

# Annex I, Part 8

## GUIDELINE FOR COSMETIC CLAIMS

### 1. INTRODUCTION

The evaluation of product claims cannot be separated from the consideration of whether a product is a cosmetic or not. Whether a product can be considered to be a cosmetic product depends on several factors, claims are an important element of this process.

This guideline provides a simple 5-step decision-making process that helps to identify products and claims which can be considered to be cosmetics. The document also provides some examples of acceptable and unacceptable claims for cosmetic products. However, it is not to be taken as the final authority nor as an exhaustive list.

### 2. DECISION PROCESS TO IDENTIFY COSMETIC PRODUCTS AND ALLOWABLE CLAIMS

#### a. Composition of cosmetics

The product should contain only ingredients that comply with the annexes of the Guidelines for Control of Cosmetic Products in Malaysia, and does not contain any ingredients that are banned in those guidelines.

#### b. Target site of application of cosmetics

The product should be intended to be placed in contact with the various external parts of the human body (epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity.

Products that are intended to be ingested, injected or placed in contact with other parts of the human body e.g. the mucous membranes of the nasal passage or the internal genitalia cannot be considered to be cosmetic products.

#### c. Intended main function of cosmetics

The product should be applied to the permitted parts of the human body with a view exclusively or mainly to clean them, perfuming them, changing their

appearance and/or correcting body odours and/or protecting them or keeping them in good condition.

Note that products may have a secondary, minor function that is outside the above scope. Some examples of acceptable secondary claim areas are given below. Note that this is not an exhaustive list.

- Dandruff
- Cellulite
- Bust contouring
- Anti-bacterial
- Caries
- Hair loss
- Acne
- Mouth wash

#### **d. Product presentation of cosmetics**

The product should not be presented as treating or preventing disease in human beings.

The following features of the product should be taken into account:

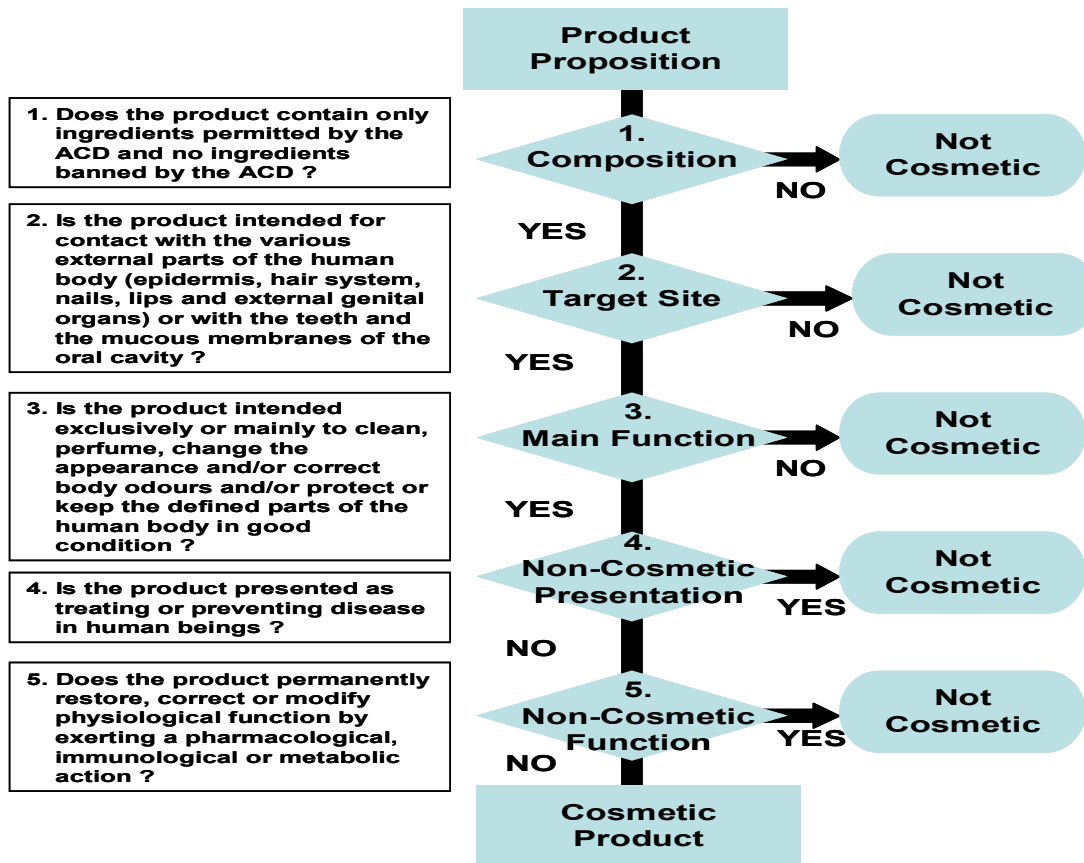
- i. Product claims and the context in which the claims are made
- ii. Labelling and packaging/packaging inserts (including graphics)
- iii. Promotional literature, including testimonials and literature issued by third parties on behalf of the supplier
- iv. Advertisements
- v. The product form and the way it is to be used e.g. capsule, tablet, injection etc.
- vi. Particular target of the marketing information e.g. specific population groups with, or particularly vulnerable to, specific diseases or adverse conditions.

#### **e. Physiological effects of cosmetics**

Every product that has an effect on the functioning of the body also has an effect on its metabolism. Cosmetic products typically have effects that are not permanent, and have to be used regularly to maintain their effects.

As a first point of guidance, claims that can be reasonably expected for product types given in the Annex I, part 2: Illustrative List of Cosmetic Products by Categories can be considered to be cosmetic in nature.

## Decision process to identify cosmetic products & claims



### 3. UNACCEPTABLE AND ACCEPTABLE CLAIMS FOR COSMETIC PRODUCTS.

Examples of unacceptable and acceptable claims based on product types are shown in the table below:

No	Products Type	Unacceptable Claims	Acceptable Claims
1	Hair and scalp care products	<ul style="list-style-type: none"> <li>• Permanently eliminates/stop dandruff</li> <li>• Hair loss can be arrested or reversed</li> <li>• Restores hair cells</li> <li>• Hereditary/hormonal hair loss e.g. Baldness/Alopecia</li> <li>• Stimulate/promote hair growth</li> <li>• Prevent grey hair</li> <li>• Prevent/treat cradle cap /seborrheic dermatitis</li> </ul>	<ul style="list-style-type: none"> <li>• Control/reduce/prevent dandruff</li> <li>• Anti-hair loss/hair fall or treatment/control of hair loss/hair fall*</li> <li>• Increase hair volume **</li> <li>• Promote healthy hair</li> <li>• Helps to strengthen /nourish hair root /hair follicle</li> </ul> <p>* due to physical factor e.g. hair breakage,</p> <p>** due to physical effect of the product e.g. to temporary add volume &amp; body to thin/flat hair</p>
2	Skin product	<ul style="list-style-type: none"> <li>• Reference to production of collagen and elastin, inhibition of melanin synthesis, DNA repair, skin metabolism</li> <li>• Reference to blood circulation/ Microcirculation</li> </ul>	<ul style="list-style-type: none"> <li>• Helps to nourishes / rejuvenate/ regenerate cell</li> <li>• Stimulate/increase/accelerate skin renewal/increase cell turnover/stimulates epidermal exfoliation/ new fresh skin cells/ /younger looking skin</li> </ul>

		<ul style="list-style-type: none"> <li>• Prevent/reduce/reverse/delay aging process</li> <li>• Heals, treats or stops acne</li> <li>• Treatment of warts</li> <li>• Treatment of skin condition e.g. pigmentation, hyperpigmentation, freckles, melasma, acne, fragile capillaries, rosacea</li> <li>• Prevent / treat cellulite</li> <li>• Remove/eliminate scars</li> <li>• Reference to removal of excess body fluid e.g. draining/drainage, swelling / oedema</li> <li>• Reference to slim/slimming, Trim/trimming, fat loss, fat burn, inch Loss, body metabolism</li> <li>• Treatment on compromised skin e.g. bruises, wound, burn</li> <li>• Numbing effect to the skin</li> <li>• Reference to skin diseases e.g. eczema,</li> </ul>	<ul style="list-style-type: none"> <li>• Slows down/delay signs of aging</li> <li>• Prevent/control/reduce acne/breakout</li> <li>• Soften/treat hard skin, corn/callous/cracked heel</li> <li>• Prevent/ reduce dark spot/acne mark/wrinkle/pigmentation and stretch mark</li> <li>• Reduce/improve appearance of cellulite</li> <li>• Reduce/improve appearance of scar</li> <li>• Body shaping, reshape, contour, firming</li> </ul>
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		psoriasis, atopic dermatitis, vitiligo, varicose vein, rash, prickly heat, nappy rash	
3	Oral hygiene product	<ul style="list-style-type: none"> <li>• Treatment or prevention of dental abscess, gingivitis, gum boils, inflammation, mouth ulcers, periodontitis, periodontal disease, stomatitis, thrush or any oral diseases or infections whitens tetracycline-induced stains</li> <li>• Gum bleeding</li> <li>• Reference to pain/ache</li> <li>• Reference to effect on nerve</li> <li>• Increase/stimulate saliva production</li> </ul>	<ul style="list-style-type: none"> <li>• To whiten teeth / bleaching</li> <li>• Prevent gum problems</li> <li>• Maintain healthy gum</li> <li>• Relief of sensitive teeth</li> <li>• Anti-cavity/anti-plaque</li> <li>• Freshen breath</li> <li>• Moisturizing</li> </ul>
4	Deodorants & Anti-perspirants	<ul style="list-style-type: none"> <li>• Completely prevents or stop sweating / perspiration</li> </ul>	<ul style="list-style-type: none"> <li>• Prevent/eliminate body odor</li> <li>• Reduce sweating</li> </ul>
5	Perfumes/fragrances/colognes	<ul style="list-style-type: none"> <li>• Aphrodisiac (sexual attraction)</li> <li>• Hormonal attraction</li> </ul>	

6	Product containing essential oil / aromatherapy	<ul style="list-style-type: none"> <li>• Reference to diseases and illness e.g. insomnia, anxiety, cold, flu, migraine, cough, respiratory problem, Menopause, Period Pain, PMS, Immune system</li> <li>• Effect on mental wellbeing e.g. improve focus, memory enhancer, sleeping disorder, stress/tension relieve</li> <li>• 'to be taken/ consumed'</li> </ul>	<ul style="list-style-type: none"> <li>• Calming/relaxing/ refreshing/uplifting</li> <li>• Moisturizing/soothing</li> </ul> <p>Note: must be applied on skin. Claims must be within cosmetic scope</p>
7	Products to assist body massage	<ul style="list-style-type: none"> <li>• Reference to relieve pain/ache of body/ muscle/joint</li> <li>• Stomach wind, bloat</li> <li>• Improve blood circulation</li> </ul>	<ul style="list-style-type: none"> <li>• Calming / relaxing /refreshing/ uplifting</li> <li>• Moisturizing</li> </ul>
8	Feminine/male hygiene products	<ul style="list-style-type: none"> <li>• Reference to sexual pleasure e.g. tighten vaginal muscle</li> <li>• Reference to male/ female virility/sex drive</li> <li>• Reference to preserve normal flora</li> </ul>	<ul style="list-style-type: none"> <li>• Deodorizing/ remove/reduce smell</li> <li>• Cleansing</li> </ul>

		<ul style="list-style-type: none"> <li>• Reference to infection and inflammation</li> <li>• To reduce vaginal discharge e.g. leukorrhea</li> </ul>	
9	Bust/breast products	<ul style="list-style-type: none"> <li>• Bust enlargement/volumizing/size</li> <li>• Reduce bust size</li> <li>• To apply and use on cracked/ sore nipple</li> </ul>	<ul style="list-style-type: none"> <li>• Bust firming/lifting</li> <li>• Prevent cracked nipple</li> <li>• Moisturizing</li> </ul>
10	Sunscreen	<ul style="list-style-type: none"> <li>• Sunblock</li> <li>• Sweat / water proof</li> <li>• UV block/cut</li> <li>• References to skin diseases e.g. skin cancer, prevent / reduce the occurrence of cancer</li> <li>• SPF value &gt;50, e.g. SPF 130</li> </ul>	<ul style="list-style-type: none"> <li>• Water/sweat resistant</li> <li>• Prevent sunburn</li> <li>• UV filter</li> <li>• Protect skin against harmful UVA &amp; UVB rays</li> <li>• Prevent sun rays from damaging the skin</li> <li>• SPF 50+ (for SPF value more than 50)</li> </ul>
10	Depilatories	<ul style="list-style-type: none"> <li>• Stops/retards/prevents hair growth</li> </ul>	<ul style="list-style-type: none"> <li>• Removes hair</li> </ul>
11	Others	<ul style="list-style-type: none"> <li>• Antimicrobial</li> <li>• Disinfectant</li> <li>• Fungicidal/Virucidal action</li> <li>• Use of reference to Hadith/AI-Quran/Bible/any</li> </ul>	<ul style="list-style-type: none"> <li>• Antibacterial</li> <li>• Kills bacteria/germs</li> <li>• Germ protection</li> </ul>



		<p>religious statement to a cosmetic product.</p> <ul style="list-style-type: none"> <li>• Use of supernatural, superstitious elements (e.g. Saka, Sihir, Badi, Penawar)</li> <li>• Insect repellent e.g. mozzie lotion, insect bite</li> <li>• Cosmeceutical/ mesotherapy/ injection/ micro-needling/derma-roller/ <i>susuk</i></li> <li>• 100% protection</li> <li>• GMP logo/certification</li> <li>• Approved by Ministry of Health (MOH)</li> <li>• Use of images interpreted to be contrary or offensive to the standard of morality or decency prevailing in the Malaysian society (e.g. indecent images)</li> <li>• Use of graphic, logo, symbol which refer to internal organ/body part or substance of human origin -Vagina, Growth Factor (e.g. EGF&amp;FGF), Capillary, Lymph, Spleen, Hormone, Nerve</li> </ul>	
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		<ul style="list-style-type: none"> <li>• Use as “Gargle”</li> <li>• “Medicated”</li> </ul>	
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a. Other claims:

**(i) Good Manufacturing Practice (GMP) certification of a manufacturer**

The use of symbol, logo or statement related to GMP certification/standard e.g. ISO 22716 is unacceptable.

However, the use of other symbol, logo or statement that is NOT related to GMP e.g. ECOCERT may be acceptable and must be substantiated.

**(ii) Religious claim**

The use of reference to Hadith/ Al-Quran/ Bible/ any religious statement to a cosmetic product is unacceptable.

**(iii) Safety Claims**

Claims pertaining to product safety should not imply, whether directly or indirectly that the product is not associated with or free from any side effects. Phrases such as “No side effects”, “No harmful effects”, “No toxic or adverse effects” are not allowed.

Products containing natural ingredients should not mislead consumers to assume that the product is safe due to the fact that it is natural. –

**(iv) Quantitative Claims**

Numerical claims of product performance/effectiveness, such as, 99.9%, in 3 days, 10x, etc, are acceptable if substantiated by relevant evidence.

**Note:**

- i. This is not an exhaustive list and subjected to review when necessary.
- ii. NPRA reserves the right to disallow any other words, phrases or graphics for product label which in its opinion is misleading, improper or not factual.