ANALYSIS OF NIGERIA'S DRAFT SALES PROMOTION REGULATIONS 2026



The 2026 draft regulations aim to replace a narrow supervisory regime with a much broader code of conduct that applies to influencers, digital platforms, artificial intelligence tools, and foreign promoters.

Introduction

The Federal Competition and Consumer Protection Commission (FCCPC) published the Draft Sales Promotion (Amended) Regulations, 2026 on 30 September 2026, pursuant to sections 17, 18 and 163 of the Federal Competition and Consumer Protection Act, 2018 (FCCPA), which authorises the FCCPC to make regulations and guidelines for consumer protection.

With the objective of protecting consumers and promoting fair sales promotion practices, the new Regulations amend the Consumer Protection (Sales Promotions) Regulations, 2005 and extend the scope beyond traditional prize draws to digital platforms, influencers, artificial intelligence, and cross-border commerce, among others.

This article highlights the key provisions of the Regulations, assesses how they differ from the 2005 Regulations, and examines how they are likely to affect stakeholders' operations when they come into force.

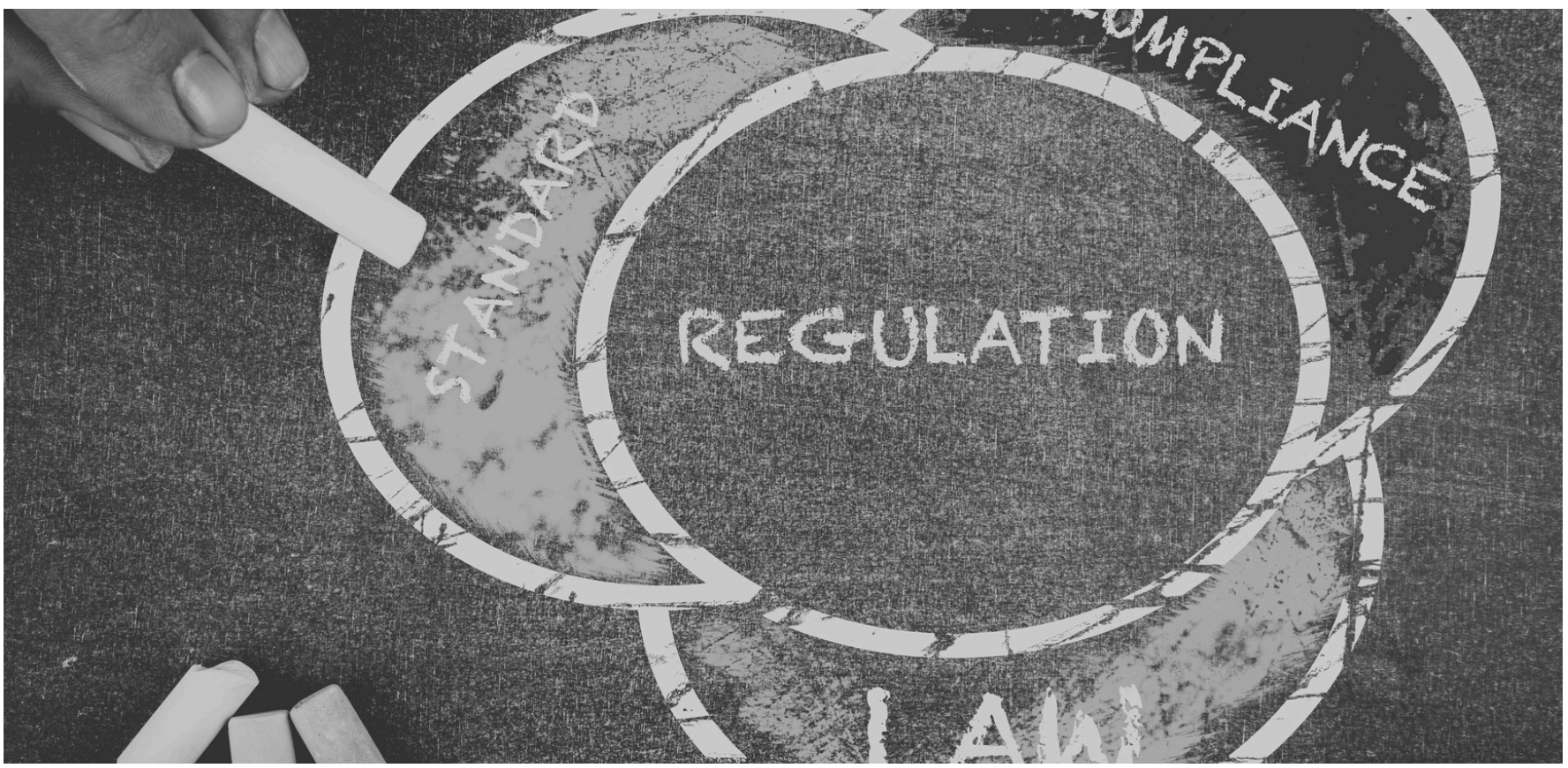
Highlights

Application and Scope: The Regulations apply to all undertakings and promotional activities across all industries in Nigeria, including mobile applications, social media, lotteries, e-commerce and all digital platforms. The Regulations also apply to any sales promotion offered to, or having effect on, consumers within Nigeria, irrespective of the promoter's location, and to any person or entity involved in the production, supply or advertisement of the specified goods or services.

Registration and Approval: Under the Regulations, no promotion may be announced or launched until it is registered with the FCCPC using the prescribed form and fee. If the FCCPC does not respond timeously, the applicant may request an update in writing, but silence does not amount to deemed approval.

Once satisfied, the FCCPC may issue a Sales Promotion Registration Certificate, subject to special conditions such as maintaining a prize fund or publishing the terms in a specified manner. The Certificate will be valid for the promotion's duration or one year – whichever is shorter - and any renewal must be sought at least thirty days before expiry. The FCCPC may suspend or revoke a Certificate for breach of the Regulations or its conditions. On suspension or revocation, the promoter must stop advertising and collecting entries, may be directed to refund participation fees, and remains liable for the breach.

Threshold Exemptions: The FCCPC may prescribe an exemption for low-value promotions with a total prize value of up to N500,000, or another amount as may be prescribed from time to time. Any sales promotions within the threshold may use a simplified, fee-exempt notification process, provided the promoter submits all details of the promotion for record and monitoring purposes.



Digital Promotions and Disclosure Requirements: The rules for digital promotions are applicable to both domestic and foreign promoters engaging in promotional activities targeted at Nigerian consumers and accessible in Nigeria. A promoter is prohibited from publishing any online promotion that is false, misleading or likely to create a false impression about any aspect of an offer.

The Regulations require that all material information about a digital sales promotion, including duration, eligibility criteria, the redemption process, and applicable conditions, be disclosed early and prominently in a legible form that is not obscured by designs or pop-up features, before consumers can participate. Also, all influencers, affiliates and endorsers are required to fully disclose paid and sponsored relationships.

Influencer and Affiliate Marketing: All undertakings that publish promotions through a paid, sponsored or affiliated arrangement, across digital, broadcast or print media, must register their sales promotion with the FCCPC.

The Regulations impose five main duties on these undertakings:

(i)Disclosure of all paid relationships clearly and conspicuously at the time of the communication;

(ii)Claims must be made honestly and be substantiable so that experiences are verifiable by the brand owner and promoter;

(iii)Joint and Several Liability for misleading promotions, and affiliate arrangements must be governed by written agreements setting out compliance obligations;

(iv)Records of all content, agreements and disclosures must be kept for at least two years and produced to the FCCPC on request; and

(v)Regulated subjects such as medicine, healthcare, financial services and similar fields are allowed only to persons who hold and can show the relevant qualifications/licenses.

In addition, platforms are required to verify the required credentials before engaging with any influencers or promoters on those regulated subjects.

Artificial Intelligence and Automated Marketing: Undertakings that deploy Artificial Intelligence (AI) and automated systems to run promotions and consumer engagement in Nigeria must register with the FCCPC. The undertakings must disclose the use of AI-generated content and retain records of design, data sources, and decision-making for two years.

Given the rapid pace of technological advancement and the automated systems available to businesses today, it is essential that businesses understand exactly how these technologies may be used under the Regulations to ensure fair participation and competition in the market. Since liability under the Regulations rests with the Promoter or Operator, vendor contracts should clearly allocate responsibility for outputs.

Cross-Border and E-Commerce Transactions: Any promotion, advertisement, or marketing communication directed at, or accessible to, consumers in Nigeria must be registered, whether the promoter is based in Nigeria or not. A foreign or offshore undertaking targeting Nigerian consumers online is deemed to carry on business in Nigeria and falls within the FCCPC's jurisdiction.

Before the completion of a transaction, cross-border promoters must provide clear information on product origin, pricing, taxes or duties, delivery timelines, refund policy, and dispute resolution mechanisms. They must also designate a local representative or contact person in Nigeria to handle compliance and receive correspondence and enforcement notices from the FCCPC.

In addition to extending the scope and application of Sales Promotions in Nigeria, the Regulations have amended and introduced provisions regarding procedures and penalties, amongst other things. Some of the differences identified between the Regulations and the 2005 Regulations include:

a) Registration of all promotions before launch is now mandatory, rather than only applicable to promotions of at least ₦250,000, and promotions with prizes up to ₦500,000 may now use a simplified, fee-exempt notification route.





b) The Regulations moreover replaced the fixed three-month advance application period with defined processing deadlines prescribed by the FCCPC, which in practice means promoters can plan to launch promotions much faster, with the application review time now taking around a month – two months less than the application period prescribed by the 2005 Regulations.

c) Furthermore, the cost of non-compliance with the Regulations has been expanded to incorporate directors' liability, including fines, penalties, and disqualification for up to five years.

d) Promoters also now have the right to appeal to the Competition and Consumer Protection Tribunal within 28 days – a right that didn't exist before – albeit without an automatic stay of the FCCPC's decision.

Implication for Businesses

Following the FCCPC's publication of the Regulations:

i. All promotions registered under the 2005 Regulations will continue until their expiry, or within three months after commencement of the Regulations, whichever comes first.

ii. Businesses will need to commence systematic adaptations and compliance under the Regulations to ensure a smooth transition upon the Regulations being gazetted. To achieve this, we recommend reviewing company policies and agreements, and tightening oversight of Sales Promotion tools, to help businesses avoid the newly prescribed fines and penalties for non-compliance.

iii. Promotion calendars should be planned in line with the Regulations' approval timelines. Therefore, brands and platforms should work backwards from the expected approval date when setting launch dates, campaign proposals, timelines, etc., and should avoid public teasers until registration is complete and approved.

iv. Influencers', promoters' and affiliate contracts will call for revision, as they now require paid-relationship disclosure in the prescribed form, a pre-publication approval step, substantiation of every claim, retention of records for two years, and a mechanism for takedowns and corrective communications. Because the promoters and influencers are jointly and severally liable under the Regulations, indemnities and credential warranties require particular care, especially for regulated subjects such as medicine, healthcare, legal education, or financial services.

v. A thorough audit of every promotion and channel would have to be undertaken. Unsubstantiated digital claims are prohibited, and the FCCPC may demand substantiation on request; therefore, promoters should review each channel, whether social media, apps, e-commerce storefronts, or lotteries, to confirm that claims are substantiated, terms and paid relationships are prominently disclosed, and supporting evidence is retained.



Finally, foreign promoters and offshore intermediaries targeting Nigerian consumers should appoint local representatives to handle registrations of their promotions, and prepare cross-border disclosures on product origin, pricing, taxes, delivery, refunds and dispute resolution. Beyond compliance, a local representative on the ground will give foreign promoters a more informed view of how to best engage with Nigerian consumers' market interests and promotional preferences.

Conclusion

The Regulations mark a clear departure from the framework of the 2005 Regulations. They replace a narrow, supervisory regime with a much broader code of conduct that applies to influencers, digital platforms, artificial intelligence tools, and foreign promoters. The FCCPC has given the commercial environment ample time to anticipate and prepare for the new regime, so all promoters, brands, platforms, and their service providers should review their promotion calendars, contracts, and compliance processes now to be ready to operate under the new regime from the day the Regulations take effect.



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