
STATUTORY INSTRUMENTS

1990 No. 1812

CONSUMER PROTECTION

The Cosmetic Products (Safety) (Amendment) Regulations 1990

Made - - - - *3rd September 1990*
Laid before Parliament *4th September 1990*
Coming into force - - *24th September 1990*

Whereas the Secretary of State has, in accordance with section 11(5) of the Consumer Protection Act 1987⁽¹⁾, consulted such organisations as appear to him to be representative of interests substantially affected by these Regulations, such other persons as he considers appropriate and the Health and Safety Commission:

And whereas the Secretary of State is a Minister designated⁽²⁾ for the purposes of section 2 of the European Communities Act 1972⁽³⁾ in relation to measures for safety and consumer protection as respects cosmetic products and any provisions concerning the composition, labelling, marketing, classification or description of cosmetic products and in relation to indication of origin on imported goods:

Now, therefore, the Secretary of State in exercise of powers conferred on him by section 11 of the said Act of 1987 and by section 2 of the said Act of 1972 and of all other powers enabling him in that behalf hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Cosmetic Products (Safety) (Amendment) Regulations 1990 and shall come into force on 24th September 1990.

Amendment of the Cosmetic Products (Safety) Regulations 1989

2. The Cosmetic Products (Safety) Regulations 1989⁽⁴⁾ are hereby amended—

(a) in regulation 6—

(i) in paragraph (1), by the substitution for the words “or a label affixed to the product, the container and the outer packaging” of the words “or, if a cosmetic product is supplied or delivered pursuant to any supply in neither a container nor outer

(1) 1987 c. 43.

(2) S.I. 1972/1811, 1975/1707.

(3) 1972 c. 68.

(4) S.I. 1989/2233.

packaging, then the container in which the product is exposed for supply or a notice displayed in immediate proximity to that container”;

(ii) by the substitution for paragraph (6) of the following paragraph:—

“(6) Where—

- (a) it is impracticable by reason of the size or shape of the container or outer packaging (if any) for the particulars referred to in sub-paragraphs (c) to (f) of paragraph (1) above and any special precautionary information on cosmetic products for professional use, in particular in hairdressing, to appear on the container and outer packaging, or on one of them, or
- (b) two or more products are supplied together as a single item, each product being in a separate container and the containers being enclosed together in outer packaging which bears clear and conspicuous instructions to the effect that the products must be mixed together in specified proportions before use,

the said particulars shall appear on an enclosed leaflet and an indication shall appear on both the container and the outer packaging (if any) referring the consumer to the information in the leaflet”;

(iii) by the substitution for paragraph (7) of the following paragraph:—

“(7) Where a cosmetic product is supplied or delivered pursuant to any supply in a container and outer packaging and it is impracticable, for reasons of size, for the particulars referred to in sub-paragraph (g) of paragraph (1) above to appear on the container, the said particulars shall appear on the outer packaging”;

(iv) by the deletion of paragraph (8).

(b) by the insertion after regulation 6 of the following regulation:—

“**6A.**—(1) This regulation (which makes provision corresponding to that made by regulation 8 of the Cosmetic Products (Safety) Regulations 1984) shall apply in a case in relation to which regulation 6 has not come into force in accordance with regulation 1(5).

(2) Subject to the following provision of this regulation, the container or the outer packaging (if any) in which a cosmetic product is supplied or delivered pursuant to any supply, or a label affixed to the product, the container or the outer packaging, shall bear the following particulars:—

- (a) the name or trade name and the address or registered office of the manufacturer of the product or of a supplier thereof, being a manufacturer or supplier established within a member State of the European Economic Community;
- (b) in the case of a cosmetic product likely within 30 months from the manufacture thereof to cease either to comply with the requirements of regulation 3 or to fulfil the purpose for which it was intended, the words “Best before . . .” immediately followed by
 - (i) the earliest date on which it is likely to so cease; or
 - (ii) an indication of where that date appears on the labelling and any particular precautions to be observed to ensure that the product does not so cease before that date;
- (c) in the case of a cosmetic product containing a substance listed in column 2 of Schedule 2, the information specified in column 6 of that Schedule in relation to that substance;

- (d) in the case of a cosmetic product containing a preservative listed in column 2 of Schedule 4, the information specified in column 6 of that Schedule in relation to that preservative;
- (e) in the case of a cosmetic product containing a UV filter listed in column 2 of Schedule 5, the information specified in column 5 of that Schedule in relation to that UV filter;
- (f) any particular precautions to be observed in use (not being precautions included in the information referred to in sub-paragraphs (b), (c), (d) and (e) above);
- (g) a means of identifying the batch in which the product was manufactured (or, if the product was not manufactured in a batch, a reference from which the date and place of manufacture can be identified):

Provided that the requirements specified in sub-paragraphs (b) and (g) above need not be complied with in relation to a cosmetic product which is the subject of a market research experiment.

(3) The particulars referred to in sub-paragraphs (a) to (f) of paragraph (2) above shall be in lettering which is visible, indelible and easily legible; and the particulars referred to in sub-paragraph (g) shall be indelible.

(4) The particulars referred to in sub-paragraph (a) of paragraph (2) above may be abbreviated if such abbreviation does not prevent the person concerned from being identified.

(5) The date referred to in sub-paragraph (b) of paragraph (2) above shall include the month and the year, and the month shall precede the year.

(6) The particulars referred to in sub-paragraphs (b) to (f) of paragraph (2) above shall be in the English language; but this shall not prohibit the additional use of other languages.

(7) The particulars referred to in sub-paragraphs (c) to (f) of paragraph (2) above shall appear on the container or on a label attached thereto: provided that where—

- (a) it is impracticable by reason of the size or shape of the container for the said particulars so to appear and the container is enclosed in outer packaging, or
- (b) two or more products are supplied together as a single item, each product being in a separate container and the containers being enclosed together in outer packaging which bears clear and conspicuous instructions to the effect that the products must be mixed together in specified proportions before use,

the said particulars may appear on the outer packaging or on a label attached thereto or on a leaflet enclosed in the outer packaging (and, in the case of a leaflet, an indication shall appear on the container referring to the information in the leaflet).

(8) Where it is impracticable, for reasons of size, for the particulars referred to in sub-paragraph (g) of paragraph (2) above to appear on the container or outer packaging, or on a label attached to either thereof, the said particulars shall appear on the packaging in which the product is exposed for supply.

(9) In the case of a supply of soap which is not in a container, either the soap itself or the packaging in which it is exposed for supply or the container in which it was last contained before the supply shall bear the particulars referred to in sub-paragraphs (a) and (g) of paragraph (2) above, and in so far as any of the particulars referred to in sub-paragraphs (b) to (f) of paragraph (2) above are required they shall appear on a leaflet which shall be delivered to the buyer with the soap; and where either of the particulars referred to in sub-paragraphs (a) and (g) of paragraph (2) above appears on the soap itself the requirement of indelibility shall apply only until it has been put into use”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) in regulation 7—
 - (i) in paragraph (2), by the substitution for “and 6” of “, 6 and 6A;” and
 - (ii) in paragraph (3), by the substitution for “Regulation 6(5) does” of “Regulations 6(5) and 6A(6) do”; and
- (d) in regulation 8, by the substitution for “or 6” of “, 6 or 6A”.

3rd September 1990

Lord Hesketh
Minister of State,
Department of Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make a number of amendments to the Cosmetic Products (Safety) Regulations 1989 (“the principal regulations”). In particular, they re-impose the marking requirements contained in regulation 8 of the Cosmetic Products (Safety) Regulations 1984 (S.I.1984/1260) until regulation 6 of the principal regulations comes into force; they also provide that the marking requirements of regulation 6 can be met, if the cosmetic product is sold loose, by providing the information on the packaging in which the product is displayed, the container in which it is exposed for sale or a notice in immediate proximity to that container. Regulation 6 of the principal regulations will come into force for some purposes (specified in regulation 1(5)(a) of those regulations) on 1st January 1992 and for all other purposes on 1st January 1994.