



## Regulations for Specific Products

### Selling Body Care Products

Body care products, also called “cosmetics” in state and federal law, are sought by consumers interested in better health especially if made from natural, local ingredients. From lip balm to lotion, skin creams to shampoos, these are great products to market directly to consumers at farmers markets, farm stands and independent grocery stores. All cosmetics are subject to state and federal regulations to ensure that they are safe and list all potential allergens. This fact sheet includes the:

- Definition of cosmetics;
- State and federal regulations for cosmetics; and
- Making claims about cosmetics.

#### Definition of Cosmetics

Body care products include lotions, salves, lip balm, skin creams, and shampoos, as well as other cosmetic items. According to Washington law, body care products are referred to as “cosmetics” which are defined as:

- *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.*

According to this definition, soap products are not considered cosmetics if they meet two conditions: 1) they consist primarily of an alkali salt of fatty acid; and 2) they make no claims on their label other than “cleansing of the human body.”

#### State and Federal Regulations for Selling 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) [www.fda.gov/RegulatoryInformation/Legislation/FederalFoodDrugandCosmeticActFDCAct/FDCActChapterVICosmetics/default.htm](http://www.fda.gov/RegulatoryInformation/Legislation/FederalFoodDrugandCosmeticActFDCAct/FDCActChapterVICosmetics/default.htm),
- the Fair Packaging and Labeling Act (FPLA) [www.ftc.gov/os/statutes/fpla/fplact.shtm](http://www.ftc.gov/os/statutes/fpla/fplact.shtm); and
- and follow rules set by the FDA (21 CFR 700-740, 21 CFR 73, 74 and 82) [www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcr/cfrsearch.cfm](http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcr/cfrsearch.cfm).

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

## Cosmetics Label Claims

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 cosmetics at <http://apps.leg.wa.gov/RCW/default.aspx?cite=69.04>.

In particular, cosmetics may not carry a claim that the product treats or prevents a disease, or that they otherwise affect the structure or function of the body. If products carry this claim, then they are considered to be “drugs” and require FDA approval.

In addition, certain cosmetics (such as shampoos and detergent bubble bath) are also required to bear specific warnings on their label. For detailed information, your best bet is to contact the U.S. Food and Drug Administration Cosmetics Division directly 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).

---

## Recommended Fact Sheet

### 19. WSDA Food Processor License and Facilities

*For further information, to provide comments, or suggest a resource to add to this fact sheet, please email [smallfarms@agr.wa.gov](mailto:smallfarms@agr.wa.gov) or call (360) 902-2888.*