

The Control of Cosmetic Advertisements in Malaysia

Introduction

Advertising plays a vital role in the cosmetic industry by creating awareness of new cosmetics and fostering brand loyalty among consumers. Most consumers tend to trust and believe the content presented in advertisements. These ads often serve as the primary source of information and cosmetic introduction for the public. Hence, it is crucial for NPRA, as authority to regulate and ensure that all cosmetic advertisements are truthful, not misleading, and do not make false claims.

In Malaysia, prior approval from a specialized board is not required for cosmetic advertisements. Instead, the system operates on the principle of **self-regulation**. The Cosmetic Notification Holder (CNH) bears full responsibility to ensure that all advertisements related to their notified cosmetics comply with the relevant laws and regulations.

One key requirement is adherence to the **Annex I, Part 10, Guideline for Cosmetic Advertisement**, which outlines acceptable practices and content standards for cosmetic promotions/advertisement.

Frequently Asked Questions (FAQ)

1. Where can CNHs find information about the dos and don'ts for claims used on cosmetic labels and advertisements?

Information on acceptable and non-permissible claims for cosmetic labelling and advertising can be found in the Guideline for Cosmetic Claims, available in Annex I, Part 8 of the Guidelines for Control of Cosmetic Products in Malaysia.

This document provides detailed guidance, including examples of claims that are allowed and not allowed.

2. Can doctors/pharmacists/dentists wearing white coats promote notified cosmetics in advertisements?

No. The use of professional titles such as doctor, pharmacist, or dentist, along with the wearing of a white coat to endorse or recommend or promote notified cosmetic in advertisements, is not allowed.

Such practices are in violation of the requirements stated in the Annex I, Part 8 of the Guideline for Cosmetic Advertisement, under Section 4.1 – Impressions of Professional Advice or Endorsement. Kindly refer to the infographic provided below for further details.



3. What if a practicing or non-practicing medical professional appears in a brand's cosmetic advertisement without any indicators of being a doctor (no title, no clinical attire, and no clinical setting), would this still be considered "not portraying as a medical professional" and therefore permissible under this guideline?

Yes. May be considered but subject to further evaluation.

4. What if a medical professional appears on a brand platform to speak on general or scientific facts, with no direct endorsement of any cosmetic. However, the cosmetic is featured within the same advertising material, such as:

- **Shown visually at the end of the video,**
- **Appears in a graphic or banner after the talk,**
- **Included in the post caption.**

No, it is not allowed.

5. What if a medical professional appears on brand-owned platforms (e.g., Facebook, Instagram) to speak about general or scientific facts without endorsing or promoting any cosmetic. The brand logo appears in the background, such as:

- **On a banner or event backdrop,**
- **On a digital screen or booth setup during filming**

Yes. May be considered but subject to further evaluation.

6. What if a medical professional participates in a brand event (e.g. Shopee Live, cosmetic launch, mall concourse, PR event) to speak about general or scientific facts only. The medical professional does not endorse or mention any cosmetic, but the host introduces the cosmetic at the end of the session (e.g., cosmetic demo, promotion, or sales pitch).

No, it is not allowed.

7. What are the regulatory actions taken by NPRA particularly in cases involving Non-Compliance (NNC) cosmetic advertising?

NPRA may take various regulatory actions depending on the severity and nature of the breach, these actions include:

I. Issuance of a warning letter in regards to Non-Compliance (NNC)

NPRA may issue an official warning letter to the CNH, directing them to remove, revise, or discontinue the non-compliant advertisement within a specified timeframe. This directive applies to all platforms, including print media, online advertisements, social media, and e-commerce channels.

II. Cancellation of Cosmetic Notification

For serious or repeated violations, NPRA may proceed with the cancellation of the cosmetic notification through the Director of Pharmaceutical Services. Once notification of cosmetic is cancelled, the cosmetic is no longer authorized for sale or distribution in Malaysia and is considered illegal in the market.

Serious violations may include, but are not limited to:

- Making disease-related claims (e.g., claims to treat cancer, hypertension, diabetes, eczema, psoriasis, or other medical conditions)
- Reference to sex, sexual performance, pornography, dirty, obscene or disgraceful words in the cosmetic advertisement.
- Use of prohibited ingredients in the advertisement (e.g. Cannabis, Hemp, Oestrogens, Progesterone, Epidermal Growth Factor and Fibroblast Growth Factor)
- False or misleading advertisements that may compromise consumer safety (e.g. injection, mesotherapy, liposuction, micro needling)
- Repeated non-compliance with advertising guidelines despite prior warnings.

III. Referral to Enforcement Authorities

If necessary, NPRA may refer the case to relevant enforcement agencies, such as the Ministry of Health's Enforcement Division or the Malaysian Communications and Multimedia Commission (MCMC), particularly for breaches involving digital or online media.

8. What should the CNH do if they discover that an NNC advertisement has been published by an unauthorized dealer/distributor/agent?

If a CNH discovers that an NNC advertisement has been published by an **unauthorized dealer/distributor/agent**, the following actions should be taken:

I. Immediately request the removal of the advertisement

Contact the unauthorized dealer and request the **immediate removal** of the advertisement from all platforms, including social media, websites, and e-commerce listings.

II. Document and report the incident

Maintain a **comprehensive record** of the unauthorized advertisement, including screenshots, URLs, and all related communications. **Report the incident to NPRA**, providing relevant evidence and outlining the actions taken by the CNH.

III. Issue a public disclaimer if necessary

If the advertisement has a wide reach or contains misleading or non-compliant claims, the CNH should consider issuing a **public statement or disclaimer** to clarify that the content was not authorized.

IV. Review and strengthen distributor controls

Reassess existing agreements with distributors or dealers to ensure all advertising materials require **prior written approval** from the CNH.

Establish a **monitoring system** to detect unauthorized promotions and ensure future compliance.

9. What should the CNH do if the advertisement originates from an overseas headquarters and is beyond their direct control?

If an advertisement is published by the overseas headquarters or global brand owner and is **beyond the direct control of the Malaysian CNH**, the CNH is still responsible for ensuring local compliance. The following steps should be taken:

I. Engage the Overseas Headquarters Immediately

- Notify the headquarters of the **non-compliant content** and formally request for its **removal, modification, or geo-restriction** to prevent accessibility in Malaysia.

II. Document All Correspondence and Actions Taken

- Maintain a **record of all communications** with the overseas entity, including requests for content removal and any responses received.

III. Report the Situation to NPRA

- Inform NPRA of the situation, providing relevant details such as the source of the advertisement, the platforms used, and the steps taken by the CNH to resolve the issue.

IV. Implement Preventive Measures

- Work with the global marketing team to ensure **future advertising materials intended for Malaysia are reviewed and approved** by the CNH in advance.
- Request that future global campaigns either **exclude Malaysia** or comply with **local advertising regulations**.

V. Consider Public Clarification (if necessary)

- If the advertisement is widely circulated in Malaysia or contains misleading claims, the CNH should consider issuing a **public clarification** to dissociate from the non-compliant content.

10. Are animated or illustrated figures (e.g., cartoon doctors) considered portrayals of medical professionals under the regulations?

Yes, animated or illustrated figures that clearly resemble medical professionals, such as cartoon characters wearing white coats, stethoscopes, or labelled as “doctor”, may still be considered portrayals of medical professionals under NPRA’s advertising regulations.

The use of such imagery can create an impression of medical endorsement or authority, which is prohibited in cosmetic advertisements, particularly if used to imply safety, efficacy, or professional recommendation.

Therefore, CNH should exercise caution when using any form of character, real or fictional, that represents or suggests a healthcare professional, especially in marketing materials aimed at consumers.

To ensure compliance, it is advisable to avoid:

- Animated or cartoon figures dressed like doctors or nurses,
- Medical settings (e.g., clinics, hospital backgrounds),
- Labels such as “Dr.” or “Recommended by professionals” even in animated content.

Disclaimer: This FAQ is intended for general guidance only and does not replace the official guidelines and regulations issued by the National Pharmaceutical Regulatory Agency (NPRA) Malaysia. Always refer to the latest official documents and contact NPRA directly for specific advice or clarification.