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**NATIONAL AGENCY FOR FOOD AND DRUG
ADMINISTRATION AND CONTROL ACT (CAP. N1 LFN), 2004**

**NON-NUTRITIVE SWEETENERS IN FOOD PRODUCTS
REGULATIONS, 2021**



ARRANGEMENT OF REGULATIONS

Regulation :

1. Scope of application.
2. General requirement for the use of non-nutritive sweeteners.
3. Prohibition of the use of non-nutritive sweeteners in food and beverages.
4. Declaration on label for foods and beverages containing non-nutritive sweetener.
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7. Revocation.
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SCHEDULE

S. I. No. 82 of 2021

**NATIONAL AGENCY FOR FOOD AND DRUG
ADMINISTRATION AND CONTROL ACT (CAP. N1 LFN), 2004**

**NON-NUTRITIVE SWEETENERS IN FOOD PRODUCTS
REGULATIONS, 2021**

[7th Day of July, 2021]

Commence-
ment.

In exercise of the powers conferred on it by sections 5 and 30 of the National Agency for Food and Drug Administration and Control Act (Cap. N1 LFN) 2004 and section 12 of the Food, Drug and Related Products (Registration, Etc.) Act Cap F33 LFN 2004 and all other 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 Minister of Health makes the following Regulations—

1. These Regulations shall apply to non-nutritive sweeteners used in food and food products that are manufactured, imported, exported, advertised, sold, distributed or used in Nigeria.

Scope of
application.

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

General
requirement
for the use of
non-nutritive
sweeteners.

3. A person shall not—

(a) 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 ; and

(b) sell a sweetener or food product containing a sweetener as an ingredient, other than a sweetener referred to in the Schedule to these Regulations.

Prohibition
of the use of
non-nutritive
sweeteners
in food and
beverages.

4.—(1) Where the Agency approves the use of non-nutritive sweetener in food or beverage, a declaration as to the identity of the approved sweetener shall be made on the labels of such food products and beverages.

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

(2) Where there are mandatory precautionary warnings for the use of any non-nutritive sweeteners, such precautionary warning shall be boldly and conspicuously indicated on the label such as “contains Aspartame”.

(3) The label of a sweetener or mixture of sweeteners intended for table use shall not contain the word “diet”, “low energy”, “low joule”, “non-nutritive” or “artificial” or words of a similar meaning unless the energy value of a quantity of the sweetener, which has the sweetening equivalent of 5g of sucrose is not more than 8kJ.

(4) Any sweetener that is intended for table use, which contains aspartame, shall bear the following statement on the label of the sweetener “Loss of sweetness may occur when used in cooking and baking”.

(5) Where a mixed, compounded or blended food product contains a non-nutritive sweetener the words "non-nutritive sweetener" shall appear in close proximity to the name of the sweetener.

(6) For the purposes of subregulation (3) of this regulation, to the extent that it may be applicable to food products—

(a) a sweetener shall at all times conform to the applicable specifications of identity and purity recommended by the National Industrial Standards ; and

(b) in terms of safety, food grade quality shall be achieved by conformance of sweeteners to their specifications as a whole, not merely with individual criteria and through their production, storage, transport, and handling in accordance with GMP.

Offences and Penalties.

5.—(1) Any person who contravenes any of the provisions of these Regulations commits an offence and shall be liable on conviction, in the case of—

(a) an individual, to imprisonment for a term not exceeding 1 year or to a fine not exceeding ₦800,000.00 or to both ; and

(b) a body corporate, to a fine not exceeding ₦5,000,000.00.

(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 ;

(b) partner or officer of the firm ;

(c) trustee of the body concerned ;

(d) person concerned in the management of the affairs of the association ;
or

(e) person who purports to act in a capacity referred to in paragraphs (a) to (d) of this sub-regulation,

is liable to be proceeded against and punished for the offence in the same manner as if the person committed the offence, unless the person proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.

Forfeiture after conviction.

6. A person convicted of an offence under these Regulations shall forfeit to the Federal Government of Nigeria—

(a) any asset or property constituting proceeds derived from or obtained, directly or indirectly, as a result of the offence ; or

(b) any of the person's property or instrument used in any manner to commit or to facilitate the commission of the offence.

Revocation.

7.—(1) The Non-Nutritive Sweeteners in Food Products Regulations, 2005 is revoked.

(2) The revocation of the Regulations specified in sub-regulation (1) of this regulation shall not affect anything done or purported to have be done under the revoked Regulations.

Enforcement of these Regulations.

8. The Agency shall be responsible for the enforcement of these Regulations.

Interpretation.

9. In these Regulations—

“Agency” means National Agency for Food and Drug Administration and Control ;

“Food” means any substance, whether processed, semi-processed or raw, which is intended for human consumption, and includes drinks, chewing gum and any substance which has been used in the manufacture, preparation or treatment of “food” but does not include cosmetics or tobacco or substances used only as drugs ;

“Non-Nutritive sweetener” means a sweetener or a mixture of non-nutritive sweeteners, of which the level of sweetening equals 5g of sucrose and does not have an energy value of more than 8kJ ;

“Permitted sweeteners” means any substance listed as a sweetener in the Schedule to these Regulations ;

“Proceeds” means any property derived or obtained, directly or indirectly, through the commission of the offence ; and

“GMP” means Good Manufacturing Practice.

Citation.

10. These Regulations may be cited as Non-Nutritive Sweeteners in Food Products Regulations, 2021.

**LIST OF PERMITTED NON-NUTRITIVE SWEETENERS
FOR FOODS**

The lists of permitted non-nutritive sweeteners for foods are as follows—

- (a) acesulfame potassium ;
- (b) alitame ;
- (c) aspartame ;
- (d) aspartame-acesulfame salt ;
- (e) cyclamate ;
- (f) saccharin and sodium, potassium, calcium salts ;
- (g) sucralose ;
- (h) thaumatin ;
- (i) neotame ;
- (j) high purity steviol glycosides purified from the leaves of *stevia rebaudiana* ;
- (k) advantame ; and
- (l) any other sweetener as may be prescribed by the Agency.

MADE at Abuja this 7th day of July, 2021.

DR. OSAGIE E. EHANIRE, MD, FWACS
Honourable Minister of Health