



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

FERTILIZER ADVERTISEMENT REGULATIONS 2019

**COMMENTS ARE WELCOMED FROM STAKEHOLDERS WITHIN 60 CALENDAR DAYS
(ending 13th January, 2020).**

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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 Honourable Minister of Health hereby makes the following Regulations:-

1. Scope

These Regulations shall apply to all advertisement or promotion of fertilizers manufactured, imported, distributed, sold or used in Nigeria.

2. Prohibition

- (1) No person shall advertise any fertilizer unless;
 - (a) it has been registered by the Agency.
 - (b) the advert material(s) have been approved by the Agency.
- (2) No person shall display, screen or otherwise present an advertisement of a fertilizer unless in accordance with the provisions of these Regulations.

3. Nature of advertisement

All advertisements of fertilizer products in Nigeria shall be accurate, complete, clear and designed to promote credibility and trust by the general public and health care practitioners and such statements or illustrations contained on the packaging shall not mislead directly, indirectly or by implication.

4. Non-referential advertisement

- (1) No advertisement of a fertilizer shall:
 - (a) imitate the general layout, text, slogan or visual presentation of another fertilizer in a way likely to mislead or confuse the user.
 - (b) be stated in such a manner to induce fear among users, causing them to purchase the fertilizer being advertised.

5. Particulars of application

- (1) Application for the advertisement of fertilizer submitted by any advertisement agent, distributor, manufacturer or the sponsor of the advertisement shall be accompanied with the following:
 - (a) the approved product label
 - (b) name and location address of the advertising company.
 - (c) date of first introduction of the fertilizer to the Nigerian market.
 - (d) any previous advertisement approval of the fertilizer in Nigeria (if any).
 - (e) copy of the old scripts (if any)
 - (f) the proposed medium for the advertisement.

- (g) evidence Copy of Certificate of Registration.
- (h) justification for any special claims on the fertilizer.
- (i) evidence of payment.
- (j) any other requirement that the Agency may from time to time prescribe.

6. Validity of Approval

- (1) An approval for advertisement of fertilizer shall be valid for a period of one year at first instance from the date of the approval and may be renewed.
- (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 6(1), consumer promotions shall have validity of fifteen weeks.

7. 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.

8. Withdrawal of approval within the validity period

- (1) The Agency may withdraw the approval for an advertisement if-
 - (a) the grounds on which the approval was granted was later found to be false or incomplete; or
 - (b) any of the conditions under which the approval was granted has been contravened; or
 - (c) for reasons of new scientific evidence

9. Caution on advertisement of fertilizer

- (1) Fertilizer advertisements shall depict in writing, pictorials the caution that:
 - (a) feeding the fertilizer to animals is illegal except Urea in the formulation of feed for ruminants.
 - (b) user shall wear appropriate personal protective equipment while handling the fertilizer
 - (c) fertilizer must be kept out of reach of children.

10. Prohibition of misleading comparison

- (1) No fertilizer advertisement shall contain misleading comparison either directly or by implication.
- (2) All comparison in a fertilizer advertisement shall be supported by verifiable current data.
- (3) Any reference to competitive manufacturer or their specialties shall be restricted to factual comparison without the use of identifiable fertilizer or brand.
- (4) All data illustrations presented in advertisement including charts, graphs, tables extracted from reference studies or reproduced by artwork or other sources shall;
 - (a) be accurate, complete and clear with their sources specifically identified.
 - (b) not be misleading or ambiguous or distort the original intended meaning or interpretation either directly or by implication.

11. Restriction

- (1) No advertisement for a fertilizer shall contain -
 - (a) false or misleading information;
 - (b) half truths, inadequate qualification and limitations regarding safety or effectiveness of the fertilizer;
 - (c) vague, unsubstantiated statements, or suggestions of superiority over other competing fertilizer;
 - (d) false impression that the advertised fertilizer is for universal purpose or should be regarded as a more effective and safer alternative to other fertilizer in the same category.
- (2) No fertilizer advertisement shall:
 - (a) contain such word as "**magic**" "**miracle**" or description such as "**upper potency**" or such other words as to induce the daily or continuous use of the fertilizer outside of its prescribed use;
 - (b) contain a message that if the reader or viewer or listener does not use a particular fertilizer his plant will not grow effectively;
 - (c) Disparage or attack unfairly any competitive brand of fertilizer.
- (3) No fertilizer advertisement shall contain any statement claiming or implying a superlative function such as "**most effective**" "**least toxic**," "**best tolerated**" or other special status except such claim has been adequately sustained.

12. **Accurate interpretation of research findings**

- (1) All advertisement materials including scripts, story-boards, art work, radio scripts and any other advertisement material for fertilizer shall be so written as to accurately interpret valid and representative research findings.
- (2) Statistics in an advertisement of fertilizers shall be so written as to reflect only their true validity and significance.
- (3) Copy of any reference cited by an applicant or in the advertisement of fertilizer shall be provided to the Agency for verification.

13. **Scientific articles and literature 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 emphasizes only the positive features while ignoring negative findings shall not be acceptable.

14. **Product launches and Press release**

All product launch materials or press release of fertilizer products shall be as approved by the Agency for the product advertisement materials.

15. **Penalty.**

- (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 N50,000 or to both such imprisonment and fine; and
 - (b) a body corporate, to a fine not exceeding N100, 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; or
 - (b) partner or officer of the firm or
 - (c) trustee of the body concerned ;or
 - (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, 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.

16. 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;
 - (b) any of the person's property or instrumentalities 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.

17. Interpretation

In these Regulations, unless the context otherwise requires:

“Advertisement” means the publicity of fertilizer which includes any form of notices in circulars, handouts, labels, wrappers, catalogues and bill boards, posters, newspapers, magazines, and any other documents) made orally or otherwise or by means of projected light.

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

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

“Fertilizer” means any substance which is intended or offered to be used for improving or maintaining the growth of plants or the productivity of the soil.

"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 food.

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

18. Citation

These Regulations may be cited as the Fertilizer Advertisement Regulations 2019.

MADE at Abuja thisday of2019.

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Inuwa Abdulkadir Esq

Chairman Governing Council

National Agency for Food and Drug Administration and Control (NAFDAC)

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