

S. I. of 2005

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

Soft Drinks 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:

1. No person shall manufacture, import, export, distribute, advertise, and sell soft drinks specified in schedule I to these Regulations in Nigeria, unless it has been registered in accordance with the provisions of these Regulations.

***Labelling of
Soft Drinks, fruit
Squash, cordial or
Fruit crush, etc.***

2.
 - (1) In addition to compliance with the Pre-packaged Food (Labelling) Regulations 2004, the following shall apply:-
 - (2) No labelling of soft drinks specified in these Regulations shall bear the word "fruit juice" or "juice" unless the fruit juice content is not less than 25 percent.
 - (3) No labelling of soft drinks specified in these Regulations shall bear the word "fruit drink" unless the fruit juice content is not less than 5 percent.
 - (4) The packages of soft drinks specified in these Regulations shall not show any pictures of fruits or convey the impression by any means that they are derived from fruits or flowers

unless the fruit juice content is not less than 5 percent.

- (5) Every package containing fruit squash, fruit cordial and fruit crush or the standard of composition prescribed by the Agency shall bear a label which shall state or indicate the nature of the contents and the fruits from which they have been prepared.
- (6) Every package containing imitation, synthetic or artificial squash, or cordial or crush with their synonymous names or of same composition shall bear a label with the words "flavoured..." and in close proximity to this and in the same letter and colour type shall bear the words "contain no natural fruit juice."
- (7) The packages shall not show any pictures of fruits or convey the impression by any means that they are derived from fruits or flowers or other articles to which the flavour relates.

Penalty

- 3. (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 imprisonment and fine;
 - (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 :-
 - (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 (e) 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

- 4. In addition to the penalty specified in regulation 3 of these regulations, a person convicted of an offence under these regulations shall forfeit the soft drinks and whatsoever is used in connection with the commission of the offence.

Interpretation

- 5. In these Regulations, unless the context otherwise requires:

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

"Soft Drinks" means non- alcoholic carbonated or non-carbonated ready to drink beverages.

SCHEDULE I CLASSIFICATION OF SOFT DRINKS

Soft Drinks are classified as:

Carbonated soft drinks.

- (I) Carbonated:** These are the class of beverages made by absorbing carbon dioxide in potable water with or without various added substances.

Added substances for carbonated soft drinks.

- (a) The following added substances may be used in carbonated soft drinks in such proportions as are reasonably required to accomplish their intended effects:-

- (i) Nutritive sweeteners consisting of dry or liquid form of sugar, invert sugar, dextrose, glucose syrup, sorbitol, mannitol, honey or any combination of these,
- (ii) Food flavours as approved by the Agency,
- (iii) Food colours as approved by the Agency,
- (iv) Other food additives or mixture of food additives as approved by the Agency,
- (v) Quinine in an amount as approved by the Agency in which case the label shall bear a prominent declaration to the effect that it contains quinine,
- (vi) In the case of canned carbonated soft drinks, stannous chloride, in a quantity approved by the Agency with or without one or more of the other chemical preservatives shall be as permitted by the Agency,
- (vii) Caffeine, when used shall be in an amount as approved by the Agency.

Names of carbonated soft drinks.

- b(i) The name of the carbonated drink which is neither flavoured nor sweetened shall be "soda water", "club soda", or "soda".
- (ii) The name of each carbonated soft drink containing flavouring ingredients as provided in the Regulations shall be "soda" or "soda water", or "carbonated beverage" or "drink", the brand designates the characterizing flavour of the carbonated soft drink for example "grape soda".
- (iii) If the carbonated soft drink is one generally designated by a particular common name, for example ginger ale, root beer, or sparkling water, that name may be used in lieu of the name prescribed by these Regulations.

Non- carbonated

(II) Non-carbonated: are the class of

Soft drinks.	<p>beverages containing more or less similar ingredients to the carbonated beverages but in greater amount without the addition of carbon-dioxide.</p> <p>Non-carbonated soft drinks shall include Squashes, cordials, comminuted drinks, crushes, Bitter lemon and bitter orange.</p>
Fruit squash and Fruit Cordial.	(i) A fruit squash or a fruit cordial shall be prepared with the juice of sound fruit or fruits, or concentrate of fruit juice, potable water, sugar, dextrose, liquid glucose or fructose with or without citric acid, tartaric acid or lactic acid and food colours and other additives as approved by the Agency. All fruit squash or fruit cordial shall not contain any flavouring substance other than naturally present in the fruits or fruits from which they have been prepared.
Fruit Crush.	(ii) Fruit crush shall be ready to drink fruit squash or fruit cordial conforming to the composition prescribed in Schedule I(II)(i) to these Regulations.
Comminuted drinks.	(iii) Comminuted drinks shall be prepared from the whole citrus fruit or fruits rather than the juice, potable water, sugar, dextrose or liquid glucose, wholesome food ingredients, with or without flavouring substances, food additives and food colours as approved by the Agency.
Flavoured squash or cordial.	(iv) Flavoured squash or cordial shall include artificial cordial, synthetic squash or synthetic cordials and shall be prepared with potable water, sugar, sucrose, dextrose or liquid glucose, wholesome food ingredients, with or without flavouring substances, food additives and food colours as approved by the Agency.
Flavoured crush.	(v) Flavoured crush includes, imitation, artificial or synthetic crush which shall conform to the composition prescribed in Schedule I(II)(iv) to

these Regulations.

Citation

6. These Regulations may be cited as Soft Drinks 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)