

Administrative Specifications for Cosmetic Labelling and Marking

Article 1 These Specifications are formulated in order to further strengthen administrative supervision over cosmetic labelling and marking, in accordance with Regulations Concerning the Hygiene Supervision over Cosmetics, Enforcement Regulation for Regulations Concerning the Hygiene Supervision over Cosmetics, Instructions for Use of Products of Consumer Interest – General Labelling of Cosmetics, Health Related Products Naming Stipulations and other related legislative materials.

Article 2 These specifications apply to the content of labelling and marking of cosmetic products produced and sold within the territory of the People’s Republic of China, including plaster, attaching or printing on the cosmetic products sales package as well as text, numbers, symbols, designs, AV and other expository materials.

Uncovered foreign language content on the label should be in accordance with provisions of this Specification, or use standard Chinese clearly indicating “label content is prior in Chinese language”; this norm does not apply to cosmetic products intended for export.

Article 3 General Requirements for Labelling and Marking of Cosmetics:

(1) Instructions for use of the product marked on the cosmetics label should be in accordance with cosmetics defined and prescribed application method (by way of smearing, spraying or other similar methods) and application place (such as skin, hair, nails, lips and other surface places of the human body).

(2) Related content of the cosmetic products label should be marked according to the requirements of the Instructions for Use of Products of Consumer Interest – General Labelling of Cosmetics (GB5296). Furthermore, the relevant licence and approval document number should be clearly and completely marked. For example: For imported cosmetic products for special use the Hygiene Administrative Licence Approval Document Number for Imported Cosmetics for Special Use should be marked; for imported cosmetic products not for special use the Hygiene Administrative Licence Approval Document Number for Imported Cosmetics or

Record Document Number for Imported Cosmetics should be marked; for domestically produced cosmetic products for special use the Hygiene Administrative Licence Approval Document Number for Domestically Produced Cosmetics for Special Use and the Hygiene License Number for the Production Enterprise of Cosmetics should be marked; for domestically produced cosmetic products not for special use the Hygiene License Number for the Production Enterprise of Cosmetics should be marked.

Products not belonging into the cosmetics category must not label any above mentioned approval document numbers and licence numbers, which are related to cosmetic products supervision.

(3) Chosen name of the product, name of the production enterprise, name and address of the accountability unit in China (importer or distributor), country of origin (actual country of production), actual domestic place of production, colour, colour number, fragrance type, sunscreen factor, function and other information marked on the label of a cosmetic product should be in accord with obtained corresponding hygiene licence approval document for the product, registered certificate as well as with related content stipulated in the Hygiene License for the Production Enterprise of Cosmetics and furthermore are in accord with the approved product in time of its approbation.

Article 4 Labelling Requirements for the Name of the Cosmetic Product

(1) The name of the cosmetic product should be in accordance with the requirements of the Health Related Products Naming Stipulations, the name should in principle include trademark name (or brand name), common name and attribute name.

(2) Name of the label must be clear, complete and easily recognizable, labelling methods that cause confusion mislead the consumer or other labelling methods with harmful influence cannot be used. There should be a close connection between Chinese characters or symbols in the name, no obvious gap is allowed. Besides the trademark, all use identical fonts and type size.

(3) Registered trademark must be in accordance with relevant provisions of the People's Republic of China Trademark Law. Trademarks, which exaggerate the function or mislead the customers, are not allowed to be used.

(4) Common name must be accurate, scientific; it may in writing indicate the raw material, main effective ingredient or efficacy of the product. In case the raw material or the main effective ingredient are used as common name, they must be contained in the product's formulization, but only except for words and expressions comprehended as colour, lustre or scent of the product, for example pearl colour, fruit shape, rose shape etc. In case the function is used as common name, this function must be actually present in the product.

(5) Attribute name must clearly express objective conformation of the product, abstract names are not allowed to be used, but some product names established by use can abbreviate the attribute name, for example: lipstick, rouge, lip colour, eye colour, eye shadow, foundation make-up, hair tonic, nursing cream, face cream etc..

(6) As to cosmetic products of identical series but with different fragrances, colours etc., if identical trademark name, common name and attribute name are used in the denomination, to show difference this must be in addition marked in the chosen name of the product.

Article 5 Marking of Sun Protective Function of Cosmetic Sunscreens

(1) On the label of all cosmetic products that declare having sun protective function, the corresponding SPF, PFA or PA factor or other sun protection function indicator must be labelled. All sun protection function indicators must have a valid testing basis support. SPF, PFA or PA factors must, according to testing procedures of sun protection factor of cosmetic sunscreen issued (or approved) by the Ministry of Health, undergo testing in laboratories recognized by the Ministry of Health or qualified foreign laboratories. For conditions of qualification for foreign laboratories see also Notice Concerning the Relevant Problems of Measuring and Marking of Cosmetic Sunscreen SPF Factor (Hygiene law and inspection issued (2003) No. 43)

(2) SPF factor of the cosmetic sunscreens should be marked according to following stipulations:

1. All measured products with SPF factor smaller than 2 must not be marked with UVB sunscreen function.
2. For all measured products with SPF factor between 2 and 30 (including 2 and 30), marked factor must not be higher than the actual measured factor.
3. For all measured products with SPF factor bigger than 30, after subtracting the standard deviation smaller or equal to 30, the highest marking may only be SPF 30.
4. For all measured products with SPF factor higher than 30, after subtracting the standard deviation still higher than 30, the highest marking may only be SPF 30+, the actual measured factor can not be marked.

(3) Cosmetic sunscreens declaring to have waterproof, sweat proof or other effects should have a valid experimental basis.

Article 6 If in the labelling and marking of cosmetics is marked “underwent dermatological or ophthalmological testing”, “this product does not cause acne”, “underwent allergic testing” and other related terminology, such a product should possess a valid clinical trial test report or testing basis.

Article 7 Marking of Relevant Information of Domestically Produced Cosmetics OEM (Including Split Charging) Products

(1) In case the entrusting party possesses a Hygiene License for the Production Enterprise of Cosmetics in accord with entrusted product licence range, the name and address of the entrusting party must be labelled, together with the name and Hygiene Licence number of the entrusted party; or the name, address and Hygiene Licence Number of the entrusting party must be labelled.

(2) In case the entrusting party does not possess a Hygiene License for the Production Enterprise of Cosmetics that is in accord with entrusted product licence

range, the name and address of the entrusting party as well the name and Hygiene Licence Number of the entrusted party must be labelled.

(3) If the product does not belong to OEM, but the owner of the product and the actual production processing enterprise are different, refer to the above mentioned standard marking. For example the owner of the product is a parent company and the actual production processing enterprise is one of its subordinated enterprises. If reporting for the first time, the parent company should provide a relevant document of subordination relationship, if reporting once again, a copy may be provided.

Article 8 Marking of Warnings

(1) In order to guarantee consumer's health, to avoid consumer's wrong choice and use of cosmetics and in order to warn the consumer, when necessary the conditions use, application methods, matters needing attention, information about the possible harmful reactions etc. of the cosmetics should be labelled. On all cosmetics labels following content should be marked: "this product may cause allergic reaction to small number of people, if you feel any discomfort, please immediately stop using this product".

(2) Range of use, application method etc. marked on the cosmetics label should be in accordance with security requirements of its raw materials content. For example, for some products with raw materials with limited use, that have to be rinsed out after the application, or while being used must not have contact with the mucous membranes, the content of labelling and marking of cosmetics containing such raw products should be in accordance with these usage restrictions.

(3) If cosmetics contain substances, preservatives, ultraviolet absorbents, hair dyes and etc. with restricted usage prescribed in the Cosmetics Hygiene Standard in force, corresponding conditions of use and matters needing attention should be marked on the label according to the requirements of the Cosmetics Hygiene Standard.

(4) On the label of products belonging to the hair care, hair dyeing, hair perm categories as well as deodorants, depilators, sunscreens and nail hardening agents, detailed conditions of use, application methods and matters needing attention must be marked. Furthermore, hair dyeing cosmetics category should have following warnings marked on the label: “It may cause allergic reaction to certain individuals, therefore you should first conduct a skin test as directed on the instruction sheet; Unsuitable for dyeing of eyebrows and eyelashes, if by mistake enters the eyes, rinse them immediately; Wear gloves when applying hair dye”.

(5) For all sorts of cosmetics declaring on their label to be suitable for sensitive skin or other similar phrases, “before applying, conduct a patch test first” must be clearly stated in their instruction sheet.

(6) Following types of cosmetics should mark corresponding warnings on their label:

(1) Gas spray products: It is not allowed to ram the product; Use away from sources of ignition; Product should be kept in a dry, airy place, under temperature lower than 50°C, away from direct sunlight, away from sources of ignition and heat sources; Keep out of the reach of children; Product should not be pierced or burn after use; Disposable container filled with gas must not be refilled; Only for external use; Keep distance from skin while spraying, do not apply to broken, inflamed or irritated skin; In case a lasting unusual smell or secretion appears please see hospital for examination; If skin rash, irritation or discomfort appear, immediately stop using.

(2) Bubble bath products: Use as directed; Excessive use or long time contact may cause skin and urethra irritation; Stop using if skin rash, erythema or itch appear; In case the irritation continues please see hospital for examination; Keep out of the reach of children.

Article 9 All advertised cosmetics functions must be veritable, must have scientific basis and be in accordance with defined specifications for the function categories of cosmetics as cleaning, eliminating unpleasant odours, skin protection,

beauty treatment, beautifying function and special use function (examples listed in Appendix 1). It is not allowed by means of advertising the function of the employed ingredients to conceal that the product in reality does not have or is not allowed to advertise this function. Ordinary cosmetics are not allowed to advertise special use cosmetics functions.

Article 10 According to the laws and regulations of the Hygiene Supervision Rules and Regulations for Cosmetics and standard corresponding norms, the content of cosmetics labelling and marking should be truthful, no false exaggeration, no clear or hinted disease curative functions or effects, no medical terms, no misleading of the customer are allowed, it is not allowed to advertise products in others name by stating “underwent Ministry of Health (Section) approval” or “specially approved by the Ministry of Health (Section)” etc. Appendix 2 displays a name list of terminology prohibited to be written on the cosmetics label, Ministry of Health periodically updates this name list.

Article 11 Ministry of Health is in charge of interpreting These Specifications

Appendix 1: Partial functions that are in accordance with the defining categories of cosmetics on the premise of guaranteeing veracity, following functions were recognized as being in accordance with the defined specifications for the function categories of cosmetics:

(1) Cleaning function. For example: Cleans skin; Cleans hair skin and hair; Prevents or removes dandruff etc. related expressions.

(2) Eliminating unpleasant smells function. For example: Prevents unusual smells; Fragrance causing people to be carefree and happy etc. related expressions.

(3) Skin protection, beauty treatment, beautifying functions. For example: Prevents the skin to be rough; Vitalizes the skin; Moistures the skin; Makes skin smooth; Makes skin moist; Keeps skin fit; Increases skin elasticity; Protects skin from drying; Causes skin to be subtle and refined; Enables skin to be soft and glossy;

Supplements and maintains hair's moist and oil; Maintains healthy hair and hair skin; Causes hair to be soft; Prevents hair splitting; Prevents hair static electricity; Covers skin flaws; Prevents rough lips; Moistures lips; Causes lips to be smooth; Maintains healthy lips; Protects lips, prevents drying; Protects nails; Supplements skin cells moisture; Tightens skin; Enables makeup to last long; Makes skin fresher etc. related expressions.

(4) Nine kinds of special use function cosmetics - hair care, hair dyeing, hair perm, depilation, breast beauty, wellness, elimination of odours, spot removing and sunscreen. For example: Prevents hair fall; With hair care effect or helping hair growth; Reduces hair fall and hair splitter; Changes hair colour; Changes hair curling and maintains this effect relatively stable; Reduces or eliminates body hair; Beautifies breasts; Beautifies bosom; Contributes to breast health; Increases breast skin elasticity and tension; Body-building, body-slimming, body-shaping, body-beautifying, belly-tightening, slendering, helping body shape to be beautiful and healthy; Eliminating underarm odour; body odour, sweat odour; Waterproof; Sweat proof; Prevents pigmentation spots; Spot removing effect; Diminishes pigmentation spots; Reduces epidermis pigmentation; Protect against sun, against ultraviolet rays, severs ultraviolet rays, protects skin against aging, protects against spots caused by sunlight; Reduces skin damage caused by sunlight etc. related expressions.

Appendix 2 Terminology prohibited to be marked on the cosmetics label

(1) Falsely exaggerating terminology: Special effectghly Hi effective; Entire effect; Strong effect; Fast effect; In how many days the effect is visible; In how many weeks is the effect visible; Ultra strong; Broad spectrum; Activating; Vitalizing; Omni bearing; Overall upgrading; Formula; Prescription; Data without any experimental basis (several days, several weeks); Has evident effect after undergone ××examples of clinical observation; Special effect protein; Highly effective penetrating agent; Dissolves fat, cuts fat, controls fatness, burns fat; Slim body; Slim face; Slim legs; Weight reduction; Prolongs life; Enhances memory; Enhances skin and muscle antibodies; Eliminates wrinkles; Uses a new colouring mechanism that causes the colour never to fade; Rapidly repairs skin and muscles damaged by ultraviolet rays; Renews skin and muscles; Whitening effect that

permeating deep layers of cuticle; Destroying melanophores; Suppresses or blocks formation of melanin; Full breast; Full chest; Enables fullness of breasts; Prevents from breast sagging; Eliminates free radicals; Cell activation regeneration function etc.

(2) Clearly states or suggests disease curative functions and effects: Eliminates mycosis; Bacteriostatic; Sterilizes; Antibacterial; Antiseptic; Fungus proof; Eliminates mites; Kills mites; Disinfects; Eliminates toxins; Diminishes inflammation; Anti-inflammatory; Anti-allergic; Allergic protective; Anti-aging, Regulates the flow of vital energy; Promotes the vital energy; Invigorates blood; Enlivens muscles; Tonifies blood; Calms nerves; Nourishes brain; Replenishes vital energy; Opens veins; Relieves bloated stomach; Diuretic; Detoxifies; Adjusts endocrine secretion; Delays menopause; Invigorates kidneys; Relieves sickness; Restores hair; Prevents cancer; Anti-cancer; Diminishes scars; Lowers blood pressure; Prevents and cures hypertension, Cures illnesses; Improves endocrine secretion; Balances hormones; Prevents ovary and womb function disorders; Removes body toxins; Absorbs lead; Dehumidifies; Dryness-moistening; Treats underarm odour, body odour, odour from the genitals; Cosmetology treatment; Prevents black spots; Eliminates spots; Unspotted; Treats alopecia areata; Decreases many kinds of spots; Grows new hair; Regenerates hair; Blackens hair; Anti-wrinkle; Eliminates toxins in healing wounds; Helps to relieve spasmodic tics; Reduces or helps to relieve disease symptoms etc.

(3) Medical terminology: Papule; Pus blister; Tinea manus; Tinea unguinum, Tinea corporis; Tinea capitis; Tinea cruris; Tinea pedis; Goose claw ringworm; Tinea versicolour; Psoriasis; Infectious eczema; Seborrheic alopecia; Pathological alopecia; Reactivation of hair-follicle; Common cold; Menorrhagia; Myodynia; Headache; Abdominal pain; Constipation; Asthma; Bronchitis; Maldigestion; Insomnia; Knife wound; Burns; Scalds; Skin ulcer; Folliculitis; Skin infection; Facial skin convulsions disease name or symptom; Bacterium, fungus, rosary fungus, paleaceous spore fungus, mites, anaerobic organism, tooth spore, obscure bacillus, hair-follicle parasite and other names for micro-organisms; estrogen and androgen, hormone, antibiotic, steroid and other medical terms; Central nervous system; Cell reproductive property;

Cell vitality; Cell multiplication and differentiation; Effectively stimulators important for cell regeneration and metabolism; Immunity; Afflicted place etc.