

REFERENCE DOCUMENTS AND USEFUL LINKS REGARDING NATIONAL SPECIFICITIES

Note: this is an illustrative overview which may not be complete or up to date. The reader is advised to contact the National Associations in the country(ies) of interest

(<https://www.cosmeticseurope.eu/about-us/our-members/active-association-members>)

Belgium

Code de la publicité et de la communication commerciale pour les produits cosmétiques, Detic, 2015

<http://www.detic.be/fr/code-guidelines>

Code inzake reclame en marketing-communicatie voor cosmetische producten, Detic, 2015

<http://www.detic.be/nl/codes-guidelines>

Finland

Finnish Competition and Consumer Authority, Rules for advertising cosmetics, September 2008. Available in Finnish: <https://www.kkv.fi/ratkaisut-ja-julkaisut/julkaisut/kuluttaja-asiamiehen-linjaukset/toimialakohtaiset/kosmetiikan-mainonnan-pelisaannot/>. An English version:



Kosmetiikan_mainonnan_pelisaannot_F

France

ARPP Cosmetic Product Recommendation, 14 November 2018.

ARPP Recommendation Mentions et Renvois, 28 November 2017.

ARPP Recommendation Développement Durable, 6 June 2017 (Not translated to English)

Decree n° 2017-738, 4 May 2017, regarding retouched photographs.

Germany

“Explanations on the EU Claims Regulation 655/2013” is an article published by representatives of German authorities (Bumberger, Burkhard, Keck-Wilhelm et al., SOFW), with references to several German court rulings on cosmetic claims: https://www.sofw.com/cms_media/module_ob/1/500_1_SOFW7days_IKWNews_E.pdf

The “Wettbewerbszentrale”, which is an authorized body under the German Unfair Competition Act, has published information on the specific enforcement system against unfair commercial practices in Germany (in English and partly also in French), as well as annual reports including a chapter on queries and complaints from the cosmetics sector:

<https://www.wettbewerbszentrale.de/de/informationenglfranz/engl/>

The German Chemical Society (Gesellschaft Deutscher Chemiker, GDCh) has published information on several substances used in cosmetic products („Datenblätter zur Bewertung der Wirksamkeit von Wirkstoffen in kosmetischen Mitteln“). These data sheets are not to be used as a claim substantiation on their own but they help finding relevant information in literature. It is clarified that a responsible person may use the respective substances in smaller concentrations than those listed in the data sheets, if a proof of effect can be provided by own data/test results:

<https://www.gdch.de/netzwerk-strukturen/fachstrukturen/lebensmittelchemische-gesellschaft/arbeitsgruppen/kosmetische-mittel.html>

The German Federal Supreme Court of Justice (BGH) has decided on the level of evidence, which is required for cosmetic claims (ruling dated 28 January 2016, I ZR 36/14):

<http://juris.bundesgerichtshof.de/cgi-bin/rechtsprechung/document.py?Gericht=bgh&Art=en&nr=73916&pos=0&anz=1>

Italy

IAP (Italian advertising standards authority):

The Istituto dell’Autodisciplina Pubblicitaria, Italian advertising standards authority, is a private body that since 1966 has regulated advertisements to ensure that the information imparted to consumers is correct and that businesses compete fairly.

The rules are set forth in the Code of Advertising Self-Regulation (<https://www.iap.it/about/the-code/?lang=en>), and are enforced by the Review Board and Jury. All advertisers are required to comply with the Code, and most are members of the Institute who recognise the scope of its operations.

The Code, besides the general rules, contains also specific rules applied to specific cases and categories of products. Art. 23 is about cosmetic products.

<https://www.iap.it/>

<https://www.iap.it/?lang=en>

AGCM (Italian competition authority):

The Italian Competition Authority is an administrative independent Authority, established by Law no. 287 of 10 October 1990 (“The Competition and Fair Trading Act”), which introduced antitrust rules in Italy. Subsequent laws endowed it with additional powers, the most important of which concern the repression of unfair commercial practices, misleading and unlawful comparative advertising and the application of conflict of interests laws to government-office holders.

<http://www.agcm.it>
<http://en.agcm.it/en/>

Netherlands

Reclame Code Cosmetische Producten (RCP):



Reclamecode
cosmetische produc

Poland

Advertising Code of Ethics, Union of Associations Advertising Council (Rada Reklamy), the Polish SRO, member of EASA (the European Advertising Standards Alliance). Available in Polish.

https://www.radareklamy.pl/images/Nowe_Procedury/Kodeks_Etyki_Reklamy_19.01.2018.pdf

Guidelines for good advertising practice for cosmetic products, Polish Union of Cosmetics Industry. The guidelines are a comprehensive overview of the regulatory requirements regarding claims and advertisements in primary and secondary regulations at European and local level. Available in Polish.

https://kosmetyczni.pl/uploads/dokumenty/Kosmetyczni.pl_Dobre%20Praktyki%20Reklamy_przewodnik.pdf

Spain

General Advertising Act (Act 24/1988) (<https://www.boe.es/buscar/act.php?id=BOE-A-1988-26156>)

Unfair Competition Act (Act 3/1991) (<https://www.boe.es/buscar/pdf/1991/BOE-A-1991-628-consolidado.pdf>)

Self-regulation advertisement code aimed at guaranteeing a fair and responsible communication and marketing in the cosmetic and perfume sector (approved by Stanpa in 2015)

<https://www.autocontrol.es/wp-content/uploads/2016/02/c%C2%A2digo-de-autorregulaci%C2%A2n-para-una-comunicaci%C2%A2n-responsable-en-el-sector-de-perfumer%C2%B0a-y-cosmctica-stanpa.pdf>

Informative note published by the Spanish Medicines Agency on “Health guarantees of cosmetic products” (2016)

https://www.aemps.gob.es/informa/notasInformativas/cosmcticosHigiene/2016/docs/COS_2-2016-garantias-sanitarias.pdf

UNITED KINGDOM

CTPA Guide to Cosmetic Advertising Claims, second edition, 2018



CTPA Advertising
Guide FINAL 03.12.18

UK Advertising Standards Authority (ASA):

<https://www.asa.org.uk/>

UK Advertising Codes

<https://www.asa.org.uk/codes-and-rulings/advertising-codes.html>