

S. I. of 2005

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

Spirit 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:-

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| <i>Prohibition.</i> | 1. | (1) No person shall manufacture, import, export, advertise, sell or distribute spirit drink specified in schedule I to these Regulations in Nigeria unless it has been registered in accordance with the provision of these regulations.

(2) No person shall sell any spirit drink unless the main panel of the label carries a declaration of the actual percentage by volume of absolute alcohol contained therein. |
| <i>Use and limit.</i> | 2. | The use and limits of food additives or food colours in the manufacture of spirit shall be as prescribed by the Agency. |
| <i>Restrictions on sale of alcoholic Spirit.</i> | 3. | No alcoholic spirit with an alcoholic content below 37.0 percent shall be sold except the label shall bears a declaration of the alcoholic content together with a statement that the product is "under strength" |
| <i>Packaging/Labelling</i> | 4. | In addition to compliance with the Pre-packaged Food (Labelling) Regulations 2004, the following shall apply:— |
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- (a) the name of every spirit drink shall indicate the accurate nature;
- (b) Where a name has been established for the spirit drink in these Regulations, such a name shall only be used;
- (c) where no common name exists for the spirit drink an appropriate descriptive name shall be used; and
- (d) a coined or fanciful name may be used, provided, the name is not misleading and is accompanied by an appropriate descriptive term.

Advertisement of Spirit.

5. In addition to compliance with the Food Products (Advertisement) Regulations 2004, the following shall apply:-

- (a) the content of advertisements of spirit drink shall not be misleading and shall be free of health claims;
- (b) radio, television or print media, advertisements of spirit drink shall not be permitted in children's programmes nor shall children, sportsmen or expectant mothers be used as models; and
- (c) gift items promoting spirit drinks shall not be directed at children and sportsmen.

Specifications for Alcoholic spirit

6. Alcoholic spirit manufactured, distributed, imported, exported, sold, or advertised in Nigeria shall conform with the specifications provided in Schedule II – V of these Regulations.

Penalty.

- 7.** (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 of ₦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 (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 their 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 spirit drinks and whatsoever is used in connection with the commission of the offence.

Interpretation

- 9.** In these Regulations, unless the context other wise requires:

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

"Alcohol of agricultural origin" means alcohol obtained from fermentation of agricultural products;

"Blended spirit" shall be a spirit obtained from alcohol of agricultural origin and permitted additives with or without sugar(s); and

"Spirit drink" means an alcoholic beverage :

- (a) intended for human consumption;
- (b) having particular organoleptic properties peculiar to that class of drinks;
- (c) which contains a minimum alcoholic strength of 15% vol; and
- (d) shall be produced by one of the following methods -
 - (i) directly by distillation, with or without added flavouring from naturally fermented products, or
 - (ii) by the maceration of vegetable substances, or
 - (iii) the addition of flavourings, sugars or other sweetening products or other agricultural products or a combination of two or more of the above to ethyl alcohol of agricultural origin, or
 - (iv) by the mixture of a spirit drink with -
 - (a) one or more other spirit drinks ethyl alcohol of agricultural origin; or
 - (b) one or more alcoholic drinks; or

- (v) by blending potable ethyl alcohol of agricultural origin with spirit concentrates, natural flavourings, permitted food colours, sugars or permitted sweetening agents.

SCHEDULE I

CATEGORIES OF SPIRIT DRINKS

Whisky.

1. Whisky shall –
 - (a) be a potable alcoholic distillate obtained from a mash of cereal grain products;
 - (b) be saccharified by the diastase of the malt contained therewith or without other natural enzymes;
 - (c) be fermented by the action of yeast and matured for a period,
 - (d) contain not less than 37.0 percent of absolute alcohol by volume.

Claim with respect to nature of Whisky.

2. No person shall make any claim with respect to the age of whisky other than for the period which the whisky was stored.

Malt Whisky.

3. Malt whisky shall be the whisky obtained by distillation.

of a mash consisting of cereal malt fermented by the action of yeast or a mixture of such distillate and ethyl alcohol of agricultural origin.

Scotch Whisky.

4. Scotch whisky shall be whisky distilled and matured in Scotland qualifying in accordance with the laws applicable thereto in Scotland.

Irish Whisky.

5. Irish whisky shall be whisky distilled in Northern Ireland or in the Republic of Ireland as Irish whisky for domestic consumption in

- accordance with the laws applicable thereto in Northern Ireland or in the Republic of Ireland.
- Canadian Whisky.** 6. Canadian whisky, Canadian rye whisky or rye whisky shall be whisky distilled in Canada as Canadian whisky for domestic consumption in accordance with the laws applicable thereto in Canada.
- blended whisky.** 7. Blended whisky shall be ethyl alcohol of agricultural origin to which permitted whisky flavours have been added.
- Rum.** 8. Rum shall –
- (a) be a potable alcoholic distillate obtained exclusively from sugar-cane products;
 - (b) be fermented by the action of yeast or a mixture of yeast and other organisms; or
 - (c) be a mixture of such distillate which has been aged;
 - (d) have the aromatic characteristics specified to rum and may contain caramel, may be flavoured with fruit or any other approved botanical substances/ flavourings; and
 - (e) contain not less than 37.0 percent of absolute alcohol by volume.
- Blended Rum.** 9. Blended rum shall be ethyl alcohol of agricultural origin to which permitted rum flavours have been added.
- Gin.** 10. Gin is the product of the blending of ethyl alcohol of agricultural origin with natural and/or nature identical flavouring substances.

- Distilled Gin.*** 11.-(1) Distilled gin shall be the product obtained by the redistillation of suitable grain, molasses spirit, other carbohydrate with or over juniper berries:
- (a) may contain other approved aromatic botanical substances; or
 - (b) sugar or flavourings; or a mixture of such distillate and ethyl alcohol of agricultural origin, and
 - (c) shall contain not less than 37.0 percent of absolute alcohol by volume.
- (2) Gin obtained by simply adding essences or flavourings to ethyl alcohol of agricultural origin shall not qualify for the description "distilled gin"
- Dry Gin*** 12. Dry Gin shall be gin to which no sugar has been added.
- Brandy.*** 13. Brandy shall be potable alcoholic distillate of wine, in the manufacture of which no additional sugar has been used and held for a period in wooden cask and -
- (a) may contain caramel;
 - (b) may be flavoured with fruit, other approved botanical substances, flavouring, or a mixture of such distillate and ethyl alcohol of agricultural origin and shall contain not less than 37.0 percent of absolute alcohol by volume.

- Cognac Brandy.*** 14. Cognac Brandy or Cognac shall be brandy manufactured in the Cognac district of France for domestic consumption in accordance with the laws applicable in France.
- Armagnac Brandy.*** 15. Armagnac brandy or Armagnac shall be brandy manufactured in the Armagnac district of France for domestic consumption in accordance with the laws applicable in France.
- Blended brandy .*** 16. Blended brandy shall be ethyl alcohol of agricultural origin to which permitted brandy flavours have been added and it may contain caramel and sugar.
- Liqueur and alcoholic Cordial.*** 17. Liqueurs and alcoholic cordials shall –
- (a) be the products obtained by the mixture of distillation of grain spirit, brandy or other distilled spirits, with or without other fruits, flowers, leaves, other approved botanical substances, their juices or with extracts derived by infusion, percolation or maceration of such other approved botanical substances;
 - (b) have added to it during the course of manufacture, sucrose or dextrose or both in an amount not less than 2.5 percent (100gm/litre expressed as invert sugar) of the finished product;

- (c) contain not less than 23.0 percent of absolute alcohol by volume; and
- (d) may contain natural, permitted artificial flavouring preparations or colour, the use and limits of colour which shall be as approved by the Agency and contain other agricultural products such as cream, milk or other milk products.

Vodka.

18. Vodka shall –

- (a) be the potable alcoholic beverage obtained by the treatment of grain, potato spirit, molasses spirit with activated charcoal, or the rectification of ethyl alcohol of agricultural origin, so as to render the product without distinctive characteristic aroma or taste; and
- (b) contain not less than 37.0 percent of absolute alcohol by volume.

SCHEDULE II

CHARACTERISTICS OF ETHANOL OF AGRICULTURAL ORIGIN

1. Organoleptic Characteristics – No detectable taste other than that of raw material.
2. Minimum alcoholic strength by volume 96% vol. (Distilled alcohol).
3. Maximum level of residues shall be -
 - (a) Total acidity, expressed in milligrams of acetic acid per liter = 0.15;
 - (b) Esters expressed in milligrams of ethyl acetate per liter of alcohol at 100% vol. = 0.13;
 - (c) Aldehydes expressed in milligrams of acetaldehyde per liter of alcohol at 100% vol. = 0.05;

- (d) Higher Alcohols expressed in milligrams of methyl – 2 – propanol – 1 per liter of alcohol at 100% vol. = 0.05;
- (e) Methanol expressed in milligrams per liter of alcohol at 100% vol. = 5;
and
- (f) Volatile bases containing nitrogen expressed in milligrams of nitrogen per liter of alcohol at 100% vol. = 0.01.

SCHEDULE III

MAXIMUM LEVELS OF ETHYL CARBAMATE

(a)	In Wines	-	30mg/l
(b)	Fortified Wines	-	100mg/l
(c)	Distilled Spirits	-	150mg/l
(d)	Fruit Brandies and Liqueur	-	400mg/l

SCHEDULE IV

ADDITIVES

(a)	Food Colours	-	As permitted by the Agency
(b)	Flavouring Agents	-	As permitted by the Agency
(c)	Sweetening Agents	-	As permitted by the Agency
(d)	Sulphur	-	10mg/kg maximum

SCHEDULE V

MAXIMUM LEVELS OF METALLIC CONTAMINANTS PERMITTED IN SPIRIT DRINKS

- (a) Arsenic 0.2mg/kg (As)
- (b) Copper 5mg/kg (Cu)
- (c) Lead 0.2mg/kg (Pb)
- (d) Cadmium 0.1mg/kg (Cd)
- (e) Mercury 0.1mg/kg (Hg)

- (f) Zinc 5mg/kg (Zn)
(g) Iron 15mg/kg (Fe)
(h) Tin 200mg/kg(Sn)

Citation 11. These Regulations shall be cited as Spirit Drink 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)