



Statutory Rules 1991 No. 2¹

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**Trade Practices
(Consumer Product Information Standards)
(Cosmetics) Regulations**

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia,
acting with the advice of the Federal Executive Council, make the
following Regulations under the *Trade Practices Act 1974*.

Dated 22 OCTOBER 1991.

BILL HAYDEN

Governor-General

By His Excellency's Command,

MICHAEL TATE
Minister of State for Justice
and Consumer Affairs

Citation

1. These Regulations may be cited as the Trade Practices
(Consumer Product Information Standards) (Cosmetics) Regulations.

Application

2. These Regulations apply to cosmetic products:

- (a) manufactured in Australia and intended to be used in Australia; or
- (b) imported into Australia;

on or after 31 October 1993.

Interpretation

3. In these Regulations, unless the contrary intention appears:

“container”, in relation to a cosmetic product, means the container or wrapper in which the product is packed;

“cosmetic product” means a substance or preparation intended for placement in contact with any external part of the human body, including:

- (a) the mucous membranes of the oral cavity; and
- (b) the teeth;

with a view to:

- (c) altering the odours of the body; or
- (d) changing its appearance; or
- (e) cleansing it; or
- (f) maintaining it in good condition; or
- (g) perfuming it; or
- (h) protecting it;

“flavour” means a substance used solely to impart a taste to a cosmetic product;

“fragrance” means a substance used solely to impart an odour to a cosmetic product;

“incidental ingredient” means any ingredient or substance which has no technical or functional effect in a cosmetic product and is present in insignificant levels.

Exempt cosmetic products

4. These Regulations do not apply to:

- (a) therapeutic goods within the meaning of the *Therapeutic Goods Act 1989*; or
- (b) free samples of a cosmetic product; or
- (c) testers of a cosmetic product.

List of ingredients

- 5. (1)** The ingredients in a cosmetic product must be listed:
- (a) on the container; or
 - (b) if the product is not packed in a container—on the product;
- in descending order by volume or mass.
- (2)** As an alternative to subregulation (1), the ingredients may be listed in the following order:
- (a) ingredients (except colour additives) in concentrations of 1 per cent or more—in descending order by volume or mass; and
 - (b) ingredients (except colour additives) in concentrations of less than 1 per cent—in any order; and
 - (c) colour additives—in any order.
- (3)** If subregulation (1) or (2) cannot be complied with in relation to a container or a cosmetic product because of its:
- (a) size; or
 - (b) shape; or
 - (c) nature;
- a list of the product's ingredients must be shown in another way that ensures that a consumer can be informed about the ingredients in the product.
- (4)** A list of ingredients in a cosmetic product may include a reference to a colour additive that is not in the cosmetic product if the colour additive is:
- (a) added to some batches of the product for the purposes of colour matching; or
 - (b) used in one or more (but not all) of a range of cosmetic products.
- (5)** For the purposes of paragraph (4) (b), a range of products means a number of cosmetic products produced by the same supplier that are:
- (a) similar in composition; and
 - (b) intended for the same use; and
 - (c) available in different shades.

(6) A reference to a colour additive included in a list under subregulation (4) must be identified by the phrase “may contain”, or words to that effect, used in conjunction with the reference to the colour additive.

(7) A flavour or flavours in a cosmetic product must be shown in the list of the product’s ingredients by including in the list:

- (a) the word “flavour” or “flavours”; or
- (b) the ingredients in the flavour or flavours.

(8) A fragrance or fragrances in a cosmetic product must be shown in the list of the product’s ingredients by including in the list:

- (a) the word “fragrance” or “fragrances”; or
- (b) the ingredients in the fragrance or fragrances.

(9) An incidental ingredient in a cosmetic product need not be included in the list of the product’s ingredients.

Form of ingredients list

6. (1) A list of ingredients must be:

- (a) prominently shown; and
- (b) clearly legible; and
- (c) in English.

(2) A list of ingredients in another language may be shown in addition to the list in English.

Confidentiality provisions

7. On the request of the manufacturer or importer of a cosmetic product, the Minister may, by notice published in the *Gazette*, give permission for an ingredient in the product to be shown in a list of the ingredients in the product as an “other ingredient” (instead of by name and volume or mass) if the Minister is satisfied:

- (a) that revealing the name of the ingredient would prejudice a trade secret; and
- (b) that inclusion of the ingredient in the product is unlikely to be harmful to a consumer.

Review of decisions

8. (1) Application may be made to the Administrative Appeals Tribunal for a review of a decision of the Minister refusing to give permission under regulation 7.

(2) When the Minister notifies a person of a decision refusing to give permission, the notice must include a statement to the effect:

- (a) that, subject to the *Administrative Appeals Tribunal Act 1975*, an application may be made to the Administrative Appeals Tribunal for a review of the decision to which the notice relates; and
- (b) that a person whose interests are affected by the decision may request a statement under section 28 of that Act.

(3) A failure to comply with subregulation (2) in relation to a decision does not affect the validity of the decision.

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on

1991. 29 October