



FEDERAL COMPETITION AND CONSUMER PROTECTION COMMISSION

CONSUMER PROTECTION REGULATIONS GUIDANCE NOTES — 2026

Issued under section 17 and 18 of the Federal Competition and Consumer Protection Act, 2018

These Guidance Notes are interpretive instruments issued by the Commission to assist undertakings and consumers in understanding how existing provisions of the Federal Competition and Consumer Protection Act, 2018 and the Consumer Protection Regulations, 2026 apply to emerging commercial practices in the digital economy. The Commission may have regard to an undertaking's compliance or non-compliance with these Guidance Notes when exercising its functions under the Act.

2026

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GUIDANCE NOTE NO. 1/2026

AI-GENERATED AND DIGITALLY ALTERED CONTENT IN CONSUMER COMMUNICATIONS

1. Purpose And Scope

- 1.1 This Guidance Note sets out the Commission’s interpretive position on the application of sections 123, 125, and 126 of the Federal Competition and Consumer Protection Act, 2018 (“the Act”) to commercial communications that incorporate content generated or materially altered by artificial intelligence (“AI”).
- 1.2 This Guidance Note is issued under sections 17 and 18 of the Act and sets out the Commission’s interpretive position on how the existing prohibitions on false, misleading, and deceptive representations apply to AI-generated and digitally altered content. This Guidance Note should be read together with regulation 15 of the Federal Competition and Consumer Protection (Consumer Protection) Regulations, 2026 (“the Regulations”), which operationalises section 125 of the Act and prescribes the framework for assessing false, misleading, and deceptive representations.
- 1.3 This Guidance Note applies to all undertakings that use AI-generated or digitally altered content in connection with the marketing, advertising, promotion, or sale of products to consumers.

2. Background And Rationale

- 2.1 The rapid development of generative artificial intelligence technologies has created new capabilities for producing realistic text, images, audio, and video content. These technologies present novel challenges for consumer protection, as consumers may be unable to distinguish between authentic and artificially generated content.

3. Key Principles

- 3.1 **Principle of Transparency** — The Commission considers that the use of AI-generated or digitally altered content in commercial communications without disclosure may constitute a misleading representation under section 125 of the Act where the content creates a false impression of the product’s characteristics, quality, or performance, or where a reasonable consumer would be likely to be misled by the content.
- 3.2 **Principle of Substantiation** — Where AI-generated content is used to make claims about a product’s characteristics, quality, benefits, or performance, those claims must

be substantiated by evidence, regardless of whether the content was produced by a human or by an AI system. The use of AI does not relieve the undertaking of its obligation to ensure the accuracy of its representations.

3.3 **Principle of Authenticity** — Where AI-generated content depicts or simulates real persons, real events, or real consumer experiences, and a reasonable consumer might believe the content to be authentic, the Commission considers that failure to disclose the artificial nature of the content may constitute a deceptive representation under section 125 of the Act.

4. **Required Practices**

4.1 Undertakings should adopt the following practices in relation to AI-generated and digitally altered content:

- (a) **Disclosure of AI-Generated Content** — where commercial content includes images, video, or audio that has been generated or materially altered by artificial intelligence, the undertaking should include a clear, legible, and prominent disclosure stating that the content has been artificially generated or AI-modified;
- (b) **Disclosure of Digital Alterations** — where commercial content includes images or footage that have been digitally altered to modify the physical appearance of a person or a product beyond routine editing such as colour correction, cropping, and brightness adjustment, the undertaking should disclose that the alteration has been made. For the purposes of regulation 15(1)(a) of the Regulations, the Commission considers an alteration to be material if it would affect an ordinary consumer's assessment of the product, person, or event depicted, including modifications to body size or shape, facial structure, product dimensions, finish, or texture, and the removal or addition of significant physical characteristics. Standard production adjustments such as colour correction, brightness and contrast, cropping, background removal, and minor retouching do not ordinarily meet this threshold, though the assessment remains fact-specific having regard to the overall impression created;
- (c) **Placement of Disclosures** — disclosures should be clear, legible, and appropriate to the format and medium of communication, and should not be placed in a location that requires the consumer to take additional steps to find or read the disclosure;

- (d) **AI-Generated Testimonials and Reviews** — undertakings should not use AI-generated text to create false testimonials, reviews, or endorsements. The Commission considers that AI-generated testimonials presented as genuine consumer experiences constitute false representations under section 123 of the Act;
- (e) **Deepfake Content** — undertakings should not use AI-generated deepfake content (realistic but fabricated video or audio of real persons) in commercial communications without the consent of the person depicted and without clear disclosure to consumers;
- (f) **Internal Governance** — undertakings should implement internal policies and procedures to ensure that AI-generated content used in commercial communications is reviewed for accuracy, transparency, and compliance with the Act before publication;
- (g) **AI Chatbots and Automated Conversational Agents** — where the undertaking deploys a conversational AI agent, virtual assistant, or chatbot to communicate with consumers in the course of a transaction or the promotion of products, and a reasonable consumer in the circumstances might believe they are interacting with a human, the Commission considers that failure to disclose the automated nature of the interaction may constitute a misleading omission under section 125 of the Act and regulation 15(2) of the Regulations. Disclosure should be made at the commencement of the interaction and should be maintained throughout. This principle applies to AI-powered customer service agents, sales assistants, and product recommendation tools, whether operated directly or through a third-party platform;
- (h) **AI-Generated Product Imagery** — where the goods or services offered for sale are depicted in AI-generated or AI-modified imagery, the Commission considers that any material discrepancy between the AI-generated depiction and the actual product—including differences in appearance, finish, dimensions, or packaging—may constitute a false or misleading representation as to the product's characteristics under section 123 of the Act and regulation 15(1)(a) of the Regulations. The Commission will have regard to whether an ordinary

consumer would be likely to rely on the imagery in making a purchasing decision; and

- (i) **Advertising Directed at Children** — regulation 14(3) and (4) of the Regulations impose specific restrictions on advertising directed at children under the age of sixteen. The Commission considers that the use of AI-generated content in advertising directed at children requires heightened care, having regard to children’s limited capacity to distinguish commercial content from entertainment, to assess the accuracy of claims, or to resist persuasion techniques. Where an undertaking uses algorithmic targeting that directs AI-generated commercial content primarily to an audience of children under sixteen, the Commission will assess that content against the standards in regulation 14(3) regardless of the platform or channel used. Regulation 14(4) prohibits the advertising of products harmful to the health or development of children to audiences consisting primarily of children, and the Commission considers this to extend beyond explicitly age-restricted products to any product whose regular use by children would present a foreseeable health or developmental risk.

4.2 The practices in paragraph 1.4.1 apply in addition to, and without prejudice to, the general obligations of undertakings under regulation 15 of the Regulations and sections 123, 125, and 126 of the Act.

5. **Relationship To Existing Law**

5.1 The Commission will have regard to an undertaking’s practices in relation to AI-generated content when assessing whether the undertaking has engaged in misleading or deceptive conduct under sections 123, 125, or 126 of the Act and under regulation 15 of the Regulations, which operationalises section 125 of the Act and sets out the framework for assessing false, misleading, and deceptive representations, including the treatment of material omissions and the extended liability of undertakings for representations made by their employees, agents, or representatives.

5.2 An undertaking that follows the practices in this Guidance Note will be considered to have taken reasonable steps to ensure transparency in its commercial communications, whereas an undertaking that does not follow the practices will face greater scrutiny in any investigation into misleading representations.

GUIDANCE NOTE NO. 2/2026
CONSUMER DATA PROTECTION IN COMMERCIAL TRANSACTIONS

1.1. Purpose And Scope

- 1.1 This Guidance Note sets out the Commission’s interpretive position on the intersection between consumer protection under the Federal Competition and Consumer Protection Act, 2018 (“the Act”) and data protection under the Nigeria Data Protection Act, 2023 (“NDPA 2023”) in the context of commercial transactions.
- 1.2 This Guidance Note is issued under section 17 of the Act and addresses the consumer protection dimension of data practices, specifically how data practices by undertakings may engage the Act’s prohibitions on unfair, misleading, and deceptive conduct, without prejudice to data protection obligations governed by the NDPA 2023 and the Nigeria Data Protection Commission (“NDPC”).
- 1.3 This Guidance Note addresses undertakings’ obligations at the intersection of consumer protection and data protection law, and seeks to promote coordination between the Commission and the NDPC.

1.2. Background And Rationale

- 2.1 The collection and use of consumer personal data in commercial transactions raises consumer protection concerns that extend beyond data protection law. Practices such as requiring excessive data collection as a condition of service, using consumer data for undisclosed profiling or targeted advertising, or monetising consumer data without adequate transparency may engage the Act's prohibitions on unfair conduct (section 124), misleading representations (section 125), and unfair or unreasonable contract terms (section 127).
- 2.2 The Act does not contain specific data protection provisions, and the Commission recognises that data protection is primarily the domain of the NDPC under the NDPA 2023. However, consumer-facing data practices that are deceptive, coercive, or exploitative fall within the Commission's consumer protection mandate as further codified in the Federal Competition and Consumer Protection (Consumer Protection) Regulations, 2026 (“the Regulations”), which set out specific consent requirements relevant to data collection in digital transactions, particularly in regulation 4.

1.3. Key Principles

- 3.1 **Principle of Transparency in Data Collection** — The Commission considers that an undertaking’s failure to clearly inform consumers about the purposes for which their personal data will be used, or the extent of data collection, before or at the time of collection may constitute a misleading omission under section 125 of the Act.
 - 3.2 **Principle of Proportionality** — The Commission considers that requiring a consumer to consent to the collection of personal data that is not necessary for the performance of the transaction, as a condition of supplying products, may constitute unfair conduct under section 124 of the Act.
 - 3.3 **Principle Against Exploitation** — The Commission considers that the use of consumer data for targeted advertising, profiling, or price discrimination without clear and informed consent may constitute unfair conduct under sections 124 and 127 of the Act, particularly where it affects consumers who are especially susceptible to exploitation.
 - 3.4 **Principle of Fair Dealings** — Section 124 of the Act establishes a right to fair dealings in commercial transactions. Section 124(1) prohibits the use of physical force, coercion, undue influence or pressure, harassment, unfair tactics, or any similar conduct against any person in connection with the marketing, supply, negotiation, conclusion, execution, or enforcement of consumer transactions, or the collection of payment. Section 124(2) further prohibits an undertaking from knowingly taking advantage of a consumer who is substantially unable to protect the consumer’s own interests because of physical or mental disability, illiteracy, ignorance, inability to understand the language of an agreement, or any other similar factor. The Commission considers that data practices which exploit consumer vulnerability — including interfaces designed to confuse less digitally literate consumers, consent mechanisms in languages not understood by the consumer, or aggressive collection practices — may engage section 124(2).
- 1.4. **Required Practices**
 - 4.1 Undertakings should adopt the following practices:
 - (a) **Data Minimisation** — collect only such personal data as is necessary for the purpose of the transaction;
 - (b) **Pre-Collection Disclosure** — inform the consumer clearly of the purposes for which the data will be used before collection, in plain language;

- (c) **Consent for Secondary Use** — obtain the consumer's express consent before using consumer data for any purpose beyond the immediate transaction, including for targeted advertising, profiling, or sharing with third parties. Pre-ticked consent boxes should not be used (see also regulation 4(4)(a) of the Regulations, which provides that pre-selected options or pre-ticked boxes do not constitute valid consent);
- (d) **No Tying of Data Consent** — an undertaking should not, as a condition of supplying products, require a consumer to consent to the use of their personal data for purposes unrelated to the performance of the contract (see also regulation 4(4)(c) of the Regulations, which voids consent obtained as a condition of accessing a service where the term is not necessary to the performance of that service);
- (e) **Opt-Out for Targeted Advertising** — where consumer data is used for targeted advertising, the consumer should be given a clear and simple option to opt out of targeted advertising without loss of access to the products;
- (f) **Coordination with NDPA 2023** — undertakings should ensure compliance with both the NDPA 2023 and the Act. The Commission will coordinate with the NDPC to ensure consistent interpretation and enforcement;
- (g) **Dark Patterns in Consent Interfaces** — undertakings should not use interface design, consent architecture, or presentation choices that are designed or function to steer consumers away from privacy-protective choices or towards consenting to broader data collection than is necessary for the transaction. The Commission considers that the following interface practices, among others, may constitute a process that “obscures, discourages, or penalises the consumer's ability to withhold or withdraw consent” within the meaning of regulation 4(4)(d) of the Regulations and unfair conduct under section 124 of the Act:
 - (i) presenting the “accept all” option in a more prominent, larger, or contrasting colour than the “reject” or “manage settings” option;
 - (ii) requiring multiple steps to decline consent while acceptance requires a single click;

- (iii) using double-negative or confusing language in opt-out formulations; and
 - (iv) presenting artificial urgency or implied penalties for declining;
- (h) **Tracking Technologies and Cookie Consent** — where an undertaking deploys cookies, tracking pixels, device fingerprinting, or other tracking technologies on a digital interface, the Commission considers that the consent obtained for such tracking should satisfy the requirements of regulation 4 of the Regulations.
- Specifically:
- (i) a “cookie wall” that requires a consumer to consent to all cookies, including those not necessary for the performance of the service, as a condition of accessing the service, is inconsistent with regulation 4(4)(c) of the Regulations;
 - (ii) cookies that are set to “on” by default, including analytics and advertising cookies, are inconsistent with regulation 4(4)(a), which prohibits pre-selected options; and
 - (iii) continuing to use tracking technologies after a consumer withdraws consent is inconsistent with section 124 of the Act; and
- (i) **Data Practices Involving Children** — undertakings that collect personal data in connection with products directed at, or foreseeably used by, persons under eighteen years of age should exercise heightened care in their data practices. The Commission considers that the use of data relating to minors for behavioural profiling, targeted advertising, or commercial manipulation may constitute unfair conduct under section 124(2) of the Act, having regard to the particular vulnerability and susceptibility of children to data-driven commercial practices. This is consistent with regulation 47 of the Regulations (Vulnerable Consumers).

4.2 The practices in paragraph 2.4.1 apply in addition to, and without prejudice to, the general obligations of undertakings under the NDPA 2023 and the Regulations.

1.5. Relationship To Existing Law

5.1 Data protection is governed by the NDPA 2023 and enforced by the NDPC.

- 5.2 The Commission will have regard to an undertaking's data practices when assessing whether the undertaking has engaged in unfair, misleading, or deceptive conduct under sections 124, 125, or 127 of the Act. In doing so, the Commission will also apply regulation 4 of the Regulations, which governs consent to terms in digital transactions. Regulation 4 expressly prohibits: pre-ticked boxes; consent by silence, inaction, or continued use; the bundling of data consent as a condition of accessing a service where the data use is not necessary to the performance of that service; and consent obtained through a process that obscures or penalises the consumer's ability to withhold or withdraw consent.
- 5.3 The Commission will seek to enter into a memorandum of understanding with the NDPC to establish protocols for information sharing, coordinated enforcement, and joint investigations in cases involving both consumer protection and data protection concerns.
- 5.4 The Commission notes that an undertaking's reliance on a legal basis under the NDPA 2023—including a claim to process personal data on grounds of “legitimate interest” under that Act—does not immunise the undertaking from liability under the Act or the Regulations. Consumer protection liability and data protection compliance are independent inquiries. An undertaking may comply with the NDPA 2023 in its data processing while simultaneously engaging in unfair, misleading, or deceptive conduct under the Act if it fails to meet the consumer-facing transparency and consent requirements described in this Guidance Note and in regulation 4 of the Regulations.

GUIDANCE NOTE NO. 3/2026

INFLUENCER OBLIGATIONS AND COMMERCIAL INFLUENCE DISCLOSURE

1. Purpose And Scope

1.1 This Guidance Note sets out the Commission’s interpretive position on the application of sections 123, 125, and 126 of the Federal Competition and Consumer Protection Act, 2018 (“the Act”) to commercial influence activities conducted through social media, digital platforms, and other electronic communications channels, and explains how those provisions are supplemented by regulation 18 of the Federal Competition and Consumer Protection (Consumer Protection) Regulations, 2026 (“the Regulations”).

1.2 This Guidance Note is issued under section 17 of the Act and regulation 18 of the Regulations. It clarifies how the prohibitions on misleading and deceptive representations and the specific obligations in regulation 18 apply to commercial influence activities.

1.3 For the purposes of this Guidance Note, “commercial influence” means any communication, content, or presentation made, published, or procured by an undertaking for the purpose of promoting, directly or indirectly, the supply or use of any products, whether or not direct payment is involved (as defined in regulation 51 of the Regulations). An “influencer” means a natural or legal person who, by virtue of their authority, knowledge, position, or relationship with an audience, promotes, markets, or endorses products through commercial influence, whether or not in return for direct remuneration.

2. Background And Rationale

2.1 The growth of social media and digital platforms has created new channels for commercial communication that do not always fit within traditional advertising regulatory frameworks. Influencer marketing presents particular consumer protection challenges because the commercial nature of the communication may not be apparent to consumers, who may perceive the content as genuine personal opinion.

2.2 The Act prohibits false, misleading, and deceptive representations (sections 123, 125) but does not specifically address influencer marketing or commercial influence disclosure. However, the Act’s existing provisions are broad enough to capture misleading influencer content.

2.3 These obligations apply to all undertakings within the meaning of section 167 of the Act, regardless of size, registration status, or the channel through which commercial influence is conducted. The Commission’s view is that individual traders, sole proprietors, and informal digital sellers—including persons who sell products or promote services through WhatsApp, Instagram, TikTok, Facebook, or similar platforms—are subject to the Act and the Regulations when they engage in commercial influence. The definition of “undertaking” in section 167 of the Act is not limited to incorporated or formally registered entities. Small and medium enterprises are encouraged to seek guidance from the Commission on compliance.

3. **Key Principles**

3.1 **Principle of Disclosure** — The Commission considers that any commercial influence communication that is not clearly identifiable as advertising or sponsored content may constitute a misleading representation under section 125 of the Act, because the consumer is misled about the commercial motivation behind the communication.

3.2 **Principle of Truthfulness** — The Commission considers that an influencer who makes representations about a product’s characteristics, quality, benefits, or performance without reasonable grounds for believing those representations to be true may be engaging in false representations under section 123 of the Act. Both the influencer and the undertaking that authorised or commissioned the content may be liable.

3.3 **Principle of Responsibility** — The Commission considers that an undertaking that commissions, authorises, or benefits from commercial influence content is responsible for ensuring that the content complies with the Act. The undertaking cannot avoid responsibility by delegating content creation to an influencer.

4. **Required Practices For Influencers**

4.1 **Disclosure of Commercial Relationships** — Every influencer engaged in commercial influence should comply with the following disclosure requirements:

- (a) every communication that constitutes commercial influence should be clearly and prominently identified as advertising, sponsored content, or a paid promotion;

- (b) disclosures should be clear, prominent, and immediately visible to the consumer without requiring additional action (such as clicking “more”, scrolling, or expanding hidden text);
- (c) for social media posts, undertakings and influencers should use clear labels such as “#Ad”, “#Sponsored”, or “#PaidPartnership” at the beginning of the post, not buried within hashtags or at the end;
- (d) for video content, the disclosure should appear both in the video itself (such as overlay text or a verbal statement at the beginning) and in the accompanying description;
- (e) for stories, reels, or ephemeral content, a clear disclosure should appear prominently on screen for a sufficient duration to be read by the viewer;
- (f) the disclosure obligation applies regardless of the size of the influencer’s audience. The Commission considers that no minimum follower or subscriber count determines whether a person is an “influencer” for the purposes of this Guidance Note or regulation 18 of the Regulations. An individual with a small but engaged audience who promotes products for commercial consideration is subject to the same disclosure obligations as a person with a large following; and
- (g) an influencer who has an ongoing brand ambassadorship, retainer arrangement, or long-term commercial relationship with an undertaking is required to disclose that relationship in every post, video, story, or other communication that relates to the undertaking’s products, including posts not directly commissioned or paid for on a per-content basis. The disclosure obligation arises from the existence of the material commercial relationship, not from payment for a specific piece of content. The Commission considers that a reasonable consumer would want to know of a continuing commercial relationship even when the individual communication is framed as personal opinion.

4.2 Truthfulness and Substantiation — In addition to the disclosure obligations in paragraph 3.4.1, influencers should observe the following requirements:

- (a) an influencer should only endorse or recommend products that the influencer has reasonable grounds to believe are as described and fit for purpose;

- (b) an influencer should not make representations that the influencer knows to be false or in respect of which the influencer has no genuine basis for belief;
- (c) before-and-after claims, performance claims, and health-related claims should be substantiated by evidence; and
- (d) testimonials or endorsements should not misrepresent the influencer's personal experience with the product.

4.3 **Specific Disclosures** — The following specific disclosures are required:

- (a) where commercial influence involves payment, sponsorship, gifts, free products, services, affiliate arrangements, or any other benefit or commercial advantage, the existence and nature of the commercial relationship should be clearly and prominently disclosed;
- (b) where commercial influence includes affiliate links, commission-based promotion, or performance-based compensation, the existence of such arrangement should be clearly disclosed;
- (c) where content includes images digitally altered beyond routine editing, or content generated by artificial intelligence, this should be disclosed (see also Guidance Note No. 1/2026);
- (d) the disclosure obligation in sub-paragraph (a) applies whether or not the undertaking required the influencer to post in exchange for the gift or free product. The Commission considers that where an undertaking sends products, experiences, or other items of value to an influencer and the influencer subsequently posts about those products or the undertaking, the communication constitutes commercial influence within the meaning of regulation 51 of the Regulations if a reasonable consumer would attribute the communication to the undertaking's commercial activity. Unsolicited gifting followed by undisclosed commercial promotion does not, in the Commission's view, displace the disclosure obligation; and
- (e) where an undertaking uses an AI-generated, computer-generated, or entirely fictional persona (a "virtual influencer") to conduct commercial influence activities, the Commission considers that the artificial nature of the persona must

be disclosed. The disclosure obligation under regulation 18(1) and (2) of the Regulations applies to communications by virtual influencers as it applies to communications by natural persons. In addition, the Commission considers that representing an AI-generated persona as a real human consumer or independent reviewer may constitute a false representation under section 123 of the Act (see also Guidance Note No. 1/2026).

5. Required Practices for Undertakings

5.1 Undertakings that commission or benefit from commercial influence should:

- (a) include clear contractual requirements for disclosure compliance in agreements with influencers;
- (b) provide influencers with guidance on disclosure requirements and best practices;
- (c) monitor commercial influence content for compliance and take corrective action where content is non-compliant;
- (d) maintain records of all commercial influence arrangements for a period of five years; and
- (e) not instruct or encourage influencers to conceal the commercial nature of the relationship.

5.2 Undertakings are reminded that they may be jointly and severally liable with influencers for misleading or deceptive representations under the Act. The Commission may, pursuant to regulation 18(7) of the Regulations, issue guidelines prescribing the form, placement, language, and minimum standards for disclosures required under regulation 18. Undertakings and influencers should monitor any such guidelines issued by the Commission.

5.3 The Commission further considers that an undertaking that encourages, instructs, or incentivises its employees, contractors, family members, or associates to post reviews or endorsements of its products without disclosing their connection to the undertaking engages in false representation under section 123 of the Act and violates regulation 18(1) and (3) of the Regulations. The prohibition on misrepresenting commercially motivated content as independent opinion applies equally to internal stakeholders as

to external influencers. Undertakings are advised to maintain a written policy prohibiting undisclosed reviews by connected persons.

6. Required Practices for Online Platforms

6.1 Online platforms that host commercial influence content should (consistently with the obligations imposed by regulation 18(4) and (5) of the Regulations):

- (a) provide tools and features that enable content creators to clearly label commercial content;
- (b) implement accessible mechanisms for consumers and the Commission to report misleading commercial influence;
- (c) take reasonable steps to detect and remove fabricated or incentivised reviews that are not disclosed as such, in accordance with regulation 18(5)(b) of the Regulations;
- (d) not suppress, downgrade, or interfere with genuine consumer reviews and ratings (regulation 18(5)(a) of the Regulations prohibits the manipulation, suppression, or artificial inflation of reviews or ratings in a manner that misleads consumers); and
- (e) implement safeguards for commercial content directed at children and other persons who may be especially susceptible to misleading practices.

6.2 “Review gating”—the practice of directing only satisfied customers to post public reviews while routing dissatisfied customers to private complaint channels, such that published ratings reflect a systematically unrepresentative sample—constitutes the artificial inflation of reviews or ratings within the meaning of regulation 18(5)(a) of the Regulations and may also constitute a false representation under section 123 of the Act. Online platforms should not design review solicitation mechanisms that permit or facilitate review gating by undertakings. The Commission will consider review gating in its assessment of whether a platform has complied with its obligations under regulation 18(5).

7. Relationship To Existing Law

7.1 The Commission will have regard to an undertaking’s or influencer’s practices when assessing whether they have engaged in misleading or deceptive conduct under

sections 123, 125, or 126 of the Act and under regulation 18 of the Regulations. Regulation 18 imposes specific binding obligations on undertakings, influencers, and online platforms regarding the identification, disclosure, and management of commercial influence content.

7.2 The Commission considers that the following Act and Regulations provisions are directly applicable to commercial influence:

- (a) section 123 – false or misleading representations: applies to influencer content that falsely describes product characteristics;
- (b) section 125 – deceptive conduct: applies to undisclosed commercial relationships that mislead consumers about the nature of the communication;
- (c) section 124 – right to fair dealings: may apply to influencer practices targeting especially susceptible consumers (children, elderly persons, persons with limited digital literacy), particularly under section 124(2) which prohibits the knowing exploitation of consumers who are substantially unable to protect their own interests; and
- (d) regulation 18 of the Regulations – commercial influence disclosure: applies to all commercial influence, requiring undertakings and influencers to clearly and prominently identify commercial influence content before the consumer engages with it, and requiring online platforms to provide reporting mechanisms, conduct reasonable reviews of notified content, and implement safeguards for content directed at children.

GUIDANCE NOTE NO. 4/2026

ENVIRONMENTAL AND SUSTAINABILITY CLAIMS

1. Purpose And Scope

1.1 This Guidance Note sets out the Commission's interpretive position on the application of sections 123, 124, and 125 of the Federal Competition and Consumer Protection Act, 2018 (“the Act”) to environmental, ecological, and sustainability claims made by undertakings in connection with the marketing of products.

1.2 This Guidance Note is issued under section 17 of the Act and should be read together with regulation 15(5) of the Federal Competition and Consumer Protection (Consumer Protection) Regulations, 2026 (“the Regulations”), which prohibits environmental, ecological, or sustainability claims that are not accurate, specific, and capable of independent verification.

2. Background And Rationale

2.1 The growing consumer demand for environmentally responsible products has created an incentive for undertakings to make environmental or sustainability claims that may be vague, unsubstantiated, or misleading. Such practices—commonly referred to as “greenwashing”—undermine consumer trust and distort competition to the disadvantage of undertakings that invest in genuine environmental improvement. The Commission considers that rigorous enforcement of the Act’s prohibitions on misleading representations, as operationalised by regulation 15(5) of the Regulations, is essential to ensuring that consumers can make informed purchasing decisions on the basis of accurate environmental information.

3. Key Principles

3.1 Principle of Accuracy and Specificity — The Commission considers that an environmental or sustainability claim must identify the specific attribute, process, or standard to which the claim relates and must be accurate as applied to the particular product. Generic or unqualified claims do not satisfy this standard.

3.2 Principle of Independent Verification — The Commission considers that a claim is “verified by an independent body” where the verification has been conducted by a body with no commercial interest in the outcome of the assessment and whose methodology is publicly available. Self-certification does not satisfy this standard.

4. Required Practices

4.1 Undertakings making environmental or sustainability claims should observe the following requirements:

- (a) **Generic Environmental Descriptors** — terms such as “eco-friendly”, “green”, “natural”, “clean”, or “sustainable” standing alone, without specific and verifiable substantiation of the claim as applied to the particular product, are prohibited. The Commission considers that a claim is “specific” only where it identifies the particular attribute, process, or standard to which the claim relates;
- (b) **Product-Level Versus Corporate-Level Claims** — an undertaking should not apply a corporate-level environmental commitment (such as a net-zero pledge) to the marketing of an individual product unless the claim accurately reflects the environmental characteristics of that product specifically, and not merely the undertaking's operations in general. Regulation 15(5)(b) of the Regulations requires the claim to identify clearly whether it relates to the product or to the undertaking's operations generally;
- (c) **Substantiation Standard** — the Commission considers that a claim is “verified by an independent body” where the verification has been conducted by a body with no commercial interest in the outcome of the assessment and whose methodology is publicly available. Self-certification does not satisfy this standard; and
- (d) **Partial Truths** — a claim may be misleading under section 125 of the Act and regulation 15(1)(b) of the Regulations even where it is literally accurate, if it omits material information that would cause an ordinary consumer to form a different impression of the product's environmental impact.

4.2 The practices in paragraph 4.4.1 apply in addition to, and without prejudice to, the general obligations of undertakings under regulation 15 of the Regulations and sections 123, 124, and 125 of the Act.

5. **Relationship To Existing Law**

5.1 The Commission will have regard to an undertaking's environmental claims when assessing whether the undertaking has engaged in misleading or deceptive conduct under sections 123, 124, or 125 of the Act and under regulation 15(5) of the Regulations.

- 5.2 An undertaking that follows the practices in this Guidance Note will be considered to have taken reasonable steps to ensure the accuracy and specificity of its environmental claims, whereas an undertaking that does not follow the practices will face greater scrutiny in any investigation into misleading environmental representations.

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DEFINITIONS

Where a term is defined in the Consumer Protection Regulations, 2026 (“the Regulations”), the definition reproduced is the statutory text from regulation 51 of the Regulations. Terms whose definitions are cross-referenced to another enactment bear the meaning assigned to them in that enactment.

“**Act**” means the Federal Competition and Consumer Protection Act, 2018. (section 1 of the FCCPA 2018)

“**commercial influence**” means any communication, content, or presentation made, published, or procured by an undertaking for the purpose of promoting, directly or indirectly, the supply or use of any products, whether or not direct payment is involved. (regulation 51, Consumer Protection Regulations 2026)

“**Commission**” means the Federal Competition and Consumer Protection Commission established under section 1 of the Act. (regulation 51, Consumer Protection Regulations 2026)

“**consumer**” has the meaning assigned to it in section 167 of the Act. (regulation 51, Consumer Protection Regulations 2026; section 167, FCCPA 2018)

“**digital content**” means data produced and supplied in digital form, including software, applications, audio recordings, video recordings, electronic books, and online services, whether supplied on a tangible medium or by transmission. (regulation 51, Consumer Protection Regulations 2026)

“**digital marketplace**” means a digital interface through which third-party sellers offer goods or services to consumers. (regulation 51, Consumer Protection Regulations 2026)

“**digital transaction**” means a transaction concluded or performed in whole or in part through electronic or online means, including transactions concluded through websites, mobile applications, and automated digital systems. (regulation 51, Consumer Protection Regulations 2026)

“**goods**” has the meaning assigned to it in section 167 of the Act. (regulation 51, Consumer Protection Regulations 2026; section 167, FCCPA 2018)

“**NDPA 2023**” means the Nigeria Data Protection Act, 2023. (section 1, Nigeria Data Protection Act 2023)

“**NDPC**” means the Nigeria Data Protection Commission established under section 7 of the NDPA 2023. (section 7, Nigeria Data Protection Act 2023)

“**online platform**” means an online service that hosts, aggregates, or facilitates the publication of commercial communications or consumer content by third parties, and includes a digital marketplace. (regulation 51, Consumer Protection Regulations 2026)

“**ordinary consumer**” means a consumer who is reasonably well-informed, reasonably observant, and reasonably circumspect, having regard to the social, cultural, and linguistic factors relevant to the transaction. (regulation 51, Consumer Protection Regulations 2026)

“**personal data**” has the meaning assigned to it in section 65 of the Nigeria Data Protection Act, 2023. (section 65, Nigeria Data Protection Act 2023)

“**products**” means goods, services, and digital content. (regulation 51, Consumer Protection Regulations 2026)

“**Regulations**” means the Federal Competition and Consumer Protection (Consumer Protection) Regulations, 2026. (regulation 51 – Citation, Consumer Protection Regulations 2026)

“**services**” has the meaning assigned to it in section 167 of the Act. (regulation 51, Consumer Protection Regulations 2026; section 167, FCCPA 2018)

“**undertaking**” has the meaning assigned to it in section 167 of the Act. (regulation 51, Consumer Protection Regulations 2026; section 167, FCCPA 2018)

Issued by the Federal Competition and Consumer Protection Commission

Under section 17 of the Federal Competition and Consumer Protection Act, 2018

Signed this ____ day of _____, 2026

Executive Vice-Chairman / Chief Executive Officer

Federal Competition and Consumer Protection Commission

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