

APPENDIX III – ASEAN COSMETIC CLAIM GUIDELINE

1. Introduction

The evaluation of product claims cannot be separated from the consideration of whether a product is a cosmetic or not. Whether a product can be considered to be a cosmetic product depends on several factors, claims are an important element of this process. This guideline provides a simple 5-step decision-making process that helps to identify products and claims which can be considered to be cosmetics. The document also provides some examples of unacceptable claims for cosmetic products. However, it is not to be taken as the final authority nor as an exhaustive list.

2. Decision Process to identify cosmetic products and allowable claims (See summary chart below)

a. Composition of cosmetics

The product should contain only ingredients that comply with the annexes of ACD, and does not contain any ingredients that are banned in the ACD.

b. Target site of application of cosmetics

The product should be 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.

Products that are intended to be ingested, injected or placed in contact with other parts of the human body e.g. the mucous membranes of the nasal passage or the internal genitalia cannot be considered to be cosmetic products.

c. Intended main function of cosmetics

The product should be applied to the permitted parts of the human body with a view exclusively or mainly to clean them, perfuming them, changing their appearance and/or correcting body odors and/or protecting them or keeping them in good condition.

Note that products may have a secondary, minor function that is outside the above scope. Some examples of acceptable secondary claim areas are given below. Note that this is not an exhaustive list.

- Dandruff
- Cellulite
- Bust contouring
- Anti-bacterial
- Caries
- Hair loss
- Acne

d. Product presentation of cosmetics

The product should not be presented as treating or preventing disease in human beings. The following features of the product should be taken into account

- i. Product claims and the context in which the claims are made

- ii. Labeling and packaging/packaging inserts (including graphics)
 - iii. Promotional literature, including testimonials and literature issued by third parties on behalf of the supplier
 - iv. Advertisements
 - v. The product form and the way it is to be used e.g. capsule, tablet, injection etc.
 - vi. Particular target of the marketing information e.g. specific population groups with, or particularly vulnerable to, specific diseases or adverse conditions.
- e. Physiological effects of cosmetics

Every product that has an effect on the functioning of the body also has an effect on its metabolism. Cosmetic products typically have effects that are not permanent, and have to be used regularly to maintain their effects.

As a first point of guidance, claims that can be reasonably expected for product types given in the Illustrative List of Cosmetic Products (Annexe 1 ACD) can be considered to be cosmetic in nature.

Section 3. below gives some examples of unacceptable claims for cosmetic products. Note that it is not an exhaustive list.

3. Some examples of unacceptable claims commonly observed for cosmetics under the product types.

| Product Type | Unacceptable claims |
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| Hair care products | <ul style="list-style-type: none"> • Eliminates dandruff permanently • Restores hair cells • Hair loss can be arrested or reversed • Stimulates hair growth |
| Depilatories | <ul style="list-style-type: none"> • Stops/retards/prevents hair growth |
| Nail products | <ul style="list-style-type: none"> • Reference to <u>growth</u> resulting from nourishment |
| Skin products | <ul style="list-style-type: none"> • Prevents, reduces or reverses the physiological changes and degeneration conditions brought about by aging • Removes scars • Numbing effect • Prevents, heals, treats or stops acne • Treatment of cellulite • Lose centimetres • Reduces/controls swelling/oedema • Removes/burns fat • Fungicidal action • Virucidal action |
| Oral or dental hygiene products | <ul style="list-style-type: none"> • Treatment or prevention of dental abscess, gumboils, inflammation, mouth ulcers, periodontitis, pyorrhoea, periodontal disease, stomatitis, thrush or any oral |

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| | diseases or infections • Whitens tetracycline-induced stains |
| Deodorants & Anti-perspirants | • Completely prevents sweating/perspiration |
| Perfumes/fragrances/colognes | • Aphrodisiac or hormonal attraction |

Note that claims can be softened i.e. made less functional and more cosmetic in nature by the use of modifiers. An example of this would be a claim for removing all oil from skin. This claim could be softened as follows,

- Helps to remove oil from skin
- Reduces the shine of oily skin
- Suitable for oily skin types
- Makes your skin feel less oily

Decision process to identify cosmetic products & claims



