

COSMETIC ADVERTISING CODE OF PRACTICE – SOUTH AFRICA

2025

1. INTRODUCTION

The South African cosmetics and personal care (hereafter referred to as “cosmetics”) industry recognises the importance of responsible advertising and marketing communication (hereafter the two are referred to as “advertising”) in order to inform consumers about the efficacy and safety of the products they purchase.

The industry, through the Cosmetic Advertising Code of Practice [the “Cosmetic Code”], commits to ensuring that their advertising:

- complies with prevailing legislation;
- is sincere, truthful and not misleading;
- allows consumers to make informed choices;
- acts in an ethically and socially responsible manner;

2. REGULATORY FRAMEWORK

- a. Nationally, cosmetics are specifically regulated by the national Department of Health through the Foodstuffs, Cosmetics and Disinfectants Act as amended (Act 54 of 1972) and all subordinate legislation. These products are also regulated by other general consumer- and metrology-relevant legislation for example, amongst others.
- b. Advertising in South Africa is regulated through a self-regulatory body, the Advertising Regulatory Board (ARB). ARB decisions are governed by the South African Code of Advertising Practice [the “Code of Advertising Practice”] that is based on the International Code of Advertising Practice, and includes an industry-specific code for cosmetics (the Cosmetic Code), under Appendix B
- c. The Cosmetic Code is compiled and managed by the cosmetic industry, through the Cosmetic, Toiletry & Fragrance Association of South Africa (CTFA) and submitted to the ARB for inclusion in the Code of Advertising Practice on an annual basis.
- d. In any matters associated with cosmetic advertising, the Cosmetic Code should always be considered along with the Code of Advertising Practice.
- e. Advertising is also regulated by the Consumer Protection Act (Act 68 of 2008) and the Consumer Goods and Services Ombudsman [“the CGSO”] enforces the Consumer Goods and Services Industry Code of Conduct by receiving and dealing with consumer goods complaints by a consumer free of charge.

3. SCOPE

- a. The Cosmetic Code is designed to provide guidance on the advertising of cosmetics, specifically regarding the need for the consumer to be well informed about the products they purchase.
- b. The Cosmetic Code is intended to guide advertisers on the appropriate communication of the safety and efficacy of cosmetics. For other general claims not covered by the Cosmetic Code, the Code of Advertising Practice should be referred to.

- c. The Cosmetic Code applies to all mechanisms of advertising claims including text; symbols; visual representations; figures; names; and trademarks.
- d. The Cosmetic Code only applies to cosmetics as defined in the Foodstuffs, Cosmetics and Disinfectants (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”.
- e. The definition given in (d) specifies six functions pertaining to cosmetics, namely:
 - i. to clean;
 - ii. to perfume;
 - iii. to change appearance;
 - iv. to correct body odours;
 - v. to protect; and
 - vi. to keep in good condition.

If a product does not have at least one of the functions listed above as its primary purpose, then it is not a cosmetic.

- f. The definition given in (d) also specifies the field of application of cosmetics:
 - i. the epidermis;
 - ii. the hair system;
 - iii. the nails;
 - iv. the lips;
 - v. the external genital organs;
 - vi. the teeth; and
 - vii. the mucous membranes of the oral cavity.
- g. Products intended to be ingested, inhaled or applied to body parts not covered by the definition given in (d), and are not considered to be cosmetics. Note that (e); (f); and (g) are not mutually exclusive specifications, the definition must be considered holistically.
- h. The mechanism of action of cosmetics is considered to include:
 - i. temporary action;
 - ii. improvement of appearance in all fields of application;
 - iii. to be used regularly to maintain the effect;
 - iv. the effect is aimed at grooming and/or enhancing the appearance in all fields of application, as per the definition of a cosmetic.

4. GENERAL PRINCIPLES

- a. Regulation 11 of the draft Regulations Relating to the Labelling, Advertising and Composition of Cosmetics that relates to claims is informative, while industry advocates them to be normative through promulgation of the regulation.
- b. Substantiation must support any claim, whether implicit or explicit, and be made available when required within a reasonable timeframe (“immediately”) (refer also to Section 6). The substantiation must demonstrate the veracity of the claim.
- c. All claims must fall within the scope of cosmetics as described in Section 3.
- d. The advertising of cosmetics must comply with the Code of Advertising Practice of which this Cosmetic Code forms a part.

5. SUBSTANTIATION

“Substantiation” means:

documentary evidence, in accordance with the requirements of the Code of Advertising Practice, based on statistically valid result(s) from data analysis, in which proven scientific methods that are compliant with recognised standards and/or best practices and applicable to the claim(s) being made, are used. Such substantiation is inclusive of, but not limited to, sensory data generated by expert panels; and survey data applicable to the claim(s) made.

6. SPECIFIC CLAIMS

6.1. Unacceptable Claims

- i. Claims that cannot be substantiated
- ii. Claims that are not worded from a cosmetic perspective.
- iii. Claims for products used on mucous membranes, other than the oral cavity
- iv. Claims that cosmetics can be used on mucous membranes. Note that appropriate claims that specific cosmetics can be used in the oral cavity are acceptable.
- v. Claims suggesting permanent effects will result from the use of the cosmetic.
- vi. The term “Cosmeceutical”, or any other similar term that purports a non-cosmetic function/effect and/or function/effect in addition to that of the cosmetic function/effect.
- vii. Claims that convey the impression, whether directly, impliedly, or through their overall execution and/or the use of mechanisms listed in Section 3(c) that a cosmetic provides medicinal benefits (such as healing or curative properties) or that the product should be used restrictively due to its potency, or the effect is aimed at treatment or relief of a medical/disease condition. For example, medical terms are not permitted.
- viii. Claims stating or implying a physiological action, the mechanism of which does not fall within the scope of that accepted for a cosmetic.
- ix. The words “skin bleacher”, “skin lightener”, or “skin whitener”, or claims that convey the impression of skin bleaching, skin lightening, or skin whitening

- x. The words “clinically proven” or similar wording or messaging, unless scientifically substantiated by using internationally accepted protocols, that have resulted in statistically significant results in the context in which the claim is being made.
- xi. Claims referring to endorsements that are made by individuals (not limited to medical professionals and/or practitioners) or medical organisations.
- xii. Claims “recommended by doctors”, or any other similar claims and/or mechanism implying that medical practitioners, paramedical or scientific specialists recommend the use of a product, unless the claim can be substantiated in accordance with the Code of Advertising Practice.

6.2. Specific allowed claims

Note that the use of any claim must meet any other conditions that is relevant within the Code.

6.2.1. Endorsement by medical practitioner(s)

- i. Claims referring to endorsements by a medical practitioner or medical organisation, or endorsements by a medical practitioner or medical organization are permitted, unless:
 - a) they breach any medical and/or legal code of ethics.
 - b) the medical practitioner or medical organisation is not suitably qualified to endorse the claim/product in question.
 - c) such endorsement is made on the basis of inadequate substantiation in accordance with the requirements of the Code of Advertising Practice; and/or
 - d) such endorsement is not provided in written format that includes confirmation and signature by the medical practitioner or medical organisation concerned.

6.2.2. Substantiation of “Dermatologically/Dermatologist” Claims for Cosmetic Products:

- i. The claim of “Dermatologically/Dermatologist Tested”, relates to product safety, and requires a positive outcome, which must be substantiated by at least one fully qualified dermatologist, who provides written approval of the test method used for the evaluation conducted.
- ii. The claim “Dermatologically/Dermatologist Approved”, relates to product safety and performance, and requires positive outcomes for both, which must be substantiated by at least one fully qualified dermatologist, who provides written approval that the product fulfils the function for which it is sold.
- iii. The claims “Dermatologist/Dermatologically Endorsed” and “Dermatologist/Dermatologically Recommended” are based on opinions expressed by a statistically significant number of fully qualified dermatologists, in accordance with the requirements of Clause 4.1.3 of Section II.

6.2.3. Use of “Natural” / “Natural Products” and “Natural Ingredients”

- i. A cosmetic product can only be claimed in its entirety to be “natural”; or “naturally occurring”; and/or “organic” if there is substantiation that it conforms to that

required in SANS 16128-2, or any other internationally accredited equivalent standard(s).

- ii. A cosmetic ingredient can only be claimed in its entirety to be “natural”; “naturally occurring”; and/or “organic” if there is substantiation that it conforms to that required in SANS 16128-1- and SANS 16128-2, or any other internationally accredited equivalent standard(s).
- iii. Companies should also be transparent to consumers and should not imply that this type of product is safer than other cosmetics just because they are making ‘natural’ claims.

6.2.4. Use of the Word “Pure”

- i. Use of the word “pure” for products requires substantiation that it is made up of ingredients that are of cosmetic grade or higher. For use of the word “pure” in relation to ingredients, substantiation is required that the ingredient is of cosmetic grade or higher.

6.2.5. Non-content or “free from” claims

- i. Non content claims are permitted providing the following criteria are respected:
 - i. It is not the main argument of the product but provides relevant information to consumers.
 - ii. It is not disparaging to competitors or other specific ingredients.
 - iii. It does not imply a risk or danger to health or the environment.
 - iv. It is fair and not misleading, specifically with respect to the ingredient or ingredients for which the claim is being made.
 - v. The claim cannot be made for ingredients which are prohibited for use in cosmetic products (e.g. “hydroquinone-free” when hydroquinone is prohibited for use in cosmetics).
 - vi. The product must not contain the ingredient, and the substance must not be released during normal foreseeable use of the product during its prescribed shelf-life.
 - vii. For a category of ingredients, there must be substantiation that all the individual ingredients are also free from the category of ingredients being specified.

6.2.6. Claims Made for Ingredients

- i. Mention of ingredients is permitted.
- ii. The ingredients for which claims are made must be present in the product.
- iii. Claims that state or imply benefits provided by a specific ingredient(s) are only permitted if substantiated for the concentration/concentration range at which that ingredient(s) is/are contained in the product.
- iv. Claims that state or imply benefits provided by a specific ingredient, which do not fall within the scope of that accepted for a cosmetic product as per Section 4 (SCOPE) of the Cosmetic Code, are not permitted.

- v. Benefits assigned to a specific ingredient(s) cannot be claimed for the entire product unless the product contains it unless it can be substantiated that the ingredient(s) is/are present at the proven effective level(s) and the product itself provides the benefits which are being claimed.

6.2.7. Hypoallergenic Claims

- i. Hypoallergenic claims may be made to qualify products designed to minimise possible allergy risks.
- ii. The product must not contain known sensitizers, allergens or precursors of allergens or sensitizers.
- iii. The product must not contain any ingredient for which there is no known allergenic information, or for which the ingredient(s) is the subject of the scrutiny of an international scientific body, with respect to its allergenic potential.
- iv. The hypoallergenic claim should be substantiated by scientifically sound and statistically valid data

6.2. 8. Sensitive Skin Claims

- i. The claim of “sensitive skin” is permitted under the following conditions:
 - a) The volunteers included in the applicable study report a history of functional symptoms of skin sensitivity and discomfort (e.g. tingling, warmth, tightness, redness, itchiness) with use of normal products, under normal conditions of use
 - b) These volunteers did not report any adverse events, or increase in any of the abovementioned symptoms during the study period concerned.

6.2.9. Claims relating to bacteria, fungi and viruses

- i. Cosmetic products may possess secondary germ protection functions in addition to their primary function, as defined in Section 4(d) of the Cosmetic Code, and a germ protection benefit may be considered as a secondary claim. Claims for such a secondary benefit can only be made in a cosmetic sense
- ii. Anti-bacterial, anti-fungal and anti-viral claims are not permitted for use on a cosmetic product
- iii. Similarly, claims such as “bacteria”, “fungus”/” fungi” or “virus” are not permitted for use on a cosmetic product

7. SPECIFIC PRODUCT CATEGORIES

7.1. Hair products

7.1.1. General

- a) Medical terms are not permitted to describe specific conditions of the hair and scalp. For example, the following terms should be used:
 - a) “excess oil” instead of “seborrhoea”;

- b) “dandruff” instead of “pityriasis” and “seborrheic dermatitis” and
 - c) “hair loss” instead of “alopecia”
- b) Any claim that a hair care product can cure or permanently prevent a specific condition of the hair or scalp that is a symptom of disease, is not permitted
- c) Claims shall be clear that the effect is only observed with regular use of the product in question and is not permanent, e.g. thickens or adds volume
- d) The following claims are permitted provided that they have been scientifically substantiated:
 - a) the hair roots can be fed or nourished;
 - b) the hair can be strengthened or repaired;
 - c) a specific ingredient can be absorbed into the hair;
 - d) a product that contains a specific ingredient has an effect on the hair or scalp;
 - e) a product has multiple functions.

7.1.2. Anti-Hair loss

- i. Claims purporting to diminish, slow down, limit or help prevent hair loss are permitted but they must not imply a permanent effect.
- ii. Claims concerning efficacy for aid in thinning hair and the prevention of hair loss must be explicitly limited to cosmetic effects and must clearly communicate that the maintenance of such effects is contingent upon uninterrupted product usage.
- iii. The following claims are not permitted:
 - a) Any claims that state or imply the product can or has the ability to cure or permanently prevent hair loss, including any claims of restoring hair growth, preventing hair loss, baldness, or thinning of hair, which occur as a result of a medical condition of the hair or scalp.

7.1.3. Anti-dandruff

- i. A product that alleviates dandruff shall not claim or imply that the condition can be permanently cured. The product must communicate that effective control is dependent on regular use.
- ii. Claims should communicate the cosmetic effects of the product (e.g. reduction in visible flakes etc.)

7.1.4. Split ends

- i. A product cannot claim a permanent cure to repair split ends and it should be indicated that this effect is only visible with regular use

7.1.5. UV protection

- i. Products may claim, with appropriate substantiation, that they offer UV light protection for hair colour longevity.
- ii. Hair products cannot display an SPF number.

7.2. Anti-cellulite or similar products

- i. All advertising shall encourage a healthy lifestyle. Claims implying that an appropriate diet and exercise regimen is not needed in conjunction with the use of the product, are not permitted.
- ii. Claims shall focus on the cosmetic improvement in the appearance and condition of the skin.
- iii. Claims referring to removal of cellulite, slimming and weight loss are not permitted.

7.3. Sunscreens

- i. The category of sun protection shall be accurately portrayed on the label and in any associated advertising, in accordance with the requirements of SANS 1557.
- ii. Claims for SPF can only be made as specified in accordance with the requirements of SANS 1557, or any other internationally accepted equivalent standard.
- iii. All claims for SPF (UVB), UVA and broad-spectrum should be substantiated in accordance with the requirements of SANS 1557, or any other internationally accepted equivalent standard.
- iv. Labelling indications should be executed in accordance with the requirements of SANS 1557, or any other internationally accepted equivalent standard.
- v. “Water resistant” and “very water resistant” claims are permitted but require substantiation in accordance with the requirements of SANS 1557, or any other internationally accepted equivalent standard.
- vi. The claims “waterproof” and/or “sweat resistant” are not permitted for sunscreen products.
- vii. Claims that state, or imply, 100% protection from UV radiation (e.g. block, sunblock, sun blocker or total protection) are not permitted.
- viii. Claims implying “all day protection” are not permitted.

9. REFERENCES

- i. Latest available version of the CTFA Bridging the Gap Compendium.
- ii. Draft Regulations relating to Labelling, Advertising and Composition of Cosmetics, R.1469, 22 December 2017.
- iii. Foodstuffs, Cosmetics & Disinfectants Act, as amended (Act 54 of 1972).
- iv. SANS 1557:2019 - Sunscreen products.
- v. Advertising Regulatory Board Code of Advertising Practice www.arb.org.za
- vi. Consumer Protection Act, as amended (Act 68 of 2008).