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COSMETIC TOILETRY & FRAGRANCE ASSOCIATION OF SOUTH AFRICA

Decoding the Cosmetic Code*

*APPENDIX B OF THE ARB CODE OF ADVERTISING PRACTICE

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Overview

- What is the Code
- CTFA's role
- Decoding
- Conclusion

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What is the Code?

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ADVERTISING REGULATORY BOARD
Consumer protection through responsible advertising

- **CODE OF ADVERTISING PRACTICE**



- Appendix B - Cosmetic Advertising Code of Practice

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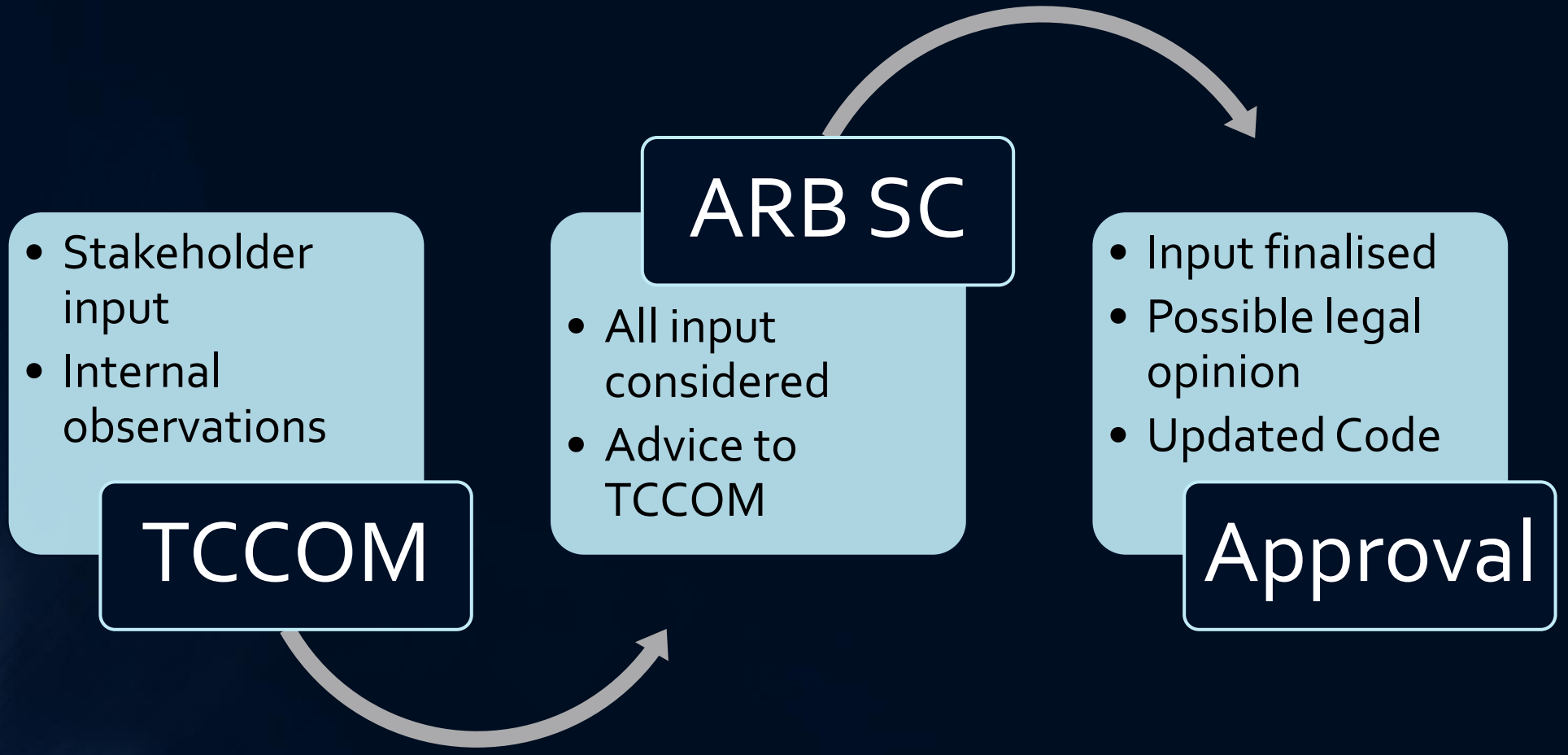
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...and the role we play

- ✓ Board of Directors
- ✓ Appendix B – Annual review
- ✓ TCCOM – ARB SC

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Decoding the Code

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- 7 Sections in the Cosmetic Code
- 6 & 7 go into specifics for easy reference
- General Principles of the Advertising Code need to be considered overall

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INTRODUCTION

The South African cosmetics and personal care (hereafter referred to as "cosmetics") industry recognises the importance of responsible advertising and marketing communication (hereafter the two are referred to as "advertising") in order to inform consumers about the efficacy and safety of the products they purchase.

The industry, through the Cosmetic Advertising Code of Practice [the "Cosmetic Code"], commits to ensuring that their advertising:

- complies with prevailing legislation;
- is sincere, truthful and not misleading;
- allows consumers to make informed choices;
- acts in an ethically and socially responsible manner;

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REGULATORY FRAMEWORK

a. Nationally, cosmetics are specifically regulated by the national Department of Health through the Foodstuffs, Cosmetics and Disinfectants Act as amended (Act 54 of 1972) and all subordinate legislation. These products are also regulated by other general consumer- and metrology-relevant legislation for example, amongst others.

b. Advertising in South Africa is regulated through a self-regulatory body, the Advertising Regulatory Board (ARB). ARB decisions are governed by the South African Code of Advertising Practice [the "Code of Advertising Practice"] that is based on the International Code of Advertising Practice, and includes an industry-specific code for cosmetics (the Cosmetic Code), under Appendix B

c. The Cosmetic Code is compiled and managed by the cosmetic industry, through the Cosmetic, Toiletry & Fragrance Association of South Africa (CTFA) and submitted to the ARB for inclusion in the Code of Advertising Practice on an annual basis.

d. In any matters associated with cosmetic advertising, the Cosmetic Code should always be considered along with the Code of Advertising Practice.

e. Advertising is also regulated by the Consumer Protection Act (Act 68 of 2008) and the Consumer Goods and Services Ombudsman ["the CGSO"] enforces the Consumer Goods and Services Industry Code of Conduct by receiving and dealing with consumer goods complaints by a consumer free of charge.

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SCOPE

- designed to provide guidance on the advertising of cosmetics, specifically regarding the need for the consumer to be well informed about the products they purchase.

- intended to guide advertisers on the appropriate communication of the safety and efficacy of cosmetics.

- applies to all mechanisms of advertising claims including text; symbols; visual representations; figures; names; and trademarks.

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SCOPE

- applies to cosmetics as defined…" "Cosmetic" means any article, preparation or substance (except a medicine as defined in the Medicines and Related Substances Act (Act 101 of 1965)) intended to be rubbed, poured, sprinkled or sprayed on or otherwise applied to the human body, including the epidermis, hair, teeth, mucous membranes of the oral cavity, lips and external genital organs, for purposes of cleansing, perfuming, correcting body odours, conditioning, beautifying, protecting, promoting attractiveness or improving or altering the appearance, and includes any part of ingredient of any such article or substance".

- The mechanism of action of cosmetics is considered to include:
- i. temporary action;
- ii. improvement of appearance in all fields of application;
- iii. to be used regularly to maintain the effect;
- iv. the effect is aimed at grooming and/or enhancing the appearance in all fields of application, as per the definition of a cosmetic.

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GENERAL PRINCIPLES

SUBSTANTIATION

"Substantiation" means:

documentary evidence, in accordance with the requirements of the Code of Advertising Practice, based on statistically valid result(s) from data analysis, in which proven scientific methods that are compliant with recognised standards and/or best practices and applicable to the claim(s) being made, are used. Such substantiation is inclusive of, but not limited to, sensory data generated by expert panels; and survey data applicable to the claim(s) made.

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SPECIFIC CLAIMS

- **Unacceptable Claims**
  - Not substantiated
  - Not worded from a cosmetic perspective.
  - Mucous membranes, other than the oral cavity
  - Claims that cosmetics can be used on mucous membranes. Note that appropriate claims that specific cosmetics can be used in the oral cavity are acceptable.
  - Permanent effects
  - “Cosmeceutical”
  - Medicinal benefits and medical terms.

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SPECIFIC CLAIMS

- **Unacceptable Claims cont..**

  - Physiological action.
  - The words “skin bleacher”, “skin lightener”, or “skin whitener”, or claims that convey the impression of skin bleaching, skin lightening, or skin whitening.
  - “clinically proven”
  - Endorsements made by individuals or medical organisations.
  - “recommended by doctors”

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SPECIFIC CLAIMS

- **Specific allowed claims**
  - **Endorsement by medical practitioner(s)**
  - **Substantiation of "Dermatologically/Dermatologist" Claims for Cosmetic Products:**
  - **Use of "Natural" / "Natural Products" and "Natural Ingredients"**
  - **Use of the Word "Pure"**
  - **Non-content or "free from" claims**
  - **Claims Made for Ingredients**
  - **Hypoallergenic Claims**
  - **Sensitive Skin Claims**
  - **Claims relating to bacteria, fungi and viruses**

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SPECIFIC PRODUCT CATEGORIES

- **Hair products**
  - General
  - Anti-Hair loss
  - Anti-dandruff
  - Split ends
  - UV protection
- **Anti-cellulite or similar products**
- **Sunscreens**

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Conclusion

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Thank you



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