

Cosmetics, fragrances and toiletries

1. Preamble

This section is supplementary to the general provisions of the Code. Special care should be taken by advertisers to ensure that the spirit, as well as the letter of these provisions are scrupulously observed.

For the purpose of this section of the Code, label includes advertising and any other form of product promotion.

Category specific requirements take precedence over general requirements.

“**Label**” or “**Labelling**”, for the purpose of this section of the Code, includes labelling, advertising and any other form of product promotion.

2. Legality

All advertisements for cosmetics shall conform to the provisions as accepted by the MCC Resolution 172.08.06 of October 1997, the Standards Act (Act 8 of 2008), and the requirements as laid out in the most current version of the CTFA Cosmetic Compendium, and Foodstuffs, Cosmetic and Disinfectants Act 54 of 1972, as amended and all associated regulations.

3. Definition of a “Cosmetic Product”

3.1 A “**Cosmetic Product**” shall mean any substance or preparation intended to be placed in contact with the various external parts of the human body (epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity with a view exclusively or mainly to cleaning them, perfuming them, changing their appearance and/or correcting body odours and/or protecting them or keeping them in good condition.

3.2 The definition specifies six functions pertaining to cosmetic products, but is not limited to, namely:

3.2.1 to clean;

3.2.2 to perfume;

- 3.2.3 to change the appearance;
- 3.2.4 to correct body odours;
- 3.2.5 to protect; or
- 3.2.6 to keep in good condition.

If a product does not have at least one of the functions listed in 3.2 above as its primary purpose, it is not a cosmetic. However, primary cosmetics can also have secondary functions e.g. a body wash with an anti-germ or germ reduction secondary function, where the primary purpose complies with 3.1. Claims for these secondary functions can only be made in a cosmetic sense and must not convey the impression that the cosmetic product confers medicinal properties.

- 3.3 It would be noted that the field of application of cosmetics remains as before:
 - 3.3.1 the epidermis;
 - 3.3.2 the hair system;
 - 3.3.3 the nails;
 - 3.3.4 the lips;
 - 3.3.5 the external genital organs;
 - 3.3.6 the teeth; and
 - 3.3.7 the mucous membranes of the oral cavity.
- 3.4 Products which are intended to be ingested, inhaled or applied to body parts not covered by the definition are not cosmetics.

4. The use of words/symbols in a cosmetic context and in a medicinal context

- 4.1 The cosmetic context has the typical characteristics of:
 - 4.1.1 Temporary action;
 - 4.1.2 To improve visible appearance of the skin;
 - 4.1.3 To be used regularly to maintain the effect; or
 - 4.1.4 The effect is aimed at grooming and/or enhancing the appearance of the skin.
- 4.2 The medicinal context has the typical characteristics of:
 - 4.2.1 Permanent or drastic effects after completion of a treatment;
 - 4.2.2 Healing or curative aspects;
 - 4.2.3 To be used restrictively because of the potency of the treatment;

- 4.2.4 The effect is aimed at treatment of or relieving a disease condition.
- 4.3 The use of any medical symbol is not permitted on a cosmetic product.

5. Unacceptable claims

Unacceptable claims are claims that are used and not substantiated. Claims that convey the impression that a cosmetic product possesses medicinal properties are not permitted.

- 5.1 In general, no cosmetic claims for products used on mucous membranes (except the oral cavity) are permitted.
- 5.2 Claims suggesting permanent effects are not permitted for cosmetics.
- 5.3 The term “cosmeceutical” is not a recognised category of cosmetic products. Its use is misleading and thus not permitted.
- 5.4 An advertisement shall not claim or imply that a cosmetic product can cure or permanently prevent a specific condition that is a symptom of disease.
- 5.5 Claims implying any sort of physiological action beyond the scope of the defined activity of a cosmetic product, are not permitted.

6. Substantiation/Evidential support

- 6.1 **“Scientific substantiation”** means substantiation based on statistically valid data, employing a validated, proven scientific method and applicable to the claim being made.
- 6.2 Substantiation is inclusive of but not limited to, sensory data generated by expert panels and expert assessments.

7. Use of the words “Natural” and “Organic”

- 7.1 Claims relating to the use of the words “Natural” and “Organic” shall not be misleading.
- 7.2 “Natural” or “Organic” claims made for ingredients and/or finished products shall require appropriate substantiation.

8. Use of the word “Pure”

- 8.1 The use of the word “Pure” requires scientific substantiation and the ingredients referred to would have to be of a cosmetic grade or higher.

9. “Free from” claims

- 9.1 “Free from” claims shall be permitted, provided that they comply with the following requirements:
 - 9.1.1 They do not form the main argument for the product but provide additional information to consumers who may want to avoid ingredients based on specific reasons such as religious beliefs or allergies.
 - 9.1.2 They are not disparaging in any way, neither should they promote a risk to human health, or the environment.
- 9.2 “Free from” claims should therefore be permitted with the following provisions:
 - 9.2.1 They are relevant for the product category concerned. Any claim for an ingredient that is either not relevant or forbidden in the product category concerned, shall not be permitted.
 - 9.2.2 They are for information purposes only.

10. Claims made for ingredients

- 10.1 If a product claims that it contains a specific ingredient, the ingredient should be deliberately present.
- 10.2 If specific claims for ingredients are made, adequate and verifiable evidence, such as demonstrating the presence of the ingredient at an effective concentration, must be provided to substantiate that the product itself delivers against the claim(s) being made.
- 10.3 Ingredient claims referring to properties of a specific ingredient should not imply that the finished product has the same properties when it hasn’t been substantiated to do so.

11. Cosmetic cellulite products

- 11.1 Claims should clearly focus on improving the appearance of the condition of the skin.
- 11.2 A healthy lifestyle must be encouraged. To advocate no dieting and no exercise is irresponsible advertising.
- 11.3 No claim may be made for slimming, weight loss or any other benefit which is clearly physiological, rather than cosmetic.

12. Skin brightening products

- 12.1 The words “skin bleacher”, “skin lightener” or “skin whitener” or claims that convey the impression of skin bleaching, skin lightening or skin whitening are not permitted.
- 12.2 A product may not claim to alter the appearance of the skin to any shade lighter than its natural constitutive pigmentation.
- 12.3 Any term that directly or by implication claims to brighten or even the skin tone or similar requires acceptable scientific substantiation.

13. Hair and Scalp products

- 13.1 Claim may not state or imply any changes to physiological processes concerning the hair and scalp.
- 13.2 Medical terms shall not be used to describe a specific hair condition or condition of the scalp. An advertisement for a hair care product shall not use medical words/terminology that the consumer may not be familiar with.
- 13.3 A product that alleviates dandruff shall not claim or imply that the condition can be prevented permanently but shall state that effective control is dependent on regular use. Such advertisements shall not imply or exaggerate the claims of the effectiveness of the product.
- 13.4 Products claiming the presence of UV filters must indicate clearly that only the hair/hair colour would be protected and not the scalp.
- 13.5 Hair care products cannot claim/display a SPF number.

14. Sunscreen products

- 14.1 Products containing sunscreens, suitable for topical use, for the protection of human skin against the adverse effects of solar UVA and UVB rays, must comply with the following provisions:
 - 14.1.1 UV Protection Claims

No claim for protection against radiation other than UVA or UVB is permitted. Claims for UV protection must be qualified with the reference to UVA or UVB protection or both.
 - 14.1.2 SPF Claims
 - 14.1.2.1 Sunscreen products may only claim sun protection or a sun protection factor (SPF) number, when tested in accordance with SANS 1557:

Sunscreen products, ISO 24444 (Cosmetics – Sun protection test methods – *In vivo* determination of the sun protection factor (SPF)) or any other scientifically accredited test method.

14.1.2.2 SPF claims must be validated by an *in vivo* SPF test certificate from a credible testing facility.

14.1.2.3 SPF claims for sunscreen wipes must be labelled with the statement “Contains SPF (number) sunscreen”.

14.1.2.4 Any SPF claim below 6 or greater than 50+ is not permitted.

14.1.2.5 SPF claims for primary sunscreens must be accompanied by the following directions:

14.1.2.5.1 Apply before exposure.

14.1.2.5.2 Apply generously.

14.1.2.5.3 Reapply frequently.

14.1.3 UVA Claims

14.1.3.1 For a product for which UVA protection is claimed, documented test results from a credible testing facility shall be available to substantiate the claim.

14.1.3.2 Such claims must be validated by either an *in vivo* or *in vitro* test certificate from a credible testing facility.

14.1.3.3 Products claiming UVA protection (or bearing the UVA symbol) shall meet the requirements of SANS 1557 Sunscreen products, section on, UVA requirements and be tested according to:

14.1.3.3.1 ISO 24442: Cosmetics – Sun protection test method – *In vivo* determination of sunscreen UVA protection.

14.1.3.3.2 ISO 24443: Cosmetics – Sun protection methods – Determination of the sunscreen UVA photoprotection *in vitro*.

14.1.3.3.3 Any other scientifically accredited test method, equivalent to those detailed above.

14.1.3.3.4 Sunscreen products containing only UVA filters shall carry a warning that they do not protect against the burning rays of the sun.

14.1.4 Classification Claims

14.1.4.1 Such claims must be in keeping with the product's protection classification (low, moderate, high, very high) and shall only be labelled according to the table below:

Category	Labelled SPF
Low	6, 10
Medium	15, 20, 25
High	30, 40, 50
Very High	50+

14.1.4.2 When specific protection claims are made, or the inclusion of UV filters is stated or implied, the SPF number shall be stated on the container or label of the product and shall be clearly indicated.

14.1.5 Broad Spectrum Claim

14.1.5.1 A product shall be considered to provide broad spectrum protection if this can be scientifically substantiated as stipulated in SANS 1557: Sunscreen products, section titled "Broad spectrum" and "Requirements for products for which 'broad spectrum' is claimed".

14.1.6 Water Resistance/Sweat Resistance/Waterproof

14.1.6.1 Any sunscreen claim of "water resistant" must be scientifically substantiated as per the requirements of SANS 1557: Sunscreen products, section titled "Requirements for products for which 'water-resistant' is claimed".

14.1.6.2 Any sunscreen claim of "very water resistant" must be scientifically substantiated as per the requirements of SANS 1557: Sunscreen products, section titled "Requirements for products for which 'very water resistant' is claimed".

14.1.6.3 Water resistant or very water resistant are the only claims/terms that are permitted, and they must be accompanied by the following statement:

“reapply after perspiring, swimming or towel drying”.

14.1.6.4 The claim “waterproof” is not permitted.

14.1.6.5 The claim “sweat resistant” is not permitted.

14.1.7 Non-irritation claims

14.1.7.1 If an irritation related claim is made, adequate scientific substantiation shall be provided in the form of documented test results from a credible testing facility.

14.1.8 Block out or similar claims

14.1.8.1 Claims shall not state or imply 100% protection from UV radiation, e.g. block, sunblock, sun blocker or total protection.

14.1.9 All day protection and extended protection claims

14.1.9.1 A sunscreen product shall not claim or imply that a single application can provide all day protection, or similar.