

Annex I, part 8

COSMETIC CLAIMS 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

a. Composition of cosmetics

The product should contain only ingredients that comply with the annexes of the Guidelines for Control of Cosmetic Products in Malaysia, and does not contain any ingredients that are banned in those guidelines.

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 odours 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
- Mouth wash

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. Labelling 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 of 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 Annex I, part 2: Illustrative List of Cosmetic Products by Categories can be considered to be cosmetic in nature.

3. UNACCEPTABLE CLAIMS FOR COSMETIC PRODUCTS.

3.1 Some examples of unacceptable claims commonly observed for cosmetics based on product types are shown in the table below:

Product Type	Unacceptable Claims
Hair care products	<ul style="list-style-type: none"> • Eliminates dandruff permanently • Restores hair cells • Hair loss can be arrested or reversed • Stimulate/promote hair growth
Depilatories	<ul style="list-style-type: none"> • Stops/retards/prevents hair growth
Nail products	<ul style="list-style-type: none"> • Reference to growth 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 • Reference to slimming effect, lose centimetres/inches, removes/burns fat • Reference to removal of excess body fluid (draining), reduces/controls swelling/oedema • Reference to blood circulation/microcirculation • 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 diseases or infections • Whitens tetracycline-induced stains • Gum bleed • Reference to pain/ache • Reference to effect on nerve
Deodorants & Anti-perspirants	<ul style="list-style-type: none"> • Completely prevents sweating/perspiration
Perfumes/fragrances/colognes	<ul style="list-style-type: none"> • Aphrodisiac or hormonal attraction
Oil to assist body massage	<ul style="list-style-type: none"> • Reference to body/muscle/joint pain/aches • Stomach wind, bloating • Arthritis
Feminine/male hygiene products	<ul style="list-style-type: none"> • Reference to sexual pleasure

Product Type	Unacceptable Claims
	<ul style="list-style-type: none"> ●Reference to male/female vitality ●Reference to preserve normal flora ●Tighten vaginal muscle ●Reference to infection and inflammation ●To reduce vaginal discharge, leucorrhoea
Aromatherapy	<ul style="list-style-type: none"> ●Reference to any claim which is not cosmetic in nature such as for sleeping disorder, neurological effect, muscle/body/joint pain, immune system, aphrodisiac, blood circulation, other medical conditions
Sunscreen	<ul style="list-style-type: none"> ●Sunblock ●Sweat proof ●Waterproof ●Reference to cancer

3.2 Other unacceptable claims:

(i) **Good Manufacturing Practice (GMP) certification of a manufacturer**

The use of symbol, logo or statement related to GMP certification/standard e.g. ISO 22716 is unacceptable.

However, the use of other symbol, logo or statement that is NOT related to GMP e.g. ECOCERT may be acceptable and must be substantiated.

(ii) **Religious claim**

The use of reference to Hadith/ Al-Quran/ Bible/ any religious statement to a cosmetic product.

Note:

- i. This is not an exhaustive list and subjected to review when necessary.
- ii. NPRA reserves the right to disallow any other words, phrases or graphics for product label which in its opinion is misleading, improper or not factual.

Decision process to identify cosmetic products & claims

