
STATUTORY INSTRUMENTS

1994 No. 1529

CONSUMER PROTECTION

The Cosmetic Products (Safety) (Amendment) Regulations 1994

| | | |
|--|---------|-----------------------|
| <i>Made</i> | - - - - | <i>8th June 1994</i> |
| <i>Laid before Parliament</i> | | <i>9th June 1994</i> |
| <i>Coming into force (except as provided in regulation 1(2))</i> | | <i>30th June 1994</i> |

Whereas the Secretary of State is a Minister designated⁽¹⁾ for the purpose of section 2 of the European Communities Act 1972⁽²⁾ 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 2 of the said Act of 1972 hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Cosmetic Products (Safety) (Amendment) Regulations 1994 and except as provided by paragraph (2) below shall come into force on 30th June 1994.

(2) Regulations 2(b), 2(d), 2(f)(ii) and 2(g)(ii) shall come into force—

- (a) on 1st July 1994 in relation to the supply of cosmetic products by the manufacturer in or importer into the United Kingdom, or in the case of cosmetic products manufactured or imported into the United Kingdom on behalf of another person, by that other person, except where the cosmetic products are supplied by retail in which case they shall come into force on 30th June 1995; and
- (b) in all other cases on 30th June 1995.

2. The Cosmetic Products (Safety) Regulations 1989⁽³⁾ are hereby amended—

- (a) in regulation 2(1) in the definition of “the Directive” by the substitution for “and” of “,” between the words “92/8/EEC(k)” and “Commission Directive 92/86/EEC(1)” and by the addition of the words “and Commission Directive No 93/47/EEC(m)” at the end of the definition and by the insertion as a footnote at the foot of the relevant page the following—
 - “(m) O.J. L203 13.8.93, p. 24.”;

(1) S.I. 1972/1811, 1975/1707, 1993/2661.

(2) 1972 c. 68.

(3) S.I. 1989/2233, amended by S.I. 1990/1812, S.I. 1991/447, S.I. 1992/1525, S.I. 1993/1539.

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- (b) in Schedule 1 by the insertion after entry number 38 of the following—

| | | | |
|------|-----------------------|---|-------|
| “38A | 4-Amino-2-nitrophenol | — | 412”; |
|------|-----------------------|---|-------|

- (c) in Schedule 2, Part I—

- (i) in column 6 of entry numbers 8, 9 and 10, where these relate to oxidizing colouring agents for hair dyeing for professional use, by the addition of—

“Wear suitable gloves.”;

- (ii) in column 6 of entry number 12 by the addition of—

“(a) : Wear suitable gloves.”;

- (d) in Schedule 2, Part II by the insertion after entry number 5 of the following—

| | | | | | |
|---|---|--|---|---|-------------|
| “6 Strontium peroxide | Rinsed-off hair care preparations, professional use | 4.5% calculated as strontium in the ready-to-use preparation | All products must meet the hydrogen peroxide release requirements | Professional use only. Avoid contact with eyes. Rinse eyes immediately if product comes into contact with them. | 30.6.1994 |
| 7 Phenolphthalein (INN) [3,3-Bis (4-hydroxyphenyl)-phthalide] | Toothpaste | 0.04% | — | — | 30.6.1994”; |

- (e) in Schedule 4, Part II in entry numbers 2, 15, 16, 21, 26, 27, 28, 29 and 30 by the substitution for “30.6.1993” of “30.6.1994”;

- (f) in Schedule 5, Part I—

- (i) by the deletion of entry number 5; and

- (ii) by the insertion after entry number 7 of the following—

| | | | | |
|----|---|----|---|-----|
| “8 | 1-(4- <i>tert</i> -Butylphenyl)-3-(4-methoxyphenyl)propane-1, 3-dione | 5% | — | —”; |
|----|---|----|---|-----|

- (g) in Schedule 5, Part II—

- (i) by the deletion of entry number 31;

- (ii) by the insertion after entry number 32 of the following—

| | | | | | |
|-----|--------------|------------|---|---|-------------|
| “33 | 3- | 2% | — | — | 30.6.1994”; |
| | Imidazol-4- | (expressed | | | |
| | ylacrylic | as acid) | | | |
| | acid and its | | | | |
| | ethyl ester | | | | |

(iii) in entry numbers 2, 5, 6, 12, 13, 17, 24, 25, 26, 28, 29 and 32 by the substitution for “30.6.1993” of “30.6.1994”;

(h) in Schedule 6

(i) in paragraph 1 by the insertion after “Directive No.85/490/EEC(e),” of the following—

“Annex E means the Annex to Commission Directive No. 93/73/EEC(g),” and by the insertion as a footnote at the foot of the relevant page of “(g) O.J. No. L231, 14.9.93, p.34.”;

(ii) in paragraph 6 by the addition after entry number 32 of the following—

“(33) Any test for the identification and determination of silver nitrate in a cosmetic product shall be carried out in accordance with that part of Annex E which is headed “Identification and determination of silver nitrate in cosmetic products”.

(34) Any test for the identification and determination of selenium disulphide in anti-dandruff shampoos shall be carried out in accordance with that part of Annex E which is headed “Identification and determination of selenium disulphide in anti-dandruff shampoos”.

(35) Any test for the determination of soluble barium and soluble strontium in pigments in the form of salts or lakes shall be carried out in accordance with that part of Annex E which is headed “Determination of soluble barium and strontium in pigments in the form of salts or lakes”.

(36) Any test for the identification and determination of benzyl alcohol in a cosmetic product shall be carried out in accordance with that part of Annex E which is headed “Identification and determination of benzyl alcohol in cosmetic products”.

(37) Any test for the identification of zirconium and the determination of zirconium, aluminium and chlorine in non-aerosol anti-perspirants shall be carried out in accordance with that part of Annex E which is headed “Identification of zirconium, and determination of zirconium, aluminium and chlorine in non-aerosol anti-perspirants”.

(38) Any test for the identification and determination of hexamidine, dibromohexamidine, dibromopropamidine and chlorhexidine in a cosmetic product shall be carried out in accordance with that part of Annex E which is headed “Identification and determination of hexamidine, dibromohexamidine, dibromopropamidine and chlorhexidine”.

8th June 1994

Strathclyde
Minister of State,
Department of Trade and Industry

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Cosmetic Products (Safety) Regulations 1989 (S.I. 1989/2233) (“the Principal Regulations”) as amended by the Cosmetic Products (Safety) (Amendment) Regulations 1990 (S.I. 1990/1812), the Cosmetic Products (Safety) (Amendment) Regulations 1991 (S.I. 1991/447), the Cosmetic Products (Safety) (Amendment) Regulations 1992 (S.I. 1992/1525) and the Cosmetic Products (Safety) (Amendment) Regulations 1993 (S.I. 1993/1539).

They implement Commission Directives 93/47/EEC and 93/73/EEC by—

1. Prohibiting the use of 4-Amino-2-nitrophenol in cosmetic products (regulation 2(b)).
2. Expanding the warning labelling requirements for the use of *m*- and *p*-Phenylenediamines, their *N*-substituted derivatives and their salts; *N*-substituted derivatives of *o*-phenylenediamines; Methylphenylenediamines (other than 4-methyl-*m*-phenylenediamine and its salts), their *N*-substituted derivatives and their salts; and Diaminophenols when used as oxidizing colouring agents for hair dyeing for professional use and for the use of hydrogen peroxide and other compounds or mixtures that release hydrogen peroxide including hydrogen peroxide-urea (hydrogen peroxide-carbamide) and zinc peroxide when used in hair care preparations (regulations 2(c)(i) and (ii)).
3. Permitting provisionally and subject to restrictions the use of Strontium peroxide in rinsed-off hair care preparations for professional use and Phenolphthalein [3,3-Bis(4-hydroxyphenyl)phthalide] in toothpaste until 30 June 1994 (regulation 2(d)).
4. Permitting the continued use, subject to restrictions, in cosmetic products of the preservatives listed as entry numbers 2, 15, 16, 21, 26, 27, 28, 29 and 30 in Schedule 4 Part II to the Principal Regulations until 30 June 1994 (regulation 2(e)).
5. Permitting, subject to restrictions, the use of 1-(4-*tert*Butylphenyl)-3-(4-methoxyphenyl)propane-1,3-dione as a UV filter in cosmetic products (regulations 2(f)(ii) and 2(g)(i)).
6. Permitting, subject to restrictions, the use of 3-Imidazol-4-ylacrylic acid and its ethyl ester as a UV filter in cosmetic products until 30 June 1994 (regulations 2(f)(i) and 2(g)(ii)).
7. Extending, subject to restrictions, the permitted use of 12 UV filters in cosmetic products until 30 June 1994, those UV filters being listed as entry numbers 2, 5, 6, 12, 13, 17, 24, 25, 26, 28, 29 and 32 of Schedule 5 Part II to the Principal Regulations (regulation 2(g)(iii)).
8. Introducing procedures for the identification and determination of silver nitrate, benzyl alcohol, hexamidine, dibromohexamidine, dibromopropamidine and chlorhexidine in a cosmetic product; the identification and determination of selenium disulphide in anti-dandruff shampoos; the determination of soluble barium and soluble strontium in pigments in the form of salts or lakes; and the identification of zirconium and the determination of zirconium, aluminium and chlorine in non-aerosol anti-perspirants (regulation 2(h)).

A Compliance Cost Assessment is available, copies of which have been placed in the libraries of both Houses of Parliament. Copies are also available from the Consumer Affairs Division of the Department of Trade and Industry, Room 315, 10-18 Victoria Street, London SW1H 0NN.