

CHAPTER 122

PHARMACY LAW

Arrangement of sections

Section

PART 1—PRELIMINARY

1. Short title
2. Interpretation,

PART II—POISONS

Disposal of Poisons

3. Disposal of poisons book.
4. Inspection of disposal of poisons book.
5. Penalty for offences against sections 3 and 4 of this Law.
6. Regulations to be observed in dispensing and sale of poisons.
7. Penally for making or procuring to be made false entry in disposal of poisons book.

Restriction on Sale of Poisons

8. Regulations to be observed in the dispensing and sate of poisons.
7. Restrictions on sale of poisons.
8. Form of containers,
9. How containers of articles to be marked.
10. Refusal to dispense or sell or negligently dispensing drugs and poisons.
11. Dispensing and selling drugs or poisons by companies.
12. Containers of poisons for sale or use in practice of profession.
15. Methods of keeping poisons for professional use.
16. Directions in British Pharmacopoeia for keeping poisons to be observed.
17. Medical practitioners to cause list of poisons to be hung.
18. Supply of medicines to out-patients of certain hospitals.
19. Supply of medicines by dispensary attendant.
20. Supply of medicines for use in hospital, etc.
21. Storage of poisons in institutions.

Section

22. Penalty for contravening or failing to comply with provisions of sections 15, 16, 17, 18, 19, 20 and 21 of this Law.
23. Duty of medical practitioners and others supplying poisons to cause containers to be labelled.
24. Special cautions in case of certain articles.

PART III—EXEMPTIONS

25. Exemptions from certain provisions of this Law.

PART IV—CONTROL OF SALE OF PATENT AND PROPRIETY MEDICINES

26. Disclosure of compositions of medicines.
27. Control of sale of patent and proprietary medicines.
28. Patent or proprietary medicines to be in original container properly secured.

PART V.—LICENSING AUTHORITY

29. Licensing Authority.
30. Powers of the Licensing Authority.
31. Licensing Authority to keep registers.

PART VI.—ADVERTISEMENTS

32. Prohibition of advertisements relating to certain diseases.
33. Prohibition of advertisement relating to abortion.

PART VII.—PARTIES TO OFFENCES AND PENALTIES.

34. Persons attempting, soliciting or inciting others to commit offences.
35. Where company convicted, chairman, director and officers guilty of like offence.
36. Offence.
37. Penally.

Section

PART VIII.-REGULATIONS

38. Power to make regulations.

SCHEDULES SUBSIDIARY LEGISLATION

CHAPTER 122

PHARMACY LAW

**A Law to regulate the sale and distribution of drugs and poisons, in
Enugu State,**

ANSL Cap. 107

[27th August 1991]

PART I.-PRELIMINARY

1. This Law may be cited as the Pharmacy Law.

Short Title

"Approved" means approved by the Board:

"Board" means Pharmacy Board established under the Pharmacy Act;

"chemist" and "druggist" means a person holding a diploma granted by the Board or possessing other prescribed qualifications, who, by virtue of his holding such diploma or possessing such other qualifications, has been granted a licence under the Pharmacy Act to import, mix, compound, prepare, dispense and sell drugs and poisons, which licence is still in force;

"dispense" means supplying a medicine or a poison on and in accordance with a prescription given by a registered or licensed dentist, a registered medical assistant or qualified veterinary surgeon:

"dispenser" means a person holding a certificate granted under the provisions of the Poisons and Pharmacy Act or possessing other prescribed qualifications, who by virtue of his holding such certificate or possessing such other qualifications has been granted a licence under the Pharmacy Act to mix, compound, prepare and dispense drugs and poisons which licence is still in force;

"drug" includes any substance of vegetable, animal or mineral origin, or any preparation or admixture thereof, which is used for internal or external application to the human body in the treatment of disease;

"licensing authority" means such person as shall be prescribed to be the licensing authority under the provisions of this Law;

"packed goods" means medical preparations in a form ready for sale to, and used by, the public which are not sold under a trade name or trade mark and in the manufacture of which no person has or claims or purports to have exclusive proprietary rights or secret process.

"patent or proprietary medicine" means any medicine held out by advertisement label or otherwise in writing as efficacious for the prevention, cure or relief of any malady, ailment, infirmity or disorder affecting human beings and—

1. which is sold under a trade name or trade mark to the use of which any person has or claims or purports to have any exclusive right; or

2. of which any person has or claims or purports to have the exclusive right of manufacture or for the making of which any person has or claims or purports to have any secret process or protection by letters patent;

"pharmacy" or any other cognate expression when used in connection with a business carried on any premises shall be deemed to be reasonably calculated to suggest that the owner of the business and the person having the control of the business on those premises are registered under the Pharmacy Act;

"Pharmaceutical Registrar" means registrar appointed under the provisions of the Pharmacy Act;

"poison" includes substances enumerated in the First Schedule. Such substances, whether natural or synthetic, shall be deemed poisons whether mixed with other ingredients or not, and whatever restrictions under the provisions of this Law are placed upon any particular poison shall apply to it whether it is unmixed or is contained as an ingredient in some preparation, unless it is contained in one of the

preparations specifically exempted from such provisions;
 "qualified veterinary surgeon" means any person who possesses a veterinary qualification recognized under the provisions of the Veterinary Surgeons Act;
 "register" means Register of Chemists and Druggists;
 "registered or licensed dentist" means dentist registered or licensed, as the case may be, under the provisions of the Medical Practitioners and Dentists Act;
 "registered or licensed medical practitioner" means a medical practitioner registered or licensed, as the case may be, under the provisions of the Medical Practitioners and Dentists Act;
 "selling dispenser" means dispenser whose licence has been endorsed with the endorsement prescribed in Form F in the Third Schedule to the Pharmacy Act.

PART II.—POISONS

Disposal of Poisons

- | | |
|---|---|
| <p>3. Every selling dispenser and chemist and druggist shall, if he sells any poison included in Part 1 of the First Schedule, keep a book called "The Disposals of Poisons Book" which shall be in the Form A set forth in the Third Schedule and shall enter therein the prescribed details of every disposal of such poison by him.</p> | <p>Disposal of
Poisons Book</p> |
| <p>4. Any Government medical officer, police officer, or inspector authorized by the Board may at all reasonable times inspect the Disposal of Poisons Book kept under the provisions of the section 3 and any person refusing or failing to produce such book for inspection when demanded is guilty of an offence.</p> | <p>Inspection of
Disposal of
Poisons Book</p> |
| <p>5. Any person found guilty of an offence against the provisions of sections 3 and 4 is liable to a fine of N10.</p> | <p>Penalty for
offence against
sections 3 and 4</p> |
| <p>6. (1) No selling dispenser or chemist and druggist shall sell or deliver any poison included in Part 1 of the First Schedule to any person unless that person is known to the seller or introduced by some person known to the seller to be a person to whom the poison may properly be sold.</p> | <p>Regulations to
be observed in
dispensing and
sale of poisons</p> |
| <p>(2) The seller of any such poison shall not deliver it until—</p> | |
| <p>(a) he has made or caused to be made an entry duly signed by him, in the Disposal of Poisons Book stating the date of the sale, the name and address of the person to whom it is delivered, the name and quantity of the article sold, the purpose for which it is stated by the purchaser to be required and he has satisfied himself that the poison is required for the purpose stated; and</p> | |
| <p>(b) the purchaser has affixed his signature to the entry duly signed by the</p> | |

selling dispenser or chemist and druggist.

(3} No selling dispenser or chemist anti druggist shall sell any poison whether included in Part 1 or in Part II of the First Schedule unless the container of the poison is distinctly labelled—

- (a) with the name of the poison:
- (b) with the word “poison” or other prescribed indication of the character of the article;
- (c) in the case of a preparation which contains a poison as one of the ingredients thereof, with the prescribed particulars as to the proportion which the poison contained in the preparation bears to the total ingredients; and
- (d) With the name of the selling dispenser or chemist and druggist selling or delivering such poison and the address of the premises on which it was sold or delivered.

(4) Any selling dispenser or chemist and druggist who contravenes subsection (1), (2), or (3) is guilty of an offence and on conviction is liable to a fine of N50 or to imprisonment for a term of 3 months.

7. Any person who-

- (a) wilfully makes, procures or suffers to be made any false entry in a Disposal of Poisons Book; or
- (b) being an assistant, apprentice or shopman signs the name of the selling dispenser or chemist and druggist in whose employ he is in the Disposal of Poisons Book with intent to deceive; and
- (c) aids and abets any such person as mentioned in paragraphs (a) and (b); is guilty of an offence.

Penalty for making or procuring to be made false entry in Disposal of Poisons Book

Restrictions on Sale of Poisons

8. (1) No selling dispenser or chemist and druggist shall sell or deliver any poison in Part III of the First Schedule except on an order signed by a registered or licensed medical practitioner, registered or licensed dentist, registered medical assistant, qualified veterinary surgeon, or selling dispenser or chemist and druggist: or on and in accordance with a prescription given by a registered or licensed medical practitioner, registered or licensed dentist, registered medical assistant or qualified veterinary surgeon.

Regulations to be observed in the dispersing and sale of poisons

(2) For the purpose of this section a prescription shall—

- (a) be in writing, signed by the person giving it with his usual signature and be dated by him:
- (b) state the address of the person giving it;
- (c) state the name and address of the person for whose treatment it is given or, if the prescription is given by a qualified veterinary surgeon of the person to whom the medicine is to be delivered;
- (d) if given by a registered or licensed dentist, have written thereon, the words "for dental treatment only" or, if given by a qualified veterinary surgeon, the words "for animal treatment

- only”;
- (e) indicate the total amount of the medicine supplied and the dose to be taken.

(3) A selling dispenser or chemist and druggist dispensing the prescription shall comply with the following requirements—

- (a) the prescription must not be dispensed more than once unless the prescriber has stated thereon that it may be dispensed more than
 - (b) once;
 - (c) if the prescription contains a direction that it may be dispensed a stated number of times or at stated intervals it must not be dispensed otherwise than in accordance with the direction;
 - (d) at the time of dispensing there must be noted on the prescription above the signature of the prescriber the name and address of the seller and the date on which the prescription is dispensed;
 - (e) in all cases where such a prescription has been dispensed the maximum number of times allowed, it shall be retained for a period of 2 years, and kept on the premises on which it was dispensed in such manner as to be readily available for inspection.
- (4) Any person who acts in contravention of or fails to comply with any of the provisions of this section is liable in respect of each offence to a fine of twenty naira.

9. (1) No selling dispenser or chemist and druggist, or a person to whom a licence has been granted by a licensing authority in accordance with the Form B set forth in the Third Schedule, shall sell or deliver any poison included in Part IV of the First Schedule, unless—

Restrictions on
sale of poisons

- (a) the sale is effected at the normal place of business of the said selling dispenser, chemist and druggist or person to whom a licence has been granted;
- (b) the container of the substance is labelled with the name of the substance and the word in red letters “Poison”, and with the name and address of the seller of the substance, and unless such other conditions as may be prescribed are complied with, any person who acts in contravention of or fails to comply with the provisions of this subsection is liable in respect of each offence to a fine of ten naira..

(2) Any person, other than a selling dispenser or chemist and druggist registered and licensed under the Pharmacy Act, who desires to be licensed to import and sell substances to which this section applies, shall—

- (a) submit an application in writing to the licensing authority stating his full name, address, occupation and a description of the premises on which it is proposed to sell the poisons;
- (b) Submit to the licensing authority a list of the substance to be sold by him;
- (c) furnish evidence that he is a fit and proper person to receive a licence to import and sell poisons specified in Part IV of the First Schedule and that the premises in which he proposes to carry on business are suitable for the purpose; and
- (d) Pay the prescribed fee.

(3) If the licensing authority is satisfied that the applicant is a fit and proper person,

carrying on such a business as to warrant the importation and sale or the poisons specified in Part IV of the First Schedule, he may, upon payment of the prescribed fee, issue to the applicant a licence in the Form B set forth in the Third Schedule,

(4) A licence granted under subsection (3) shall authorize the sale of poisons specified in Part IV of the First Schedule in accordance with the provisions of this Law upon the premises specified in the licence and shall expire on the 31st day of December of the year in which it is granted,

(5) A licence granted under subsection (3) may be renewed upon payment of the prescribed fee,

10. (1) No selling dispenser or chemist and druggist, or person to whom a licence has been granted by a licensing authority in accordance with the Form B set forth in the Third Schedule, shall sell, whether wholesale or retail, or deliver any poison unless—

Form of

(a) it is contained in a container impervious to the poison and sufficiently stout to prevent leakage arising from ordinary risk of handling and transport; and

(b) in the case of liquid contained in a glass hottie of a capacity of not more than 3.6 litres not being a medicine made up ready to be taken for the internal treatment of human ailments or a local anaesthetic for injection in the treatment of human or animal ailments, the outer surface of the bottle is fluted vertically with ribs or grooves recognizable by touch

(2). Paragraph (b) of subsection (1) shall not apply to the sale or supply of poisons to a person or institution concerned with scientific education or research or chemical analysis, for the purpose of that education, research or analysts.

(3) In paragraph (b) of subsection (1) the expression "medicine made up ready to be taken for the internal treatment of human ailments" includes any medicine to be administered by hypodermic injection but does not include any mouth-wash, eye drops, eye-lotion, ear-drops, douche or similar article.

11. The container of any article specified in Part V of the First Schedule shall, instead of being labelled with the word "Poison", be labelled with the words specified in the said Schedule as applicable to that article and the meaning of the said words shall not be modified by the addition of any other words or marks.

How
containers of
articles in
part V of
First
Schedule to
be marked

12. (1) If a selling dispenser or a chemist and druggist at any time wilfully refuses to mix, prepare, compound, dispense or sell, or falsely or negligently mixes, prepares, compounds, dispenses or sells to any person any drug or poison or appliance or thing used in medical treatment and in his shop or premises contained, as directed in any prescription or order, signed with the name or initials of any registered or licensed medical practitioner, registered or licensed dentist, registered medical assistant or qualified veterinary surgeon, such selling dispenser or chemist and druggist is liable for a first offence to a fine of N10. and for second offence to a fine of N20 and for a third or any subsequent offence to a fine of N40.

Refusal to
dispense or sell
or negligently
dispensing
drugs and
poisons

- (2) If a dispenser at any time falsely or negligently mixes, prepares, compounds, or dispenses any drug or poison or wilfully refuses to mix, prepare, compound or dispense any drug or poison as directed in any prescription signed with the name or initials in his own handwriting of any registered or licensed medical practitioner, registered or licensed dentist, registered medical assistant or qualified veterinary surgeon, such dispenser shall be liable for a first offence to a fine of N10 and for a second offence to a fine of N20 and for a third or any subsequent offence to a fine of N40.

13. (1) Nothing in this Law contained shall operate to prevent any body corporate, a company as defined in the Companies and Allied Matters Act or a firm as defined in the Companies and Allied Matters Act, carrying on business which comprises the dispensing or selling of any drug or poison within the meaning of this Law from carrying on such business if the following conditions are complied with—

Dispensing
and selling
drugs or
poisons by
companies

(a) in all premises where the business is carried on, the business must, so far as concerns the dispensing or sale of drugs or poisons, be carried on under the direct personal control and management of a superintendent who is a selling dispenser or a chemist and druggist;

(b) every sale of poison must be effected on behalf of such body corporate, company or firm by a person who is a selling dispenser or a chemist and druggist; and]

(c) no drug or poison shall be mixed, prepared, compounded or dispensed on behalf of such body corporate company or firm except by a dispenser or chemist and druggist.

(2) Notwithstanding the restriction imposed by section 21 of the Pharmacy Act on the use of certain titles, emblems and descriptions, a body corporate, company or firm lawfully dispensing or selling drugs or poisons in accordance with the provisions of this section may assume, use and exhibit, any name, title, description or symbol indicating that it is a dispenser and, if it employs a superintendent who is a chemist and druggist, any name, title, description or symbol indicating that it is a Chemist and druggist

(3) The provisions of section 3 to 12 and sections 25 and 26 of the Pharmacy Act shall, *mutatis mutandis*, apply to any such body corporate, company or firm dispensing or selling drugs or poisons in accordance with the provisions of the section, in like manner as they apply to dispensers, selling dispensers or chemists and druggist as the case may be:

Provided that the prosecution of any such body corporate, company or firm for any offence committed under any of the said sections shall not exempt from liability any individual who may have committed or been party to the commission of any such offence.

14. Every person keeping any poison which is for sale or use in the practice of his profession shall cause each bottle, box or package containing such poison to be labelled with the name of the poison, and also with the word "Poison" in red letters, or on a red background.

Containers of
poisons for sale
or use in
practice of
profession

- 15.** Every person keeping any poison which is for sale or for use in the practice of his profession and which is included in Part 1 of the First Schedule shall keep it according to one or other of the following systems—
- (a) in a bottle or vessel tied over, capped, locked or otherwise secured in a manner different from that in which bottles containing ordinary articles are kept in the same warehouse, shop, dispensary or other place;
 - (b) in a bottle rendered distinguishable by touch from the bottles in which ordinary articles are kept in the same warehouse, shop, dispensary or other place: or
 - (c) in a bottle, vessel, box or package kept in a room or cupboard set apart for poisons
- 16.** Where any directions are laid down in the British Pharmacopoeia for the keeping of any particular poison, every person keeping that poison shall keep it in accordance with those directions.
- 17.** Every registered or licensed medical practitioner, and every registered or licensed dentist and every qualified veterinary surgeon and every chemist and druggist and every selling dispenser shall, if he keeps any of the dangerous drugs to which any part of the Dangerous Drugs Act applies or any of the poisons enumerated in the First Schedule cause a list of the poisons enumerated in the First Schedule to be hung in the immediate vicinity of the cupboard or place where the poisons are kept and shall cause to be similarly hung a list, authorized by the Board, of poisons and their antidotes.
- 18.** (1) The provisions of this Law except the provisions of section 24 shall not apply with respect to—
- (a) any medicine for the treatment of human ailments dispensed from a hospital infirmary or dispensary maintained by any public authority or out of public funds, or by charity:
 - (b) any medicine for the treatment of animals supplied from a veterinary hospital which is under the superintendence of a registered veterinary surgeon;
- if the requirements contained in the following provisions of this section are satisfied in relation thereto.
- (2) The medicine must not be supplied except by, or on and in accordance with a prescription of, a duly qualified medical practitioner for the purpose of medical treatment, or a registered dentist for the purpose of dental treatment, or a registered veterinary surgeon for the purpose of Animal treatment.
- (3) In a case where a substance included in Part 1 of the First Schedule is supplied, a record must be kept on the premises in such a way that there can readily be traced at any time during a period of 2 years after the date on which the substance was supplied the following particulars—
- (a) the name and quantity of the poison supplied;

Methods of keeping poisons for professional use

Direction prescribed by British Pharmacopoeia for keeping poisons to be observed

Medical practitioners to cause list of poisons to be hung

Supply of medicines to out-patients from certain hospitals

- (b) the date on which the poison was supplied;
 - (c) the name and address of the person to whom the poison was supplied; and
 - (d) the name of the person who supplied the poison or who gave the prescription upon which it was supplied.
- (4) The container of the medicine must be labelled—
- (a) with a designation and address sufficient to identify the hospital, infirmary, dispensary or institution from which it was supplied;
 - (b) except in the case of a medicine made up ready for treatment, with the word "Poison";
 - (c) in the case of a poison supplied from a veterinary hospital, with the words "For animal treatment only";
- and in the case of a medicine to which the provisions of section 23 of this Law apply the requirements of that section shall be satisfied in addition to the requirements aforesaid.

19. (1) Nothing in subsection (2) of section 18 shall be deemed to extend or apply to the supply of medicine by a dispensary attendant from a dispensary maintained by Government, local government or mission, provided that—

Supply of
medicine by
disciplinary
attendant

- (a) the medicine supplied by the dispensary attendant shall be that dispensed and supplied to him by a dispenser from a hospital which is under the control of a medical officer, and in case of a dispensary maintained by a mission, the medicine supplied shall be that dispensed by a dispenser or missionary to whom a permit has been granted under section 15 of the Pharmacy Act;
- (b) in supplying the medicine the dispensary attendant shall adhere to the general instructions of a medical officer, and when under a mission, the instructions of a registered or licensed medical practitioner.

(2) In subsection (1)—

- (a) the expression "dispensary attendant" means a person who has received, to the satisfaction of a registered or licensed medical practitioner, training in nursing, and also training in the performance of simple dispensing operations; and
- (b) the expression "dispensary*" means an institution for the reception of the sick as out-patients, and which is under the control of a dispensary attendant.

20. (1) this section and section 21 apply to any hospital, infirmary, dispensary, clinic, Nursing home or other institution at which human ailments are treated, hereinafter referred to as institution.

Supply of
medicines for
use in
Hospitals, etc.

(2) In any institution in which medicines are dispensed in a dispensing department in charge of a person appointed for that purpose, no medicine containing a poison shall be supplied from that department, except in cases of

emergency, for use in wards, operating theatres or other sections of the institution, except in accordance with the requirements contained to the following provisions of this section.

(3) The medicines must not be supplied except upon a written order signed by a duly qualified medical practitioner, registered dentist, or by a nursing sister in charge of a ward, theatre or other section of the institution.

(4) The container or the medicine must be labelled—

(a) With words describing its contents, and

(b) in the case of substance included in Part 1 of the First Schedule with a distinguishing mark or other indication indicating that the poison is to be stored in a cupboard reserved solely for the storage of poisons.

21. (1) In any institution in which medicines are dispensed in a dispensing department in charge of a person appointed for the purpose, all poisons other than those issued for use within the institution must be stored in that department or in a store. Storage of poisons in institutions

(2) In subsection (1) the expression "store" means a building or room which is not connected to the dispensing department and which is used solely for the storage of drugs, poisons and other hospital equipment in the charge of a person appointed for the purpose.

(3) In any institution to which subsection (1) does not apply all poisons other than those issued for use within the institution must be stored—

(a) in the charge of a person appointed for that purpose by the governing body or person in control of the institution; and

(b) in the case of substances which are included in Part I of the First Schedule either in a cupboard or drawer, or on a shelf, reserved solely for the storage of poisons:

Provided that where a poison is stored on a shelf, the container of the poison must be rendered distinguishable by touch from the containers of articles other than poisons stored on the same premises, or the shelf or shelves, must be labelled conspicuously with the word "Poison" written in bold characters with red ink.

(4) In every institution, every substance included in Part 1 of the First Schedule which is stored in the wards must be stored in a cupboard reserved solely for the storage of poisons and poisonous substances.

(5) All places, in which poisons are required by this Law to be stored, must be inspected at regular intervals of time not exceeding months by the medical officer in charge of the institution or by some other person appointed for the purpose by the governing body or person in control of the institution.

22. Any person who acts in contravention of or fails to comply with any of the provisions of sections 15, 16, 17, 18, 19, 20 and 21 is liable, on summary conviction, in respect of each offence, to a fine not exceeding ten naira.

Faculty for contravening or failing to comply with provisions of sections 15, 16, 17, 18, 19, 20 and 21

23. (1) Every registered or licensed medical practitioner, registered or licensed dentist and registered medical assistant who shall supply to his patient, and every qualified veterinary surgeon, who shall supply for an animal under his case any medicine being or containing a poison mentioned in Part 1 of the First Schedule shall cause the bottle, wrapper, or cover in which such medicine is contained to be distinctly labelled with the name of the person to whom the same is supplied and, unless the medicine is for internal use, with the words "For external use only" and shall enter in a book to be kept for the purpose of this provision the following particulars—

Duty of medical practitioners and others supplying poisons to cause containers to be labelled

- (a) the ingredients of the medicine and the quantity thereof supplied; and
 - (b) the name of the person to whom it was supplied
- (2) Any registered or licensed medical practitioner, registered or licensed dentist, registered medical assistant or qualified veterinary surgeon who fails to comply with any of the provisions of subsection (1) is liable in Respect of each offence to a fine of N50.

24. No person shall sell or supply any poison—

- (a) in this case of a liquid other than a medicine contained in a bottle in a capacity of not more than 3.6 litres, unless the bottle is labelled with the words "Not to be taken";
- (b) in the case of an embrocation, liniment, lotion, liquid antiseptic, or other liquid medicine for external application, unless the container is labelled with the name of the article and the words "For external use only".

Special caution in the case of certain articles

PART III.—EXEMPTIONS

25. (1) Nothing contained in section 3 or 6 shall apply to any medicine supplied by a selling dispenser or chemist and druggist in pursuance of a written prescription of any registered or licensed medical practitioner, registered or licensed dentist, registered medical assistant or qualified veterinary surgeon, if before delivering the same the selling dispenser or chemist and druggist labels or causes the bottle, wrapper, or cover in which such medicine is contained to be

Exemption from certain provisions of this Law

Distinctly labelled in the following manner—

- (a) with his name and address and the name and, if it is known, the address of the person to whom it was supplied; and
- (b) if the medicine is for external use with the words "Poison - For external use only"; and enters in a book to be kept by him for the purpose—
 - (i) the prescription;
 - (ii) the name of the person who has signed the prescription; and
 - (iii) the person to whom and the date on which the medicine has been delivered.

(2) Nothing contained in sections 1 to 2 shall apply to the sale of any of the following

articles—

(a) any patent, proprietary or homeopathic medicine or packed goods if—

(i) the provisions of this Law relating thereto are complied with; and

(ii) such medicine is sold in a box, vessel or parcel under the same wrapper or cover under which it was imported into Nigeria; or

(iii) such medicine is prepared by any person acting as a selling dispenser or chemist and druggist in Nigeria and placed by him in some box, bottle, vessel or parcel, the label, description or recommendation of which has been approved by the Board;

Provided always that such box, bottle, vessel or parcel is properly secured and bears the seal, name or trade mark of the proprietor, inventor or manufacturer thereof and that with each box, bottle, vessel or parcel directions for the use of the contents thereof are supplied;

(b) mineral or artificial waters, or the chemical or other materials employed in their preparation;

(c) any vegetable gum, oil or seed in its natural state, not being a poison, though the same may be employed in medicine;

(d) any vegetable gum oil or seed in its natural state whether a poison or not, to any person authorized by the Commissioner in writing to buy such vegetable gum, oil or seed for the purpose of exporting it from Nigeria;

(e) any herbal or native preparation not being a poison which is supplied by any person dealing only with herbal or other native preparations used as medicine in Nigeria.

(3) Nothing hereinafter contained shall be deemed to extend or apply to the supply, importation, mixing or possession of any drugs or poisons—

(a) by officers of the agricultural or veterinary services of the Government for agricultural, horticultural or veterinary purposes;

(b) by a Government analyst for the practice of his profession or employment in such capacity;

(c) by any other Government department for any purpose approved by the Board;

(d) by any person engaged in scientific or industrial research or for the practice of his profession or employment and subject to the permission in writing of the Board and to the conditions therein prescribed.

(4) Nothing hereinbefore contained shall be deemed to extend or apply to the importation or sale of any of the articles enumerated in the Second Schedule.

**PART IV.—CONTROL OF SALE OF PATENT AND
PROPRIETARY MEDICINES**

26. (1) No person shall—

- (a) sell by retail any patent or proprietary medicine or packaged goods hereinafter referred to as article; or
- (b) supply any such article as sample for the purpose of inducing persons to buy by retail the substance of which it consists or which it comprises;

unless there is written so as to be clearly legible on the article or label affixed thereto, or, if the article is sold or supplied as aforesaid in a container, on the container or a label affixed thereto or, if the article is sold or supplied as aforesaid in more than one container, on the inner container or a label affixed thereto—

- (i) the appropriate designation of the substance so recommended or of each of the active constituents thereof, or of each of the ingredients of which it has been compounded; and
- (ii) in a case where the appropriate designation of each of the active constituents or the ingredients is written as aforesaid, the appropriate quantitative particulars of the constituents or ingredients:

Provided that this subsection shall not apply to any medicine made up and supplied for the use of a particular person, being a medicine prescribed by reference to the needs of that person.

(2) In subsection (1)—

- (a) the expression “appropriate designation”, in relation to a substance, constituent or ingredient, means—

- (i) in a case where the substance, constituent or ingredient is a poison included in the Schedule the name with which the container of the poison is for the time being required to be labelled in pursuance of subsection (3) of section 6;
- (ii) to a case where the substance, constituent or ingredient is not such a poison and is described in any of the monographs contained in the edition of the British Pharmacopoeia or the British Pharmaceutical Codex which was last published before the date on which the article was sold or supplied, the description set out at the head of that monograph;

- (iii) in a case where the substance, constituent or ingredient is not such a poison and is not so described, the accepted scientific name, or other name descriptive of the true nature of the substance, constituent or ingredient;

(b) The expression, “appropriate quantitative particular;” in relation to the active constituents or the ingredients of a substance, means—

- (i) the approximate percentage of each of those constituents or ingredients contained in the substance or the approximate quantity of each of those constituents or ingredients contained in the article sold or supplied; or

(ii) in a case where the said article consists of or comprises a number of separate portions of the substance, either the approximate percentage or quantity aforesaid, or the approximate quantity of each of the constituents or ingredients contained in each portion; and

(c) the expression "container" includes a wrapper.

(3) If any person sells or supplies an article in contravention of subsections (1) and (2), he shall, subject to the provisions of this Law be liable—

(a) in the case of a first conviction, to a fine of N40; and

(b) to the case of a subsequent conviction, to a fine of N200, or to imprisonment for a term of 3 months, or to both such fine and imprisonment.

27 (1) No person shall sell or deliver any patent or proprietary medicines or packed goods unless he is either—

Control of sale of patent and proprietary medicines

(a) a selling dispenser or chemist and druggist; or

(b) The holder of a patent and proprietary medicines vendor's licence in the Form C set forth in the Third Schedule.

(2) If any person contravenes any of the provisions of this subsection he is liable in respect of each offence to a fine of N20.

From C. Third Schedule

(3) Every applicant for the patent and proprietary medicines vendor's licence shall produce evidence to the satisfaction of the licensing authority—

(a) In the case of an individual—

(i) That he has attained the age of 21 years; and

(ii) That he is of good character and certified as such by 2 satisfactory references, and

(b) in the case of a person other than an individual, that the nature of the business is such as to warrant the sale of such medicines.

(3) Every applicant for patent and proprietary medicine vendor's licence must be endorsed by a pharmacist or a medical doctor or a senior nursing staff not below salary grade level 09.

28. (1) Every patent or proprietary medicine or packed goods shall be sold, subject to any other provisions of this Law, intact in the box, bottle, vessel or parcel and under the wrapper or cover under which it was imported or if imported unpacked in bulk in the box, bottle, vessel or parcel under which it is packed and made ready for sale in Nigeria, and in each case such box, bottle, vessel or parcel shall be properly secured and bear the name or trade mark of the proprietor or manufacturer thereof, but nothing herein contained shall apply to a patent or proprietary medicine or packed goods prepared by it selling dispenser or chemist and druggist, or to the supply by a dispenser, selling

Patent or proprietary medicines to be in original container properly secured

dispenser or chemist and druggist, of any imported patent or proprietary medicine or packed goods, for the purpose of complying with a prescription given by a duly registered or licensed medical practitioner, registered or licensed dentist, registered medical assistant or qualified veterinary surgeon.

(2) No person other than a selling dispenser or a chemist and druggist shall import in bulk and subsequently repack any patent or proprietary medicine.

(3) No person shall hawk, sell or display for sale any patent or proprietary medicine on the road, at motor parks, or at market squares except in a shop or store licensed for the purpose.

(4) Every store or shop which sells poisons, drugs, patent and proprietary medicine must be duly licensed and shall keep and maintain a receipt book and shall issue a receipt to any purchaser of its stock.

(5) Every holder of a patent or proprietary medicines vendor's licence shall display in a conspicuous position in his shop a list of all household medicines in stock.

(6) Any person who contravenes any provision of this section is guilty of an offence and liable on conviction to the punishment specified in section 37.

PART V.—LICENSING AUTHORITY

Licensing
Authority

29. The Licensing authority shall be such person as the Commissioner shall prescribe.

Powers of
licensing authority

30. (1) The licensing authority shall have power to grant licences to authorize the holders the right to sell the substances to which sections 9 and 26 apply

(2) No person holding a patent and proprietary medicines vendor's licence shall use in connection with his business any name or title or description calculated to suggest that he is entitled to sell any substance other than that which he is entitled to sell under the said licence.

(3) If any person contravenes the provisions of subsection (2) he is liable to a fine of N50 or to imprisonment for a term of 3 months or to both such fine and imprisonment.

(4) Licences granted by the licensing authority shall be conspicuously exhibited in the holder's place of business or shall be produced on demand by a person authorized in this respect by the licensing authority.

(5) Such licences shall expire on the 31st December of the year in which the licence is granted but may be renewed from year to year on payment of the prescribed fee.

Licensing
authority to keep
registers. Form D
and E. Third
Schedule

31. (1) The licensing authority shall keep registers in the Forms D and E respectively set forth in the Third Schedule of all persons licensed under sections 1 to 30 and shall in the month of January in each year send to or submit to the Pharmaceutical Registrar and to the authority prescribed under section 38 for the purpose of section 22 of the Pharmacy Act a list of the names and addresses entered in his register.

(2) The licensing authority shall have power to refuse to enter in the registers the name of any person who, in the opinion of the authority, is not fit to be on the list.

(3) A person aggrieved by the refusal of the licensing authority to enter his name on the register or by the removal of his name from the register by the licensing authority may, at any time within 14 days from the date *on* which notice of the refusal or of the removal, as the case may be, is given to him,

PART VI—ADVERTISEMENTS

32. (1) No person shall take any part in the publication of any advertisement by any method whatsoever, including any notice, circular, label, wrapper, or other document, or by canvassing, referring to the sale, supplying, or offering for sale, or offering to supply any medicine or surgical appliance, or referring to the administration of, or the offering to administer any treatment to the public whether directly or indirectly or by implication as being effective for the purpose of treatment of human beings for any of the following purposes:

Prohibition of
advertisements
relating to certain
diseases.

- (a) for the cure of venereal diseases, i.e., syphilis, gonorrhea, soft chancre, or other genitourinary diseases in any of their forms;
- (b) for the prevention, relief, or cure of Bright's disease, cancer, consumption, or tuberculosis, leprosy, lupus, diabetes, epilepsy, or fits, locomotor ataxia, paralysis, or infantile paralysis;
- (c) for the cure of arteria-sclerosis, septicaemia, diphtheria, dropsy, erysipelas, gallstones, kidney stones and bladder stones, goitre, heart disease, tetanus or lockjaw, pleurisy, pneumonia, scarlet fever, smallpox, trachoma, amenorrhea, hernia or rupture, blindness or any structural or organic ailment of the auditory system;
- (d) for the cure of any habit associated with sexual indulgence, or of any ailment associated with those habits or for the promotion of sexual virility, desire, or fertility or for the restoration, or stimulation of the mental faculties.

(2) In any proceedings for a contravention of any of the provisions of subsection (1), it shall be a defense for the person charged to prove—

(a) that the advertisement to which the proceedings relate was published only in a publication of a technical character intended for circulation mainly amongst persons of the following classes, or of one or some of them—

- (I) duly registered or licensed medical or veterinary practitioners;
- (II) selling dispensers, dispensers or chemists and druggists;

(III) the governing body, managers of a hospital, infirmary, and asylum; and

(b) that the said advertisement was published in connection with an application for a patent submitted to the appropriate authority so far as may be requisite for the purpose of the application.

(3) In this section—

(a) the expression "medicine" means any kind of medicament or other curative or preventive substance, and whether a proprietary medicine or preparation, packed goods, or patent medicine or preparation; and

(b) the expression "surgical appliance" includes any device which purports to be or is represented, directly or by implication, as being such an appliance.

Prohibition of advertisements relating to abortion.

33. No person shall take any part in the publication of any advertisement referring to any article, or articles of any description, in terms which are calculated to lead to the use of that article or articles of that description for procuring the miscarriage of women.

PART VII—PARTIES TO OFFENCES AND PENALTIES

Persons attempting soliciting or inciting others to

34. Any person who attempts to commit any offense under this Law, or solicits or incites another person to commit an offense or does any act preparatory to the commission of an offense under this Law is deemed to be guilty of that offense and on conviction is liable to the same punishment, and to be proceeded against in the same manner as if he had committed the offence.

Where company convicted, chairman, director and officers guilty of like offence.

35. Where a person convicted under this Law is a company, the chairman and every director and every officer concerned in the management of the company are guilty of the like offense unless he proves that the offense took place without his knowledge or consent.

Offence.

36. Any person who acts in contravention of or fails to comply with any of the provisions of this Law is guilty of an offense against this Law.

Penalty.

37. Any person guilty of an offence against this Law for which no special penalty is provided by this Law is liable to a fine of N200 or to imprisonment for a term of 12 months or to both such fine and imprisonment.

PART VIII—REGULATIONS

Power to make regulations.

38. The Commissioner may make regulations—

(a) prescribing an authority for the purpose of section 22 of the Pharmacy Act and for such purpose—

(I) regulating the keeping of registers and the inspection thereof;

(II) regulating the grant of certificates and the cancellation, revocation, suspension, restoration, and renewal thereof;

(III) prescribing the fees to be charged for any certificate or for any registration; and

(b) regulating the keeping, transporting, and disposal of poisonous substances; and

(c) generally for carrying into effect the purposes of this Law.

FIRST SCHEDULE

PART 1

Poisons and substances to which section 6 applies

Acetanilide, and admixtures of.

Aconite and Aconitine, and all preparations or admixtures of.
Adrenaline, and all preparations or admixtures of.
Akecanthera, and all preparations or admixtures of.
Alkaloids. All poisonous alkaloids not specifically named in this Part and their salts and all poisonous derivatives of alkaloids unless specifically exempted from the provisions governing this Part.
Almonds, essential oil of, unless deprived of prussic acid.
Amyl Nitrite.
Antimony, and all compounds and preparations of, other than those specified in Part III of this Schedule.
Arsenic and all compounds and preparations of, other than those specified in Part III of this Schedule.
Atropine and its salts and all preparations of.
Barium, and its salts, except barium sulfate.
Belladonna, and all preparations and admixtures of, except belladonna plasters containing 0.1 or more per centum of total belladonna alkaloids calculated as hyoscyamine.
Calabar bean, and all preparations or admixtures of.
Cantharides, and all preparations of.
Carbon tetrachloride,
Chloral hydrate.
Chloroform, and all preparations or admixtures containing 20 or more per centum of chloroform.
Conium, and all preparations of.
Croton oil.
Cyanide of potassium, and all poisonous cyanides and their preparations including prussic acid.
Digitalis, and all constituents, preparations and admixtures of digitalis.
Elaterium and Elaterium.
Emetine, extracts and tinctures of ipecacuanha, substances containing more than 0.5 per centum of emetine.
Ephedra and preparations and admixtures containing more than one per centum of the alkaloids of ephedra.
Ergot of rye and all preparations and admixtures of ergots.
Jaborandi and all poisonous constituents of Jaborandi.
Lead, in combination with oleic acid or other higher fatty acids, whether described as dactylon or any other designation, except machine-spread plasters and all salts of lead.
Mercury, its salts and compounds, and all preparations and admixtures thereof other than those specified in Parts III and IV of this Schedule except mercurous chloride.
Nitroglycerin, and all preparations of.
Nux vomica, and all preparations or admixtures of nux vomica containing 0.1 or more per centum of strychnine.
Oxalic acid.
Phenol and liquid preparations of phenol and its homologous containing more than 3 per centum of those substances other than those specified in Part IV of this Schedule.
Phosphorus, and all preparations containing phosphorus in the free state.
Picrotoxin, and all preparations of.
Poppies, and all preparations and constituents of poppies, except the petals and preparations of papaver rhoeas.
Savin and its oil, and all preparations containing savin or its oil.
Snake poisons, and all preparations of snake poisons.

Strophanthus, and all constituents, admixtures, and preparations of strophanthus.

Thallium and all preparations containing thallium.

Veratrum viride.

Zinc chloride and liquid preparations of zinc chloride other than those specified in Part IV of this Schedule.

Zinc phosphide.

All drugs, preparations, or admixtures of drugs not specifically named in this Part, but which contain a poison mentioned in this Part or which contain a poisonous alkaloid, glucoside, or other poisonous substances shall be deemed to be included in this Part, except preparations or admixtures the exclusion of which from this Part is specifically indicated therein, and except tobacco prepared for smoking or snuff.

All drugs to which the Dangerous Drugs Act or any Act amending or repealing that Act applies shall be deemed to be included in this Part.

PART II

Poisons and substances to which section 6 applies

Acridine.

Alkaloids.

Emetine, extracts, and tinctures of ipecacuanha, substances containing less than 0.5 per centum of emetine, but not less than 0.05 per centum of emetine.

Ephedra, alkaloids of - substances containing less than 1 per centum of alkaloids of ephedra.

Lobelia, alkaloids of - preparations for the relief of asthma in the form of cigarettes, smoking powder, fumigants, substances containing less than 0.1 per centum of the alkaloids of lobelia.

Stramonium, alkaloids of - preparations for the relief of asthma in the form of cigarettes, smoking powder, and fumigants.

Strychnine, preparations of nux vomica or strychnine containing less than 0.1 per centum of strychnine.

Chenopodium oil, preparations, and admixtures of.

Chloroform, preparations containing less than 2 per centum, but not less than 0.1 per centum.

Croton oil, preparations and admixtures of.

Mercurous Chloride, commonly known as calomel.

Silver, its salts and compounds, and preparations and admixtures of, except silver cyanide.

All preparation of suprarenal, thyroid, parathyroid, pituitary and sex glands and their active principles others than those to which part iii applies.

All preparations and admixtures of poisonous alkaloids that are exempted from Part I of this Schedule, unless specifically exempted from this Part.

Antibiotics, any preparations and admixtures of which are exempted from Part III of this Schedule.

Synthetic substances having the same therapeutic effects as preparations of the suprarenal, thyroid, pituitary, and sex glands, and their active principles other than those to which Part III applies.

PART III

Poisons and substances to which section 8 applies

Amidopyrine; its salts.

Diethyl barbituric acid, and other alkyl or metallic derivatives of barbituric acid whether described as phenobarbital, propofol, medinal, or by any other trade name, mark, or designation, and all poisonous urethanes and ureides.

Diaminodiphenyl sulfone, derivatives of, whether described as Promin, Promanide, Diazone, Promizol, Sulphatrone, or by any other trade name, mark, or designation; Penicillin, Streptomycin, and Gramicidin, their homologues and preparations.

Section 6

Section 8

Ethidium bromide, and all Phenanthridinium compounds, whether described as Ethidium Bromide or by any other trade name, mark, or designation.

Insulin.

Isoniazid (isonicotinic acid hydrazide) whether described as Rimifon or by any other trade name.

Para-aminobenzenesulfonamide, derivatives of having any of the hydrogen atoms of the para-amino group substituted by another radical, whether described as Dagenan, M & B 693, Prontosil, Proseptasine, Soluseptasine, Uliron, Sulphonamide-P, or by any other trade name, mark, or designation.

Quinapyramine chloride, Quinapyramine sulfate, Quinapyramine pro-salt, whether described as Antrycide or by any other trade name, mark, or designation.

Sulphonal, and its homologues whether described as trienal, tetronal, or by any other trade name, mark, or designation.

All preparations of suprarenal, thyroid, parathyroid, pituitary, and sex glands and their active principles intended for administration by injection under the skin.

Synthetic substitutes having the same therapeutic effects as preparations of the suprarenal, thyroid, parathyroid, pituitary, and sex glands and their active principles intended for administration by injection under the skin.

All compounds of antimony, arsenic, mercury, bismuth whether in solid form or solution which are intended for administration by injection under the skin.

All antibiotics, antibiotics being substances excreted by microorganisms and having antibacterial action such as penicillin, streptomycin, tetracycline, gramicidin, tyrothricin, terramycin, bacitracin, prothricine, etc.

Also substances of synthetic origin having similar activity such as chloramphenicol (Chloromycetin).

Also all preparations and admixtures of antibiotics whether of natural or synthetic origin, with the exception of ointments, lozenges, and chewing gum.

PART IV

Poisons and substances to which section 9 applies

Section 9

Phenol, all liquid preparations and its homologues, whether described as lysol or Izal, or by any trade name, mark, or designation, intended for use as a disinfectant, or sheep dip, or wash or for agricultural and horticultural purposes.

Formaldehyde and admixtures containing 5 per centum or more of formaldehyde.

Mercurial compounds intended for any purpose in connection with apiculture.

Hydrochloric acid.

Sulfuric acid.

Nitric acid.

Soluble salts of oxalic acid.

Liquid preparations of ammonia containing more than 5 per centum by weight of free ammonia.

Zinc chloride and liquid preparations when intended for soldering and other purely industrial purposes, provided that such preparations are contained in closed receptacles and bear a notice of the special purposes for which the preparations are intended.

Potassium hydroxide, sodium hydroxide, and articles containing either of these substances.

PART V

Poisons and substances to which section 11 applies

Section 11

(i) To be labeled with the words - "Caution. It is dangerous to take this preparation except under medical supervision" -

Medicines made up for the internal treatment of human ailments if the poison is one of the following—

Allylisopropylacetylurea

Insulin

Phenylethylhydramine, its salts, its acyl derivatives; their salts

Pituitary gland, the active principles of

Thyroid gland, the active principles of, their salts

(ii) To be labeled with the words - "Caution, it is dangerous to exceed the stated dose" –

Medicines (other than medicines mentioned in paragraph (i) of this Part) made up ready for internal treatment of human ailments except in the case of a substance included in Part I of this Schedule.

(iii) To be labeled with the words - "Poison. For animal treatment only" -

Medicines made up ready for the treatment of animals.

(iv) To be labeled with the words - "Caution. This preparation may cause serious inflammation of the skin in certain persons and should be used only in accordance with expert advice" -

Preparations for the dyeing of hair containing phenylene diamines or toluene diamines or their salts.

SECOND SCHEDULE

Section 25.

Adhesive; anti-fouling compositions; building materials, ceramics; distempers; electrical valves; enamels; explosives; fillers; fireworks; glazes; glue; lacquer solvents; loading materials; marking ink; matches; motor fuel and lubricants; paints other than pharmaceutical paints.

Photographic papers; pigments; plastics; polishes; printers' inks; propellants; rubber; varnishes.

SPECIAL EXEMPTIONS

Poison

Substance or article in which exempted

Ammonia

Refrigerators; smelling bottles,

Mercuric chloride

Batteries.

Mercuric chloride;

Dressings on seeds or bulbs and

Mercuric iodide:

soaps for washing.

*Organic compounds
of mercury.*

Phenols.....

*Coal tar, crude or refined; nasal Sprays,
mouthwashes, pastilles, lozenges, capsules,
Pessaries, ointments or Suppositories
containing less than 2.5 per condom of
Phenols; smelling bottles, soaps for
washing.*

Sulphuric acid.....,

Accumulators, batteries, Fire extinguishers,

THIRD SCHEDULE

FORM A

Pharmacy Law

(Chapter 122)

DISPOSAL OF POISONS BOOK

Section 3.

Date	Name and quantity of poisons disposed of	Name and address of receiver	Purpose for which poison is required	Signature of receiver	Signature of person introducing receiver	Signature of Chemist and Druggist or Selling Dispenser

FORM B
Pharmacy Law
(Chapter 122)

Licence to Sell Substances Enumerated in Part IV of the First Schedule

Section 9

Licence is hereby granted to of to sell the substances enumerated in Part IV of the First Schedule within the State subject to the provisions of the Pharmacy Law.

This licence expires on the 31st December, 20

Dated this day of 20

.....
Licensing Authority

Fee for Licence

FORM C
Pharmacy Law
(Chapter 122)

Section 27

PATENT AND PROPRIETARY MEDICINES VENDOR'S LICENCE

Licence is hereby granted to of to sell patent and proprietary medicines and packed goods within the State subject to the provisions of the Pharmacy Law.

This licence expires on the 31st December, 20

.....
Licensing Authority

Fee for Licence

FORM D
Pharmacy Law
(Chapter 122)

Section 31.

Register of Persons Licensed to sell Substances in Part IV of the First Schedule

<i>Date</i>	<i>Name of grantee</i>	<i>Address of premises</i>	<i>Substances in respect of which licence is granted</i>	<i>Signature of Licensing Authority</i>

--	--	--	--	--

FORM E
PHARMACY LAW

(Chapter 122)

Register of Patent and Proprietary Medicines Vendors

<i>Date</i>	<i>Name of Grantee</i>	<i>Address of premises</i>	<i>Signature of Licensing Author</i>

FOURTH SCHEDULE

The following fees are hereby prescribed for persons not in Government employment:

	N	K
1. Licence to sell substances enumerated in Part IV of the First Schedule, and each annual renewal		50
2. (a) Patent and proprietary medicines vendor's licence	200.	00
(b) Annual Renewal of patent and proprietary medicines vendor's licence	100.	00

SUBSIDIARY LEGISLATION

SUBSIDIARY LEGISLATION

Pharmacy Law

PHARMACY REGULATIONS

(Made under section 38)

Arrangement of Regulations

Regulation

1. Short title.
2. Packing for transport.
3. Method of calculating percentages.
4. Labelling.
5. Name of poisons.
6. Preparation of poison to be stated on label.
7. Re-sales and names.
8. General penalty.

Pharmacy Law
PHARMACY REGULATIONS
made under Section 38

Short title

1. These regulations may be cited as the Pharmacy Regulations.

Packing for
transport:

2. No selling dispenser or chemist and druggist or a person holding a license in the Form L set forth in the Third Schedule to the Pharmacy Act shall consign any poison for transport unless it is sufficiently stoutly packed to avoid leakage arising from the ordinary risks of handling and transport.

Method of
calculating
percentage

3. Any reference in the Schedule to the Law or in any section of the Law to the percentage of a poison or constituent or ingredient contained in any substance or preparation shall, unless otherwise expressly provided, be construed in the following manner: a reference to a substance or preparation containing one per cent of any poison, constituent, or ingredient means —

(a) In the case of a solid, that one gramme of the poison, constituent, or ingredient is contained in every 100 grammes of the substance or preparation.

(b) In the case of a liquid, that one milliliter of the poison, constituent, or ingredient, or if the poison, constituent, or ingredient itself is a solid, one gramme of the poison, constituent, or ingredient, is contained in every 100 milliliters of the substance or preparation; and so, in proportion for any greater or less percentage.

Labelling:

4. (1) Subject to the provisions of these regulations, the particulars with which the container of a poison is required to be labelled under subsection (3) of section 6 and under these regulations must appear in a conspicuous position on the container in which the poison is sold and, on every box, or other covering of whatever nature enclosing the container, and the particulars must be clearly and distinctly set out and not in any way obscured or obliterated.

(2) Where the poison is contained in an ampule, sachet, or similar article, it shall be necessary to label the article itself if every box or other covering in which the article is enclosed is duly labelled.

(3) The labelling of any transparent cover or any wrapper, hamper, packing case, crate, or other covering used solely for the purpose of transport or delivery shall not be necessary.

5. (1) Subject to the provisions hereinafter provided, for the purpose of paragraph (a) of subsection (3) of section 6 and of subsection (3) paragraph (a) of section 18, the name of a poison shall be the one under which it is included in the Schedules to the Law:

Name of
poison

Provided that, where the said name describes a group of poisons and not the poison specifically, the name of the poison shall be:

(a) If the poison is the subject of a monograph in either the British Pharmacopoeia or the British Pharmaceutical Codex, one or other of the names of synonyms or abbreviated names set out at the head of the monograph; and

(b) In any other case, the accepted scientific name or names descriptive of the true nature and origin of the poison.

(2) For purposes aforesaid it shall, in the case of

- (a) a substance which is the subject of a monograph in the British Pharmacopoeia or the British Pharmaceutical Codex, or any dilution, concentration, or admixture of such a substance; or
- (b) a preparation contained in the British Pharmacopoeia or the General Monograph or Formulary of the British Pharmaceutical Codex or any dilution, concentration, or admixture of such a preparation; or
- (c) a surgical dressing for which a standard is described in the British Pharmaceutical Codex;

be sufficient, notwithstanding anything in paragraph (1), to state the name, synonym, or abbreviated name used to describe the substance, preparation, or surgical dressing in the British Pharmacopoeia or British Pharmaceutical Codex with the addition of the letters B.P. or B.P.C. as the case may be.

6. For the purpose of paragraph (c) of subsection (3) of section 6, which requires preparations containing poisons to be labelled with the prescribed particulars as to the proportion of poison therein, the label of the container of any preparation containing a poison as one of its ingredients shall, subject as hereinafter provided, include a statement of the proportion which the poison bears to the total ingredients of the preparation.

Preparation of
poison to be
stated on label

(2) In the case of a substance, preparation, or surgical dressing named in accordance with paragraph (2) of regulations 5, it shall not be necessary to state on the label the proportion of the poison contained in the substance, preparation, or surgical dressing. In the case of any dilution, concentration, or admixture of such a substance or preparation, it shall be sufficient to state the proportion which the substance or preparation bears to the total ingredients of the dilution, concentration, or admixture.

(3) Where the poison is in tablets, pills, cachets, capsules, lozenges, or similar articles, or in ampules, it shall be sufficient to state on the label of the box or other covering in which the articles are enclosed the number of articles and the amount of the poison, or in the case of such a preparation as mentioned in paragraph (2), the amount of the preparation contained in each article.

(4) Where any proportion is stated as a percentage, the statement shall indicate whether the percentage is calculated on the basis of weight in weight, weight in volume, or volume in volume.

7. (1) The provisions of paragraph (d) of subsection (5) of section 6, which require the container of a poison to be labeled with the name of the seller and the address of the premises on which it was sold, shall not apply in the case of an article sold for the purpose of being sold again in the same container.

Re-sales and
names.

(2) The requirements of subsection (3) of section 6 shall be deemed satisfied in the case of a poison supplied from a warehouse or depot if the container of the poison is labeled with the address of the supplier's principal place of business or, in the case of a limited company, the registered office of the company.

(3) Where the names of more than one person or more than one address appear on any

label, there must also be words on the label indicating clearly which person is the seller and at which of the addresses the poison was sold.

- 8.** Any person contravening or failing to comply with any of the provisions of these regulations is guilty of an offense and, when no special penalty is provided, is liable on summary conviction to a fine of N20.

General
penalty.