

S. I. of 2005

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

Wine 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, advertise, sell or distribute wine specified in Schedule I to these Regulations in Nigeria unless it has been registered in accordance with the provisions of these regulations.
- Use and Limit of food additives.***
2. The use and limits of any food additives or food colours in the manufacture of wine shall be as approved by the Agency.
- Labelling.***
3. (1) The labeling of wine shall be in accordance with the Pre-packaged Food (Labelling) Regulations 2005.
 - (2) Notwithstanding Regulation 3 (i) of these Regulations, wines that contain less than 10 percent absolute alcohol by volume shall have the 'Best Before' date declared.

Name of Wine to indicate the nature etc.

4. (1) The name of every wine shall indicate the accurate nature.
- (2) Where a name has been established for the wine in these Regulations, such a name shall only be used.
- (3) Where no common name exists for the wine, an appropriate descriptive name shall be used.
- (4) A coined or fanciful name may be used, provided the name is not misleading and is accompanied by an appropriate descriptive term.

Advertisement

5. (1) The advertisement of wine shall be in accordance with the Food Products (Advertisement) Regulations 2005.
- (2) No person shall advertise wine in any media unless such advertisement has been pre-cleared and approved by the Agency.
- (3) The content of Advertisements of wine shall not be misleading and shall be free of health claims.
- (4) For radio, television or print media, no advertisements of wine shall be permitted on children's programmes nor shall children, sportsmen or expectant mothers be used as models.
- (5) Gift items promoting wine drinks shall not be directed at children and sportsmen.

Penalty 6.(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 ₦50,000 or to both imprisonment and fine.

(b) 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 (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 7.

In addition to the penalty specified in regulation 6 of these regulations, a person convicted of an offence under these regulations shall forfeit to the Agency the wine and whatsoever is used in connection with the commission of the offence.

Interpretation 8.

In these Regulations, unless the context otherwise requires:

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

"Wine" shall be:

- (1) The product of fermentation of the juice of fruits and may also have added to it yeast, concentrated grape juice, sugar, dextrose or invert sugar.

(2) The blending of ethyl alcohol of agricultural origin with:

- (a) fruit juice or fruit juice concentrates;
- (b) sugar;
- (c) dextrose or invert sugar;
- (d) aqueous solution of caramel;
- (e) permitted food additives; and
- (f) colours.

(3i) Blending of aqueous solution of the following:

- (a) yeast food;
- (b) brandy or fruit spirit;
- (c) carbon dioxide;
- (d) oxygen;
- (e) tartaric or citric acid;
- (f) pectinase;
- (g) caramel; and
- (h) food additives

and aged for a period.

SCHEDULE I

CLASSIFICATION OF WINE

Table Wine

i. Table wine shall contain not less than 6 percent and not more than 17 percent absolute alcohol by volume.

Sparkling Wine

ii. Sparkling wine shall be wine that has been allowed to undergo a secondary fermentation in the bottle so that visible carbon dioxide is produced and it may contain not less than 14 percent and not more than 21 percent absolute alcohol by volume.

- Fortified Wine** iii. Fortified (otherwise called dessert) wines shall be wine to which distilled spirits (usually distilled from wine) have been added during or after fermentation and shall contain absolute alcohol in excess of 14 percent but not more than 24 percent by volume.
- Fruit Wine** iv. Fruit wine shall be the product of fermentation of the juice of sound and ripe fruits and in all other respects shall meet the requirements of the standard for wine as prescribed by Paragraph 8 of these Regulations.
- Vermouth** v. Vermouth shall be the wine to which has been added bitters, aromatics or other approved botanical substances or flavouring preparations and shall contain not more than 20 percent absolute alcohol by volume.
- Cider** vi. Cider shall be the product of fermentation of apple juice or a mixture of the juice of apple and pear with or without the addition of potable water, sugar or concentrated apple or pear provided that, not more than 25 percent of the juice shall be pear juice, and shall contain not less than 2.5 percent and not more than 13 percent alcohol by volume.
- Tonic Wine** vii. Tonic wine shall be wine which had been fortified with vitamins or introduced naturally from the processing method(fermentation of the grapes/herbs),provided the required level of vitamin is met.

