

Guideline 2

Cosmetics

All requirements for cosmetics shall conform to the provisions as accepted by MCC Resolution 172.08.06 of October 1997, the Standards Act (29 of 1993) and the ASA Code of Advertising Practice, where applicable.

1. Definition of a “cosmetic”

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, *except where such cleaning, perfuming, protecting, changing, keeping or correcting is wholly for the purpose of treating or preventing disease.*

NB: When advertising for a cosmetic is prepared, the above definition should be read in conjunction with the definition of a medicine (see Guideline 1, especially clause 2, which refers to restoring, modifying or correcting any somatic or organic function in man).

2. Department of health rulings

2.1 *Skin cleaners*

See Guideline 1 clause 4.1 for ruling on anti-bacterial skin cleaners.

2.2 **“Health” and “healthy”**

In a letter dated 1985-02-21 the Department of Health drew attention to Regulation 908(7)(D) promulgated under The Foodstuffs, Cosmetics and Disinfectants Act 54 of 1972 which states:

“Any person selling a foodstuff or cosmetic bearing on a label any word, indication or claim that conveys the impression that the foodstuff or cosmetic possesses health-giving properties shall, unless such word, indication or claim can be scientifically substantiated, be guilty of an offence.”

2.3 “Hygienic” and “protection against germs”

In the letter referred to above it is further stated–

“X Soap does not contravene the Act. Since the use of soap promotes hygiene, ‘Hygienic Soap’ is acceptable. The use of the word ‘Helps’ is critical in the sentence ‘X’s hygienic lather helps protect against germs that may cause skin irritation’. It implies that X is not the only factor. Further it only states germs and not all germs which would be a false and misleading claim.”