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**NATIONAL AGENCY FOR FOOD AND DRUG
ADMINISTRATION AND CONTROL ACT (CAP. N1 LFN), 2004
MILK AND DAIRY PRODUCTS REGULATIONS, 2021**



ARRANGEMENT OF REGULATIONS

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SCHEDULE

S. I. No. 80 of 2021

**NATIONAL AGENCY FOR FOOD AND DRUG
ADMINISTRATION AND CONTROL ACT (CAP. N1 (LFN), 2004
MILK AND DAIRY 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 all milk and dairy products manufactured, imported, exported, advertised, sold, distributed or used in Nigeria.

Scope of
application.

2. Milk or dairy products shall not be manufactured, imported, exported, advertised, sold or distributed in Nigeria, unless it has been registered in accordance with the provisions of these Regulations.

Prohibition.

3.—(1) Milk and dairy products shall be labeled in accordance with the Agency's Pre-packaged Food, Water and Ice Labelling Regulations.

Labelling
information.

(2) The name of the food shall be declared in accordance with the Agency's Pre-packaged Foods, Water and Ice Labeling Regulations.

(3) Where milk from any source other than a cow is used for the manufacture of any of the products specified therein, such products shall be designated and labeled according to the origin of the milk.

(4) Where milk is from two origins, the one with larger proportion of milk shall be indicated first.

(5) Milk which is modified in composition by the addition or withdrawal of milk constituents may be identified with a name using the term "milk", provided that a clear description of the modification to which the milk has been subjected is given in close proximity to the name in accordance with the limits or composition specified in the Schedule to these Regulations.

(6) The nutritional information of milk and dairy products shall be stated on the package label of the product.

(7) A word denoting the animal or in the case of mixtures, all animals from which the milk has been derived shall be inserted immediately before or after the designation of the product.

(8) Only food labeled with the definition of milk and in compliance with these Regulations shall be named "milk".

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**Definition,
composition
and label
designated as
milk and
dairy
products.**

4. The definition, composition and label designated as milk and dairy products shall be as specified in the Schedule to these Regulations.

**Food
additives.**

5. Where any food additive is to be added to milk and dairy products under these Regulations, such food additive shall be harmless, non-carcinogenic, safe and shall be as prescribed in the Schedule to these Regulations.

**Offences and
Penalties.**

6.—(1) A person who contravenes any of the provisions of these Regulations commits an offence and is 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 N800,000.00 or to both ; and

(b) a body corporate, to a fine not exceeding N5,000,000.00.

(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.**

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

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

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

Revocation.

8.—(1) The Milk and Dairy 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 been done under the revoked Regulations.

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

10. In these Regulations—

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

“Dairy” means name, designation, symbol, pictorial or other devices, which refer to or are suggestive either directly or indirectly of milk or milk products ;

“Edible acid casein” means milk product obtained by separating, washing and drying the acid-precipitated coagulum of skimmed milk and, or of other products obtained from the milk ;

“Edible rennet casein” means milk product obtained by separating, washing and drying the coagulum of skimmed milk or of other products obtained from the milk, which the coagulum is obtained through the reaction of rennet or other coagulating enzymes ;

“Edible caseinate” means milk product obtained by action of edible casein or edible casein curd coagulum with neutralising agents followed by drying ;

“Milk” means normal mammary secretion of animal milk, obtained from one or more animals without any addition to or extraction from, intended for consumption as liquid milk or for further processing ;

“Milk product” means a product obtained through processing of milk, which may contain food additives and other ingredients functionally necessary for processing ;

“Milk solids” means—

(a) dairy product, other than cheese, any constituent of milk, other than water or casein, singly or in combination with other constituents of milk, that has not been altered in its chemical composition, and

(b) cheese, any constituent of milk, other than water, singly or in combination with other constituents of milk ;

“Pasteurised” means the process of heating the milk to a temperature of not less than—

(a) 63°C and not more than 66°C or holding it at such temperature for not less than 30 minutes and immediately thereafter reducing it to a temperature below 40°C ; or

(b) 71.5°C and retaining it for not less than fifteen seconds or at any other approved time or temperature combination and immediately thereafter reducing the milk to a temperature below 4°C ;

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

"Whey" means the fluid separated from the curd after the coagulation of milk, skimmed milk, cream or butter milk to produce cheese, casein or similar products, principally with rennet type enzymes.

Citation.

11. These Regulations shall be cited as Milk and Dairy Product Regulations, 2021.

SCHEDULE [Regulations 3(5), 4 and 5]

DEFINITIONS, COMPOSITION AND LABEL DESIGNATION
FOR MILK AND DAIRY PRODUCTS*Butter*

Butter shall be the fatty product exclusively derived from milk principally in the form of an emulsion of the type water-in-oil and shall contain any of the food additives as approved by the Agency and shall contain—

- (a) minimum milk fat of 80% (m/m);
- (b) maximum milk solids-not-fat of 2% (m/m); and
- (c) maximum water of 16% (m/m).

Butter milk

Butter milk shall be the nearly milk fat-free fluid remaining from the butter making process and shall contain—

- (a) minimum moisture of 4% ;
- (b) minimum milk fat of 4% and 13% max ; and
- (c) minimum protein of 30%.

Cream

Cream shall be pasteurized fatty emulsion prepared from milk by separating milk constituents in such manner as to increase the milk fat content and shall contain—

- (a) cream, minimum milk fat content of 10% (m/m) ;
- (b) half cream, minimum milk fat content of 10% (m/m) and maximum milk fat content of less than 18% (m/m) ;
- (c) whipping and whipped cream, with minimum milk fat content of 28% (m/m) ;
- (d) heavy Whipping and whipped heavy cream, with minimum milk fat content of 35% (m/m) ; and
- (e) double cream with minimum milk fat content of 45% (m/m).

Cheese

(1) Cheese shall be the fresh or matured solid or semi-solid product obtained—

- (a) by coagulating milk, skimmed milk, partly skimmed milk, cream, whey cream, or butter milk, or any combination of these materials, through the action of rennet or other suitable coagulating enzymes ; and
- (b) by partially draining the whey resulting from such coagulation or processing the techniques involving coagulation of milk and materials

obtained from milk which give an end product with the same essential physical, chemical and organoleptic characteristics as the product defined in the Schedule to these Regulations.

(2) Ripened cheese is cheese, which is not ready for consumption shortly after manufacture, but which shall be held for such time, at such temperature and under such other conditions as may result in the necessary biochemical and physical changes characterizing the cheese in question.

(3) Mould ripened cheese is a ripened cheese in which the ripening has been accomplished primarily by the development of characteristic mould growth throughout the interior or on the surface of the cheese.

(4) Un-ripened cheese, including fresh cheese, is cheese which is ready for consumption shortly after manufacture.

(5) When a variety name is used to describe a named-variety processed cheese and spreadable processed cheese, the cheese blend from which the product is made shall contain at least 75% of the cheese variety mentioned and the remaining cheese shall be of similar type.

(6) In relation to processed cheese and spreadable processed cheese, the name of a product in accordance with these Regulations shall be processed, cheese or spreadable processed cheese as applicable.

Evaporated milk

(1) Evaporated milk shall be the liquid product obtained by the partial removal of water only from milk and it shall have—

(a) minimum milk fat of 7.5% (m/m);

(b) minimum milk solids of 25% (m/m); and

(c) minimum milk protein in milk solids-not-fat of 34% (m/m), and it may contain stabilizers or emulsifiers as permitted by the Agency.

(2) The product may be labelled as "Evaporated Milk" or "Evaporated Full Cream Milk".

Evaporated skimmed milk

(1) Evaporated skimmed milk shall contain—

(a) maximum milk fat of 1.0% (m/m);

(b) minimum milk solids of 20% (m/m); and

(c) minimum milk protein in milk solids-not-fat 34% (m/m) and it may contain food additives as permitted by the Agency.

(2) The product may be labeled "Evaporated skimmed milk".

Evaporated partly filled milk

Evaporated partly skimmed milk shall contain—

- (a) milk fat of not more than 1.0% and less than 7.5% (m/m) ;
- (b) minimum milk solids of 20% ;
- (c) minimum milk protein in milk solids not fat of 34% (m/m) ; and
- (d) it may contain food additives as permitted by the Agency.

Evaporated High Fat Milk

(1) Evaporated high fat milk shall contain—

- (a) minimum milk fat of 15% (m/m) ;
- (b) minimum milk solids not-fat of 11.5% (m/m) ; and
- (c) minimum milk protein in milk solids not fat of 34% (m/m).

(2) The product may be labeled as “Evaporated high-fat milk”.

Flavoured milk

(1) Flavoured milk shall be the pasteurised or sterilised liquid product made from milk or milk powder and any permitted flavouring agent and shall contain not less than 3.0 percent (m/m) of milk fat and it may also contain food additives as permitted by the Agency.

(2) Flavoured milk shall be labeled by the common name of the characteristic flavouring agent such as vanilla flavoured milk.

Flavoured Yoghurt

(1) Flavoured yoghurt shall be coagulated milk product which has been pasteurized prior to fermentation through the action of *Lactobacillus bulgaricus* and *Streptococcus thermophilus* from milk and milk products, to which have been added the following flavouring foods or other flavouring ingredients—

(a) natural flavouring ingredients such as fruit fresh, canned, quick frozen, powdered and fruit puree ; and

(b) fruit pulp, jam, fruit juice, honey, chocolate, cocoa, nuts, coffee, spices and other harmless natural flavouring food.

(2) The product shall contain not less than 3.0 % (m/m) of milk fat and not more than 8.2 % (m/m) milk solids non-fat.

(3) The product may contain the following optional ingredients—

(a) sugars ;

(b) milk powder, skimmed milk powder, unfermented buttermilk, concentrated whey, whey powder, whey proteins whey protein concentrate, water-soluble milk proteins, edible casein, caseinates, manufactured from pasteurized products ;

(c) cultures of suitable lactic acid producing bacteria in addition to *Lactobacillus bulgaricus* and *Streptococcus thermophilus* ; and

(d) harmless natural colouring agents.

(4) The product may contain preservatives derivable exclusively from natural flavouring substances as a result of carry-over and the limit of these shall be prescribed by the Agency.

Filled Milk

Filled Milk shall be skimmed milk with non-fat milk and shall contain—

- (a) not less than 3% (m/m) for fat ;
- (b) not less than 8.5% for milk solids not fat ;
- (c) vegetable fat of 28% min. and 40% max ; and
- (d) protein of 23.5.

Heat-treated fermented milk

These are products as described under these Regulations which have been subjected to heat treatment after fermentation and shall not contain viable and abundant micro-organism.

Ice Cream

(1) Ice Cream shall be the pasteurized frozen food made from combination of cream, milk or other milk product, and may contain egg, fruits, nut, cocoa, sugar and glucose syrup and it shall have a minimum milk fat content of 8.0 % (m/m) and not less than 16.0% (m/m) of milk solid.

(2) When Ice Cream is described as "Dairy Ice Cream". It shall not contain any fat other than milk fat and where the fat used is of vegetable origin, the product shall be labelled with the words "contains vegetable fat".

(3) Ice Cream, which contains no artificial flavour but fruits or other bulky flavouring substances shall be designated with the name of the flavouring substance such as vanilla ice cream and ice cream that contains artificial flavouring agent shall be so designated such as artificial vanilla ice cream or artificially flavoured vanilla ice cream.

Low-fat skimmed yoghurt

Low-fat Yoghurt shall be the coagulated milk product prepared in same manner as prescribed in the Schedule to these Regulations, except that it shall contain maximum milk fat of 0.5 % (m/m) and minimum milk solids not-fat 8.2 % (m/m).

Malted milk powder

(1) Malted milk or malted milk powder shall be the product made by combining milk with the liquid separated from mash of malted cereal and may contain food additives as permitted by the Agency.

(2) The product shall contain not less than 7.5% (m/m) of milk fat and not more than 3.5 % of water.

Partly skimmed milk powder

Partly skimmed milk powder shall be the product obtained by the removal of water from skimmed milk, and shall have—

- (a) milk fat more than 1.5% and less than 26% m/m ;
- (b) maximum water of 5% (m/m) ; and
- (c) minimum milk protein in milk solids-not-fat 34 % (m/m) and it may contain food additives as permitted by the Agency.

Reconstituted milk product

Reconstituted milk product shall be a product resulting from the addition of water to the dried or concentrated form of the product in the amount necessary to re-establish the appropriate water to solids ratio not less than 3.0% of milk fat and not less than 8% of milk solids not-fat.

Recombined milk product

Recombined milk product shall be a product resulting from combining milk fat and milk-solids-non-fat in their preserved forms with or without the addition of water to achieve the appropriate milk product composition.

Skimmed Milk

Skimmed milk shall be the milk from which part of the milk fat has been removed and which contains not more than 1.5% of milk fat and not less than 8.5 percent of milk.

Skimmed milk powder

(1) Skimmed milk powder shall be milk from which part of the milk which its fat has been removed and contain not more than 1.5% of milk fat and not less than 8.5% of milk and have—

- (a) milk fat more than 1.0% and less than 7.5% (m/m) ;
- (b) minimum milk solids of 20% (m/m) ;
- (c) minimum milk protein in milk solids-not-fat of 34% (m/m) ; and
- (d) food additives as permitted by the Agency.

(2) The product may be labeled as “Evaporated partly skimmed milk”.

Sweetened condensed milk

(1) Sweetened condensed milk shall be the product obtained by the partial removal of water only from milk with the addition of sugar and it shall contain—

- (a) minimum milk fat of 8.0% (m/m) ;

(b) minimum milk solids of 28% (*m/m*); and

(c) minimum milk protein in milk solids-not-fat 34% *m/m* and it may contain food additives as permitted by the Agency.

(2) The product may be labeled as "Sweetened Condensed Milk" or "Sweetened Condensed Whole Milk" or "Sweetened Full Cream Milk".

(3) Where one or several sugars are used, the name of each sugar shall be declared on the label, for example "with sucrose" "with dextrose" "with sucrose and dextrose".

Sweetened condensed skimmed milk

(1) Sweetened condensed skimmed milk shall contain—

(a) maximum milk fat of 1.0% (*m/m*);

(b) minimum milk solids of 24% (*m/m*); and

(c) minimum milk protein in milk solids-not-fat of 34% (*m/m*), which may contain food additives as permitted by the Agency.

(2) The product may be labeled as "Sweetened condensed skimmed milk"

(3) When one or several sugars are used, the name of each of such sugar shall be declared on the label, for example "with sucrose" "with dextrose" "with sucrose and dextrose".

Sweetened condensed partly skimmed milk

(1) Sweetened condensed partly skimmed milk shall contain—

(a) milk fat of more than 1.0% (*m/m*) and less than 8.0% (*m/m*);

(b) minimum milk solids-not-fat of 20% (*m/m*);

(c) minimum milk solids 24% (*m/m*);

(d) milk protein in milk solids-not-fat 34% (*m/m*); and

(e) food additives as permitted by the Agency.

(2) The product may be labeled as "sweetened condensed partly skimmed milk".

(3) When one or several sugars are used, the name of each sugar shall be declared on the label, for example "with sucrose", "with dextrose" or "with sucrose and dextrose".

Sweetened condensed high-fat milk

(1) Sweetened condensed high-fat milk shall contain—

(a) minimum milk fat 16% (*m/m*);

(b) minimum milk solids-not-fat 14% (*m/m*); and

(c) minimum milk protein in milk solids-not-fat 34% (m/m); and it may contain food additives as permitted by the Agency.

(2) The product may be labeled as "Sweetened condensed high-fat milk".

(3) When one or several sugars are used the name of each sugar shall be declared on the label for example "with sucrose" "with dextrose" "with sucrose and dextrose".

Whey powders

Whey powders are milk products obtained by drying whey or acid whey and the term "sweet" may accompany the name of whey powder, provided that the whey powder meets the following compositional criteria—

(a) minimum lactose - 65% ;

(b) minimum protein - 11% ; and

(c) maximum ash - 8.5%.

Whole Milk Powder

(1) Whole milk powder shall be the product obtained by the removal of water only from milk after adjusting the fat and milk solids, where necessary, and the milk fat content shall be minimum 26% (m/m) and maximum 40% (m/m).

(2) The milk protein in milk solids-not-fat shall not be less than 24% (m/m) and may contain food additives as permitted by the Agency, the moisture content shall not be more than 4% (m/m).

Yoghurt

(1) Yoghurt shall be the coagulated milk product, which has been pasteurised prior to fermentation through the action of *Lactobacillus bulgaricus* and *Streptococcus thermophilus* from milk and milk products and with or without the following optional additions—

(a) milk powder, skimmed milk powder, unfermented buttermilk, concentrated whey, whey powder, whey proteins, whey protein concentrate, water-soluble proteins, edible casein, caseinates (definition), manufactured from pasteurized products ;

(b) cultures of suitable lactic acid producing bacteria in addition to those in Schedule to these Regulations ; and

(c) sugars, in sweetened yoghurt only.

(2) It shall contain not less than 3.0% (m/m) of milk fat and not less than 8.2% (m/m) milk solids not fat.

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(3) Traces of benzoates derived from the essential raw materials of the yoghurt may be permitted and the limits of these shall be as prescribed by the Agency.

MADE at Abuja this 7th day of July, 2021

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