



Product safety bulletin

Chemicals in cosmetics

August 2014

This Bulletin alerts suppliers of cosmetics to some of the product safety hazards associated with these items and outlines some of your responsibilities as a supplier.

If you are a manufacturer, importer, wholesaler, hirer or retailer in the business of supplying cosmetics into the Australian market, or a service provider in this industry, this Bulletin applies to you.

Hazards

Most cosmetics are safe if used appropriately. However, misused or inappropriately labelled products can cause:

- serious illness if swallowed
- severe irritation on contact with the eyes, nose or skin
- respiratory and other illnesses if inhaled
- allergic reactions in consumers with high sensitivity to small amounts of certain chemicals.

Some chemicals that may be found in cosmetics include:

- Formaldehyde—often found in hair straightening solutions. Can irritate the eyes, nose and skin and cause skin sensitisation
- Hydrogen peroxide—often found in teeth whiteners and hair bleach. Can cause severe burns and eye damage
- Paraphenylenediamine—often found in hair dyes and temporary skin tattoos. Also a contact allergen in excessive amounts.

Your responsibilities as a supplier

Cosmetic ingredients must be legally permitted for use in Australia and meet requirements under the *Industrial Chemicals Notification and Assessment Act 1989* and comply with the *Cosmetics Standards 2007*. There may also be restrictions for certain substances by virtue of the *Standard for the Uniform Scheduling of Medicines and Poisons* (Poisons Standard).

Suppliers must ensure all consumer products meet levels of safety generally expected by the community or face liability for illness, injury, death and loss.

Cosmetic ingredients must be legally permitted for use in Australia, and must appear on the ingredients label.

More information on legal use of chemicals in cosmetics, including safe limits, can be found at:

- www.nicnas.gov.au (the National Industrial Chemicals Notification and Assessment Scheme)
- www.tga.gov.au (the Therapeutic Goods Administration).

Additionally, the Australian Consumer Law (ACL) provides a range of statutory guarantees to consumers when they purchase goods and services. Suppliers must ensure that goods are safe and of acceptable quality and fit for any disclosed purpose.

Evidence may be required to establish whether goods meet the guarantee of acceptable quality or to substantiate a range of other claims.

More detailed information on the requirements of the ACL is available from the ACCC website at www.accc.gov.au/ACL.

Labelling of Cosmetics

Most health products and cosmetics are safe when used appropriately. However, if ingredient labels are not present or are inaccurate, a consumer can expose themselves to ingredients that may cause harmful allergic reactions.

By law, suppliers must ensure that ingredients used in cosmetics are declared on the label. Requirements are outlined in the mandatory information standard for ingredients labelling on cosmetics as prescribed by the *Trade Practices (Consumer Product Information Standards) (Cosmetics) Regulations 1991*.

The mandatory information standard is intended to enable consumers to identify the presence of ingredients to which they may be allergic, sensitive or otherwise concerned about, and to allow comparison of different cosmetic products.

All businesses supplying cosmetic products to Australia—including online stores—must comply with the mandatory information standard. If you are an online supplier, the ACCC considers it good practice to show an ingredients list with the online listing so that consumers can view the product ingredients before the goods are checked out.

You can find out more about the cosmetic labelling requirements on the Product Safety Australia website at www.productsafety.gov.au/cosmetics.

Suppliers can face heavy fines of up to \$220 000 for an individual or \$1.1 million for a body corporate and product recalls if the cosmetics they supply do not comply with the mandatory standard for ingredient labelling.

Your mandatory reporting responsibilities as a supplier

As a supplier, you also need to be aware of your mandatory reporting obligations.

Under the Australian Consumer Law, suppliers—including wholesalers, retailers and service providers such as hairdressers—are required to report consumer goods associated with the serious injury, illness or death of any person within two days of becoming aware of a reportable incident.

A supplier who fails to fulfil this mandatory requirement may be found guilty of a criminal offence and be liable for a penalty of up to \$16 650 for a body corporate or \$3300 for a person other than a body corporate.

You can submit a mandatory report and find out more about your responsibilities via the Product Safety Australia website: <http://www.productsafety.gov.au/mandatoryreporting>.

All representations or claims made about a product must be truthful. It is an offence to engage in misleading and deceptive conduct.

Product Recalls

If a product is unsafe or likely to cause injury to a person it may be recalled. Recalls can be initiated voluntarily by the supplier, or in response to an order by the minister responsible for consumer protection.

Many recalls are undertaken voluntarily following discussions with the ACCC or other consumer regulators. Recent recalls of cosmetic products containing unsafe levels of formaldehyde (in excess of the safe limits set through the Poisons Standard) demonstrates how the ACCC can act upon local and international information to move quickly to protect Australian consumers.

Information on each of these recalls, and about recalls generally, can be found by visiting the Recalls Australia website at www.recalls.gov.au.

How to sell and use cosmetic products safely

- only buy/source products that comply with the relevant regulations including the mandatory standard for ingredients labelling on cosmetics
- check the ingredients are listed on the product and allow your clients to see the ingredients list
- always follow product instructions for use (including skin patch testing and after-care instructions)
- have material safety datasheets available for your clients and staff (these should be provided by suppliers of hazardous products)
- stay up-to-date with product recalls via the Recalls Australia website, and follow instructions for dealing with any recalled products you have
- if you are not satisfied that the product is safe and compliant do not purchase it or use it.

It is both illegal and irresponsible for anyone to supply any product that does not comply with the law and is unsafe. This includes using recalled or non-complaint salon products on your clients.

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For more information about mandatory standards, bans, recalls and emerging issues—and to subscribe to email alerts and RSS—visit our websites:

www.productsafety.gov.au

www.recalls.gov.au

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