

LCQ11: safety of cosmetic and skin care products

Following is a written reply by the Secretary for Commerce and Economic Development, Mrs Rita Lau, to a question by the Hon Lau Kong-wah in the Legislative Council today (November 5):

Question:

Concerning the regulation on the safety of cosmetic and skin care products in the market, will the Government inform this Council whether:

- (a) it has received in the past two years complaints about skin allergies or other indispositions after using the above products; if it has, of the details;
- (b) it has found, by way of tests in the past three years, that such products contained substances which are harmful to the human body or toxic; if it has, of the details;
- (c) it has reviewed the existing regulatory measures on the safety of such products, and how it ensures that the products are free of substances which are harmful to the human body; and
- (d) it knows if at present, all such products bear a date of manufacture and an expiry date, and whether the authorities will consider imposing regulation through legislation?

Reply:

President,

- (a) The number of complaints received by the Customs and Excise Department (“C&ED”) and the Consumer Council from 2006 to the end of September 2008 about skin allergies or other indispositions after using cosmetic (including lipsticks, make-up foundations, nail polishes and mascara) and skin care products (including facial masks, skin lotion, facial cream, whitening products, essence and sun-block products) is set out in annex.

(b) During the same period, cases involving cosmetic or skin care products that failed to comply with the “general safety requirement” in the Consumer Goods Safety Ordinance are as follows:

Facial Mask

In early 2006, C&ED found a facial whitening mask in the market that contained a bacteria count exceeding the permissible safety limit under the Mainland’s Hygienic Standards for Cosmetics. After consulting the Department of Health, C&ED considered that the mask in question failed to meet the relevant safety requirement, and took enforcement action by issuing a notice to the supplier requiring it to stop supplying the mask in question. In addition to monitoring the product recall and disposal, C&ED also issued a written warning to the supplier.

Facial Cream

The Department of Health has received four cases of facial whitening cream containing excessive mercury. Laboratory test results showed that the mercury content in the facial cream samples exceeded the level permitted in the Mainland. Thereafter, the Department of Health advised the public to stop using the facial cream and C&ED took enforcement action by ordering the traders concerned to stop supplying the product, as well as issuing a written warning and prosecuting an importer. Based on the information on the packaging of the product, C&ED also requested the General Administration of Quality Supervision, Inspection and Quarantine of the Mainland to assist in following up the case.

Nail Polish

In early 2008, C&ED conducted spot checks on retailers and purchased nail polishes of different brands for testing by the Government Laboratory. Test results showed that the levels of methanol, benzene or phthalate in some of the products exceeded the Mainland’s standards. These chemicals may adversely affect human health. C&ED is following up the cases.

(c) Cosmetic and skin care products available in the market are consumer goods subject to the regulation of the Consumer Goods Safety Ordinance (Cap. 456) (“the Ordinance”). The Ordinance provides that manufacturers, importers and suppliers should ensure that the consumer goods they supply in the market meet the general safety requirement. Under this requirement, the consumer goods concerned must be reasonably safe. In determining whether a particular consumer good complies with this requirement, due regard should be made to all circumstances, including:

(i) the manner in which, and the purpose for which, the consumer good is presented, promoted or marketed;

(ii) the use of any mark in relation to the consumer good and instructions or warnings given for the keeping, use or consumption of the consumer good;

(iii) reasonable safety standards published by a standards institute or similar body for a consumer good of the description which applies to the consumer good or for matters relating to a consumer good of that description; and

(iv) the existence of any reasonable means (taking into account the cost, likelihood and extent of any improvement) to make the consumer good safer.

Generally speaking, if the goods can meet overseas or international safety standards (such as the standards of the Mainland, the United States, the European Union, Australia or Japan), they will be considered as meeting the requirement under the Ordinance.

C&ED is responsible for enforcing the Ordinance. In regard to cosmetic and skin care products, apart from investigating complaints, C&ED conducts spot checks on retailers proactively to check if they put up for sale unsafe or suspected unsafe cosmetic and skin care products (such as those subject to recall overseas). C&ED also takes product samples for testing by the Government Laboratory. In addition, C&ED closely monitors local and overseas media reports, as well as reports published by safety organisations on potential hazards relating to cosmetic and skin care products, so that appropriate measures could be taken against suspected unsafe products. When a particular cosmetic or

skin care product is found to have breached the requirement under the Ordinance, C&ED will require retailers to stop selling and recall that unsafe product, and will prosecute offenders. On first conviction, the penalty is a maximum fine of \$100,000 and an imprisonment for one year, and on subsequent convictions, the penalty is a maximum fine of \$500,000 and an imprisonment for two years.

It is equally important for consumers to select cosmetic and skin care products carefully. We often remind consumers not to purchase products from unknown sources. Through its monthly magazine Choice, the Council provides from time to time safety tips on the purchase and use of cosmetic or skin care products for consumers.

We consider that the requirements under the Consumer Goods Safety Ordinance and the measures mentioned above have accorded reasonable protection to consumers.

(d) It is not a requirement under the Consumer Goods Safety Ordinance for cosmetic or skin care products to bear a date of manufacture and an expiry date. As we have mentioned in part (c), the current legislation and measures have accorded reasonable protection to consumers. We have no plans at the moment to introduce legislation to require such products to bear a date of manufacture and an expiry date.

Ends/Wednesday, November 5, 2008

Complaints received by	Skin Allergies and Other Indispositions					
	Complaints on Cosmetics			Complaints on Skin Care Products		
	2006	2007	2008 (Jan-Sep)	2006	2007	2008 (Jan-Sep)
C&ED	4	3	4	12	14	16
Consumer Council	8	2	2	31	20	15
Total	12	5	6	43	34	31