Claims Guidelines

ASEAN Cosmetic Committee

6th Meeting - 15/16 June 2006

Siem Reap, Kingdom of Cambodia

OVERVIEW

1. The Issue
2. The Problem
3. Background
4. Proposal

THE ISSUE

It became obvious at the Good Regulatory Practice Workshop (14 March 2006 - Jakarta) that ASEAN Member States have slightly different interpretations of which claims should be classified as cosmetic and which should be considered to be outside the scope of the ACB e.g. Drug, Food, Other

THE PROBLEM

Differences between ASEAN Member States in interpretation of what constitutes a cosmetic product under the ASEAN Cosmetic Directive is a potential source of confusion and a barrier to free trade and innovation.

CURRENT STATUS - 1

ACD Annex 1

Illustrative list of cosmetic products covers many of the product types to be regulated as cosmetics, but needs expanding to reflect changes in international practice and to provide clarity.

CURRENT STATUS - 2

ACD Article 7

1. Member States are responsible for ensuring that product claims comply with the guideline (Appendix III)

2. Claims shall be justified by evidence or the formulation itself.

CURRENT STATUS - 3

ACD Appendix III (Claim Guidelines)

1. Products are judged as cosmetic or drug based on composition and proposed use

2. Proposed use is indicated by presentation, & claims on inserts, advertisements & label

3. Cosmetic claims should be aligned with international practice and be supported

PROPOSAL- 1

ACSB should be prepared to respond to a future mandate from ACC to expand the current Illustrative list (Annexe I) and claim Guidelines (Appendix III) by addition of a list of example claims that would be considered to be non-cosmetic for each of the product function types as listed in Annex 1 (The Illustrative List)

PROPOSAL- 2

That any relevant borderline product functions not already in Annex 1 (e.g. personal lubricants, anti-dandruff, slimming, firming, aromatherapy, cellulite, relaxation, easing of tired legs by massage oil, industrial hand cleansers containing harsh ingredients such as kerosene, etc) identified by ACC could also be addressed by an expanded Annex 1 and Appendix III

PROPOSAL- 3

That Annex 1 & Appendix III should be regularly reviewed and updated to reflect developments in technology, novel products and claim areas, new safety data etc.

That Appendix III should provide examples of non-permitted (e.g. medicinal) claims only and should not address what claims may be made i.e. it will be a negative list, not a positive list.

PROPOSAL- 4

That Appendix III should not be exhaustive, and should not take way the authority of individual Member States to regulate claims in their own markets or the ability of industry to be innovative and creative.

PROPOSAL- 5

That an ACSB Working Party will be set up with ACC guidance with a remit to develop the expanded Annex I and Appendix III for agreement by ACSB and proposal to ACC at the December 2006 meetings