Who Regulates the Cosmetic Industry in the USA?

All past blog posts have been dealing with the discussion about the harmful effects of chemicals used in consumer products, especially in cosmetics and their containers. For consumers, it is difficult to look into every ingredient of every product for its toxicity. Beyond looking at basic ingredients lists, it's just simply not a practical use of our time. So, to a large extent, we really have to rely on the experts to police these products for us. On this point, you may wonder who exactly regulates the cosmetic industry for the consumers in USA. For the protection consumer's health, Food and Drug Administration, also known as FDA, regulates the cosmetic industry of the USA.

The FDA keeps a check on the cosmetic industry and the products they sell under the influence of two laws: Federal Food, Drug and Cosmetic Act and the Fair Packaging and Labeling Act.

The laws forbid the marketing of products that fall in either category: Adulterated or Misbranded.

To summarize, the cosmetics that fall under these categories are the ones that contain harmful ingredients, are packed under insanitary conditions, are labeled inaccurately or incompletely or contains harmful color additives.

This law does not mean that the cosmetics have to be approved by FDA before being marketed, with the exception of color additives.[1] Hence, it all comes down to one thing, that the FDA really regulates just a small part of the cosmetics industry after all.

The cosmetic manufacturing companies are encouraged to comply with their legal responsibility to market and sell safe products. Apart from this, to fill up the vacuum of regulation by FDA, a voluntary self-regulation committee by the name of Cosmetic Ingredient

[1] FDA Authority over Cosmetics. U.S. Food and Drug Administration. http://www.fda.gov/cosmetics/guidancecomplianceregulatoryinformation/ucm074162.htm. Accessed 9 November 2013.

Review was formed. However, to date, the committee has failed to regulate the cosmetic ingredients in an even-handed manner.[2]

Although, the FDA does not require premarket approval of cosmetics, it does have the power to intervene when the committee feels that there is a risk to public health. Moreover, the FDA cannot order a recall of any cosmetic from the market if it is deemed hazardous to human health. This brings into question the actual authority of FDA over the cosmetic industry. It is said that for a change to be made to associate more power to FDA would require a change in the law by Congress.

Under the FDA law, products can be categorized into three categories: Cosmetics, Drugs and Soap. According to the legal definition, some of the products that fall under the cosmetics category are as follows: cleansing shampoos, hair colors, eye and facial makeup, nail polishes, skin moisturizers, perfumes and deodorants, permanent waves and lipsticks.[3]

The regulation by the FDA of the cosmetics industry lacks authority. Therefore, it is the duty of manufacturing companies to conduct every test possible, in order to examine the toxicity level of the products they sell. Furthermore, there are websites and smart phone applications to help consumers differentiate sage ingredients from harmful ones.

While FDA tries to reenact laws to be able exercise control over the cosmetics industry, it is the company's responsibility to maintain safety regulations to avoid having legal action taken against them later and losing their brand reputation.

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[2] FDA Regulations. The Campaign for Safe Cosmetics. http://safecosmetics.org/section.php?id=75. Accessed 9 November 2013.

[3] FDA Authority over Cosmetics. U.S. Food and Drug Administration. http://www.fda.gov/cosmetics/guidancecomplianceregulatoryinformation/ucm074162.htm. Accessed 9 November 2013.