

RESIDENTS' AND ENVIRONMENTAL SERVICES  
POLICY OVERVIEW COMMITTEE  
2009/10

IMPORTED ILLEGAL COSMETICS

**Aim of the review:**

To review and improve the Council's arrangements for combating the issue of illegally imported foods.

**Legislation**

The Cosmetic Products (Safety) Regulations 2008 came in to force on 18th June 2008. The Regulations consolidate earlier Regulations and implement current European Directives.

What is a cosmetic product?

**The Regulations define a cosmetic product as:**

*"Any substance or preparation 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 with a view exclusively or mainly to cleaning them, perfuming them, changing their appearance, correcting body odours, protecting them, or keeping them in good condition except where such cleaning, perfuming, protecting, changing, keeping or correcting is wholly for the purpose of treating or preventing disease."*

The last part of this definition means that products used solely as medicines are not covered by these Regulations.

The Regulations further define "cosmetic product intended to come into contact with the mucous membranes" as:

"A cosmetic product intended to be applied in the vicinity of the eyes, on the lips, in the oral cavity or to the external genital organs, and does not include any cosmetic product which is intended to come only into brief contact with the skin."

**Where we are now:**

It is an offence to supply a cosmetic product which may cause damage to human health when applied under normal conditions of use, or reasonably foreseeable conditions of use,

There are many substances that are either prohibited or restricted for use in cosmetic products. There are restrictions on animal testing of cosmetic products and ingredients and certain labelling is required such as:

The name and address of the manufacturer/importer into the EU

Durability

Precautions

Batch code

Function

Ingredients

Consumers can be assured that cosmetics which comply with the above regulations are safe to use. In the event that a problem arises the product can be traced back to source and appropriate action taken.

***The key issues we are faced with:***

Cosmetics which do not comply with the Regulations:

May contain banned ingredients such as hydroquinone or mercury

May contain permitted ingredients but in concentrations above that allowed

May not have an ingredients list – thus causing problems for persons with allergies

May not declare a shelf life – some cosmetics deteriorate with age

Are difficult to trace and remove from the market if identified as unsafe and need to be destroyed

***The most common type of illegal cosmetics***

Skin lightening creams are popular - those containing hydroquinone are banned in this country. However, the demand for it in certain sections of the community means that it continues to be imported, usually from Africa. Because of their illegal status, these cosmetics are not declared on import documents and are often distributed among other imported goods, sometimes food. At retail level, they may be sold “under the counter”.

Grey imports of cosmetics such as toothpaste are found in retailers. It is unlikely that these contain banned ingredients, but the other issues highlighted above may be present. These are probably imported because of price differences allowing a larger profit to be made throughout the supply chain. These are unlikely to be “under the counter” and are often sold without the retailer realising that they may be illegal. These imports are usually found in cheaper retail outlets and market stalls.

***The Current Position in Hillingdon:***

Small quantities of skin lightening creams containing hydroquinone have been found in shops in Hillingdon during routine inspections and a small project carried out a few years ago. However, while officers are always on the look out for this type of cosmetic, because of the ethnic make up of the Borough it is not prevalent. Because of the unsafe nature of the product, any discoveries are seized and a voluntary forfeiture sought from the retailer.

The major issue arises around consignments discovered at the Airport by Customs or at the Imported Food Office. When notified of these consignments, Trading Standards Officers work with Customs to prevent the goods reaching the market. While there is the power to seize and destroy the goods, if the consignment is large the costs of storage and destruction can be high. In most cases, the importer is persuaded to abandon the shipment and must then bear the

costs of destruction. Should they choose not to do this, Trading Standards would need to take more formal action with the attendant costs.

Non-compliant grey imports may be discovered in shops and in markets. Again the retailer is given advice regarding the law, and is told to ensure that they buy from reputable wholesalers and importers and to check dates and labelling.

While illegal imported cosmetics are not commonly found in retail outlets in Hillingdon, consumers assume that every cosmetic product is safe to buy and use or it would not be able to be supplied in the UK. However, this is clearly not so. Consumer education and a refusal to buy these types of illegal products would further reduce their availability.