

## CTPA Advice on ‘Professional’ vs ‘Professional Use Only’ Products

Cosmetic products may either be sold to consumers, to consumers and professionals, or exclusively to professionals, such as hairdressers, nail technicians, beauticians and others.

There is no definition of ‘professional product’ under the UK Cosmetics Regulation; however, there is a definition of ‘professional use’ in the Preamble to the Annexes of the UK Cosmetics Regulation as *“the application and use of cosmetic products by persons in the exercise of their professional activity”*.

Whilst professional products may also be sold to consumers, products marked with the instruction ‘professional use only’ must only be sold to professionals because this is a legal requirement pertaining to one or more of the product’s ingredients. The Responsible Person (RP) placing that product on the market must therefore control the supply of such products. The below table provides the details of this distinction.

| ‘Professional’ products                                                                               | ‘Professional use only’ products                                                                                                                            |
|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Marketed towards professional from a branding and marketing perspective                               | Marketed as ‘professional use only’ as a legal requirement for containing an ingredient restricted exclusively to professional use                          |
| Are legally permitted for use by consumers                                                            | Not appropriate for use by consumers. Only a trained professional can safely use a product containing an ingredient restricted for professional use only    |
| Control of the distribution throughout the supply chain is not mandatory, it is a commercial decision | Control of the distribution throughout the supply chain is mandatory, the product cannot be sold directly to consumers by any actor within the supply chain |
| The term ‘professional’ appears as a marketing claim                                                  | The sentence ‘professional use only’ appears as a warning on pack                                                                                           |

The RP placing a product for ‘professional use only’ on the GB market must communicate with all downstream actors within the supply chain, including retailers, that such products cannot be sold directly to consumers due to restrictions under the UK Cosmetics Regulation. Retailers have the due diligence obligation to ensure that products marked as ‘professional use only’ are not sold directly to consumers, as there is a specific safety reason related to this restriction of distribution and use.