

Section 3: Guideline on Primary Cosmetics with Secondary Anti-germ Claim



No cosmetic may make an anti-bacterial claim or make mention of the use of the word “bacteria” on the package. A product that makes explicit anti-bacterial and anti-fungal claims falls outside the scope of the definition of a cosmetic.

How do you market a primary cosmetic with such a secondary function?

The following requirements must be fulfilled:

The product must fulfil the definition of a cosmetic as defined in the Foodstuff, Cosmetic and Disinfectant Act (Act 54 of 1972), as follows:

“Cosmetic’ means any article, preparation or substance (except a medicine as defined in the Medicines and Related Substances Act (Act 101 of 1965) intended to be rubbed, poured, sprinkled or sprayed on or otherwise applied to the human body, including the epidermis, hair, teeth, mucous membranes of the oral cavity, lips and external genital organs, for purposes of cleansing, perfuming, correcting body odours, conditioning, beautifying, protecting, promoting attractiveness or improving or altering the appearance, and includes any part of ingredient of any such article or substance”.

- Its primary function must be cosmetic i.e.:
 - To clean
 - To perfume
 - To change the appearance
 - To correct body odours
 - To protect
 - To keep in good condition
- The product must contain only allowed preservatives at the stipulated concentration as listed in this Compendium’s Annex VI - List of Preservatives which Cosmetic Products may Contain.
- The product may make only secondary cosmetic germ reduction claims or anti-germ i.e.:
 - ✓ Washes away Germs
 - ✓ Reduces Germs



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- ✓ Hygiene Handwash
- ✓ 99.99% germ protection
- ✓ Protects against 99.9% of germs

All of the above are permissible claims for cosmetic products, with the following requirements:

- It is imperative that the claim does not mislead the consumer to believe that the primary function of the product is anti-germ.
- It is clear from the overall execution of the product packaging/advertising that any germ protection claim refers to a secondary function of the product, and not the primary one.
- “Percentage” germ protection claims are permitted, provided that they are fully substantiated in accordance with the requirements of Clause 4.1 of Section II of the ARB Code.
- No claim may state, or imply, the killing or elimination of germs
- No claim may state, or imply, complete and/or permanent removal of germs
- The claim must be scientifically substantiated.