



Australian Government

Department of Health and Ageing  
NICNAS



Australian Government

Department of Health and Ageing  
Therapeutic Goods Administration



Australian  
Competition &  
Consumer  
Commission

## Complaints Management and Compliance Responsibilities Cosmetic Products

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Cosmetic products are regulated by the Australian Government. The three Agencies who administer the legislation regulating cosmetics and their roles in cosmetic complaints management are broadly defined below:

- **National Industrial Chemicals Notification and Assessment Scheme (NICNAS)**  
coordinates overall management of complaints about cosmetic products (by agreement with the TGA and ACCC) and ensures compliance with the *Industrial Chemicals (Notification and Assessment) Act 1989* (ICNA Act) and the Cosmetics Standard 2007.
- **Therapeutic Goods Administration (TGA)**  
while not responsible for cosmetics, any complaints or advertising relating to therapeutic claims made for cosmetic products may be dealt with as defined under the *Therapeutic Goods Act 1989*.
- **Australian Competition and Consumer Commission (ACCC)**  
handles complaints relating to labelling which does not meet the mandatory cosmetic labelling requirements, or may breach other aspects of the *Competition and Consumer Act 2010* such as those relating to misleading or deceptive conduct.

In certain circumstances, the three agencies may exchange information about a complaint to expedite its management. A table profiling relevant aspects of the work of these agencies is provided at page 2.

An interdepartmental working group has been established between NICNAS, TGA and ACCC to resolve matters at the cosmetic/therapeutic interface.

### Complaints management

Complaints about products which appear to be intrinsically cosmetic by nature (including labelling, packaging and advertising) should – in the first instance – be referred to NICNAS.

NICNAS will assess the complaints and where appropriate, will take steps to ensure ingredients and overall presentation of the product in question is amended to comply with the *Industrial Chemicals (Notification and Assessment) Act 1989*.

In cases where the product meets the definition of a 'therapeutic good', the product and/or aspects of its presentation will be referred to the TGA for appropriate regulatory action.

Where the presentation of a cosmetic may give rise to general consumer protection concerns, NICNAS may, if it is appropriate, refer such aspects of any complaint to the ACCC for further consideration.

If the complaint relates to the Poison Standard (SUSMP) requirements or an adverse health effect then NICNAS will refer the complaint to the appropriate State or Territory Health Department.

NICNAS encourages self-reporting of breaches to the ICNA Act. If a company informs NICNAS of a breach occurring, the initial approach will include meeting with the company to draw up a timetable of actions to remedy the breach and taking affirmative action to ensure the protection of human health and the environment.

## Regulatory Requirements and Compliance Responsibilities for Cosmetics

### The NICNAS Cosmetics Standard 2007

- sets out the 'rules' or 'conditions' that apply to certain cosmetics, including products intended for 'face and nail', 'skin care moisturisers with SPF', 'anti-bacterial skin care', 'anti acne', 'oral hygiene' and 'hair care'
- is a legislative instrument and failure to comply with it constitutes an offence under the ICNA Act.

### The Australian Inventory of Chemical Substances (AICS)

- introducers of cosmetics must ensure all ingredients in their cosmetics are listed on the AICS<sup>1</sup> or meet exemption criteria

### The NICNAS Cosmetics Guidelines<sup>2</sup>

- a plain-English guide for stakeholders about the requirements in relation to cosmetics, developed by NICNAS in conjunction with stakeholders

### NICNAS Registration

In addition to complying with the cosmetic specific requirements of the NICNAS Cosmetic Standard:

- all chemical introducers (manufacturers or importers) are required to be registered with NICNAS to ensure that all chemicals introduced to Australia comply with new or existing chemical regulations.

### Trade Practices Consumer Product Information Standard for Cosmetics and Toiletries

Cosmetics and toiletries need to comply with the ACCC's *Competition and Consumer Act 2010* and the Trade Practices (Consumer Product Information Standards) (Cosmetics) Regulations 1991<sup>3</sup> for ingredient labelling.

- a mandatory standard. Penalties apply for non-compliance

### Therapeutic Goods Administration definition

Products which fall within the meaning of 'therapeutic goods', as defined in the *Therapeutic Goods Act 1989* are not cosmetics and are subject to regulation by the Therapeutic Goods Administration (TGA).

### Roles of the Regulators

	NICNAS	TGA	ACCC
<b>Website</b>	<a href="http://www.nicnas.gov.au">www.nicnas.gov.au</a>	<a href="http://www.tga.gov.au">www.tga.gov.au</a>	<a href="http://www.accc.gov.au">www.accc.gov.au</a>
<b>Legislation</b>	<i>Industrial Chemicals (Notification and Assessment) Act 1989</i>	<i>Therapeutic Goods Act 1989</i> and Therapeutic Goods Regulations	<i>Competition and Consumer Act 2010</i>
<b>Roles</b>	<ul style="list-style-type: none"> <li>• Provides national notification and assessment to protect health of the public, workers and the environment from harmful effects of industrial chemicals</li> <li>• Assesses all chemicals new to Australia and assesses those chemicals already used (existing chemicals) on a priority basis, in response to concerns about their safety on health and environmental grounds</li> <li>• Maintains a register of industrial chemical introducers</li> <li>• Provides for national standards for cosmetics imported into, or manufactured in, Australia and the enforcement of those standards</li> </ul>	<ul style="list-style-type: none"> <li>• Ensures the quality, safety and efficacy of therapeutic goods</li> <li>• Ensures products subject to the legislation (or 'therapeutic goods') are included on the Australian Register of Therapeutic Goods (ARTG) prior to import, export, manufacture or supply of the goods</li> <li>• Oversees controls relating to 'advertisements' for 'therapeutic goods' – complaints about such advertisements are considered by the Complaints Resolution Panel (CRP)<sup>4</sup>.</li> </ul>	<ul style="list-style-type: none"> <li>• Promotes competition and fair trade in the market place to benefit consumers, business and the community</li> <li>• Regulates national infrastructure services</li> <li>• Ensures that individuals and businesses comply with Commonwealth competition, fair-trading and consumer protection laws</li> <li>• Product safety powers include; product recalls, bans and mandatory standards</li> <li>• Administers a mandatory Consumer Product Information Standard<sup>5</sup> for cosmetics and toiletries which requires ingredient labelling. The ACCC enforces compliance with this standard and compliance with any non-therapeutic claims (e.g. 'contains no' &amp; 'organic') accompanying the cosmetic.</li> </ul>

<sup>1</sup> Available at: <http://www.nicnas.gov.au/Industry/AICS/Search.asp>

<sup>2</sup> Available at: [http://www.nicnas.gov.au/Current\\_Issues/Cosmetics/Cosmetic\\_Guidelines\\_PDF.pdf](http://www.nicnas.gov.au/Current_Issues/Cosmetics/Cosmetic_Guidelines_PDF.pdf)

<sup>3</sup> Available at: <http://www.accc.gov.au/content/index.phtml/itemId/323594>

<sup>4</sup> Further information about the CRP is available from: [www.tgacrp.com.au](http://www.tgacrp.com.au)

<sup>5</sup> Available at: <http://www.accc.gov.au/content/index.phtml/itemId/323594>