

S. I. of 2005

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

Milk and Dairy Products 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. As from the commencement of these Regulations:

- (a) no milk or dairy products shall be manufactured, imported, exported, advertised, sold or distributed in Nigeria, unless it has been registered in accordance with the provisions of these regulations; and
- (b) notwithstanding the provisions of sub-regulation 1(a), the manufacture, importation, exportation or advertisement of milk and dairy products shall be undertaken with the approval of the Agency.

***Label designation
For milk***

2. The source (mammal) from which the milk or milk product is obtained shall be declared on the label.

***Definitions, compositions
And label designations
For milk and dairy products.***

3. The definitions, compositions and label designations for milk and dairy products shall be as in schedule "A" to these Regulations.

Penalty.

4. (1) A 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 ₦50,000 or to both such imprisonment and fine; and
 - (b) a 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 (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

5. In addition to the penalty specified in regulation 4 of these regulations, a person convicted of an offence under these regulations shall forfeit to the Agency

the milk and dairy products and whatsoever is used in connection with the commission of the offence.

Interpretation

6. In these Regulations unless the context otherwise requires:

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

"Milk" shall be the normal mammary secretion of milking animals obtained from one or more milkings without either addition to it or extraction from it, intended for consumption as liquid milk or for further processing;

"Milk product" shall be a product obtained by any processing of milk, which may contain food additives, and other ingredients functionally necessary for processing;

The term **"Pasteurized"** when used in connection with milk or milk product shall be taken to refer to the process of heating the milk to a temperature of not less than -

- (a) 63°C not more than 66°C and holding it at such temperature for not less than 30 minutes and immediately thereafter reducing it to a temperature below 40°C; and
- (b) 71.5°C and retaining it for at least fifteen seconds or at any other approved time/temperature combination and immediately thereafter reducing the milk to a temperature below 4°C;

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

SCHEDULE "A"
DEFINITIONS, COMPOSITIONS AND LABEL DESIGNATIONS FOR MILK
AND DAIRY PRODUCTS

Skimmed milk. 1. Skimmed milk shall be the milk from which part of the milk fat has been removed and which contains not more than 1 percent of milk fat and not less than 8.5 percent of milk solids.

Reconstituted Milk. 2. Reconstituted milk (or recombined milk) shall be the pasteurized homogenized product prepared from milk fat, non fat-milk solids and water, with or without whole milk and shall have not less than 3.0 percent of milk fat and not less than 8 percent of milk solids non-fat and it may contain stabilizers or emulsifiers as permitted by the Agency.

Evaporated Milk. 3. (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 7.5% (m/m);
- (b) minimum milk solids 25% (m/m);
- (c) minimum milk protein in milk solids-not-fat 34% (m/m),

and may contain food additives as permitted by the Agency.

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

Evaporated skimmed milk. 4. (1) Evaporated skimmed milk shall contain –

- (a) maximum milkfat 1.0% (m/m)

(b) minimum milk solids 20% (m/m)

(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 labelled “Evaporated skimmed milk”.

Evaporated partly skimmed milk .

5. (1) Evaporated partly skimmed milk shall contain -

(a) milkfat more than 1.0% and less than 7.5% (m/m);

(b) minimum milk solids 20% (m/m);
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 “Evaporated partly skimmed milk”.

Evaporated high-fat milk.6.

(1) Evaporated high-fat milk shall contain –

(a) minimum milkfat 15% (m/m);

(b) minimum milk solids-not-fat 11.5% (m/m);

(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 “Evaporated high-fat milk”.

Sweetened Condensed Milk

7. (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 8.0% (m/m);
- (b) minimum milk solids 28% (m/m);
- (c) minimum milk protein in milk solids-not-fat 34%,

it may contain food additives as permitted by the Agency.

(2) The product may be labelled as “Sweetened Condensed Milk” or “Sweetened Condensed Whole Milk” or “Sweetened Full Cream 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”.

Sweetened condensed skimmed milk.

8. (1) Sweetened condensed skimmed milk shall contain -

- (a) maximum milkfat 1.0% (m/m);
- (b) minimum milk solids 24% (m/m);
- (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 labelled 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 .***

9. (1) Sweetened condensed partly skimmed milk shall contain -
- (a) Milkfat 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) 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 labelled as “sweetened condensed and 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.***

10. (1) Sweetened condensed high-fat milk shall contain -
- (a) minimum milkfat 16% (m/m);
- (b) minimum milk solids-non-fat 14% (m/m);
- (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 labelled 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”.

Whole Milk Powder

11.(1) Whole milk powder shall be the product obtained by the removal of water only from milk after adjusting the fat and milk solids, if necessary, and the milk fat content shall be minimum 26% (m/m) and maximum 42% (m/m).

(2) The milk protein in milk solids-not-fat shall not be less than 34% (m/m). It may contain food additives as permitted by the Agency.

(3) The moisture content shall not be more than 5% (m/m).

Skimmed milk powder.

12. Skimmed milk powder shall be the product obtained by the removal of water from skimmed milk, and shall have –

(a) maximum milkfat 1.5% (m/m);

(b) maximum water 5% (m/m);

(c) minimum milk protein in milk solids-not-fat 34% (m/m); and

it may contain food additives as permitted by the Agency.

Flavoured Milk

13. (1) Flavoured milk shall be the pasteurized or sterilized 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 labelled by the common name of the characteristic flavouring agent e.g. vanilla flavoured milk.

Chocolate Drink.

14. Chocolate drink shall be the pasteurized liquid product made from milk, milk powder, cocoa and sugar and may contain food additives as permitted by the Agency.

Malted Milk

- 15.(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 have added to it, food additives approved by the Agency.
- (2) It shall contain not less than 7.5 percent (m/m) of milkfat and not more than 3.5 per cent of water.

Flavoured Skimmed Milk.

16. Flavoured skimmed milk shall be the product made from skimmed milk and a flavouring agent permitted by the Agency.

Filled Milk.

17. Filled milk shall be the skimmed milk with non-milk fat and shall contain not less than 3% (m/m) fat and not less than 8.5 % (m/m) of milk solids-non-fat.

Butter.

18. Butter shall be the fatty product exclusively derived from Milk and may contain any of the food additives as approved by the Agency and shall contain:
- (a) minimum milkfat 80%(m/m);

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

Cream.

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

- (a) Cream minimum milk fat content 18% (m/m);
- (b) Half cream minimum milk fat content 10% (m/m) and maximum milk fat content of less than 18% (m/m);
- (c) Whipping and Whipped cream with minimum milk fat content 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).

Yoghurt.

20. (1) Yoghurt shall be the coagulated milk product which has been pasteurized 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,

manufactured from pasteurized products;

- (b) Cultures of suitable lactic acid producing bacteria in addition to those in regulation 20 (a) of these Regulations;
 - (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 non fat.
- (3) Food additive shall not be permitted in Yoghurt and sweetened yoghurt.
- (4) 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.

low-fat (skimmed) yoghurt. 21.

Low-fat Yoghurt shall be the coagulated milk product prepared in same manner as prescribed in Schedule "A" to these Regulations, except that it shall contain maximum milkfat 0.5%(m/m) and minimum milk solids non-fat 8.2%(m/m).

Flavoured Yoghurt

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

(2) It 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) It 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*;
- (d) Harmless natural colouring agents.

(4) It may contain food additives in a manner and limits prescribed by the Agency.

(5) It may contain preservatives which come exclusively from flavouring substances as a result of carry-over and the limit of these shall be prescribed by the Agency.

Products heat-treated after Fermentation .

23. These are products as described under regulation 22 of these Regulations which have been subjected to heat treatment after fermentation and they need not contain viable and abundant micro-organism.

Ice Cream.

- 24.(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. If the fat used is of vegetable origin, the product shall be labelled with the words "contain vegetable fat".
- (3) Ice Cream that contains no artificial flavour but fruits or other bulky flavouring substances shall be designated with the name of the flavouring substance e.g. Vanilla Ice Cream and Ice Cream that contains artificial flavouring agent shall be so designated. e.g. Artificial vanilla ice cream or artificially flavoured vanilla ice cream.

Cheese.

- 25 . 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 by partially draining the whey resulting from such coagulation or,

- (b) by processing 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 Schedule “A” to these regulations.

Citation

26. These Regulations may be cited as Milk and Dairy Product Regulations 2005.

MADE at Abuja this

day of

2005

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and Control (NAFDAC)