

# **EUROPEAN BACKGROUND INFORMATION COMMUNITY**

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BACKGROUND NOTE

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## **EUROPEAN COMMUNITY PROTECTS COSMETICS CONSUMERS**

Spurred by the death in 1972 of 22 children in France who had been powdered with talcum containing dangerous levels of hexachlorophene, the European Community has issued a directive to its nine member states that will ban unsafe substances from cosmetics and harmonize the national safety regulations pertaining to the cosmetics industry.

The cosmetics industry is flourishing in the Community -- it has an average volume increase of about 10 per cent per year -- and its products affect all Europeans as well as travelers who purchase soap, toothpaste, shampoo or other essentials. Anything that is not designed to heal and that is applied to the hair, skin, nails and lips is generally regarded as cosmetics. Yet the nine member states-- Belgium, Britain, Denmark, Ireland, Italy, France, Germany, Luxembourg, the Netherlands --had widely varying rules concerning the chemical components of cosmetic products, a situation that was considered both a barrier to free trade and a safety hazard.

The tragic deaths in France that were caused by talcum powder -- some samples showed 6 per cent hexachlorophene -- aroused suspicion about the chemicals used in cosmetics and demonstrated the need for more effective safety measures. In 1973, the Belgian consumer magazine, Test Achats ( Test Products), analyzed nine vaginal deodorants that were on the market and found that five of them contained hexachlorophene, the same chemical that caused the babies' deaths in France. All the deodorants were found to be expensive, dangerous and totally ineffective.

The European Commission first submitted proposals for a directive that would harmonize cosmetics laws in member states in October 1972. Proposed modifications to the draft represented the first major victory for consumer groups who, until the Community's enlargement by Britain, Ireland and Denmark in 1973, had taken little direct interest in Community affairs. The directive was adopted by the nine member states in July 1976.

With the new directive, which will come into force in Community countries at the beginning of 1978, the use of hexachlorophene in cosmetics will be severely restricted. It is an efficient and powerful antiseptic and has been used successfully for a long time to combat bacteria, but only in very small doses is it harmless.

The cosmetics industry at first resisted attempts to legislate new restrictions on hygiene and beauty products. But the free movement of goods among Community countries is a cardinal principle of the Common Market, and public pressure on a national government to close its frontiers for fear of suspect products from other countries could have threatened that principle. It was necessary, therefore, to provide the same protection for consumers throughout the Community.

The discussion of the cosmetics directive at the Community level also made possible a sharing of scientific information from various national sources, resulting in an improved overall level of protection. From the commercial point of view, the directive enables manufacturers to offer a wider choice to the consumer while simultaneously eliminating unnecessary and costly differences between products marketed in various countries.

A decade ago the regulations concerning cosmetics in the Community were scattered in a variety of legal texts dealing with food and tobacco. Since then several countries have been working on legal proposals; Belgium introduced a royal decree in May 1973 that was modified in March 1974. Other countries are still drafting their legislation. The Community directive allows the member states to coordinate and harmonize their legislation.

The Commission's biggest job was defining what is meant by a cosmetic product, listing substances that may never be used in production, those that are definitely permitted and those substances subject to severe restrictions. The conditions of use and in some cases a warning must be printed on the label in the last classification. A list of provisionally allowed substances -- those on which toxicological tests are still being carried out -- will be revised after three years, at which time the substance will be definitely permitted or definitely prohibited or retained for a further period of three years for further tests. The directive makes it possible to add permitted substances as soon as the test information on them is available.

Three hundred sixty-one substances are listed on the prohibited list -- including all the major allergy-provoking substances and several poisons that would be extremely dangerous if they were used in cosmetics, such as alkyne alcohol, aniline, benzidine and benzene.

The Economic and Social Committee, a body of representatives from labor, management, agricultural, consumer and family organizations in all member states, and the European Parliament urged the inclusion of provisions regarding labeling and sales and presentation of cosmetics. The cosmetics and perfume manufacturers have opposed the initiative, saying that the directive will retard expansion without bringing any guaranteed safety to the consumer. They also say that revealing their product ingredients means giving away trade secrets.

The Community has given the manufacturers a two-year period for adaptation to the directive. Although it will come into force in 1978, cosmetic products that do not conform to its requirements may still be marketed in the Community until 1980. The Community directive is broadly similar to legislation in the United States, an important consideration since so many American cosmetic products are available in Europe.

A copy of the directive, which has been published in the Official Journal of the European Community, No. L 262/169, can be purchased for \$5 from the European Community Information Service, Suite 707, 2100 M Street NW, Washington, D.C. 20037