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AN EXAMINATION OF THE LEGAL AND REGULATORY FRAMEWORKS FOR ONLINE SALE OF PHARMACEUTICAL DRUGS AND ALTERNATIVE MEDICINE IN NIGERIA

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Abstract

Proliferation of adulterated and substandard pharmaceutical drugs and unverified alternative medicine products, substances and procedures in online platforms is a vice that is currently eating into the fabrics of Nigerian system mainly enabled by weak legal and regulatory regime saddled with the task. Advertisement and sale of drugs and alternative medicine products are often done by non-medical practitioners. This leads to exposing consumers to health challenges and sometimes death caused by negative reactions to these drugs and substances. The paper undertook a critical examination of the existing legal and regulatory frameworks for online sale, advertisement and general e-commerce including pharmaceutical drugs and alternative medicine in Nigeria using the doctrinal method of research to examine the relevant laws. The paper observes that the frameworks are marred with gaps and shortcomings which has negatively affected the efficiency of the regulators such as lack of power of Advertising Regulatory Council of Nigeria to proceed against non-professional practitioners. The paper concludes by suggesting an amendment of the existing legal frameworks

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so as to bring it in line with the modern day technological advanced system.

Keywords: Pharmaceutical Drugs, Legal, Alternative Medicine, E-Commerce, Regulatory Frameworks

1.0 INTRODUCTION

The rapid evolution of commerce in the modern century characterized by the use of modern electronic enabled technology and the internet has greatly influenced the means of commercial interactions globally. Electronic commerce has enjoyed wide and general acceptance far better than the traditional ways of buying and selling owing to its numerous benefits including cost reduction, ease of access, round the clock accessibility and the potential of wide area coverage using different online platforms.[1] Online platforms serves as an integral aspect of electronic commerce in Nigeria, offering sellers the opportunity of displaying various goods and services for sale; and buyers a broader opportunity of choice based on comparative advantage and economic importance.[2]

A prominent area where the impact of e-commerce has been significantly felt is the pharmaceutical sector. Sale of pharmaceutical drugs and substances in online space through online platforms has proven effective in recent times. Similar to its global counterparts, online sale of pharmaceutical products and substances in Nigeria has gained prominence

[1] Cosmas Anayochukwu Nwankwo, Macdonald Kayangale and Nkoli Augustine Chendo, 'E-Commerce Adoption and Competitive Advantage: Analysing its Effects on Pharmaceutical Stores in Anambra State, Nigeria' (2025) 65(3) *CINEFORUM*, 626-638.
[2] Ogunleye T and Adebayo F, 'Website Quality and Operational Performance in Nigeria Retail Businesses' (2023) 11(1) *International Journal of E-Commerce Studies, 23-37.*

owing to the associated convenience in accessing drugs and related products within a limited space of time and at a reduced cost.[3] Sale of alternative medicine in the online space has also gained prominence as consumers can currently access to alternative medicine and procedure easily.

A general trend that has bedeviled the positive impact of the online platforms in sale of pharmaceutical drugs and alternative medicine and procedure is the influx of counterfeited pharmaceutical drugs and substances as well as proliferation of untested, unverified and unapproved alternative medicine and procedure into the market thereby exposing the unsuspecting patients and consumers to health hazards and risks. Quality of prescription drugs sold in the online space and the legitimacy of online pharmacies are global burning issues in recent times.[4] Misuse and abuse of drugs by means of overdose and addiction owing to lack of close monitoring of patients and consumers of online purchased drugs by medical practitioners pose numerous health challenges to consumers.[5] In developing countries like Nigeria characterized with weak and sometimes ineffective legal and regulatory frameworks for counterfeit drugs, perpetrators and dealers of substandard pharmaceutical drugs flood the market with adulterated drugs thereby increasing health risks of consumers

[3] Okoye N and Others, 'The Relationship Between Electronic Commerce and Sustainability of Pharmaceutical Shops in Anambra State, Nigeria, 15 (2) *Journal of Business and Economic Research*, doi:10.1234/jber.2023.01502.

[4] Chiau Soon and Others 'Online Pharmacies Selling Prescription Drugs: Systematic Review' [2022] 10(2) *Pharmacy*, 42. Doi:3390/pharmacy/00200.

[5] Corinne Bowman and Others, 'Consumer Internet Purchasing of Medicines Using a Population Sample: A Mixed Methodology Approach' (2019) 16(6) *Research in Social and Administrative Pharmacy*, doi:10.1016/j.sapharm.2o19.09.056.

and reduced life expectancy.[6] The problem is complicated by proliferation of unregistered online pharmaceutical drug stores and alternative medicine outlets and products in the Nigerian online space owing to weak regulatory regime characterized with factors such as the lack of technological known-how to police sellers and dealers of fake drugs Again the problem of the borderless nature of the internet enabling advertisers and sellers of formula for pharmaceutical drugs and alternative medicine to advertise and market their products, formula and procedure from any part of the world is another contributing factor.

2.0 CONCEPTUAL CLARIFICATION

2.1 Pharmaceutical Drugs and Products

Pharmaceutical substances are products and active ingredients used in diagnosis, treatment or prevention of diseases and for testing, correcting or modifying organic functions. The Food and Drugs Act defines pharmaceutical drugs to include substances or mixture of substances regardless of their origin, used for diagnosis, treatment, mitigation, or prevention of diseases or abnormal physical states in humans or animals, as well as for restoring or modifying organic functions, disinfection, pest control or contraception.[7] Similarly, the National Agency for Food and Drugs Administration and Control (NAFDAC) defines a 'drug' to mean any substance of vegetable, animal, or mineral origin, or any preparation thereof, used for the diagnosis, treatment, mitigation, or prevention of disease. It also includes substances used for restoring, correcting, or

[6] Akpan U.S., Chukwumanti C.N. and Jonathan B.N., 'Fake Drugs: Incidences and Effects on the Nation's Health (2016) 9 *Nigerian Journal of Human Promotion*, 76-82.
[7] Cap F32, LFN, 2004.

modifying organic functions, as well as those used for disinfection or contraception.[8]

The practice of producing and using pharmaceutical products dates back to the different ancient civilizations including China, Hindu and the Mediterranean civilizations where plant and mineral extracts are used for diagnosis and treatment of various ailments.[9] The wake of formal pharmaceutical practice and substance production dates back to the 16th Century with the first ever pharmacopeia coming upstream in 1546.[10] Globally, the production and use of pharmaceutical substances and drugs in treating various ailments and deformities in human beings and animals has gained prominence. Pharmaceutical drugs can be broadly divided into Prescription Drugs and Non-Prescription (Over the Counter) Drugs.

Prescription drugs and substances are medications which cannot be administered, sold or dispensed without a directive or prescription from a qualified healthcare practitioner. This type of medication can only be sold to a consuming patient if he can show prescription, a clear legal authorization issued by a health care practitioner, authorizing a medical practitioner to administer the prescribed drugs in line with the prescribed dosages within the time frame specified in the prescription document.[11] Considering that they are targeted towards treating specific medical conditions, prescription drugs require professional guidance on the dosage and duration it is to be administered so as to minimize abuse, misuse and

[8] Cap N1 LFN 20024.
[9] Ali Molahassani, Cheng Aouyu, Zhang Weidong, 'Transmission of Herbal Medicine to China via the Silk Road in Medieval Ages' (2025) 8(1) *Chinese Medicine and Culture,* 13-23.
[10] Ibid.
[11] Ibid.

the associated health implications. The task of monitoring compliance to prescription drugs becomes a herculean one when the consuming patients have the open and free opportunity of accessing the medication at any time by merely placing an order to willing and sometimes unscrupulous sellers who sometimes care less about the actual state of health of the consuming patient as well the need for medical guide and follow ups. Over the counter medications and drugs on the other hand are drugs that can be sold or administered to patients with or without prescription from a medical or health care practitioner. Notwithstanding the seeming harmless nature of this type of drugs, cases of abuse and misuse are prevalent especially among the youth and young adults.[12]

2.2 Alternative Medicine

Alternative medicine is a broad term connoting a different forms, types and methods of traditional medical practices other than the orthodox and western medicine forms, practices, settings and procedures. Use of Alternative Medicine is widely accepted as a substitute to the general orthodox treatments owing to it accessibility and cost effectiveness.[13] Some common widely practiced forms of alternative medicine include:

[12] Olufunmilola Abraham and Jessica Chmielinski, 'Adolescents' Misuse of Over the Counter Medications: The Need for Pharmacist-Led Intervention' [2018] *Innovation in Pharmacy Journal,* 1-7. Doi:10.24926/iip.v9i3.979.

[13] Oluwasholami Esther Atekoja and Others, 'Factors Influencing the Utilization and Perceived Benefits of Complementary and Alternative Medicine in Management of Common Childhood Diseases among Residents of Makun, Sagamu, Ogun State, Nigeria' (2025) 81 *Journal of Pediatrics Nursing,* 118-125.

i. Acupuncture

Acupuncture is a Chinese method of alternative medicine used in rewiring the energy of life otherwise known as chi or qi.[14] According to Chinese ancient belief, chi is an energy movement in every human body through a path known as meridians. Acupunctural procedure involves placing small needles along these meridians to control the flow of chi in clockwise or anti-clockwise patterns to stimulate the flow of chi.[15] In recent times and with the discovery and use of electricity, practitioners of acupuncture connect acupuncture needles to electricity so as to generate a faster and more vigorous stimulation of chi through a process known as electro-acupuncture.[16] The placement and manipulation of the needles vary based on the goal of the treatment. Acupuncture treatment has been claimed to aid in relief from depression, pain, gastrointestinal issues, and allergic rhinitis and other ailments such as fertility problems and risk of chronic diseases such as cardiovascular disease.[17]

ii. Ayurveda

Ayurveda, translated as the 'science of life' is an ancient alternative medicine procedure with Indian origin. It is acclaimed to be the oldest

[14] Victor N. Skatov, 'Acupuncture Phenomenon of the Qi Energy Complete Awakening' [2013] *Cardiometry,* <https://www.cardiometry.net> accessed 2 February 2026.
[15] Ibid.
[16] Ruiren Wu and Others, 'Electroacupuncture Stimulation to Modulate Neural Oscillations in Promoting Neurological Rehabilitation' [2024] *Brain Research Journal,* https://doi.org/10.1016/j.brainers.2023.148642.
[17] Bin Yan and Others, 'Effect of Acupuncture on Chronic Pain with Depression: A Systematic Review' [2020] *Evidence-Based Complementary and Alternative Medicine,* 1-10.

scientific and holistic medical system.[18] Coined from two Sanskrit words, 'Ayur' meaning life and 'veda' meaning knowledge, Ayurveda's goal is targeted to improving good life and not just healing of diseases.[19] It encompasses varying alternative therapies targeted at improving health by seeking a concord of the mind, body, and spirit. Practitioners of Ayurveda maintains a belief that every human person is made up of five universal elements which consists of the space, air, fire, water, and earth and three energies-the Vata, Pitta and Kapha energies.[20] These energies are uniquely combined in each human person and work in accord towards good health of the person.[21] Illness is a result of an alteration of the natural combination of these energies and re-achieving good health is possible when these energies are re-balanced in their natural form and combination which is the primary purpose of Ayurda practice and procedures. When one becomes ill, it is a result of an imbalance in their doshas that must be rebalanced.[22]

Ayurveda improves holistic wellness by using natural herbs, dietary changes, massage therapies, lifestyle modifications and specific detoxification treatments to balance the mind, body and spirit so that all flow in rhythm and harmony with nature.[23]Ayurveda medicine, products and procedures are available and accessible in Nigeria. However, the access and use are closely monitored and regulated by

[18] Vilanssingh Tejas Solanki, Ravindra L. Bakai and Pooja R. Hatwar, 'The Evolution of Ayurveda: History and Herbal Remedies' (2025) 13(4) *International Journal of Herbal Medicine,* 1-5.
[19] Ibid.
[20]Vaidya Bhatia, 'Ayurveda and Holistic Medicine: An Integrative Approach to Health' [2024] *Journal of Traditional Medicine and Clinical Naturopathy,* <https://www.omicsonline.org> accessed 2 February, 2026.
[21] Ibid.
[22] Ibid.
[23] Ibid.

the National Agency for Food and Drug Administration and Control (NAFDAC).

iii. Herbal Medicine

Another form of alternative medicine widely practiced globally is the herbal medicine. Herbal medicine comprises of the use of herbal products and supplements. Herbal product is any plant-based product used to improve health, while herbal supplement is a herbal combination mainly intended for internal use.[24] The use of roots and herbs of trees in curing different types of ailments has been with man from time immemorial. Herbal medicine is another loosely defined and broad term encompassing various practices. Many cultures such as the Egyptians and the Chinese have different botanicals in curing certain illnesses in the time past.[25] Today, many herbal products and supplements are sold over the counter in grocery stores, pharmacies, and clinics. These products and supplements include dried, minced extracts, powdered, or capsulated products. They can then be utilized in various ways, such as ingestion (via pill or brewed teas), application (lotions, creams, and oils), or absorption (bath soaks). Many case reports have been documented describing the beneficial effects of herbs and Traditional Chinese Medicine, claiming cures for various diseases.[26]

In Nigeria, use of herbal medicine and traditional practices in curing diverse illnesses dates back to the ancient times when what we know as alternative

[24] Ujjwal Nautiyal, Rahul Pandey and Abhishek Chandola, 'Efficacy of Herbal Drugs and Cost Effectiveness' (2023)13(5) *Journal of Chemical Health Risks,* 430-438.
[25] Ibid.
[26] Ibid.

medicine today served as the primary source of health care.[27] In the pre-colonial era, different and diverse ethnic groups in Nigeria developed and practice peculiar traditional and alternative medicine systems usually centered on use of leaves and herbs, minerals and spiritual belief system passed and inherited from one generation to another.[28]

In recent times, various forms of available and practiced traditional healing and therapies include herbals, homeopathy, massage, mud bath, spinal manipulation, mind & spirit therapy, hydrotherapy, wax bath, diet, bone setting, psychotherapy.[29] Despite the belief on its effectiveness, the efficacy of herbal medicine has recounted a diverse opinion in modern times. Ajaiyeoba opines that there is high success of herbal medicine comprising of two prominent leaves in the cure of malaria among children.[30] Conversely, others maintained that there are no clear-cut evidence on the efficacy of the using herbal medicine in treatment of malaria and similar ailments.[31]

[27] Michael Alurame Eruaga, Esther Oletiye Itua, and James Tabat Bature 'Exploring Herbal Medicine Regulation in Nigeria: Balancing Traditional Practices with Modern Standards' (2024) 18(3) *GSC Advanced Research and Reviews* 83-90
[28] Ibid
[29] Pal Sanjoy Kumar and Lawal Isa 'Strengthening the Traditional Medicine Regulation, Education and Practice in Nigeria' (2024) 23 (3) *African Health Science Journal* 453-460.
[30] Edith Oriabure O. Ajaiyeoba and others, 'Efficacy of Herbal Remedies Used by Herbalists in OyoState Nigeria for Treatment of Plasmodium Falciparium Infections: A Survey and an Observation' (2024) 33(2) *African Journal of Medical Sciences, 115.*
[31] Michael Oloyede Oladeji and W.O. Tijani, 'Utilization and Effectiveness of Herbal Medicine in Treatment of Malaria in Osun State' [2024] *Texila International Journal of Nursing,* DOI:1021522/TIJNR.2015.09.02Art003.

3.0 EFFECT OF ELECTRONIC COMMERCE ON SALE OF PHARMACEUTICAL DRUGS AND ALTERNATIVE MEDICINE IN NIGERIA

Rise in information technology, use of electronic devices and the internet has impacted the mode of commerce ushering in an electronic form of commerce characterized mainly with online sale of goods and services, the means and method of buying and selling of goods and services using online platforms powered by the internet.[32] Online sales offer businesses a wide range of visibility often beyond their physical geographical location, country and continent of registration and operation.[33] Through online platforms, sellers are availed the opportunity of displaying and making their products available to intending buyers and consumers to be accessed and ordered from any part of the world thereby relieving the sellers the stress of physically displaying goods to consumers in physical market locations. Online platforms provide consumers with ease of access to products, convenience in making purchases and option of comparing prices so as to make an informed choice.[34]

Sale of pharmaceutical drugs and alternative medicine in the online space enable patients the opportunity of buying medications from different online platforms without necessarily visiting physical pharmacy shops. Also, consuming patients can also access alternative medicine in herbal products, supplements as well as alternative medicine and traditional procedure using

[32] Ibid.
[33] Natallia Grishchenko, 'E-Commerce Cross-Border and Domestic Dynamics: Decision Tree and Spatial Insights on Seller Origin Impact' (2024) 4(3) *Businesses,* 270-298 <https://www.doi.org/10.3390/business4030018>
[34] Rita Klonaridis and Heleneze Lues, 'The Role of Information Quality, Ease of Use and Usefulness on Consumers' Trust in Facebook and WhatsApp Groups as Online Sales Platforms' (2024) 13(4) *International Journal of Research and Social Sciences,* 89-99.

opportunities in the electronic commerce. However, there are certain grave problems associated with sale of pharmaceutical drugs and alternative medicine products and services in online platforms. One of these is lack of effective machinery by online platforms to effectively check and validate the source and authenticity of the products and substances marketed in their platform.[35] Some of these platforms are mere marketers whose interest is necessarily not on the authenticity or otherwise of the products marketed in their platform but on pecuniary interest and what they can make from the product owners thereby creating the room for fake and substandard drugs to be marketed as quality ones.[36]

The catchy and captivating style of advertising pharmaceutical drugs, alternative medicine and associated procedure in the online space is another problem requiring immediate attention. Marketers of these substances and procedure employ major captivating forms of advertisement to convince consumers to buy the products. In certain cases, the substances are presented to be effective cure for certain general symptoms. To this effect, consumers and patients may purchase and ingest the substance mistaking their presented symptoms to those mentioned in the advertisement without further medical investigation considering that these advertisers sound

[35] Shambhu Sarkar, 'Online Drug Trade- a Threat to Pharmaceutical Industry' (2022) 10(5) *International Journal of Advanced Research in Computer Science and Management,* 15-20.

[36]James Ahmed and others, 'A Critical Review on the Availability of Substandard and Falsified Medicines Online: Incidences, Challenges and Perspectives' [2022] *Journal of Medical Access,* doi:10.1177/23992026221074548.

convincingly certain and sure that the consumer's symptom is caused by an ailment that can be cured by the advertised substance and or procedure.[37]

4.0 ONLINE PLATFORMS AND CONSUMER PROTECTION REGIME

The Concept of consumer protection connotes the art and practice of safeguarding buyers of goods and services from unfair and sometimes unethical practices in the market setting.[38] It refers to the body of laws and practices geared towards protecting the rights of consumers in any given business transaction, ensuring that consumers get value for their money.[39] In every given state, it is the duty of state to protect citizens' health from unfair practices. The state owes its citizens a fundamental duty of regulating the nature and source of drugs, substances and medical procedures available and accessible to the citizens. In order to discharge this duty, Nigerian state strives to regulate online sale of drugs and alternative medicine through legislative and regulatory framework. The strength and weaknesses of these frameworks are discussed below.

[37] Kanchana Kariyawasam and Shaun Wigley, 'Online Shopping, Misleading Advertising and Consumer Protection' (2017) 26(2) *Information Communications Technology Law*, 1-17.
[38] Anayo Nkamnebe, Edwin Chukwemeka Idoko and Sylvia Ezema Kalu, 'Consumer Protection in Market Transactions in Nigeria' (2010) 5(4) *Innovative Marketing*, <https://www/researcgate.net> accessed 2 February, 2026.
[39] Ogugua V.C. Ikpeze and Egondu Grace Ikeatu, 'Consumer Rights as Human Rights: An Appraisal' (2022) 18 *Unizik Law Journal*, 71-77.

4.1 Legal Framework for Online Sale of Pharmaceutical Drugs in Nigeria

i. The National Agency for Food and Drug Administration and Control (NAFDAC) Act

The National Agency for Food and Drug Administration and Control (NAFDAC) Act[40]was enacted in 1993 through Decree 15 of that year and subsequently amended in 1999 by Decree No. 19, 1999. The Act created and empowers the National Food and Drug Administration and Control (NAFDAC), an agency saddled with the responsibility of regulating and controlling the manufacture, importation, exportation, distribution, advertisement, sale and use of food, drugs, cosmetics, medical devices, and packaged water, chemicals and detergents also known as regulated products and generally enforce provisions of the NAFDAC Act.[41] The agency is also empowered to enforce the provisions of the Food, Drug and Related Products (Registration) Act,[42] the Food and Drugs Act[43] and Counterfeit and Fake Drugs and Unwholsome Processed Food (Miscellaneous) Provisions Act.[44]In January 1994, NAFDAC was formally established as a parastatal of the Ministry of Health thereby enlarging its scope of operation such as regulation of other consumables apart from food and drugs.

[40] Cap N1 Laws of the Federation of Nigeria (LFN) 2004
[41] Agbo Friday Ojonuwa and Gwom S olomon Gwom 'The Role and Challenges of the National Agency for Food and Drug and Regulation of Alternative Medicine in Nigeria' (2021) 6 *Wolverhampton Law Journal,* 52.
[42] Cap F33 LFN 2022
[43] Cap F32 LFN 2004
[44] Cap C34 LFN 2004

Generally, the objectives and functions of the agency[45] revolves around securing compliance to these legislations by ensuring that only quality drugs, food and regulated products are manufactured, imported, advertised and sold in Nigeria thereby ensuring security of public health and safety.[46] In achieving this primary goal, the agency undertakes the responsibility of registering intending manufacturers of food, drugs and regulated products in Nigeria; ensures that regulated products meet the required standard by undertaking initial and periodic checks on manufactured regulated products to ensure that they meet up with the relevant quality assurance system.[47] It is also empowered to establish laboratories in strategic places in Nigeria to make for ease of control checks and testing of controlled products in Nigeria thereby ensuring quality compliance by manufacturers.

In a bid to withstand the recent development in online marketing, NAFDAC is utilizing the power vested on the agency in regulating sale and advertisement of regulated products by controlling the mode of advertising and marketing regulated products in the online space. In furtherance of this, the agency has issued several Guidelines and Regulations on advertisement of regulated products such as the Drug and Related Products Advertisement Regulation 2019, Guidelines for Food Products and Cosmetics Products Advertisement Regulation 2018 and 2019 among others. These regulatory guidelines stipulates that regulated product shall not be advertised unless the advertiser obtains and holds a certificate issued by the agency.[48] Based on this, all certificate of registration holders are mandated to apply for and

[45] Cap N1 s 7
[46] Ojonuwa (n41)
[47] Ibid.
[48] Guidelines for Advertisement of NAFDAC Regulated Products in Nigeria, 2023, Reg. 1.3.

obtain advertisement approval before advertising any product manufactured by them.[49]The Drug and Related Products Advertisement Regulations provides that nobody shall advertise any drug or related products unless it has been registered by the agency.[50] It also provides that no person shall advertise any drug product unless the advertisement has the pre clearance and approval of the agency.[51]

NAFDAC also play important roles in regulating manufacture, sales distribution of traditional medicine and general alternative medicine practice in Nigeria. It prohibits practice of alternative medicine and production and sale of herbal medicine unless the manufacturer or practitioner is registered and issued with registration certificate by the agency.[52] The agency is clothed with the power of sealing the office of an erring manufacturer and when this power is exercised, the office remains sealed until the offending substance is removed, certification procedure is followed and secured or at any time as the Minister of Health may deem fit.[53]Advertisement is another aspect of herbal medicine which the agency is empowered to regulate. In line with this power, no herbal medicine produced in Nigeria or imported into the country shall be advertised for sale unless the marketer obtains an approval from NAFDAC.[54] It is believed that the agency has recounted positive outcome in achieving the purpose of its establishment by aiding and working in synergy with other regulatory agencies such as the Federal Competition and Consumer Protection

[49] Ibid.
[50] Drug and Related Products Advertisement Regulations 2019 s 2 (1).
[51] Ibid s 2 (2)
[52] NAFDAC Herbal Medicine and Related Products Registration Regulation 2019 s 2
[53] Ibid s 5
[54] NAFDAC Herbal Medicine and Related Products Advertisement Regulation 2019.

Commission in ensuring that manufactured, imported, distributed and marketed products in Nigeria are consumer friendly.[55]

The achievements notwithstanding, it is pertinent to note that the task of regulating advertisement and sale of regulated products and drugs in the online space poses some challenges to the agency.[56] The online space is a web-based platform and any entity be it an individual or group can create and maintain an online platform and account through which advertisement can be aired. Sometimes, manufacturers of regulated products and registered certificate holders need not engage in advertising their products directly. A contract can be reached with social media influencers and content creators with large number of followers to market the products in exchange for considerations.[57] In like manner, producers of fake and counterfeit drugs may also engage social media and online advertisement services in marketing fake drugs to unsuspecting public.

ii. Pharmacists Council of Nigeria (Establishment)Act 2022

The Pharmacists Council of Nigeria (PCN) Act 2022 is the principal legislation that regulates sale of drugs and pharmaceutical substances in Nigeria through license and inspection of pharmaceutical premises including registration of pharmacists and technicians,[58] set standards for practice, enforce laws against illegal sales, such as those by unregistered vendors or the sale of fake/counterfeit drugs. In order to further its purpose,

[55] Ojonuwa (n53)
[56] Chinelo Constance Ugwu and Ann Ogbo, 'Implications of Legal and Policy Frameworks for Ecommerce in Nigeria' (2021) 6(2) *Bullion,* <https://www.dc.cbn.gov.ng/bullion> accessed 1 February, 2026.
[57]Andril Matyash, 'Challenges and Prospects of Legal Regulation of Advertising on Online Platforms' (2024) 21(2) *Legal Horizons,* 9-17.
[58]Pharmaceutical Council of Nigeria (PCN) s 10

the Act establishes the Pharmaceutical Council of Nigeria (PCN), a body corporate charged with the responsibility of administering the provisions of this Act.[59] A major function of the Council is to regulate the standard of pharmacy practice in Nigeria including determining the quality and level of knowledge and skills to be possessed by persons seeking to practice pharmacy business in Nigeria as well as regulate foreign pharmacies seeking to practice in Nigeria.[60] In its provision on the procedure of registering eligible and qualified persons as pharmacists in Nigeria, the Act provides that a person shall not hold any appointment as pharmacist or practice as a pharmacist in Nigeria unless he is licensed with the Council under the provision of this Act.[61] Under Section 8, the Council is empowered to collaborate with other relevant bodies and authorities involved in public health in carrying out its functions.[62]

In furtherance of its purpose, the Council relying on its powers under Sections 1 and 24 of the PCN Act made some regulations towards controlling pharmacy affairs in Nigeria. One of those regulation is the Registration of Pharmaceutical Premises, 2005. This Regulation provides for requirements for registering new pharmaceutical premises and renewal of licenses for old and existing premises. It provides that where premises sought to be registered as a retail pharmacy, the applicant company shall be wholly owned by a registered pharmacist or in partnership with other registered pharmacists.[63] This simply means that for a practitioner to be qualified for practice of pharmaceutical business in any part of Nigeria, the

[59] Ibid s 1(1) and s 4
[60] Ibid s 4 (b-d)
[61] Ibid s 34 and 37
[62] Ibid s 8
[63] The Registration of Pharmaceutical Premises Regulations 2005, Reg. 2

premises in which the business is to be carried on must be registered with the Council and where the premises had earlier been registered, the registration license must be renewed when due to enable the practitioner carry on legal practice of pharmaceutical business therein.

In the wake of online marketing and electronic commerce, the Council extended its registration requirements to online marketing and sale of pharmaceutical products through the Online Pharmacy Regulations 2021. The Regulation provides that online based pharmaceutical companies and service providers in Nigeria shall be registered with the Council.[64] The Regulation further provides that upon submission of the required registration documents to the Council, the Council shall inspect the applicant's premises and shall from time to time carry out follow-up inspections throughout the supply chain.[65] Upon registration and licensing of online pharmacies, the Regulation provides that the online site of the applicant shall be provided with the prescribed PCN Registered Online Pharmacy Sites Emblem (ROPSE).[66]

The Regulation provides that the Council shall have the right and power to close all unregistered online premises and sites used by online pharmaceutical service providers and companies.[67] Where the ROPSE emblem of the PCN is found on an unregistered and unauthorized online site or platform, the Council reserves the right to closed down the unauthorized site.[68] It is also an offence for an online pharmacy to register

[64] Online Pharmacy Regulation 2021 Reg. 1
[65] Ibid Reg. 8
[66] Ibid Reg. 5.
[67] Ibid Reg. 19 (2).
[68] Ibid Reg. 20 (2).

more than one online premise or site. The penalty for so doing includes investigation by the Disciplinary Tribunal of the PCN, closing down the offending premises or sites[69] and imprisonment in deserving cases and circumstances.[70] The lofty provisions of the PCN Act notwithstanding, it is pertinent to say that the Council does not possess the requisite control over the internet and the activities therein. The implication of this position is that the Council may not be well attuned with the happenings in the online space so as to act promptly towards closing down unregistered and unauthorized premises and sites. In certain cases where the Council is furnished with the current illegal activities of unregistered sites, it does not possess the powers to immediately take down the site. This simply means that any breach of the Regulations or any provisions of it by online pharmacies and marketers that attracts the penalty of site closure would be difficult to implement. Another problem that bedevils the operation of the Council is that Nigeria's pharmaceutical companies are of a lower capacity compared to their foreign counterparts. This implies that better and more quality pharmaceutical products and substances are accessed online and considering the borderless nature of the internet, it may impose some difficulties on the Council to eradicate sale of foreign drugs.

Currently, regulation of herbal medicine in Nigeria is mainly at the state level by a pocket of state regulatory bodies which mainly aims at overseeing the production, distribution and sale of herbal medicine in Nigeria. These regulatory bodies exist to check and control the quality of the production premises as well as the efficacy of the portion.[71] In spite of the fact that the

[69] Ibid Reg. 20 (5).
[70] Ibid Reg. 22 (3).
[71] Michael Alurame Eruaga, Esther Olaiye Itua and James Tabat Bature 'The Role of Regulatory Authorities in the Regulation and Control of Herbal Medicine: A Case Study

Federal Government has created a Department of Traditional Medicine in the Ministry of Health to initiate and conduct research into the discovery and application of traditional medicine, there is no specific legal framework for monitoring the practice of traditional medicine at the federal level. Owing to this shortcoming, regulation of alternative medicine is Nigeria suffers weak regulatory regime. In the online space and different social media platforms, practitioners of alternative medicine, including the self-acclaimed ones advertise and market products and procedures claimed to cure varying ailments. The products are advertised using captivating market strategies, seeming so credible by showing what could be concluded as an in-depth knowledge and intelligence of general herbal healing especially as it applies to the particular illness and healing, the supposed cure of which is being advertised.[72] While attempting to propagate their credibility, demonstrate symptoms of diseases, in such a way that the viewer/listener will be carried away on the level of knowledge they have about that particular illness. A problem with online advertisement of herbal and alternative medicine generally is that the marketers present manipulated, exaggerated, and unverified claims especially when the advertisement is coming from non-licensed practitioners who usually do not have anything to lose.

iii. The Nigerian Communication Commission (NCC) and Unverified Marketing Claims

of NAFDAC' (2024) 11(2) *International Journal of Science and Research Archives* 207-211.

[72] Adeyemi Adegoju 'A Rhetorical Analysis of the Discourse of Advertising Herbal Medicine in South Western Nigeria' (2008) 33(1) *Linguistik Online* <https://bop.unibe.ch/linguistic> accessed 10 November 2025.

The NCC is empowered under the NCC Act to receive complaints from consumers about unverified marketing claims. Upon receipt of a complaints, the NCC conducts investigation through the Consumer Affairs Bureau (CAB), a department of the Commission charged with the responsibility of securing compliance to the Commission's regulations on marketing including consumer protection from non-compliance with standards and unapproved claims. Generally, advertisements and promotions must adhere to specific requirements set down by the Commission. The NCC checks the activities of advertisers through its numerous guidelines and regulations. One of such regulatory guidelines is the NCC Guideline on Promotional Advertisements. In this Guideline, the minimum standards required for promotional advertisements provides that the licensee shall submit to the Commission, a written request for the approval of any promotional advertisements for goods and services. This request shall be made at least seven days working days before the planned or proposed publication.[73] In order to verify the claims of the proposed advertisement in compliance with standards, the Regulation provides that the license shall accompany the application with detailed reports of the advertisement specifying in clear terms, the goods and or services sought to be advertised as well as the targeted consumers and audience.[74] If the goods and services to which the advertisement applies is such that can be tested by survey or data, the Regulation provides that the licensee applicant shall provide a competent and reliable data to reflect the true and accepted principles of the research from which the data is generated.[75] The NCC however is not equipped with the requisite technological known how to monitor the online space and the activities therein.

[73] Ibid s 3.
[74] Ibid s 3(a) (i).
[75] Ibid s 3(a) (ii).

iv. The Advertising Regulatory Council of Nigeria (ARCON) Act, 2022

The ARCON Act provides for the general standards to be followed in advertising in Nigeria. The Advertising Regulatory Council of Nigeria (ARCON) is an agency created under the Act for regulating advertising and related activities in marketing and related communication including regulation of misleading and offensive advertisements.[76] This provision of the Council is intended to ensure that advertisements and advertisers do not make unfounded verbose claims about a certain product such as pharmaceutical drugs and alternative medicine thereby ensuring that consumers are not misled into purchasing products that will adversely affect their health. This provision notwithstanding, the Court of Appeal decision in the case of *MIC Royal Ltd. v. APCON*[77] where the Court held that the scope and extent of APCON Act is limited to the regulation and control of advertising practitioners is an antithesis of the provision of the Act and regulation of online platforms. Many of these platforms are not registered advertising practitioners and based on this decision, ARCON cannot proceed against these persons where the Council identifies an offensive or unverified advertisement.

5. CONCLUSION

Sale of pharmaceutical drugs and alternative medicine in online platforms has gained prominence in Nigeria. Currently, patients and consumers generally can easily access drugs and alternative medicine products and substances using different online platforms and applications. The problem

[76] Section 2 of the ARCON Act, 2022., Onyekachi Eriobu-Aniede, 'Examination of the issues and Challenges Affecting Advertisement in Media Practice in Nigeria' (2024) 6(1) *International Journal of Comparative Law and Legal Philosophy (IJOCLLEP)* 58-63.
[77] (2018) LPELR-45314(CA).

of ease of access and the risk of purchasing fake and adulterated drugs and products is a task that must be handled through legal and regulatory measures. The relevant legal framework made ample provision for this purpose. However, the regulatory regime is marred with loopholes which constitute a clog in the wheel of progress. These setbacks must be addressed in order to create a good environment for buying and selling of pharmaceutical drugs and alternative medicine in the online space. It is therefore recommended that the regulatory regime need a better up to date equipment and technology to make for easy detection of offending advertisements. Also, the extant law should be amended to broaden the regulators' area of coverage so as to include all online platforms as part of the advertisers to be regulated by ARCON.