

New measures for cosmetics labelling

In this expert focus article prepared by COSMED, the authors review China's draft Administrative Measures on Cosmetics Labelling, which will have implications for companies when they come into force in July 2015.

Main regulations in force

- » General Labelling of Cosmetics (GB 5296.3-2008), in force since 1 October 2009;
- » Administrative Provisions on Cosmetics Labelling (AQSIQ), in force since 1 September 2008;
- » Requirements on Naming of Cosmetics and Guide to the Naming of Cosmetics, in force since 5 February 2010; and
- » GB 23350 - 2009 Requirements of Restricting Excessive Package - Food and cosmetics, in force since 1 April 2010.

Drafts

Several drafts have been proposed to amend regulations for the labelling of cosmetics in China, such as the draft Provisions on the Administration of Cosmetics Labelling in 2011 and the draft Guide to the Labelling of Cosmetics in 2011. It is unlikely that these drafts will now be validated.

China's Food & Drug Administration (CFDA) issued a new draft for public consultation on 15 November 2014. The draft Administrative Measures on Cosmetics Labelling, when officially published, will replace GB 5296.3-2008, Administrative Provisions on Cosmetics Labelling and Guide to the Naming of Cosmetics.

The main changes proposed in the draft are:

- » cosmetic products will have to carry a notification or registration number;
- » products whose claims have not been validated will have to display the wording "efficacy has not been validated"; and
- » stickering will not be allowed.

The List of Prohibited Wordings for Cosmetic Labelling is attached to the 2014 draft, it has examples of prohibited words including medical, pharmaceutical, exaggerated and misleading terms.

On 12 January 2015, the European Commission sent its comments on the draft to the CFDA. The Commission is of the opinion that this text introduces significant changes to the current requirements, which would oblige companies to produce specific packaging for the Chinese market. Consequently, cosmetic exports to China will become difficult for many cosmetic manufacturers, in particular for those producing in smaller quantities outside China.

The following are the comments related to the different articles:

Article 7: requirements for labels - prohibition of placing stickers over the original label

The Commission invited the Chinese authorities to clarify the meaning of this Article. The Commission is of the opinion that prohibiting the use of stickers would create a systematic requirement for China-specific primary and secondary packaging.

Article 15: marking of manufacturer name and address, and Article 16: marking of place of manufacture

The Commission considers that additional labelling of the name and address of manufacturing subcontractor(s) is not necessary and might be confusing for the consumer.

Article 20: management of efficacy assessment and verification organisation

The Commission would like the Chinese authorities to clarify that efficacy assessment reports issued by foreign verifying organisations will be accepted by the Chinese authorities, and to remove the obligation to publish the detailed efficacy reports on a publicly accessible website.

Article 34: implementation date

The Commission asks the Chinese authorities to consider granting a transition period of at least 24 months. This would allow cosmetic manufacturers to sell off their existing stock that was produced in compliance with the current legal requirements. The EU would like to invite the CFDA to publish practical guidance early during the transition period in order to ensure harmonised understanding and smooth application of the new measures.

In response to the Commission's comments, the CFDA said on 18 March: the CFDA has received many comments on the draft of cosmetic labelling management measure from domestic and foreign enterprises and industry associations, since the draft was released for public comment on 15 November 2014. As the Measure is still under research and drafting, CFDA will consider absorbing the rational comments and suggestions from the industry at home and abroad, and try to issue a scientific and reasonable Measure for cosmetic labelling management based on protecting the legal rights and interests of consumers and following international rules.

From 1 July 2015, this regulation will be officially implemented and the existing labelling rules and labels cannot not be used anymore.

Other cosmetic regulations in China

On 8 November 2014, the CFDA proposed a new draft for public consultation to amend the Regulations concerning the Hygiene Supervision over Cosmetics. This amendment changes the title of the text in Regulations concerning the Supervision and Administration over Cosmetics. Some requirements overlap with the draft Administrative Measures on Cosmetics Labelling. For example stickering is not allowed and products whose efficacy has not been validated by testing institutions should be labelled with "efficacy has not been validated".

In this draft, the definition of cosmetics is reviewed and products for the teeth and oral mucosa are included (toothpaste, notably). The responsibility of cosmetics manufacturers and sellers has been strengthened; they bear the responsibility to supervise and ensure the quality and safety of cosmetics they produce or sell. Post-marketing surveillance will be strengthened. The draft also stipulates a four-year observation period for newly approved new cosmetic ingredients (NCIs).

On 2 February 2015, the CFDA published a draft amendment of the Technical Safety Standard for Cosmetics, jointly written with the National Institutes for Food and Drug Control (NIFDC). This text presents the restricted and prohibited ingredients for cosmetics, the main definitions, the requirements regarding microbiology and heavy metals, toxicological tests and sunscreen methods: ISO 24444: 2010 and ISO 24442: 2011 have been included in the draft.

This draft includes the prohibition of isobutylparaben, phenylparaben, benzylparaben, pentylparaben, already prohibited by Regulation (EC) 358/2014 in the European Union. PABA has been excluded from the list of UV filters, 20 hair dyes have been deleted and there is a ban on some parabens (isopropyl-, isobutyl- and benzyl-), and exclusion of Chloroacetamide, Methenamine, Methyl-dibromo glutaronitrile, Quaternium-15 and Sodium iodate from the list of preservatives.

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