

FACTSHEET, May 2026

THE RIGHT OF CONSUMERS TO RAISE FOOD SAFETY CONCERNS IN NIGERIA



INTRODUCTION

This factsheet outlines the legal framework under Nigerian law regarding a consumer's right to review, question, raise concerns, share experiences and report on the quality, safety, labelling, shelf life, preservation, and health implications of food products available in the Nigerian market.

The need for this factsheet has become crucial in light of a growing number of cases in which consumers have reportedly been arrested, intimidated, or charged to court - sometimes under the Cybercrimes (Prohibition, Prevention, etc.) Act 2022 -for publicly reviewing food products they purchased, particularly on social media platforms. This Factsheet does not defend false, malicious or deliberate defamatory statements. It establishes the explicit legal protections afforded to consumers who, in good faith, express genuine opinions or experiences regarding public food safety and public health.

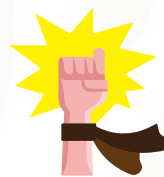
The Core Question

The central issue is whether a consumer who purchases and reviews a food product may lawfully be punished, intimidated, arrested, or exposed to liability solely because the producer, seller, distributor, or supplier considers the consumer's review or complaint unfavourable.

Under Nigerian law, a consumer cannot lawfully be punished merely for raising a genuine and good-faith concern about a food product. The relevant legal inquiry is whether the concern was honestly expressed, grounded in facts or personal experience, and related to a legitimate issue of consumer protection, food safety, or public health.



LEGAL POSITION



i. Constitutional Right to Freedom of Expression

Section 39 (1) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) guarantees every person the right to freedom of expression, including the right to hold opinions and to receive and impart ideas and information without interference.

In the context of consumer goods, this right protects:

- Statements of personal user experience of a product.
- Concern about quality, taste, preservation, or perceived

contamination or unusual product behaviour.

- Questions regarding ingredients, preservation methods, expiry dates, shelf life, labelling or whether the product complies with the applicable regulatory standards.
- Public alerts or warnings directed at other consumers.
- Calls for intervention by relevant regulatory bodies.

Because food products directly affect human life and public safety, raising the above questions constitute a legitimate exercise of regulatory inquiry rather than a reputational attack.

Note on Constitutional Balance: While Section 45 permits limitations in the interest of public safety, order, or health, these limitations do not justify the use of law enforcement to suppress objective feedback or factual public interest expressions.

ii. Statutory Rights Under the FCCP Act 2018

The Federal Competition and Consumer Protection (FCCP) Act 2018 is the primary legislation protecting consumers and ensuring access to safe products.

- Section 130: Establishes the right of consumers to receive goods that are free from defects and of a quality that reasonable persons are generally entitled to expect.
- Section 131: Grants consumers the explicit right to receive goods that are suitable for their intended purpose, of good quality, in good working order, and compatible with applicable industry standards.

III. International/Multilateral Instruments

Instrument / Authority	Recognized Provision	Applied Consumer Right
Universal Declaration of Human Rights (UDHR) – Article 19	Freedom to seek, receive, and impart information and ideas through any media.	Empowers individuals to share product experiences and safety opinions publicly or privately.
United Nations Guidelines for Consumer Protection (UNGCP)	The right of consumers to be heard and protected against unfair, deceptive business practices.	Legitimizes public feedback mechanisms as essential to market transparency.

CONSUMER COMPLAINT AND REDRESS MECHANISMS

Sections 146 and 148 of the FCCP Act provide multiple avenues for consumer complaints and redress. A consumer may:

- Engage directly with the supplier
- Refer the matter to the relevant sector regulator
- File a complaint with the Federal Competition and Consumer Protection Council (FCCPC)
- Approach a court of competent jurisdiction

The FCCPC is empowered to investigate complaints, refer matters to regulators, or direct inspections and inquiries as appropriate. Where a food safety concern is raised, the appropriate response is investigation, clarification, regulatory engagement, laboratory testing where necessary, and corrective action -not intimidation, threats, or criminalisation of the complainant.

WHY CONSUMERS' FEEDBACK IS CRITICAL

- Safety Monitoring and Recall stipulated in **Section 133 and 135** of the FCCP Act relies on consumer feedback to identify hazards, illnesses, or defects. Manufacturers and distributors are legally mandated to immediately notify the public and withdraw hazardous goods from the market upon becoming aware of unforeseen risks.
- Who bears liability for defective goods? Section 136 of the FCCP Act provides that manufacturers, distributors or other relevant actors in the value-chain are legally liable for damage caused wholly or partly by defective goods.
- Burden of Proof (Section 145, FCCP Act): Where a product defect is alleged or concerns about labelling, shelf life, ingredients, etc are raised by a consumer, the onus of proof lies on the undertaking that manufactured or supplied the goods to provide evidence-based clarification (e.g., batch records, laboratory analysis, and quality assurance logs).

The provisions above confirm that consumer feedback is a critical component of product safety systems, not a nuisance or hostile act.

CONCLUSION



A consumer who honestly raises a concern or provides a review regarding the quality, safety, misleading representation, shelf life, ingredients, expiry date, or health implications of a food product is exercising a recognised constitutional and consumer protection right under Nigerian law and international standard. Such feedback may be inconvenient to a producer or supplier or brand, but inconvenience does not equate to criminal defamation or cybercrime. Where a concern raises potential food safety or regulatory compliance issues, the public interest favours transparency, investigation, regulatory engagement, and corrective action.

Unless it can be shown that a consumer knowingly published false and malicious information, the right of consumers to review food products they consume -privately or publicly including via social media platforms -is protected under Section 39 of the Constitution, the FCCP Act, and applicable international standards.

The proper legal and regulatory focus should therefore be on whether a product is safe, properly labelled, compliance with standards, and fit for consumption. The lawful response to a negative or critical review is transparent verification, evidence-based clarification, and regulatory engagement -not harassing, intimidating, or criminalising consumers for genuine feedback.

About Us

A-Goal Initiative (A-Goal) is an independent, non-partisan, and non-profit organization dedicated to promoting public education on inclusive governance, enhancing public service delivery and accountability, and fostering civic engagement in Nigeria.

The biggest social challenge we aim to address is a measurable shift from citizen frustration and distrust toward responsive, accountable, and citizen-centred public service delivery in Nigeria.

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