

Quick NOTES

Cosmetic Regulations in Canada

JANUARY 2008

COSMETIC REGULATIONS IN CANADA



WHO DOES THIS APPLY TO:

- Manufacturer – means any person, partnership or unincorporated association that manufactures and, under its own name or under a trademark, design, trade name or other name or mark owned or controlled by it, sells a cosmetic and includes any other person, partnership or unincorporated association that sells a cosmetic in such a manner.
- Manufacturers, when foreign, are required to have a Canadian agent for the importation and distribution of cosmetic products in Canada. The manufacturer may or may not be the individual compounding and/or packaging the product, but is the person, partnership, etc. which causes the product to be manufactured.

OVERVIEW:

- The *Cosmetic Regulations*:
 - Health Canada's Cosmetics Programme regulates cosmetics manufactured, imported and distributed for retail sales in Canada.
 - Cosmetics are defined as:
 - Any substance or mixture of substances manufactured, sold, or represented for use in cleansing, improving, or altering the complexion, skin, hair, or teeth. This includes deodorants and perfumes.
- Cosmetics are not:
 - Products that have a therapeutic claim; these are considered drugs.
 - Products that contain ingredients not permitted in cosmetics; these are considered adulterated.
 - Products containing natural therapeutic ingredients; these are considered natural health products.
 - Items where ingestion is intentional, and that do not have a therapeutic effect or claim; these are foods.
 - Insect repellent lotions and sprays; these are pesticides.

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KEY POINTS:

- Raw Materials
 - Raw materials used in the formulation of cosmetics are required to be safe for use. Manufacturers should have access to information that their cosmetics are safe. Raw materials listed in the International Nomenclature of Cosmetic Ingredients may be considered safe. You may be requested to submit information on the safety of your product if requested by Health Canada.
- Claims Substantiation
 - Although not required for notification, claims made on the labels of cosmetic products are required to be substantiated with scientific data. For example, the claim of non-comedogenic should be supported by a study performed using the formulation of the product.
- Labeling
 - The following sets of Canadian and Quebec Laws should be consulted when designing labels:
 - The *Cosmetic Regulations*
 - The *Consumer Packaging and Labelling Act & Regulations*
 - Mandatory Ingredient Labelling for Cosmetics in Canada (Gazette II) effective November 2006
 - *Consumer Products Act & Regulations* (for avoidable hazards)
- Cosmetic Notification Form

Cosmetics Notification Form:
<http://www.hc-sc.gc.ca/cps-spc/person/cosmet/info-ind-prof/ notification/cnf-dcf-eng.php>

Instructions for completing the form:
<http://www.hc-sc.gc.ca/cps-spc/person/cosmet/info-ind-prof/ notification/guide-eng.php>

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- Health Canada requires notification of first sale of cosmetic products (within 10 days) using the Cosmetics Notification Form, which is available online.
- Instructions for the completion of the form are also available online.





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- You require the name of the firm compounding, packaging, and labeling the product (referred to as the “Other manufacturer”), the name of the manufacturer (firm responsible for the cosmetic, as it will appear on the label) and the name of the Canadian Distributor. You also require the formulation of your product with percentages of the raw materials (fully broken down to its constituent parts) to complete the notification form.
- Cosmetic Ingredient Hot List
 - The Cosmetic Ingredient Hot List contains the names, concentrations, and uses of materials which are not to be included in cosmetic products under the conditions listed. The Hot List is available online.

Cosmetics Hot List:

<http://www.hc-sc.gc.ca/cps-spc/person/cosmet/info-ind-prof/hot-list-critique/prohibited-eng.php>

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Date of last revision: 16 December 2009

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