

LCQ8: Safety of cosmetic products

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Following is the question by the Hon Fred Li Wah-ming and a written reply by the Secretary for Economic Development and Labour, Mr Stephen Ip, in the Legislative Council today (November 1):

In September this year, the cosmetic products of a Japanese brand were found by the Mainland authorities to have contained "chromium" and "neodymium", and the agent concerned decided to suspend the sales of the products in the Mainland. However, after conducting tests and seeking advice from the Department of Health, the Customs and Excise (C&E) Department has advised that the impact of the two substances on users' health should be minimal under normal use. The C&E Department has also indicated that the cosmetic products concerned of that brand comply with the safety requirements under the Consumer Goods Safety Ordinance, and they will still be allowed to be sold openly in Hong Kong. In this connection, will the Government inform this Council:

- (a) whether different criteria are adopted by Hong Kong and the Mainland authorities in respect of the safety standards and testing methods for cosmetic products; if so, of the reasons for that;
- (b) whether it will consider enacting legislation to require all cosmetic products to have proper labels specifying the application, ingredients, possible adverse reactions and the proper ways of using the products, etc, in order to safeguard consumers' health; if not, of the reasons for that; and
- (c) of the measures in place to ensure that cosmetic products available in the market are all safe for use; whether it will, in the light of the alleged safety problems of cosmetic products mentioned above, review these measures and work out a more effective mechanism to prevent the recurrence of the above situation?

Reply:

Madam President,

The safety of consumer goods, including cosmetic products, for supply in the local market is regulated under the Consumer Goods Safety Ordinance (Cap. 456) ("the Ordinance"). Manufacturers, importers and suppliers are required to ensure

that all consumer goods they supply are in compliance with the general safety requirement under section 4 of the Ordinance.

The general safety requirement for consumer goods is that such goods should be reasonably safe, having regard to all the circumstances including-

- (a) the manner in which, and the purpose for which the goods are presented, promoted or marketed;
- (b) the use of any mark in relation to the goods and instructions or warnings given for their keeping, use or consumption;
- (c) reasonable safety standards published by a standards institute or similar body; and
- (d) the existence of any reasonable means to make the goods safer.

With regard to the three specific parts of the question, my answer is as follows -

(a) As regards testing criteria, we understand that in testing and determining the safety of cosmetics, the Mainland's General Administration of Quality Supervision, Inspection and Quarantine normally makes reference to the Hygienic Standard for Cosmetics of People's Republic China (GB7916-87). According to GB7916-87, any use of chromium or neodymium as a constituent in cosmetic products is prohibited.

In considering whether the products in question meet the general safety requirement under the Ordinance, the Customs and Excise Department (C&ED) has referred to the Cosmetic Directive of European Commission 76/768/EEC. This Directive allows for the presence of traces of chromium or neodymium in cosmetic products provided that the presence of such substances is technically unavoidable in the course of a proper manufacturing process and that the cosmetic product concerned must not cause damage to human health when applied under normal or reasonably foreseeable conditions of use.

In addition to the above standards, the C&ED has also made reference to the Food Adulteration (Metallic Contamination Regulations) and reports on the safe daily intake of chromium released by the US National Academy of Science, and has sought an expert medical opinion from the Department of Health (DH). When making the risk assessment on health, DH will make reference to the established international

standards and consider whether the products would be harmful to the body, the relevant exposure quantity and exposure route.

Having taken into consideration the above standards and advice from the DH, and noting the small traces of the two substances found in the products, the C&ED is of the view that the health risks posed by the cosmetic products is low under normal usage, and that there is no evidence to suggest that there has been a breach of the general safety requirement under the Ordinance.

(b) Section 10 of the Ordinance empowers the Commissioner of Customs & Excise to require the manufacturer, importer or supplier of consumer goods, including cosmetic products, to modify their labelling, packaging or advertising to make sure that they comply with the general safety requirement. Under the Consumer Goods Safety Regulations, any labels containing a caution or warning as to their safe keeping, use, consumption and disposal must be displayed in both the English and Chinese languages.

(c) As the department responsible for enforcing the Ordinance, C&ED regularly takes samples of cosmetics from the market for testing to ensure that cosmetics supplied in Hong Kong meet the general safety requirement for consumer goods.

Between January 2004 and September 2006, C&ED conducted 718 spot checks and concluded 39 investigations involving cosmetic and personal hygiene products. These checks and investigations found no product that is hazardous to consumers.

In light of recent concerns that have been expressed about possibly unsafe cosmetic products, C&ED will conduct additional spot checks on cosmetics retailers to ensure that the products supplied are reasonably safe.

C&ED distributes pamphlets promulgating product safety at trade and consumer product fairs, and also conducts regular seminars on product safety for suppliers and trade organisations. The department cooperates with the Consumer Council in providing advice and safety tips to consumers on the purchase and use of consumer goods through the monthly magazine "CHOICE". C&ED will explore with the Consumer Council ways of enhancing public awareness of safety issues related to cosmetics products.

Ends/Wednesday, November 1, 2006

Issued at HKT 15:28