technological (including organoleptic) purpose in the manufacture, processing, preparation, treatment, packing, packaging, transport or holding of such food results, or may be reasonably expected to result, (directly or indirectly) in it or its by-products becoming a component of or otherwise affecting the characteristics of such foods. This term does not include “contaminants” or substances added to food for maintaining or improving nutritional qualities.

Food business means an entity or undertaking, carrying out one or more activity(ies) related to any stage(s) of production, processing, packaging, storage and distribution (including trade) of food.

Label means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stenciled, marked, embossed or impressed on, or attached to a non-retail container of food.

Non-retail containers of food means any container of food that is not intended to be offered for direct sale to the consumer.

Prepackaged Food means Food packaged or made up in advance in a container, ready for offer to the consumer.

Processing Aid means a substance or material, not including apparatus or utensils, and not consumed as a food ingredient by itself, intentionally used in the processing of raw materials, foods or ingredients, to fulfil a certain technological purpose during treatment or processing and which may result in the nonintentional but unavoidable presence of residues or derivatives in the final product.

24. Citation

These Regulations shall be cited as Non-Retail Container of Food (Labelling) Regulations 2025

Made at Abuja thisDay of..... 2025

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