

Personal care products fall into two categories: **dietary supplements** and **cosmetics**. Dietary supplements are products that are ingested, such as dried herbs, teas, tinctures, capsules, and tablets. These must meet regulatory requirements for processed foods as well as those listed below. Cosmetics are products that are applied to the human body for cleaning or body care.

Fresh culinary herbs are exempt from these regulations. Information on selling fresh herbs can be found in the Fresh Fruit and Vegetable Fact Sheet.

Washington State law abides by the federal food, drug, and cosmetic act and with the federal trade commission act that expressly outlaws the false advertisement of food, drugs, devices, and cosmetics. For more information, please see the Washington State Food, Drug, and Cosmetic Act (RCW 69.04) which outlines the regulations governing the sale of dietary supplements and cosmetics at <http://apps.leg.wa.gov/RCW/default.aspx?cite=69.04>.

In this fact sheet, we will review the regulations for:

- dietary supplements definition;
- dietary supplements safety and claims;
- labeling dietary supplements;
- definition of cosmetics;
- federal regulations for cosmetics; and
- cosmetics claims.

## Dietary Supplements Definition

The State of Washington follows the Food and Drug Administration (FDA) definition of dietary supplements. These are considered products (other than tobacco) that are:

- Intended to supplement the diet that bears or contains one or more of the following dietary ingredients: a vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance used by humans to supplement the diet by increasing the total daily intake, or a concentrate, metabolite, constituent, extract, or combination of these ingredients; and
- Intended for ingestion in pill, capsule, tablet, or liquid form.

## Dietary Supplements Safety and Claims

To manufacture a dietary supplement you are required to be licensed as a Food Processor with WSDA. The manufacturer is responsible for ensuring that the supplement is safe before it is marketed, as required by the Federal Dietary Supplement Health and Education Act of 1994. Private businesses offer testing services as do some public universities.

Claims may not be made about the use of a dietary supplement to diagnose, prevent, mitigate, treat, or cure a specific disease. For instance, statements such as "cures cancer" or "treats arthritis" may not be used. However, appropriate health claims authorized by FDA such as "calcium reduces the risk of osteoporosis" may be used if the supplement qualifies to bear that claim. The manufacturer may also describe a supplement's effects on the structure or function of the body or the "well-being" achieved by consuming the dietary supplement.

## Labeling Dietary Supplements

Dietary supplements must meet all labeling requirements for processed foods. See Food Processing Fact Sheet. In addition, dietary supplements need to be identified as a "dietary supplement" on the product label. Serving

size, calories, dietary ingredients, supplement facts and more can be found by the FDA defined specific labeling requirements and guidelines online at:

[www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=101&showFR=1&subpartNode=21:2.0.1.1.2.3](http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=101&showFR=1&subpartNode=21:2.0.1.1.2.3)

Dietary supplements regulations are found under FDA Title 21 CFR Part 111 **Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements** at:

[www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=111&showFR=1](http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=111&showFR=1)

For more information, please visit the WSDA Food Safety Program online at

<http://agr.wa.gov/FoodAnimal/FoodProcessors> or email [foodsafety@agr.wa.gov](mailto:foodsafety@agr.wa.gov) or by calling (360) 902-1876.

## Definition of Cosmetics

According to Washington law, the term "cosmetics" refers to:

- articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and
- articles intended for use as a component of any such article; except that such term shall not include soap.

Cosmetics include lotions, salves, lip balm, skin creams, and shampoos, as well as other cosmetic items.

Soap products consisting primarily of an alkali salt of fatty acid and making no label claim other than cleansing of the human body are not considered cosmetics.

## Federal Regulations for Cosmetics

If you want to sell cosmetics such as lotion at a farmers market or other venue, you must comply with the following federal regulations:

- the Federal Food, Drug, and Cosmetic Act (FD&C Act),
- the Fair Packaging and Labeling Act (FPLA); and
- and follow rules set by the FDA (21 CFR 700-740, 21 CFR 73, 74 and 82).

Producers are not required to register manufacturing establishments or formulations with the FDA or make available safety data or other information before marketing their product.

## Cosmetics Claims

Cosmetics may not carry a claim that the product treats or prevents a disease, or otherwise affects the structure or function of the body. Products that do carry this claim are considered to be drugs and require FDA approval. As with dietary supplements, cosmetics are required to follow federal labeling requirements. Certain cosmetics (such as shampoos and detergent bubble bath) are also required to bear specific warnings on their label. For more information contact the U.S. Food and Drug Administration Cosmetics Division at (888) 723-3366, email [industry@fda.gov](mailto:industry@fda.gov) or visit [www.cfsan.fda.gov/%7Edms/cos-toc.html](http://www.cfsan.fda.gov/%7Edms/cos-toc.html).

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### Recommended Fact Sheet: Food Processing

For further assistance or to make suggestions on how to improve this fact sheet, please email [smallfarms@agr.wa.gov](mailto:smallfarms@agr.wa.gov) or call (360) 902-2057 or (360) 676-2059.