

**LEGAL PROTECTION OF THE CONSUMER OF
GENETICALLY MODIFIED PRODUCTS IN
NIGERIA**

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ABSTRACT

The study examined the state of the Nigerian law on the protection of consumers of genetically modified products that are now appearing in the world market. It identified the legal issues relating to genetically modified organisms and products, and considered the consumer safety concerns they have generated. It also examined the adequacy of the existing product liability and consumer safety laws, and the challenges posed by inadequate legal protection regime in the face of emerging, untested "state of technology" products in the Nigerian market.

This study employed the library research methodology. Information and materials were derived from primary and secondary sources. The primary sources are relevant legislation and case law in Nigeria and in foreign jurisdictions. Specifically, the study relied on product liability laws, consumer protection laws and biosafety regulations that are developing in recent times to contain the risks associated with genetically modified products. The study took an expository look into the Sale of Goods Laws, the Food and Drugs Act, the Standards Organization of Nigeria Act, the Consumer Protection Council Act, the National Agency for Food and Drug Administration and Control Act, the Advertising Practitioners (Registration etc.) Act, the Trade Malpractices (Miscellaneous Provisions) Act and other related local legislation. Journal articles,

textbooks and reports of debates generated by Genetically Modified Organisms and techniques in international fora and the media constitute secondary sources of materials for this study.

The study revealed that the production of foodstuffs has never in the history of the human family been subjected to change that has been as dramatic and far-reaching as the change wrought by genetic modification of crops. Most of the changes are difficult, if not impossible, for consumers to evaluate. The problem has been compounded, especially in Nigeria, by the lack of regulatory framework for genetically modified product safety and consumer protection.

The study further revealed that GM food safety has drawn much public interests and scrutiny not only in respect of its commercial diffusion but also in respect of its acceptance as food aid. Concerns have resulted from the need to set policies and legal frameworks that balance economic growth and development considerations with concerns over safety and ethics.

When the techniques for genetic modification first appeared in the mid-1970s, the concerns of scientists and the public resulted in the establishment of national oversight committees in some advanced countries. The study revealed on the other hand, that many developing countries including Nigeria have not designed

mandatory safety guidelines for the protection of the consumer of genetically modified products.

The study concluded that neither the current product liability regime nor the legislative and regulatory frameworks for consumer protection in Nigeria is adequate to contain the risks associated with GM products.