|  |  |
| --- | --- |
| Text  Description automatically generated with medium confidenceCosmetic ProductsSafety Regulations |  |
| Trading Standards Information | **www.srs.wales** |

**1. Introduction**

Cosmetic products are subject to UK safety regulations - these mirror pre-Brexit EU controls but with some variation on labelling requirements.

**It is a criminal offence to supply cosmetic products that do not comply with the regulations or fail to comply with other related requirements.**

All businesses in the supply chain must ensure compliance with the regulations, including retailers, online sellers, wholesalers, importers and manufacturers.

The regulations place obligations on business which vary depending on whether you are a only a ‘distributor’ (which includes retailers and wholesalers) or if you are an importer from outside the UK or you are the manufacturer.

If you are a manufacturer in the UK, or you import goods into the UK from a third country, then you are deemed to be a **responsible person** and greater responsibilities will apply to you. A manufacturer outside the UK may designate someone inside the UK as a responsible person.

If you ship goods into the UK to sell online then you are also fully liable for compliance as the responsible person.

Businesses dealing in skin lighteners should be particularly careful as there are lots of illegal versions of these products. Further guidance on these is available.

**2. Main legal requirements**

* Cosmetic products must comply with detailed compositional and labelling requirements. For an exact definition of what a cosmetic product is please see section 12.
* You must keep records of where you obtained your cosmetics from and, if you sell them to other businesses, who you supplied them too. These must be available for inspection for 3 years from when you were supplied with them or, if applicable, when you supplied them

*Continues/…*

* Distributors must check products are not out of date and that cosmetics are labelled with;
	1. The name and address of a responsible person in the UK (or EU up to 31/12/22)
	2. A batch or manufacture reference number
	3. An ingredients list. This must be headed ‘ingredients’

**3. What are the compositional and labelling requirements?**

The following check list can be used – if you cannot tick YES to all these requirements then the item cannot be sold in the UK.

| **Legal requirements for the both product container AND any outer packaging** | **Yes**  | **No** |
| --- | --- | --- |
| Information marked in English (other languages may also be present) |  |  |
| Labelling tells the user what the function of the product is (unless it is clear what the function is by way of presentation) |  |  |
| A name or style and UK address of the manufacturer or person responsible for marketing it is shown (EU addresses allowed up to 31st December 2022 for products currently in stock)For example a product manufactured in the USA and displaying only an American address is not sufficient. The address of the importer into the UK must also be given |  |  |
| The country of origin is given e.g. Made in France (not needed if made in the UK) |  |  |
| A batch number of manufacture, or other reference for identifying the goods is present (this may be on the outer packaging only if the product is too small to accommodate it) |  |  |
| Particular precautions, warnings and conditions for safe use including special precautions for professional use products are given |  |  |
| For products with a shelf life of less than 30 months the words ‘best used before’ and the relevant date is shown (the month and year, or day month and year must be given). This symbol may be used to indicate date of minimum durability. Any conditions required to sustain that life expectancy must also be given.  |  |  |  |
| For products with a life expectancy of more than 30 months this special symbol is present to indicate how long after opening the product can be used without harm (the period should be shown in months or years or both). | uksi_20081284_en_002 |  |  |
| The weight or volume of the product is given in metric units |  |  |
| On outer packaging the word ingredients is shown followed by the list of ingredients by their international ‘INCI’ name. (Ingredients do not have to be on the container as well) |  |  |

*Continues/…*

There are exceptions where it is not practical or possible for all the information to be shown on the packaging or container because of size. In some cases the information can be given in an accompanying leaflet and the symbol shown here can be used to indicate this.



**4. Prohibited substances**

Over 1,300 substances are prohibited in cosmetic products. For example, chlorine, cyanides, iodine, mercury and mercury compounds (e.g. mercuric iodide). Skin lighteners with **hydroquinone** are illegal.

Corticosteroids are also prohibited. These may have a skin lightening effect but are also often sold as treatments for disorders such as eczema and psoriasis. Any products with Corticosteroid substances like **Clobetasol Propionate, Bethamethasone** or **Bethamethosone Dipropionate** must not be on sale in cosmetic shops. Supply of such products may also be an offence under medicines legislation.

**5. Restricted substances**

Over 250 substances can only be used in cosmetics subject to restrictions. These restrictions may only allow a maximum amount of a substance or require additional warning or precautionary markings.

For example hair dyes and straighteners intended for professional use may contain hydrogen peroxide. The maximum permitted limit is 12% and the following precautions and instructions should be present ‘**Wear suitable gloves. Contains hydrogen peroxide. Avoid contact with eyes. Rinse eyes immediately if product comes into contact with them’.**

**6. Permitted substances**

Only certain specified substances may be used as colourants, preservatives and UV filters.

**7. What other requirements are there for responsible persons?**

In order to demonstrate that a cosmetic product is safe the responsible person must ensure that the cosmetic product has undergone a safety assessment and that a cosmetic product safety report is produced. This safety assessment shall be carried out by a person in possession of suitable formal qualifications. It must be kept for 10 years from when the last batch was placed on the market.

Where a cosmetic product is supplied or manufactured in the UK, the responsible person is required to keep certain product information at the registered office address or the address detailed on the product. This information must be easily accessible to enforcement authorities and can be requested in the case of medical emergency. The information must be in English and include all of the following:

* the qualitative and quantitative composition of the product - for perfume or perfume compositions in the product, you are only required to keep the name, code number and supplier identity. Qualitative information for all composites, and the quantitative information in relation to dangerous substances, must also be made easily available to the general public
* the physico-chemical and microbiological specifications of the raw materials and the finished product, and the purity and microbiological control criteria of the cosmetic product
* the method of manufacture, which shall be in accordance with good manufacturing practice
* an assessment of safety for human health of the finished product, including the criteria as stipulated in the Regulation - there are additional criteria where the product is intended for use on children under three years old or exclusively for use in external intimate hygiene

*Continues/…*

* the name and address of the person or persons who carried out the assessments
* existing data on the undesirable effects on human health resulting from use of the product - this information must also be made easily available to the general public
* evidence to justify any claims made about the product
* data on any animal testing performed by the manufacturer, his agents or suppliers, relating to the development or safety evaluation of the product or its ingredients

**8. Notification requirements**

Prior to placing cosmetic products on the market the responsible person shall submit information below to the government via the OPSS (Office of Product Safety & Standards) through their cosmetic product notification portal at <https://submit.cosmetic-product-notifications.service.gov.uk/>

1. the category and name of the cosmetic product
2. the name of the responsible person
3. where the Product Information File (PIF) is kept
4. details of a named contact for urgent enquiries
5. details of any nanomaterials the cosmetic product contains
6. details of any carcinogenic, mutagenic, or toxic for reproduction (CMR) substances the cosmetic product contains
7. the chemical details of substances
8. a summary of the ingredients
9. an image of the product’s label
10. a photograph of the cosmetic product packaging

**9. Withdrawals and recalls etc.**

Responsible persons and distributors who have reason to believe that a cosmetic product that they have placed on the market is not in conformity with the Regulations must immediately take the corrective measures necessary to bring that product into conformity, withdraw it or recall it, as appropriate.

Where the product presents a risk to human health, responsible persons must immediately inform their trading standards service giving details of the non-compliance and corrective measures taken.

**10. What steps can I take to make sure the cosmetic products I sell comply?**

The steps that businesses should take are dependent upon a number of things, such as, the size of the business and whether it is a manufacturer, importer, wholesaler or a retailer.

For example, a small retailer who buys from a local wholesaler will need to carry out physical checks on the stock such as checking the labelling. However if a retailer imports goods themselves they will be deemed a responsible person and will be responsible for compliance with all the requirements.

Problems usually arise where shops purchase their stock from people selling door to door or direct from outside the UK. It is recommended that you should only deal with reputable and established UK suppliers. In addition you should always obtain and keep detailed receipts for any stock purchased.

*Continues/…*

**11. What happens if my cosmetic products don’t comply with the Regulations?**

These requirements are implemented by the [Cosmetic Products Enforcement Regulations 2013](https://www.legislation.gov.uk/uksi/2013/1478/contents). Failure to comply could result in goods being seized and prosecution. On conviction in the Crown Court a fine of up to £20,000 and/or up to 12 months imprisonment may be imposed.

If product labelling, marketing or advertising contains misleading information about the efficacy or other characteristics, or omits information so as to be misleading, then any supplier could be guilty of an offence under the Consumer Protection from Unfair Trading Regulations 2008.

**12. Definition and examples of cosmetic products**

Cosmetic product means any substance or mixture intended to be placed in contact with the external parts of the human body (skin, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the mouth) with a view exclusively or mainly to cleaning them, perfuming them, changing their appearance, protecting them, keeping them in good condition or correcting body odours.

If the above uses are only for the purposes of treating, or preventing diseases etc. then the products may be classed as a medicine and medicines control legislation may apply. This means they require a marketing authorisation or product licence. Restrictions on how and where they may be sold may also apply. For example being sold on prescription only at registered pharmacists.

|  |
| --- |
| **Examples of cosmetic products** |
| creams, emulsions, lotions, gels and oils for the skin | face masks | tinted bases (liquids, pastes, powders) | make-up powders |
| after-bath powders | hygienic powders | toilet soaps | deodorant soaps |
| perfumes | toilet waters and eau de Cologne | bath and shower preparations (salts, foams, oils, gels) | Depilatories |
| deodorants and anti-perspirants | hair colorants | products for waving, straightening and fixing hair | hair-setting products |
| hair-cleansing products (lotions, powders, shampoos) | hair-conditioning products (lotions, creams, oils) | hairdressing products (lotions, lacquers, brilliantines) | shaving products (creams, foams, lotions) |
| make-up and products removing make-up | products intended for application to the lips | products for care of the teeth and the mouth | products for nail care and make-up |
| products for external intimate hygiene | sunbathing products | products for tanning without sun | skin-whitening products and anti-wrinkle products. |

**13. Further information**

* [www.gov.uk/product-safety-for-manufacturers](http://www.gov.uk/product-safety-for-manufacturers)
* [www.businesscompanion.info](file:///%5C%5Clbsjsh-cha-ns1%5CTradeStand%5CInfoleaf%28TS%29%5CSafety%20%20regs%5CCosmetics%20medicines%5Cwww.businesscompanion.info)/

|  |
| --- |
| PLEASE NOTE only the Courts can interpret legislation with authority and this leaflet is subject to revision or amendment without notice. (Ref:Cos/1.0 April 2022) |

**14. Compliance flow chart**

