

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

Processed Food Registration 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 Section 8 of the Drugs and Related Products (Registration, Etc.) Act 1999, 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:-

- Registration of every processed Food manufactured Etc.*** 1. Every processed food manufactured, imported, exported, advertised, sold or distributed in Nigeria shall be registered in accordance with the provisions of these Regulations.
- Application for Registration*** 2. (1) The application for registration of any processed food shall be made in such form as may be prescribed from time to time by the Agency.
- (2) An application shall be accompanied by:
- (a) A non-refundable fee as may be prescribed by the Agency;
 - (b) Adequate samples of the processed food;
 - (c) The original certificate of analysis of the processed food ;
 - (d) Samples of the labels of the processed food ;
 - (e) Evidence of any special labeling claims of the character, quality and safety of the processed food ;

- (f) The original certificate of manufacture and free sale for the imported processed food from the statutory body in charge in the country of origin responsible for the safety of the processed food duly authenticated by the Nigerian mission in that country;
- (g) The radio-active test certificate where demanded by the Agency;
- (h) The power of attorney or an agreement duly notarised in the country of origin from the manufacturer to register the processed food in Nigeria if it is an imported processed food and an undertaking that every advertisement of the food product shall be submitted to the Agency for approval before publication;
Provided that, any person given a power of attorney shall be required to satisfy the Agency that he has the resources and facilities to execute an effective recall of the processed food if the need arises; and
- (i) A notarised declaration as prescribed by the Agency.

Establishment inspection.

3

The agency may undertake the inspection of an establishment for the purposes of Registration of processed food.

Submission of false notarized declaration.

4.

No person shall submit false notarized declaration to the agency for the purposes of registration of any processed food.

Issuance of certificate of registration.

5. (1) Where the Agency is satisfied that an application for registration has been made in the prescribed form and contains all the information as required under these Regulations, the processed food shall be issued with a registration number and certificate of registration.
- (2) Where an application is unsatisfactory, the applicant shall be notified in writing and the defects specified.

Demand for the Certificate of registration.

6. A manufacturer, importer, holder of certificate of Registration of a processed food shall produce the original certificate of registration in respect of any processed food manufactured or imported by him within 48 hours of its demand by the agency.

Penalty.

- 7 (1). Any person who contravenes any of the provisions of these regulations is guilty of an offence and shall be liable on conviction:-
 - (a) in the case of an individual, to imprisonment for a term not exceeding two years or to a fine not exceeding N50,000 or to both imprisonment and fine.
 - (b) in the case of body corporate, to a fine not exceeding N100,000.

(2) Where an offence under these Regulations is committed by a body corporate or 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

8. In addition to the penalty specified in regulation 7 of these Regulations, a person convicted of an offence under these Regulations shall forfeit to the Agency the processed food and whatsoever is used in connection with the commission of the offence.

Repeal of 1996 Regulations

9 (1) . The Food Products Registration Regulations 1996 is hereby repealed.

(2) The repeal of the Regulations specified in regulation 9, sub-regulation 1 of this regulation shall not affect

anything done or purported to be done under the repealed Regulations.

Interpretations

10. For the purpose of these Regulations, unless the context otherwise requires:

"Agency" means the National Agency for Food and Drug Administration and Control;

"Establishment" means any place, building where any operation for the purpose of production of a processed food is carried out;

"Label" in relation to any processed food or processed food as packaged includes any legend, word or mark attached to, included in, belonging to or accompanying that processed food or a package of it;

"Prescribed" means as prescribed by the agency; and

"Processed food" means any food other than a raw agricultural commodity and includes any raw agricultural commodity that that has been subject to processing, such as, but not limited to canning, cooking, freezing, dehydration or milling.

Citation

11. These Regulations may be cited as the Processed Food Registration 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)

