

NOTE

'Natural' and 'Organic' claims for Cosmetic products

- As it stands, the terms 'natural' and 'organic' are not specifically regulated under Cosmetics rules, although Article 20 CPR and the Common Criteria still apply as they do to all types of cosmetic product claims, whether natural / organic or otherwise; the claim must not mislead and must be capable of substantiation, conforming to the 6 criteria. Horizontal legislation will also apply, per UCPD 2005/29/EC as transposed into German law in the form of the UWG
- Non-mandatory source of law (soft law): [Natural cosmetics guidelines](#) approved by the Council of Europe expert committee on cosmetics (September 2000) which provides conditions of use of 'natural' claims – still relevant until EU harmonized standard imposed) The Guidelines define a natural cosmetic as a product composed of ingredients of natural origin (plant, animal or mineral), obtained physically (pressing, distillation, extraction, filtration, drying) or through microbiological or enzyme-based methods. Such cosmetics must not contain any impurities that may be harmful to human health. Exceptions for fragrances and preservatives
- In terms of a European harmonised standard which sets criteria for natural and organic products, allowing for claim substantiation:
 - An ISO (International Organization for Standardization) standard for natural and organic cosmetics is being developed by the Cosmetics Working Group at ISO - ISO/217 WG4 titled: Guidelines on technical definitions and criteria for natural and organic cosmetic ingredients and products; it consists of 2 parts: Part 1: Definitions for ingredients [16128-1](#) published 2016-02. Part 2: Criteria for ingredients and products [16128-2](#) published 2017-09
 - To date, these criteria do not apply to claims; they can only be used as a reference for the substantiation of claims 'natural' and 'organic' for cosmetic ingredients and products (i.e. making a claim to natural/ organic content based on criteria calculations ISO 16128-2; neither Part 1 nor Part 2 addresses product communication means (e.g. claims and labelling, refer to s. 2.1.4.4 (d))
 - However, the expert sub-group on claims created by EU Commission under Directorate-General for Health and Consumers DG SANCO stated it will wait until the ISO Working Group has published its Guidelines before considering whether or not to develop more specific criteria for natural and organic claims
 - Private standards for Natural and Organic Cosmetics which include criteria for determining when a product can, or cannot, be classified as 'natural' or 'organic'. There are 2 main certification standards for natural and organic cosmetics, neither of which are backed by law:

[Cosmos-Standard](#), who publish the [Cosmetics Organic Standard](#) (Jan 2019 version)

- Five major European organic and natural cosmetics standard-setting organisations Ecocert Greenlife (FR), COSMEBIO (FR), BDIH (GER), ICEA (IT) and Soil Association (UK) came together to harmonise their respective standards into one version, i.e. create one single certification system
- Cosmos standard has [2 levels](#): '*Cosmos Organic*' (on products containing minimum percentages of organic ingredients) and '*Cosmos Natural*' (on those that comply with the Standard in all other respects but do not have the minimum organic percentages)
- '*COSMOS ORGANIC*' or '*COSMOS NATURAL*' Will always appear right below the logo/ mark of the responsible certifier or association

[NaTrue](#) Standard (International Natural and Organic Cosmetics Association)

- Founded by the oldest and largest producers of authentic Natural and Organic Cosmetic products in Europe (mostly German natural cosmetics manufacturers)
- NaTrue standard: [3 certification levels](#): Natural Cosmetics; Natural Cosmetics with Organic Portion; Organic Cosmetics. Requirements (min. and max. ingredient levels) set according to 13 specific product categories; Percentage content from various categories of ingredients is the decisive factor for whether a given cosmetic is considered natural or not
- To use the NaTrue label at least 75% of all products of a given brand must be certified and be compliant with the standard
 - With both standards, the packaging of the cosmetics should be economical, environmentally friendly, easily recyclable, and, if possible, produced from recycled materials
 - Both standards (and Council of Europe Guidelines) define only the conditions under which cosmetics can be qualified as natural or organic; they do not specify how claims can be worded
 - Whilst the Commission does not favour a claim-by-claim approach, we will wait to see if they adopt more specific criteria for natural and organic claims that may include examples of acceptable claims (possibly meaning the addition of an annex in guidelines to Reg. 655/2013).

From the Natrue website: 'First and foremost, all cosmetics, natural and organic or not, must comply with [EU Cosmetics Regulation 1223/2009](#). Consequently, they must be safe, effective and efficient without exception in order to be legitimate and placed on the market. Organic ingredients are regulated under the [organic agricultural regulation Council Regulation \(EC\) No 834/2007](#). To date, there is no official regulatory definition of finished Natural and Organic Cosmetics but there are private standards. It should be noted that cosmetics have a different specific function to food. Food does not need to cleanse, to protect, to beautify etc. and so organic agricultural regulation cannot be applied to natural and organic finished products. All private standards for Natural and Organic Cosmetics should mention that a baseline requirement is that the products must first comply with EU Cosmetics Regulation 1223/2009.

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Additional claims: similar to Natural or Organic:

- 'Bio/ biodynamic' cosmetics: very similar to Organic – a % of ingredients (95% in case of Cosmos and NaTrue standard) must come from organic origin (which is by organic farming – minus chemical fertilizers, pesticides, and must not produce any GMO products, it must not use or add any toxins or hormones). Bio/Biodynamic process goes a step further with its holistic approach for caring for the soil: whereas traditional farming tends to, over the course of time, strip the soil of its ability to grow nutrient, vitamin and mineral rich plants.
- 'Wild harvested' cosmetics which means that ingredients come from their historically old natural habitat and are then harvested in accordance to ecologically sound process of not disturbing and/or destroying their natural habitat (i.e. shea butter/ teat tree essential oil)

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