

CTPA Guidance for Retailers: Complying with UK Cosmetic Regulations



May 2024

CTPA Role:

The Cosmetic Toiletry and Perfumery Association (CTPA) is the trade association for the UK cosmetic and personal care industry.

The Association's role is to advise manufacturers, distributors and suppliers about the strict legal framework for cosmetics, to represent industry views to UK government, and external stakeholders and help promote information to the media on issues relating to the safety of cosmetic products. The CTPA acts as the voice of the UK industry and provides the most up-to-date interpretation of, and guidance on, regulatory matters affecting cosmetic products in the United Kingdom and internationally.

CTPA Address and Copyright

The Cosmetic, Toiletry & Perfumery Association
49 Whitehall
London
SW1A 2BX
tel: +44 (0) 20 7491 8891
info@ctpa.org.uk | www.ctpa.org.uk
www.thefactsabout.co.uk

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Why join the CTPA?

CTPA membership gives companies access to experienced regulatory, scientific and technical staff to help them market safe, effective products that provide a wide range of consumer choice both in the UK and overseas.

Membership provides companies with peace of mind with easy access to:

- up-to-date legislative references;
- guidance on compliance;
- confidential one-to-one advice;
- advice on best practice;
- advance knowledge of upcoming changes;
- global updates on key issues;
- media and consumer information; and
- 24/7 online resources accessible worldwide.

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Introduction

Placing cosmetic products onto the market in Great Britain involves a complex supply chain where various actors take on distinct and differing responsibilities to ensure products made available to consumers are safe. This guidance is intended to outline the different roles within the supply of cosmetic products with regards to the UK Cosmetics Regulation (UKCR), with specific clarification of the legal responsibilities Retailers undertake.

Retailers have an obligation to exercise due diligence and carry out duty of care to check every cosmetic product they sell is compliant with the applicable legislation, however, this should not extend beyond the requirements of the UKCR and should be proportionate to their legal responsibility. This guidance breaks down how Retailers should collaborate with manufacturers or brands of cosmetic products to ensure regulatory compliance.

Regulatory Framework

All cosmetic products placed on the market of Great Britain (England, Wales and Scotland) intended for sale or to be given away for free in the course of a commercial activity must comply with the [UK Cosmetics Regulation](#) (UKCR). Cosmetic products sold in the European Union (EU) including Northern Ireland (NI) must comply with the [EU Cosmetic Products Regulation](#) (CPR).

Despite there being two separate regulatory frameworks, the UKCR and CPR follow the same key principles with regards to responsibility. This guidance specifically concerns cosmetics placed on the Great Britain (GB) market, which are subject to the UKCR.

The UKCR recognises and defines different roles within the supply chain and specifies the responsibilities of these roles. The roles are:

- A 'Manufacturer' who manufactures, or has manufactured on their behalf, a cosmetic product, and markets that cosmetic.
- An 'Importer' who brings cosmetic products into the UK from other countries placing them on the market.
- A 'Distributor', other than the manufacturer or importer, who sells or makes available cosmetic products within the UK market.
- 'End user' is either the professional or consumer using the cosmetic product.

Responsible Person

The Responsible Person (RP) is responsible for ensuring that each cosmetic product they place or make available on the GB market is safe and complies with the relevant provisions of the UKCR. The RP may be:

- A manufacturer or a brand owner marketing a cosmetic product under their name or trademark;
- an importer who is importing a cosmetic product from outside of the UK;
- a person or a company established within the UK mandated to act as the RP by the brand owner or importer.

The RP must ensure that each cosmetic product placed on the GB market has a complete Product Information File (PIF) which contains all of the mandatory information on the product including the Cosmetic Product Safety Report (CPSR). Each cosmetic product placed on the GB market should be labelled with the name and address of the UK RP.

Retailers Have the Role of Distributors

Article 2 of the UKCR defines a distributor as “any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a cosmetic product available on the GB market”. The definition covers any company or person supplying cosmetic products (in return for payment or free of charge) on the UK market for distribution, consumption, or use. This includes Retailers, as they make cosmetic products available directly to the end user.

Obligations for Distributors and Retailers

Retailers, as distributors, have specific and limited obligations established under Article 6 of the UKCR.

The legal obligations of Retailers include:

- Checking the information on the product label includes the registered name and the address of the Responsible Person, the batch number, and the list of ingredients.
- Ensuring that the mandatory labelling information on the product label is in English.
- Checking the product has not expired past the date of minimum durability specified.
- Storing and transporting products in conditions that do not jeopardise product safety and compliance with the UKCR, including where products have specific instructions.
- Informing the RP and the competent authorities if a cosmetic product presents a risk to human health.
- Not supplying a product on the market which they believe is not in compliance with the UKCR.
- Contacting the RP in the case a product they have supplied on the market is not in compliance with the UKCR, so corrective measures can be taken.

Retailers may want to check that the RP has an appropriate UK address labelled on the product. For example, an address corresponding to an unstaffed virtual office or a forwarding address or a PO Box or any other arrangement that does not allow the contacting authorities to reach the RP directly would not be sufficient with the requirements of the UKCR, and therefore would not be appropriate.

However, the legal obligations of Retailers do not include:

- Verifying evidence used to substantiate product claims.
- Obtaining proof of the product notification.
- Assessing the safety of cosmetic products, or the ingredients, or checking the CPSR.
- Reviewing documentation within the PIF.
- Requesting the product to hold specific certifications.
- Testing, sampling, or requesting new tests of the products to check quality and regulatory compliance.

Whilst Retailers have an obligation to ensure the safe transport and storage of cosmetic products, including compliance with regulations outside of the UKCR, it is important to note that finished cosmetic products (ready for sale to the consumer) are exempt from some requirements of the GB Classification, Labelling and Packaging (CLP) Regulation. Therefore, a Responsible Person is not obliged to provide a Safety Data Sheet (SDS) for information on how to handle the products, even on request of a retailer. Other solutions may need to be communicated between the RP and Retailer to confirm any relevant information.

If a Retailer believes that a cosmetic product does not comply with the UKCR, they should not make the product available on the market until it has been brought into conformity. If it is already on the market, they should ensure corrective measures are taken.

Notification

The Submit Cosmetic Product Notification (SCPN) portal is the online notification system where RPs of cosmetics must submit information about the products they place or make available on the GB market.

Retailers do not have the legal authority or obligation under the UKCR to request proof of the SCPN notification. Under the UKCR, Retailers do not have a right to access the notifications made by an RP and there is no obligation for the RP to provide the notification number, or any other notification information to Retailers. The notification number has no value to the Retailers as it does not guarantee either that the product has been notified or that the product is fully compliant, and Retailers have no access to the SCPN to check this information.

Labelling

The label on the container and packaging of cosmetic products must bear the information listed in Article 19 of the UKCR, in indelible, easily legible, and visible lettering.

Retailers must check certain labelling information on the packaging of the products and verify that specific information is present on the label, including that the information is in English. However, Retailers are not responsible for the overall compliance of the product labelling, notably when it relates to the accuracy of the information that can only be verified with data held by the RP (such as the correctness of claims or ingredients list on the product label). If Retailers have concerns regarding the correctness of a product label, they should contact the RP and refrain from offering the product for sale until compliance of the labelling rules of the UKCR is clarified or, where relevant, corrective measures have been taken.

Claims

According to [Article 20 and the Common Criteria](#), the labelling, making available on the market and advertising of cosmetic products shall not imply that the products have characteristics or functions which they do not have. The RP has a duty to ensure that the wording of the message communicated is in compliance with the legislation and is consistent with their evidence to support the claim.

Retailers may check that the presentation of the product fits within the [definition of a cosmetic](#). Key factors of the product should be taken into consideration to make this assessment including the: primary function, composition, packaging, claims and advertising, where the product is sold, and the understanding of the 'averagely well-informed consumer'.

Retailers should not request to review the evidence to substantiate product claims. Nor should they require that the RP provides written representations to confirm that the claims are substantiated. The regulations do not give a list of tests or any specific requirements for claims substantiation, it is the RP that is responsible for designing the right claim substantiation depending on the characteristics of the product and where the claims are going to feature. The RP is ultimately responsible for all claims made and will select the corresponding substantiation.

Taking this into account, it is paramount that Retailers do not alter, exaggerate or promote claims that have not been included on the product label or that have not been accepted by the RP. If the Retailer modifies a product already placed on the market in such a way that compliance with the UKCR is affected, they take on the responsibilities of Responsible Person under the UKCR. The RP should handle any challenges from a competent authority relating to claims made on a product and therefore must approve all claims made about the product.

For more detailed information please visit the [Guidance for Distributors](#).

