

S. I. of 2005

**NATIONAL AGENCY FOR FOOD AND DRUG ADMINISTRATION
AND CONTROL ACT 1993 (AS AMENDED)**

Non-Nutritive Sweeteners in Food Products Regulations 2005

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 29 of the National Agency for Food and Drug Administration and Control Act 1993, as amended, 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:-

Prohibition of use of non-nutritive sweeteners in foods/beverages.

1. No person shall manufacture, import, export, advertise, sell or present any food item or beverage containing a non-nutritive sweetener for human consumption, except as provided for in these Regulations.

Conditions for use of non-nutritive sweeteners.

2. Non-nutritive sweeteners may only be used in special dietary foods/beverages such as energy reduced foods or low calories foods/beverages and the use of non-nutritive sweeteners in foods shall be as authorized by the Agency.

Declaration on label for foods/beverages containing non-nutritive sweetener.

3. (1) Where the Agency permits the use, a declaration as to the identity of the sweetener shall be made on the labels of such food products/beverages.

(2) Where there are mandatory precautionary warnings for any non-nutritive sweeteners, they shall be boldly and conspicuously indicated on the label. e.g. "Contains Aspartame a source of phenylalanine".

Repeal of 1996 Regulations.

- 4 -(1). The Non-nutritive sweeteners in Food Products Regulations 1996 is hereby repealed.
- (2) The repeal of thee Regulations Specified in sub-regulation 1 of this regulation shall not affect anything done or purported to be done under the repealed Regulations.

Penalty.

5. (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 ₦50,000 or to both imprisonment and fine;
 - (b) body corporate, to a fine not exceeding ₦100,000.
- (2) Where an offence under these Regulations is committed by a body corporate, firm or other association of individuals :-
- (a) every director, manager, secretary or other similar officer of the body corporate; or
 - (b) every partner or officer of the firm; or
 - (c) every trustee of the body concerned; or
 - (d) every person concerned in the management of the affairs of the association; or
 - (e) every 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.

Forfeiture

- 6.** In addition to the penalty specified in paragraph 4 of these regulations, a person convicted of an offence under these regulations shall forfeit to the Agency the Food products and whatsoever is used in connection with the commission of the offence.

Interpretation.

- 7.** In these Regulations unless the context otherwise requires:
"Agency" means National Agency for Food and Drug Administration and Control; and
"Non-nutritive Sweetener" means any substance having non-nutritive properties, which when added to food is capable of imparting sweetness to the food.

Citation.

- 8.** These Regulations may be cited as Non-Nutritive Sweeteners in Food Products Regulations 2005.

MADE at Abuja this

day of

2005

DR. ANDEM NYONG ANDEM
Chairman Governing Council
National Agency for Food and Drug Administration
and Control (NAFDAC)

EXPLANATORY NOTE

(This note does not form part of the Regulations but is intended to explain its purport)

These Regulations seek to control the use of non-nutritive sweeteners in food products.