

FROM THE ED'S DESK

Dear CTFA Members

In this issue of CTFA News we have looked at the Cannabis issue from a global perspective, giving you a sense of what some countries are doing with legislation on this trending topic. In South Africa the use of Cannabidiol in cosmetics is still a topic under debate.

Halaal certification has recently risen in prominence across the world and we focus on what it means to be halaal certified.

A very exciting development is the CTFA and German Cosmetic Toiletry Perfumery & Detergent Association (IKW) partnership in bringing the industry the first Safety Assessor Seminar, which was held at Gallagher Exhibition Centre on the 5 September. This seminar will become an annual event and more information on the Safety Assessment Training course launched at this seminar will be available in due course.

Please do take note of the new date for the Cosmetic Industry Summit; "Breaking Barriers in Africa" which will take place on the 13 and 14 May 2020. Make sure you do not miss it and register if you have not done so already.

Thank you to all members for your ongoing support.

Kind regards.

Adelia Pimentel
Executive Director

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THE CANNABIS ISSUE

The number of queries that CTFA has been receiving on the use of this ingredient in cosmetic products, has risen in the last year. CTFA is providing guidance on use of cannabis and cannabis extracts in finished cosmetic products, based on notifications and communication to the industry from the South Africa Health Products Regulatory Authority (SAHPRA).

REGULATORY CONTEXT

SA LEGAL STATUS

"South Africa is a signatory to various international conventions and remains committed to ensuring that illicit drug-related activities in respect of cannabis are prohibited by law. Cannabis is classified as a Schedule 7 substance in South Africa, making it subject to special restrictions and controls. The official position of the government, as expressed by the Department of Health, is thus to regulate the use of cannabis in order to prevent its illicit use and its potentially harmful effects. As a controlled substance, it is illegal to cultivate, analyse, research, possess, use, sell or supply cannabis without the necessary authorization from the Department of Health as per the legislative requirements." (MCC Press release, 25 November 2016).

Cannabis means any plant of the genus Cannabis e.g. Cannabis Indica , Cannabis Sativa. Varieties such as "hemp" are also included.

On September 18, 2018, a judge of the Constitutional Court of Johannesburg set down judgement on cannabis. Chief Justice Raymond Zondo ruled that adults may possess or use cannabis for personal consumption in private and cultivate cannabis in a personal residence for personal consumption. No limits were immediately placed on the quantities of cannabis that could be grown, possessed, or consumed. The Parliamentary Government was given 24 months to implement a regulatory framework. "The ruling passed down by the Constitutional Court only applies to private residences. The court's judges argued that South Africa's marijuana laws were unconstitutional because they unjustifiably intruded into the private sphere. As such, these new laws do not apply to the public sphere. The public possession, consumption, and sale of marijuana are still illegal after the ruling." (royalqueenseeds.com)

On 23 May 2019, the Minister of Health published Notice no. 756 - Exclusion of certain preparations containing cannabidiol (CBD) from operation of certain provisions of the Medicines and Related Substances Act 1965 (Act 101 of 1965) .

"I, Dr Aaron Motsoaledi, Minister of Health, in terms of section 36(1) of Medicines and Related Substances Act, 1965 (Act No. 101 of 1965) and on the recommendation of the South African Health Products Regulatory Authority (the Authority), hereby exclude from the operation of the Schedules to the Act published in terms of sections 22A(2) of the of Medicines and Related Substances Act, 1965, preparations containing cannabidiol (CBD) that-

- a) contain maximum daily dose of 20 mg cannabidiol (CBD) with an accepted low risk claim or health claim which only refer to; or
 - i. General health enhancement without any reference to specific diseases;
 - ii. Health maintenance; or
 - iii. Relief of minor symptoms (not related to a disease or disorder); or
- b) preparations containing cannabidiol that consists of processed products made from cannabis raw plant material and processed product where only the naturally occurring cannabinoids found in the source material are contained in the product, and which contain not more than 0,001% tetrahydrocannabinol (THC) and not more than 0,075% of total cannabidiol (CBD).

This exemption is effective immediately for a period not exceeding twelve (12) months from the date of signature of this Notice."

Dr A Motsoaledi, MP
Minister of Health
Date: 15.05.2019

USE OF CANNABIDIOL IN COSMETICS IN SA

Based on the above it may be possible for some cannabis ingredients and extracts to be used in cosmetics in SA, providing specific criteria and exceptions are met. Key considerations regarding use include:

1. The ingredient must not be sourced from the flowering or fruiting top of the plant (or the whole plant where the flowering or fruiting top remains intact for processing – including “hemp” varieties).
2. The ingredient must not contain more than 0,001% tetrahydrocannabinol (THC) and,
3. The total cannabidiol (CBD) level of the ingredient must not exceed 0,075%

Note: sourcing extracts from hemp varieties is not an automatic guarantee of legal compliance.

INTERNATIONAL REGULATORY STATUS OF CANNABIS USE IN COSMETICS

EUROPEAN UNION

“CBD may be used in cosmetics placed on the EU market when obtained from cannabis, cannabis resin, cannabis extracts and cannabis tinctures originating from the seeds and leaves that are not accompanied with the fruiting tops of the cannabis plant. In all cases, the general legal requirements for cosmetic products, including those relating to safety are applicable.” (Arnold & Porter Kaye Scholer LLP 2019).

UNITED KINGDOM

“It may be possible for some Cannabis ingredients and extracts to be used legally in cosmetics in the UK, providing specific criteria and exemptions are met. Key considerations regarding use include: The ingredient must not contain any controlled substances, such as tetrahydrocannabinol (THC); and the ingredient must not be sourced from the flowering or fruiting top of the plant (or the whole plant where the flowering or fruiting top remains intact for processing - including “hemp” varieties).” (CTPA Newsletter May 2019).

UNITED STATES

The US Food and Drug Administration (FDA) and the Federal Trade Commission (FTC) have recently taken action in relation to companies selling CBD products in the US.

“On 28 March 2019, the agencies sent warnings letters to three companies they believe advertised products in a way that may be in violation of the Federal Food, Drug and Cosmetic Act as well as the Federal Trade Commission Act.

On 2 April 2019, the FDA announced that in light of the growing interest in the development of therapies and other FDA regulated consumer products derived from cannabis and its components including CBD, it would be taking “new

steps and actions to advance our consideration of a framework for the lawful marketing of appropriate cannabis and cannabis derived products”. (Arnold & Porter Kaye Scholer LLP 2019).

“In the announcement, FDA Commissioner, Scott Gottlieb outlined a series of actions that the administration will take to ensure safety under its authority. These new steps include:

- The administration will hold a public hearing on May 31, 2019, which will allow stakeholders to share their experiences and challenges with these products. They will present information and views related to the safety of the products.
- The FDA will create a high-level internal agency working group to explore potential pathways for foods and dietary supplements containing CBD to be lawfully marketed. The working group will consider changes that might be needed and the impact the marketing will be on public health.
- Frequently asked questions and responses to the topic will be posted on the FDA’s webpage.
- Lastly, the FDA issued several warning letters to companies marketing CBD products with unfounded claims that were aimed at vulnerable populations. Warning letters were sent to Advanced Spine and Pain LLC (d/b/a Relievis), Nutra Pure LLC and PotNetwork Holdings Inc.” (cosmeticandtoiletries.com)

CANADA

The Cannabis Act respecting Cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts. The Cannabis Act was passed in the House of Commons on November 21, 2017 and came into force on 17 October 2018. The Industrial Hemp Regulations allows a variety of industrial hemp to be designated as an approved cultivar provided that the variety will produce a plant will contain 0,3% THC or less in its leaves and flowering heads. An approved cultivar may be exempted from THC testing by the Minister. Licence and authorisation to sow an approved cultivar must be indicated to authorities and must be on the list of hemp varieties approved by Health Canada. The restriction of use of Cannabis in cosmetic products reads as follows: “Cannabis spp.(hemp) derivatives or a product made from those derivatives that are exempt from the application of the Cannabis Act under the Industrial Hemp Regulations: Cannabis sativa seed oil; Hemp seed oil; Hydrolyzed Hemp seed protein. Cosmetics must not contain an isolated or concentrated phytocannabinoid or a synthetic duplicate of that phytocannabinoid. Maximum levels: 10 ug/g THC (delta-9-tetrahydrocannabinol), as per the Industrial Hemp Regulations.” (Cosmeticaliance.ca)



THE MICROBEAD BAN

In 2016, a micron-sized ingredient in personal care products moved the cosmetics industry to rethink the health of the environment. Made of polyethylene, polypropylene, and polystyrene, these minute plastic beads, known as microbeads, with sizes ranging from less than 5 mm, are used in several products including cleaning agents, paints, and rinse-off personal care products, specifically for exfoliating or scrubbing off stains.

Microbeads have been under public and regulatory scrutiny ever since studies on marine litter published that these specks of plastic in products, given the size, can pass through filtration and sewage systems and enter the waterways, and potentially pollute the oceans.

The amount of plastic in the marine environment thought to originate from the use of plastic

scrub beads in exfoliating personal care products is considered to be limited compared to other sources. In the past few years, CTFA has issued communication informing our members of the global bans and statements, to which CTFA members have already implemented alternative substitutes or are in the process of implementing alternative substitutes. The main objective of this drive was to encourage a

commitment to stop using plastic scrub beads in exfoliating personal care products by 2020, in line with the global ban.

Some of the natural alternatives that these microbeads have been substituted with include; beeswax, rice bran wax, jojoba waxes, starches from corn, tapioca and carnauba, seaweed and silica, clay. There continues to be an

innovative drive to develop other environmentally viable alternatives.

In South Africa, the Department of Environment Fishery and Forestry (DEFF), has not yet decided on a date for the banning of microbeads. The Government is in a consultative process with various industries before a final decision is made. The CTFA will keep you updated on developments.

HALAAL CERTIFICATION FOR COSMETIC PRODUCTS

Halaal certification has recently risen in prominence in various countries including the United States, the United Kingdom and the Netherlands, with food, medicines and even cosmetic products becoming more frequently evaluated for the benefit of Islamic consumers (Oswald, 2019). In light of this global trend, CTFA has received a number of queries about how to obtain halaal certification, and what it means to be halaal certified.

A GLOBAL PERSPECTIVE OF HALAAL AND THE COSMETIC INDUSTRY

The word halaal is an Arabic word translated to “permissible” or “allowed”, and is most often used in the food industry to denote that a particular food product or restaurant is compliant with Islamic requirements.

As cosmetics are applied and sometimes absorbed into the skin, it is important to the halaal-conscious consumer that these products undergo a similar evaluation to food products. In the cosmetic industry, halaal certification is more prominent than many are aware of, with the global halaal cosmetics market being valued at 16.32 billion USD by Grand Review Research (Grandviewresearch.com, 2019).

Approximately 5-6% of the products in the 70 billion USD Asia-Pacific cosmetic industry are halaal certified. However, this percentage is likely to grow with laws such as the “Halal Product Guarantee Law” coming into effect at the end of 2019, which will see products in Indonesia having a mandatory “halal”/ “not halal” label on every product (Rigano, 2017).

Although the global trend will likely see increasing halaal certification across all products, halaal cosmetic products have previously been concentrated in countries like Saudi Arabia, Egypt, Pakistan, Indonesia, Iran and Malaysia, among others (Rigano, 2017).

HALAAL CERTIFICATION IN SOUTH AFRICA

In South Africa, the idea of halaal certification was introduced in the 1960’s, primarily to ensure that meat products from butchers were slaughtered as per the Islamic faith (Smith, 2012). In the years that followed, halaal-conscious consumers desired the freedom of knowing if other products were safe for them to consume. The certification then became more widely applied, and more stringent in its process. Despite the religion being in the minority in South Africa, the country has made large strides when it comes to the halaal industry. Currently, South Africa is considered to be one of the five largest producers of halaal products worldwide, with at least 60% of all products being sold at retailers being halaal certified by a South African halaal regulatory body. These bodies include the South African National Halaal Authority (SANHA); the National Independent Halaal Trust (NIHT) and MJC Halaal Trust, to name a few.

CTFA’S ENGAGEMENT WITH SANHA

The CTFA had the opportunity to engage with the South African National Halaal Authority (SANHA), which is a regulatory body operating in South Africa with head offices located in Johannesburg (Sanha.co.za., 2019). Being a founding member of the World Halaal Council, exporting products to certain countries, with a SANHA certification, may negate the need for further auditing in the export country. SANHA collaborates with certain countries on an ongoing basis, including

the United Arab Emirates, which accepts SANHA certified products from South Africa as of recent. In the case of products imported to South Africa that carry a halaal logo from the export country, SANHA will evaluate the need for further auditing based on the nature of the raw materials.

In order to qualify to use the logo that signifies halaal certification from SANHA, the applicant company must complete a halaal application form, and submit a full ingredient specification. This information will be evaluated, specifically for the ingredients present in the formulation. Assuming nothing has automatically disqualified the product from obtaining the certification, the audit process will follow. During the audit process, aspects of hygiene and cross-contamination will be assessed at the site of manufacture. Once this preliminary assessment is completed, recommendations may be made to the company, and subject to any changes required, the legal document of certification will be drawn up. A halaal certificate is then issued and the product will be permitted to carry SANHA’s logo on its artwork at a fee. Companies are made aware that ad hoc inspections may occur after approval, which could be conducted as often as every fortnight, depending on the presence of what are considered critical ingredients (such as animal derivatives) in the formulation.

INGREDIENT CONSIDERATIONS

Ingredients which are haram or “forbidden” are not permitted for use at any part of the manufacturing process. Cosmetic ingredients differ from food ingredients and so the focus is largely on the “origin and processing of collagen, keratin, hyaluronic amino acids and hydrolyzed protein” (Rigano, 2017). However, the presence of certain substances on the ingredient listing can automatically disqualify a cosmetic from continuing to the audit phase of halaal certification. These are namely: pork and pork derivatives; alcohol; insects and insect

derivatives; and human derivatives such as blood. One consideration is the presence of such substances as ingredients in the formulation, and the other is the use of them in any part of the process of manufacture, including the use of alcohol for equipment sanitizing purposes (Rigano, 2017).

CONCLUSION

A dietary and lifestyle requirement such as this one often demands research and consumer consciousness on the part of the consumer. Having a recognizable logo on products makes

for easy identification of halaal certified products, and is often the first port of call for a consumer deliberating on which product to purchase. The impact of such an evaluation may also extend to non-Islamic consumers, who wish to make an informed choice and often feel that such an evaluation process provides assurance of safety and health.

Look out for more information on this topic and an opportunity to engage with SANHA at one of CTFA’s member sessions.

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BOTSWANA AND SA COOPERATION ON STANDARDS LAWS

South Africa and Botswana have signed a memorandum of understanding (MoU) to formalise their commitment to collaborate on all standards related matters, including standards development and recognising South Africa as an inspection services provider for the implementation of the Botswana Standards (import inspection) regulations.

The South African Bureau of Standards (SABS) and the Botswana Bureau of Standards (BOBS) signed the Agreement in Cape Town, 18 September, on the sidelines of the International Organization for Standardization (ISO) week 2019.

“Botswana and South Africa share similar challenges in terms of socio-economic issues and it makes sense that as we strive to improve the lives of our people and our economies, we find ways to increase our collaboration. Botswana intends to fulfil the terms of the agreement and looks forward to a fruitful partnership with South Africa regarding all matters of standards development, conformity assessment and related matters,” said Masego Marobela managing director of BOBS.

“Regional partnerships are important for cementing relationships, sharing resources and building capacity. Such collaborative agreements strengthen ties with our neighbours and will contribute to investment-led trade and regional industrial integration, in which the harmonisation of standards must play an important part,” said Garth Strachan, acting CEO of SABS.

Bizcommunity.co.za (19 September 2019). [online] Available at: <https://www.bizcommunity.com>



Signing ceremony (L-R): Garth Strachan, acting CEO of SABS; Jodi Scholtz, Group Chief Operating Officer at the dti and co-administrator of SABS; Tshenge Demana, Chief Director of Technical Infrastructure Institutions at the dti and co-administrator of SABS; Alfred Kgotlaesile, Manager Compulsory Standards at BOBS; Masego Marobela Managing Director of BOBS; and Keo Segomelo, Director Standards at BOBS.

SAFETY ASSESSOR SEMINAR

- A CTFA-IKW Initiative

On the 5 September 2019, the CTFA together with the German Cosmetic, Toiletry, Perfumery and Detergent Association (IKW), hosted a Seminar at the Gallagher Exhibition Center in Midrand, Johannesburg. A group of approximately 100 listeners participated in this first-time seminar and the event was an outstanding success.

The offering of safe cosmetic products to consumers is of utmost importance globally and the South African context is no different. Safety Assessors need to keep up to date with global trends and updates when conducting safety assessments, therefore it is important that they meet and exchange views on an ongoing basis. For the past couple of years seminars have been held globally in various parts of the world with local Associations. For this reason, the CTFA and the IKW have signed an agreement of co-operation to offer such seminars in South Africa, to ensure that Safety Assessors and those who want to become involved in this area have the opportunity to learn about innovations while gaining hands-on experience in workshops with peers.

The Seminar held on the 5 September, had a notable line-up of international speakers. The first speaker was Ms Birgit Huber, Deputy Director General, IKW in Germany. Ms Huber has been with the German Cosmetic, Toiletry, Perfumery and Detergent Association since 1985. She is a member of different scientific and technical work groups in Germany and Europe; the German Cosmetics Commission, the Board of GEPA – which is a non-profit making association that supports the Information Network of Departments of Dermatology for the surveillance and scientific evaluation of contact allergies and Cosmetics Europe. In 1987 Ms Huber received the Maison de Navarre-Award from the International Federation of the Society of Cosmetic Chemists in Santiago de Chile.

Birgit presented on “Safety assessment training as a tool to support the application of cosmetics legislation” where she focused on the European educational concept which is unique and finds a lot of acceptance worldwide. The CTFA and IKW are working on having this training available in South Africa as a continuing education course for safety assessors and those who want to enter this field. The CTFA is liaising with relevant local authorities to include South African context and importantly recognition from South African Qualification authorities.

The next speaker was Dr. Andrea Weber from Babor Beauty Group in Germany. Dr Andrea Weber obtained her MSc degree in Microbiology and Molecular Biology at the Heinrich Heine University in Düsseldorf, Germany. She is a trained Technical Writer, holds a Diploma in Cosmetic Science and a Doctorate in Business Administration. Dr Weber entered the Personal Care Industry more than 20 years ago and specialised in Product Development and Regulatory Affairs (RA). She finished the first course cycle of the DGK-IKW training for Safety Assessors and worked as a Safety Assessor herself. Her topic was entitled “Data sources for safety assessors of cosmetic products” and provided an overview of the data sources which can be used for toxicological review.

The last speaker was Dr Dagmar Bury, from L’Oréal, France. Dr. Dagmar Bury obtained her MSc degree in Biology and her PhD in Neuropharmacology at the University of Stuttgart, Germany. She has been working as a Toxicologist for more than 30



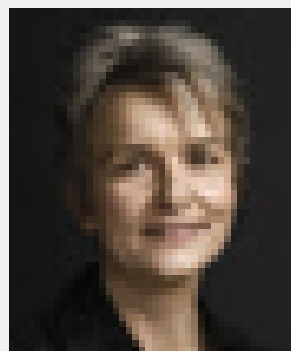
The CTFA and IKW team hosted their first safety assessor training seminar.



Dr Dagmar Bury
Associate Director
L'oreal - France



Birgit Huber
Deputy Director General
IKW - Germany



Dr Andrea Weber
Head of Research & Development
Dr. Babor - Germany

years in the chemical, pharmaceutical and cosmetic industries.

She has been with L’Oréal since 2012, working in the department of Worldwide Safety Evaluation in Paris, mainly responsible for the defense of cosmetic ingredients. As an expert for risk assessment she has been a member of various consortia and working groups at Cosmetics Europe. She is a US Board- and EUROTOX-certified toxicologist, a member of the French and US Toxicology Societies, and an invited lecturer for IKW Safety Assessor seminars and the Master Course in Toxicology at the University of Leipzig, Germany. Her Topic was “Exposure is the Key” where she

presented on the discrepancy between the results of in vitro skin penetration assays and in vivo studies in human volunteers.

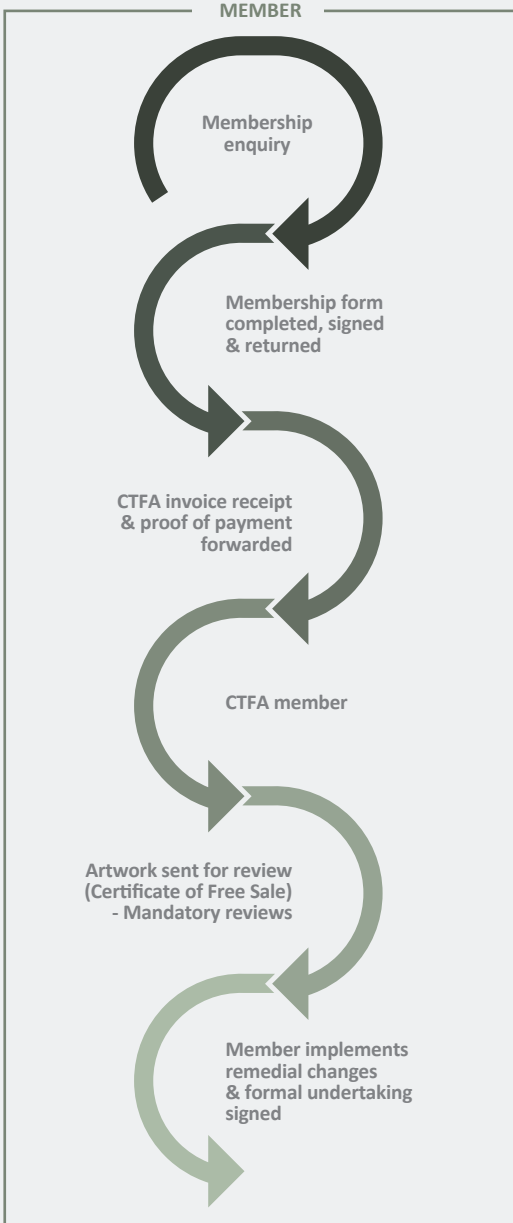
The seminar was concluded with a panel discussion.

An article with further details on the Safety Assessment Training course, launched at the Seminar, will be available in future CTFA Newsletters.

MEMBERSHIP PROCESS FLOW

The CTFA is an industry association servicing the cosmetic business sector by providing guidelines, regulatory and technical services to members according to adopted and harmonised international Regulations, Standards and Codes of Practice.

Membership to the CTFA is via an annual membership fee.



FREQUENTLY ASKED QUESTIONS:

Q : What is the cost of becoming a CTFA member?

A: Fees are based on the applicant company's turnover. A "once-off" registration fee applies to new members.

Q : Does CTFA test samples or are they sent away for testing?

A: CTFA does not test products, but provides regulatory technical advice such as:- guidelines, reviews of labels, packaging, INCI ingredient listings including claims and product statements to ensure compliance.

Q : Does CTFA approve labelling information on the packaging of the products?

A: CTFA does not endorse products but will review and advise on remedial recommendations and guidelines to assure product and packaging compliance.

Q : What does the CTFA Website offer?

A: There is an added value login section that entitles Members to access the "Members Only" benefits. This features privileged technical information, international content, harmonised updates, local developments and guidelines.

Q : How does CTFA transfer relevant technical information to Members?

A: Dependant on topics, CTFA conducts Information /Debriefing Sessions and Workshops in all three main centres; Johannesburg, Cape Town and Durban (when feasible) . CTFA also issues Newsletters, Technical Alert and General Updates.

ARTWORK REVIEWS

Dear Members

Thank you for utilising the artwork review services offered by CTFA, we appreciate your commitment to comply with the labelling and product regulatory requirements. The Department of Health's Draft Regulations relating to labelling, advertising and composition of cosmetics, R.1469, 22 December 2017 as well as mandatory and other relevant standards, continue to inform the advice that CTFA provides on the review report. Where the export of products is required a Certificate of Free Sale is issued provided that all the regulatory requirements are satisfied. We urge you to visit our website regularly to remain updated on regulatory development both locally and internationally.

Please note that the regulatory department will respond to all your current review requests until 30 November 2019. For logistical reasons, any requests received after this date will be logged in the new year.

The Regulatory Affairs Team

ctfa
COSMETIC TOILETRY & FRAGRANCE
ASSOCIATION OF SOUTH AFRICA

COSMETIC INDUSTRY SUMMIT

Theme: "Breaking Barriers in Africa"

The *Cosmetic Industry Summit: Breaking Barriers in Africa* is being launched for the first time in South Africa and organised by the Cosmetic Toiletry & Fragrance Association of South Africa (CTFA) on behalf of the South African Cosmetic industry. The Summit involves a partnership with the Industrial Development Corporation of South Africa (IDC), support from the Department of Trade and Industry (Dti) and the overall cosmetic industry.

Born out of concern for the various technical barriers to trade in the African continent, the *Cosmetic Industry Summit: Breaking Barriers in Africa* brings together leaders from business and government and other interested parties to deliberate on ways to stimulate 'harmonisation' and in the process ease trade within the African continent. Both local and international presenters have been invited to present on the legislative framework in various countries in Africa, trade relations and global best practice in the cosmetic and personal care industries.

The Summit will focus on the following topics, amongst others;

- Africa's political economy and outlook
- Regulatory overview, trends and synergies in Europe / America / China / Asia
- The impact of Africa multilateral trade agreements, specifically the African Continental Free Trade Agreement (AfCFTA) and the implications for businesses across Africa

- The African continent strategically adapting to change or creating further barriers to trade

The line-up includes speakers who will focus on technical barriers to trade and the panel discussions will unpack viable solutions and ideas on convergence for optimal trade across the various African countries.

This summit promises to be an opportunity that should not be missed for all who are looking at or currently have business in Africa.

More information www.ctfa.co.za

NEW DATE FOR SUMMIT

The Cosmetic Industry Summit; "Breaking Barriers in Africa" will take place on the 13 & 14 May 2020 at the IDC Conference centre, Sandton, Johannesburg, South Africa



COSMETIC INDUSTRY SUMMIT

BREAKING BARRIERS IN AFRICA

13 & 14 MAY 2020

ctfa
COSMETIC TOILETRY & FRAGRANCE
ASSOCIATION OF SOUTH AFRICA



COSMETICS INDUSTRY SUMMIT - 13 & 14 May 2020

“Breaking Barriers in Africa”

IDC, 19 Fredman Drive, Sandown, Sandton

- Bringing together leaders from business and government
- Stimulating ‘harmonisation’ across the African continent
- Easing trade within the African continent
- Local & International presenters
- Regulatory framework in various African countries
- Global best practice in the cosmetic and personal care industry



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