



March 1, 2021

The Honorable Stephen Casey, Chairman
Committee on Health and Human Services
House of Representatives
Providence, Rhode Island 02903

Re: Letter of Opposition - House Bill 5550 Relating to Food, Drugs and Cosmetics Act

Dear Chairman Casey:

On behalf of the members of the Personal Care Products Council (PCPC), I am writing to oppose House Bill 5550. The legislation, which would regulate cosmetics and personal care products, imposes unnecessary burdens and undue costs on the suppliers, manufacturers, retailers and consumers of these products.

PCPC is the leading national trade association for the global cosmetics and personal care products industry. Founded in 1894, PCPC's more than 600 member companies manufacture, distribute, and supply the vast majority of finished personal care products marketed in the United States. As the makers of a diverse range of products that millions of consumers rely on every day, from sunscreens, toothpaste and shampoo to moisturizer, lipstick and fragrance, our member companies are global leaders committed to product safety, quality and innovation. The industry employs more than 8,000 individuals in Rhode Island (direct and indirect jobs) and contributes more than \$330 million in labor income and \$489 million in GDP annually to the State of Rhode Island.

This proposal seeks to advance labeling on an industry that has already been at the forefront in both these areas for decades. The cosmetics industry has been labeling ingredients on cosmetic products sold in the United States since 1970s. Labeling is used to help inform consumers of a product's intended use and any related instructions, its ingredients and net quantity of contents, and its place of manufacture or distribution.

I will briefly describe the current cosmetics labeling requirements (which provide disclosure directly to consumers)

- **Labeling:** This term refers to all labels and other written, printed, or graphic matter on or accompanying a product.
- **Principal Display Panel (PDP):** This is the part of the label most likely displayed or examined under customary conditions of display for sale.
- **Information Panel:** Generally, this term refers to a panel other than the PDP that can accommodate label information where the consumer is likely to see it. The information on this panel must be prominent and conspicuous.

The following information **must** appear on the **Principal Display Panel**:

- An identity statement, indicating the nature and use of the cosmetic product, by means of either the common or usual name, a descriptive name, a fanciful name understood by the public, or an illustration.
- An accurate statement of the net quantity of contents, in terms of weight, measure, numerical count or a combination of numerical count and weight or measure

The following information **must** appear on an **Information Panel**:

- Distributor statement: If the name and address are not those of the manufacturer, the label must say "Manufactured for..." or "Distributed by..."
- Material facts: Failure to reveal material facts is one form of misleading labeling and therefore makes a product misbranded. An example is directions for safe use if a cosmetic product has the potential to be misused.
- Warning and caution statements: These must be prominent and conspicuous. The FD&C Act and related regulations specify warning and caution statements related to specific products. In addition, cosmetics that may be hazardous to consumers must bear appropriate label warnings.
- Ingredients: If a cosmetic product is sold on a retail basis to consumers, even if it is labeled "For professional use only" or words to that effect, the ingredients must appear on an information panel, in descending order of predominance... If the product is also an over-the-counter (OTC) drug, its labeling must comply with the FDA regulations for both OTC drug and cosmetic ingredient labeling.

In summary, House Bill 5550 is completely unnecessary as current **Federal law already requires the disclosure of ingredients** on the product label and manufacturers provide this information directly to consumers.

Sincerely,



Michael F. Thompson,
Senior Vice President, Government Affairs

Cc: Members of the House Committee on Health and Human Services