



Cosmetic Advertising & Product Claim

*WHO Collaborating Centre
for Regulatory Control of
Pharmaceuticals*



*Member of Pharmaceutical
Inspection Cooperation
Scheme*



SIRIM

*Certified to ISO
9001:2000*

Cert. No: AR 2293

ZURAIDA BT ABDULLAH
National Pharmaceutical Control Bureau
Ministry of Health Malaysia
Jalan Universiti
46730 Petaling Jaya, Selangor
Tel : 603-78835400 Fax : 603-79562924
Website : www.bpfk.gov.my
Email : zuraida@bpfk.gov.my

Presentation Outline

- Introduction
- Regulation of cosmetics in Malaysia
- Cosmetic Claims
- Cosmetic Advertisement
- Punitive Action

Definition

- A cosmetic product shall mean “any substance or preparation intended to be placed in contact with various external parts of the human body (**epidermis, hair system, nails, lips and external genital organs**) or with **teeth** and the mucous membranes of **the oral cavity**, with a view exclusively or mainly to cleaning them, perfuming them, changing their appearance and/or correcting body odours and/or protecting them or keeping them in good condition”

Definition

External parts

- epidermis
- hair system
- nails
- lips
- external genital organs
- teeth
- oral cavity

• Functions ;

- to perfume
- to change the appearance
- to clean
- to protect
- to keep in good condition
- to correct body odours

Regulation of Cosmetics in Malaysia (1)

- Cosmetics are regulated under the Sale of Drugs Act 1952 (Revised 1989) and the Control of Drugs and Cosmetics Regulations 1984 (amendment 2009)
- No person shall manufacture, sell, supply, import or possess any cosmetic unless the cosmetic is a notified cosmetic.
- The person responsible for placing the notified cosmetic in the market shall comply to any directives or guidelines issued under regulation 29 and any conditions imposed by the Director of Pharmaceutical Services (DPS)

Regulation of Cosmetics in Malaysia (2)

- The company or person placing the product in the market must be responsible for ensuring safety, quality and claimed benefit of the cosmetic product placed in the local market and to ensure that the product complies with all existing regulations

Regulation of Cosmetics in Malaysia (3)

- No person shall possess or publish any label, information, pictorial, statement or document which describes the claim of the cosmetics otherwise than in the manner as determined in the directives or guidelines issued by the DPS.

Guidelines for Control of Cosmetic Products in Malaysia

- The Guidelines comprises of :
 - Ingredients Annexes
 - ASEAN Guidelines for Product Information File (PIF)
 - ASEAN Guidelines for Safety Assessment of Cosmetic Product
 - ASEAN Cosmetic Labeling Requirements
 - **ASEAN Cosmetic Claims Guidelines**
 - ASEAN Guidelines on Good Manufacturing Practice (GMP) for Cosmetic
 - Guide Manual For Adverse Event Reporting
 - **Cosmetic Advertising Code**

Cosmetic Claims -1

- The following may constitute cosmetic claims :
 - Words, images, illustrations, marks or descriptions that may appear on:
 - products (packaging, labels & inserts)
 - in advertising (at sales points or circulated by different media)
- Cosmetic products should not make claims that are regarded as medicinal in nature.

Cosmetic Claims -2

- Claimed benefits of a cosmetic product shall be justified by substantial evidence and/or by the cosmetic formulation or preparation itself.
- The notification holder should seek legal or expert advice to ensure that the proposed claims are not in breach of existing Acts or Regulations.

What to consider in claim substantiation

- Benefits delivered in line with reasonable consumer expectations
- Claims should be supported by sound, relevant and clear evidence based on:
 - Generally accepted data (literature)
 - Experimental studies (instrumental methods, expert assessment)
 - Consumer evaluation
- Obvious effects
 - Documentation is not required for self-evident effect e.g; cleansing/foaming by soaps, good scent by perfumes or color by decorative cosmetics

Types of Claims

- Emotive claims
- Ingredient claims
- Product claims
- Nonsense Claims

Emotive claims

- Say nothing about the product, but refer to the consumer
- Do not require substantiation
- Are not really a claim



Ingredient claims

- Claim is related/referring to the ingredient, not to product
- Imply that activity of the ingredient is maintained in the product in which it is incorporated
- Evidence is based on ingredients properties



An alluring blend of antioxidant rich **coconut oil** along with lush **keratin proteins** to strengthen and soften **the hair**, **while** avocado oil and **cocoa butter** smooth the cuticle for straight, strong, tresses or wavy tresses.....

Product claims

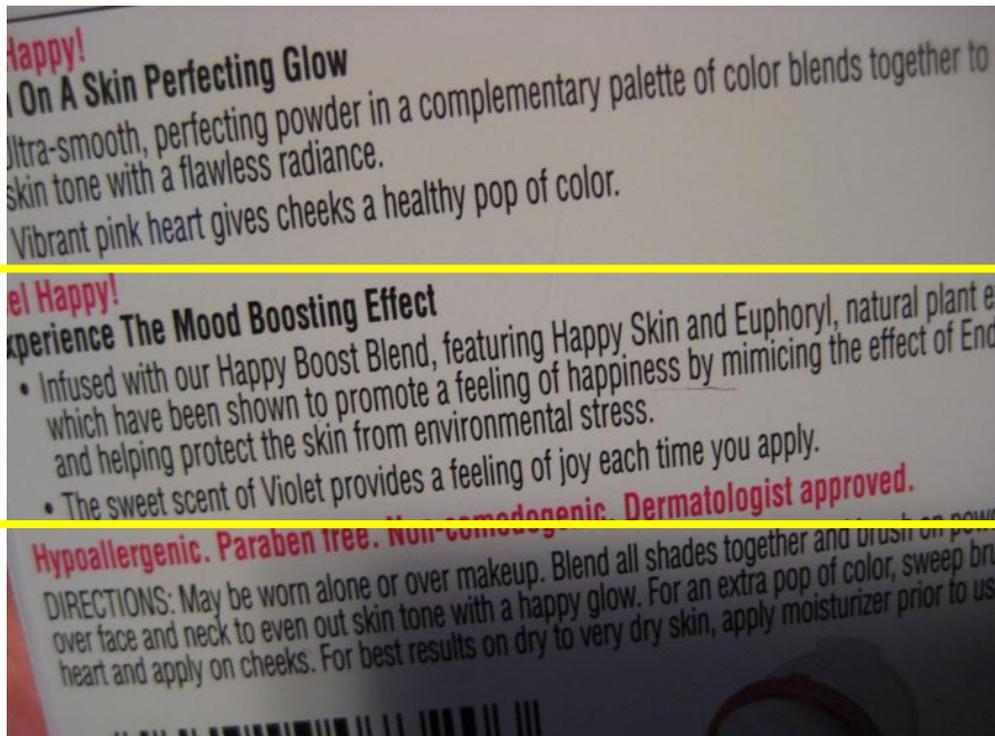
- Claim is related to the product which delivers the effect
- Often softened by the word 'helps to'
- ...with an ingredient...
- Evidence must be generated on the product itself



- The **Herbal Anti Wrinkle Cream** visibly reduces the appearance of fine lines and wrinkles.... tightens the skin. Herbal Anti Wrinkle Cream, which we offer, is suitable for all skin types. Known for its skin-friendliness and excellent results, our offered Herbal Anti Wrinkle Cream in extensive demand among conscious people.

Nonsense Claims

- Misleading statement is prohibited
 - The conditioner that defied the laws of gravity
 - 10 years younger in 40 seconds



Experiencing the mood boosting effect

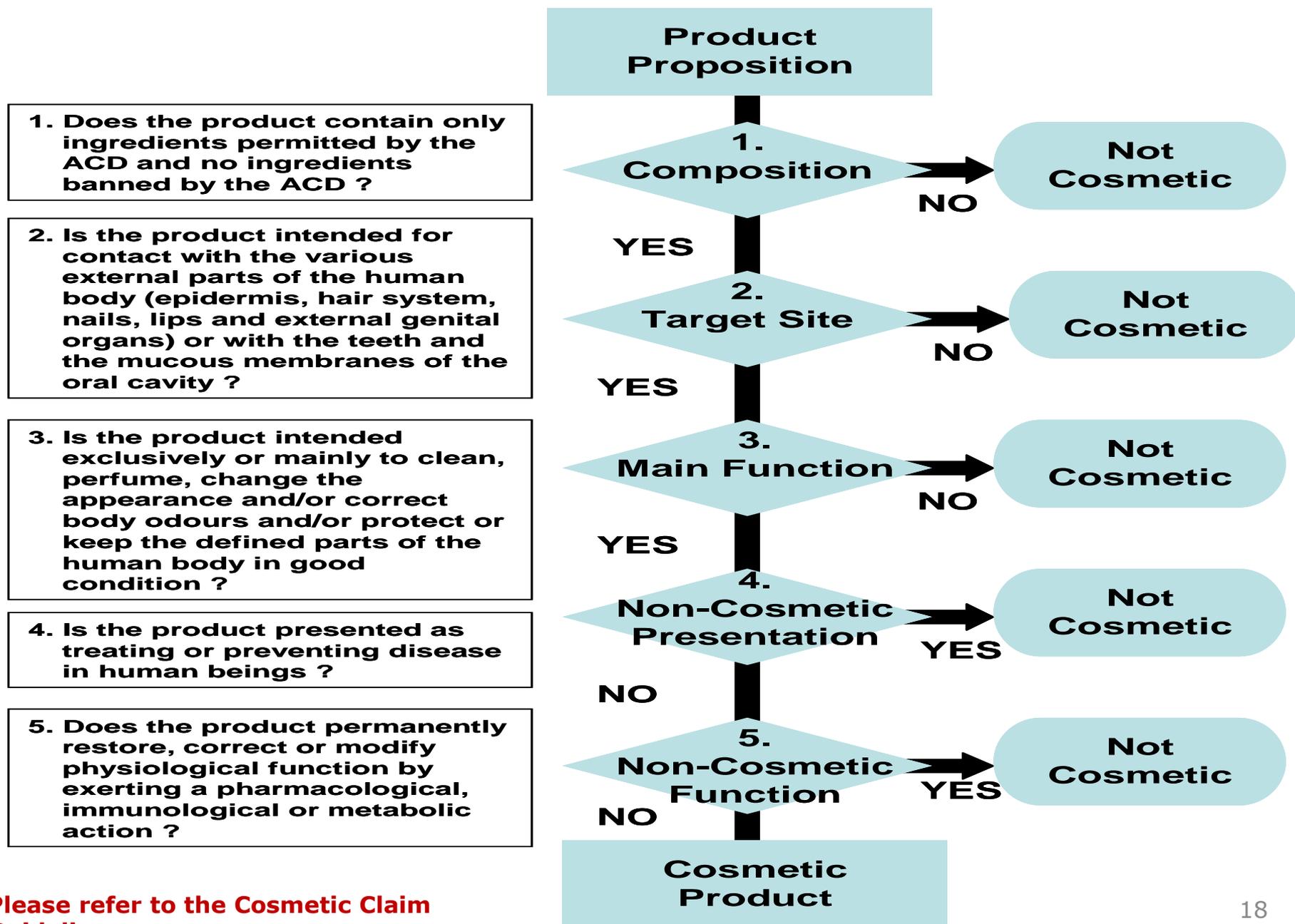
- Infused with our Happy Boost Blend, featuring happy skin and euphoryl...shown to promote a feeling of happiness by mimicking the effect of endorphine and helping the skin from environmental stress

Cosmetic Claims

How to determine ?

5-step decision-making process

Decision process to identify cosmetic products & claims



Please refer to the **Cosmetic Claim Guideline**

Prohibited Claims

Any claims referring to:

- Cure disease
 - Treatment or preventing symptoms
- Permanent change of skin condition
- Significantly modify physiological functions
 - by exerting a pharmacological, immunological or metabolic action

Examples of prohibited Claims in cosmetics

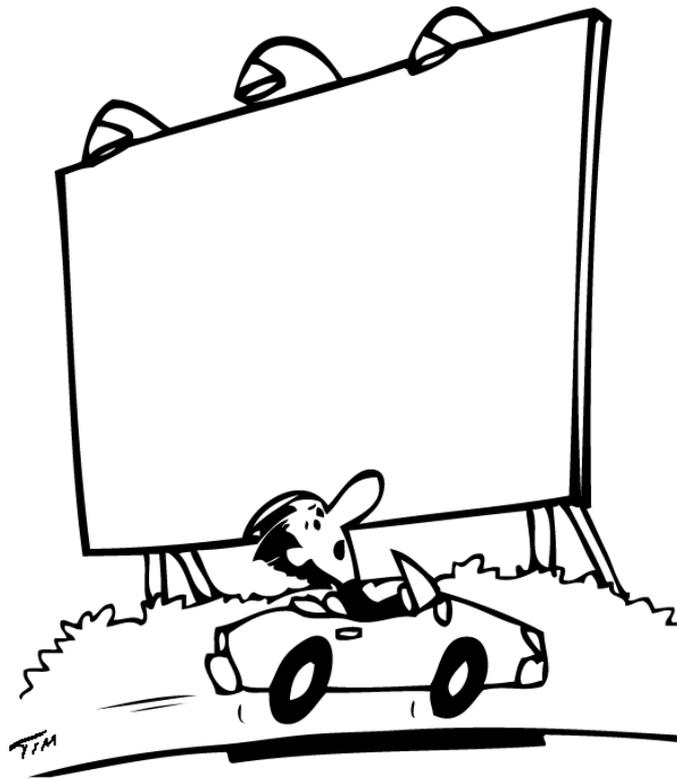
- Eliminates/stop/prevent dandruff permanently
- Anti-psoriasis
- Anti-seborrheic dermatitis
- treatment or cure of any type of skin diseases
- Disinfectant /Fungicide
- Cleans cuts/wounds
- Treatment of infection
- Heals, cure or stops acne
- Treatment or cure of any type of skin diseases (eczema, dermatitis & psoriasis)

Cosmetic Advertisement

- Advertising appears in media; in space or time paid for by the advertiser.
- It includes advertising in leaflets, circular, poster, outdoor signs and point of sales materials.

Media:

- any means of mass communications used to disseminate information or messages publicly including television/cable television radio, magazines, newspapers, cinema, outdoor signs etc...



PASSION4MAKEUP

MAGAZINE

CAZCARRA
Men Deserve To Look Good too

Why use Makeup Primers

Prom Season's Here

Is Lipstick bad for your health?

Best New Business Award

Cosméticos em frente. Shopping Plaza Sul.

Cosmetic Advertising Code -1

Objective :

- To ensure the marketing and advertising of cosmetics to the public is conducted in a manner that promotes the quality of use of cosmetics, is socially responsible and does not mislead or deceive the consumer

Cosmetic Advertising Code -2

Cosmetic Advertising Code is established with the aims:

- To provide guidance to the cosmetics industries (advertising agency) in developing advertising message in ethical manner
- To provide adequate and non-misleading information to the consumer for an informed choice & ensure a safe use of cosmetics

PRINCIPLES - 1

- To provide reliable, accurate, truthful, informative, balanced, up to date information that can be substantiated
- Keep away misleading or unverifiable statements/claims to induce unjustifiable use or give rise to undue risks.



PRINCIPLES - 2

- Advertisements should not contain statements or visual presentation which are, or likely to be interpreted to be contrary or offensive to the standard of morality or decency prevailing in the Malaysian society
- Advertisements should not be so framed as to abuse the trust of the consumer or exploit his/her lack of experience or knowledge.

PRINCIPLES - 3

- Advertisement should not:
 - Play on fear without justifiable reason.
 - Play on superstition or exploit superstitions.
 - Directly or by implication exploit the religious requirements/beliefs of any community
- Advertisement should not contain anything which might lead/encourage or lend support to acts of violence , criminal or illegal activities

PRINCIPLES - 4

- Advertisements addressed to infant, children or young people or likely to be seen by them, shall not contain anything whether an illustration or otherwise, which result in harming them physically, mentally or morally or which exploit their credulity, natural sense of loyalty or their lack of experience

PRINCIPLES - 5

- Advertisements shall not be similar in general layout, copy, slogans, visual presentation, music or sound effects to other advertisement as to likely mislead or confuse.
- Particular care shall be taken in the packaging and labeling of goods to avoid causing confusion with competing products.

COMPARISON

- Direct comparison advertisements against competitors' products or service are not allowed
- Comparison advertising may be permitted:
 - it does not use symbols, slogans, titles, or statements that are clearly identified or directly associated with competitive brands.
- Advertisements should not directly or indirectly disparage, ridicule or unfairly attack competitors, competing products or services including distinguishing feature of their advertising campaigns
 - i.e. : specific layout, copy, slogan, visual presentation, music/jingle or sound effects.

COMPARISON

- Advertisement shall not contain any statement which either expressly, or by implication disparage any profession, product, services or advertisers in an unfair or misleading way.
- "Before" and "after" situation must reflect truthful and factual comparisons.
- Advertising comparing "before" and "after" situations should cite with prominence the specific time elapsed between the two situations.



"Cantik & Gebu Dalam 2 Minggu"

Sebelum **Selepas 2 Minggu** **Terkini**

Pn. Rafidah, Cyberjaya

**Keremajaan Terserlah Tanpa Make up, Lebih Muda Dari Usia
Tona Kulit Sekata, Kulit Cerah & Gebu, Ulang Pori Mengecil, Kulit Tegang & Anjal**

TESTIMONIAL

- Advertisements shall not contain or refer to any testimonial or endorsement unless it is genuine and related to the personal experience over a reasonable period or time of the person giving it.
- Testimonials or endorsements which are obsolete or no longer applicable shall not be used.
 - e.g. a significant change in formulation of the product concerned)
- Testimonials of professionals should observe the ethics of their professions and not violate regulations of the government bodies or institutions regulating that profession.



TEST, TRIALS AND RESEARCH RESULTS

- Reference expressly or by implication to test, trials, research and the likely may only be used if they are fully substantiated and not misleading.
- References to tests or trials conducted in a named hospital, clinic, institute, laboratory or college or by named professional or official organization are permissible only if authorized and approved by the authority of the institution or organization concerned.
- Test, trial and research in supporting medicinal claims are not allowed to be used in the advertisement.

HYPERBOLE

WORDS/SUPERLATIVE/CLAIMS

- All claims in the Advertisement should be substantiated and able to provide when being challenged by authority or competitors.
- Advertisement may contain hyperbole words or superlative or claims only when it can be substantiated when challenge.

What actions are taken?

1. Reassessment of the product's notification status
 - Initial action: Issuance of warning letter to the notification holder
2. Cancellation of product 's notification & product recall

Thank you for your attention...