

## BENEATH THE GLOSS: NAVIGATING COSMETIC REGULATIONS AND TACKLING FAKE PRODUCTS

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### ABSTRACT

*Embarking on the intricate narrative where beauty meets legality, our journey unfolds within the framework of Cosmetic Law, a set of foundational rules ensuring the safety of cosmetics. By navigating the regulatory framework and significance, we learn how important rules are to maintaining customer trust and product safety. However, there are obstacles in the form of enforcement challenges for these policies. In this context, consumer protection measures serve as essential defences. However, the advent of Fake Cosmetic Products adds a dangerous twist, igniting research into the reasons, processes, and risks involved. Case Studies and Legal Responses provide real-world effects by presenting examples of injury and the legal responses that followed. When we turn our attention to Supply Chain Vulnerabilities, we uncover the penetration of fake makeup. Projects like Consumer Education are highlighted, with the goal of providing consumers with information. In conclusion, the need for uniform international cosmetic laws is compelling, establishing a group defence against fake goods and elevating consumer safety to the top of the always-changing narrative surrounding the cosmetics business.*

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### INTRODUCTION

“Beauty awakens the soul to act.”

- **Dante Alighieri**

In our everyday lives, beauty holds a special place, making us feel good inside and out. Makeup adds a touch of magic, highlighting our features and allowing us to express ourselves. But

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behind the scenes of this beauty world, there's something important we might not think about much – the law relating to cosmetics.

Think about your favourite lipstick or eyeshadow – they do not just appear magically. There are rules and laws, like the ones in cosmetic law, making sure these products are good for us. In this article, we will explore how makeup boosts our beauty and how important it is to have laws that keep it safe. So, let us dive into the world of beauty, makeup, and the behind-the-scenes rules that make it all possible.

Indian cosmetics products market is growing at a steady rate of 10.91%, with estimates of 1.35 billion USD in 2023 and 2.27 million USD by 2028, demonstrating remarkable progress in the vibrant world of beauty."<sup>1</sup> This increase indicates a thriving market and piques the interest of aspiring entrepreneurs who may want to launch their own cosmetics company.

Entering the cosmetics industry, however, requires negotiating a complex web of laws and guidelines. Observance of these rules is essential for consumer safety, starting with product creation and continuing through labelling and distribution.

## **COSMETIC REGULATION IN INDIA**

According to the Drugs & Cosmetics Act, 1940 a 'cosmetic' is defined as an article that can be used in any part of the human body. It may be rubbed, poured, sprinkled or sprayed on. Cosmetic is applied to any part of the human body to clean, beautify, promote attractiveness, or alter the appearance.

The Drugs and Cosmetics Rules, 1945 elaborates on the procedure to manufacture cosmetics in India. **Cosmetics can be classified, under Schedule M-II, into 11 broad product categories<sup>2</sup>:**

- Powders,
- Creams, lotions, emulsions, pastes, cleansing milk, shampoos, pomade, brilliantine, shaving creams, hair oils, etc.,
- Nail Polishes and Nail Lacquers,

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<sup>1</sup> <https://www.mordorintelligence.com/industry-reports/india-cosmetics-products-market-industry>

<sup>2</sup> Sakshar law associates, 'Legal Requirements Mandatory For Setting Up Cosmetic Business In India' (*Lexology*, 18/3/2021) <<https://www.lexology.com/library/detail.aspx?g=978da843-0882-499f-bcdf-89c00727929c>> accessed 24 January 2024

- Lipsticks & Lip Gloss etc.,
- Depilatories,
- Preparations used for eyes,
- Aerosol,
- Alcoholic Fragrance Solutions (Cologne),
- Hair Dyes,
- Tooth Powders and Tooth Pastes etc.,
- Toilet Soaps.

The laws create the idea of "New Cosmetics," which refers to goods that integrate new substances that are not widely used globally, in an effort to promote creativity while maintaining safety. Furthermore, the regulations delineate precise standards for ascertaining the "Use Before" or "Date of Expiry," crucial details documented on the cosmetic's box.

Within the complex domain of cosmetic regulation in India, the Drugs Rules of 1945 and the Cosmetics Rules of 2020 combine to provide a strong regulatory framework, which is easily integrated with the fundamental Drugs and Cosmetics Act of 1940. While these state organisations have control over production, sales, and distribution, the Central Licencing Authority assumes a leading role in monitoring cosmetic imports and collaborating with State Licencing Authorities. Effective enforcement is ensured by the delegation of authorities, and the controlling person is crucial to oversight. Confidentiality guaranteed, the Government Analyst examines cosmetics and offers important insights. Armed with a wide range of duties, inspectors handle complaints, carry out inspections, and protect records. The Central Cosmetics Laboratory's founding, which is subject to stringent certification requirements, adds a crucial element and strengthens the cosmetics industry's dedication to quality and safety.

In accordance with the general framework outlined in the Drugs and Cosmetics Act of 1940, **Chapter III** of the Cosmetics Rules, 2020 clearly describes the laws governing the import and registration of cosmetics in India. Before any cosmetic is imported into the nation, it must first undergo a strict registration process that is supervised by the Central Licencing Authority or its designated representatives. The application procedure, as described in Form COS-1, can be started by the importer, manufacturer, authorised agent, or the manufacturer's authorised Indian subsidiary provided that the necessary documentation is submitted and the manufacturer's authorization is verified. The regulations, which place a strong emphasis on adherence to the

Bureau of Indian Standards, demand that bulk completed formulations be accompanied by extra paperwork and that testing expenses be paid directly to authorised laboratories.

The Central Licencing Authority's Import Registration Certificate (IRC) is valid for an unlimited period of time as long as the registration certificate retention fee is paid within five years after the certificate's issuance; otherwise, it may be revoked for non-compliance. Consolidating India's control over cosmetic imports, an extensive regulatory framework prioritising safety, quality, and adherence to established standards is further enhanced by prohibitions on certain cosmetics, rigorous import processes, and requirements for personal use.

The licencing procedure for making cosmetics in India is described in **Chapter IV** of the Cosmetics Rules, 2020. The applicant must submit the required paperwork and fee with Form COS-5 or COS-6. Prior authorization (Form COS-3) from the Central Licencing Authority is required for new cosmetics. To verify adherence to GMPs, the State Licencing Authority carries out post-approval inspections. Act rules, premises requirements, and personnel qualifications are covered by the licence conditions (Forms COS-8 and COS-9). Licence holders have to conduct tests on raw materials, keep documentation, and assist with inspections. Notification of address changes and updates must be sent out quickly. Subject to fee payments, licences are granted for an unlimited period of time, with three-year inspections taking place in between. The chapter also describes how to use Form COS-12 to request authorization to import or produce new cosmetics while following the Bureau of Indian Standards' guidelines for safety evaluation (IS 4011:2018).

The Cosmetics Rules, 2020, specifically address labelling, packaging, and standards related to the sale and distribution of cosmetics in India, and they are outlined in **Chapter VI**. Cosmetics cannot be distributed or sold unless they are made by a licenced producer and labelled in compliance with the regulations. The name of the cosmetic, the manufacturer's name and address, the use-before and expiration dates, a unique batch number, the manufacturing licence number, a net contents declaration, and, if the product contains hazardous substances, the relevant warnings are all required to be listed on the label. A number from an import registration certificate is required for imported cosmetics. The chapter also specifies criteria for cosmetics, including limitations on certain components, and includes particular rules for fluoridated toothpaste and hair colouring.

In order to guarantee compliance and quality control, **Chapter VII** describes the processes for sampling, testing, analysis, seizure, and reporting. The regulations provide a thorough foundation for the Indian cosmetics business by putting an emphasis on consumer safety and prohibiting deceptive advertising.

The process of getting approval for laboratories testing cosmetics and their raw ingredients is described in **Chapter VIII** of the Drugs and Cosmetics Rules, 1945 in India. Laboratories that satisfy the requirements must submit Form COS-22 together with the required documentation to the appropriate State Licencing Authority in order to request permission. The requirements for approval are outlined in Section 56 and include information on things like facilities, furnishings, and trained staff. Sections 57 to 62 describe compliance checks, joint inspections by designated inspectors, and the approval procedures that follow. Miscellaneous provisions, such as voluntary recalls, fees, payment methods, and penalties for providing false papers, are covered in **Chapter IX**. The laws prioritise industry responsibility and customer well-being in order to assure the safety and quality of cosmetics in the Indian market.<sup>3</sup>

## OBSTACLES IN REGULATORY CONTROL

The Indian cosmetics business has several regulatory obstacles due to **antiquated laws, disorganised enforcement, lack of resources, problems with transparency, and low awareness and compliance**. The Drugs and Cosmetics Act of 1940, which established the basic legislative framework, is inadequate in handling the complexities of the modern cosmetic industry since it does not include provisions for essential elements like clinical trials, bioequivalence studies, and good manufacturing standards.

The dispersed enforcement mechanisms impede the establishment of a cohesive and efficient regulatory strategy by entailing several authorities at both the federal and state levels, leading to overlapped jurisdictions and duties. The misallocation of resources, which includes a lack of funding, infrastructure, labour, and technology, is a major obstacle. These flaws make it difficult to thoroughly audit, test, monitor, and keep an eye on cosmetic production facilities and goods. Concerns involving transparency within the Central Drugs Standard Control Organisation (CDSCO), which is in charge of regulating drugs, bring up issues with accountability and the regulator's capacity to stop the sale of phoney or subpar cosmetics.

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<sup>3</sup> Cosmetic Rules, 2020

The industry's non-compliance problems are exacerbated by manufacturers' lack of understanding and compliance, which leads to departures from established norms and unethical behaviour. The cosmetics sector is subject to poor regulatory oversight; for example, heavy metals in colourants are not adequately regulated, many compounds have no established limits, and completed product testing is rarely done. To tackle these systemic problems, a comprehensive strategy comprising legislative changes, more funding, improved openness, and strict enforcement measures is needed.

Maintaining the safety, effectiveness, and quality of cosmetics in the Indian market requires constant enhancement of the regulatory frameworks that are now in force. To effectively modify and strengthen the regulatory environment for this vital business, regulatory bodies, industry players, and the general public must work together. The industry can only progress towards a safer, more transparent, and compliant future by working together.

## CONSUMER PROTECTION MEASURES

Although human makeup has changed over the ages, society's standards still place a high value on it. However, there are issues with consumer protection in the current cosmetics sector, particularly when it comes to deceptive advertising, dangerous substances, and insufficient laws.

**I. Historical Context:** The history of makeup in India begins with the Indus Valley Civilization, when beauty products like lipstick, cinnabar, and collegium were utilised by the populace. But the advent of chemical cosmetics during the colonial era signalled a paradigm change that resulted in the widespread usage of goods that were packed with chemicals.

**II. The Value of Consumer Rights in the Cosmetics Sector:** This section highlights the economic power of consumers and their vulnerability in the lack of efficient organisation, to paraphrase John F. Kennedy. Concerns about consumer protection have increased due to the fast globalisation of the cosmetics industry. As a result, it is critical to address problems with product safety, information transparency, deceptive advertising, ignorance, and exploitative tactics.

**III. Legislation for Protecting Consumer Rights in Cosmetics:** This section outlines the laws that are now in effect in India, including the Consumer Protection Act of 2019, the Cosmetic Rules of 2020, and the Drugs and Cosmetics Act of 1940. These rules are essential

for guaranteeing ingredient transparency, product safety, and the avoidance of deceptive claims.<sup>4</sup>

**Rights of the Consumer in the Cosmetics Industry:** Understanding consumer rights in the cosmetics sector is essential before diving into the grievance resolution procedure. These rights include protection against deceptive advertising, open information, and safe products. Acknowledging these rights gives customers the capacity to demand transparency and make educated decisions.

Highlighting producers' need to follow strict safety regulations, this entails offering customers the fundamental right to product safety. Giving customers accurate information about components, production processes, and usage directions is another important component of transparency. Furthermore, customers should not be subjected to deceptive advertising that makes inflated promises or uses other misleading tactics that might lead to inflated expectations. Fair competition and educated decision-making are ensured by having the freedom to select from and obtain a wide range of cosmetic items at affordable costs. Furthermore, customers have the right to pursue remedies through channels such as registering complaints with consumer dispute redressal forums in the event of problems or complaints. Respecting these rights encourages accountability, openness, and moral behaviour in the cosmetics sector, resulting in a market where the welfare of the customer comes first.

**Tiers of Consumer Grievance Resolution:** There are increasing channels for customers to seek redress through the tiered structure of the cosmetic industry's consumer grievance resolution procedure. Every tier has a distinct function in guaranteeing an equitable and effective handling of customer grievances.

**Tier 1: Business Customer Service:** Customers should first file a written complaint with the Company Customer Care.

You can file a complaint by mail, email, or on the corporate website.

Customers can address their complaints to the manufacturing business through this layer as their initial point of contact.

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<sup>4</sup> Tanu Mittal, Analysis of Consumer Rights in Cosmetic Industry in India, *ILE LEX SPECULUM (ILE LS)*, 1 (1) 2023

**Tier 2: Cosmetics & Drugs Controller:** The next step is to raise the complaint to the relevant State or Union Territory's Controller of Drugs & Cosmetics if the customer does not obtain a satisfactory response or any reply at all. This body is essential to monitoring and controlling the quality and safety of cosmetics in the area. Through this tier, customers can have the product examined by a government analyst.

**Tier 3: Commission for Consumer Dispute Resolution:** The customer may choose to register a complaint with the Customer Dispute Redressal Commission if they are still unhappy with the solutions offered at Tier 2. Customers may get comprehensive information about the commission's case filing process on their official website. The process is outlined there. The highest authority for resolving consumer disputes is this tier.

Comprehending the wider consumer protection measures is vital for an empowered consumer base, going beyond the grievance resolution levels.

**Evaluation by a Government Analyst:** Customers are entitled to have the product examined by a government analyst, who is an important resource for determining the cosmetic product's safety and calibre.

**Legal Recourse:** Customers now have a formal way to take their complaints to court thanks to the Consumer Dispute Redressal Commission.

**Information materials:** To assist customers in pursuing justice, the Department of Consumer Affairs and Consumer Helpline provide helpful materials and links.<sup>5</sup>

## OPINION ON THE COSMETICS ACT

The Drugs and Cosmetics Act of 1940 established the basis for the Cosmetics Act, which has since been strengthened by other rules such as the Cosmetics Rules of 2020, which provide a strong framework for the regulation of cosmetics in India. The Act's mention of "New Cosmetics" demonstrates its dedication to encouraging innovation while maintaining security.

A thorough system for managing production, sales, and distribution is established by the separation of regulatory duties between federal and state agencies as well as the participation

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<sup>5</sup> INGRAM (Integrated Grievance Redressal Mechanism), 'Drugs and Cosmetics FAQs' (*Government of India Department of Consumer Affairs Ministry of Consumer Affairs, Food & Public Distribution, xx/xx/xx*) <<https://consumerhelpline.gov.in/faq-details.php?fid=Drugs%20and%20Cosmetics>> accessed 24 January 2024



of licencing authorities. The focus on following the Bureau of Indian Standards and strict testing guidelines is indicative of a dedication to quality control.

On the other hand, problems stem from outdated legislation, haphazard enforcement, and little resources. The Act must be modified to take into account the complexity of the contemporary cosmetic industry as a whole. The efficacy of the Act will be increased by moving towards incorporating requirements for crucial components like clinical trials, bioequivalence studies, and adherence to modern good manufacturing standards.

In conclusion, even if the Cosmetics Act offers a strong basis, it is essential to continuously improve and adapt in order to meet the changing dynamics of the cosmetics sector and maintain market integrity and consumer safety. Regulatory agencies, business leaders, and the general public must work together to create a future that is safer, more transparent, and compliant. The cosmetics sector may really prosper while putting the welfare of the customers it serves first thanks to such group efforts.



### **FAKE COSMETIC PRODUCTS AND RISKS**

A common type of intellectual property crime is counterfeiting, which is the intentional, unapproved duplication of authentic items with the intent to mislead customers in order to obtain financial advantage. This illegal activity affects a wide range of industries and products, from toys and food to medicines and cosmetics.

Perfumes, cosmetics, toothpaste, soaps, sunscreens, and other counterfeit cosmetic items are a serious risk to the health and safety of consumers. Correlation tables are one type of counterfeiting that specifically targets fragrances by imitating branded goods with the same names and numbers.

Counterfeit cosmetics carry serious hazards and effects, sometimes leading to disappointment with acquired merchandise. Even though these fake goods could seem just like their real equivalents, they don't meet the necessary safety and quality requirements, which could endanger customers. Since fake cosmetics are made to closely resemble the real thing, it might be difficult to spot them.

Still, customers can maintain their vigilance by identifying **specific characteristics:**

**Unusually low cost:** The pricing of counterfeit goods sometimes entices buyers by seeming too good to be true.

**Unusual selling location:** Reputable retailers usually sell genuine cosmetics. Products offered in unusual locations, such as markets or train stations, should be avoided.

**Poor packaging:** Look for packaging that differs from authentic items in terms of colour, shape, font size, or spelling. **Variations in the product and/or packaging:** Since authentic items must meet strict requirements, any pronounced variations in the colour, form, or font size might be signs of a fake.

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**Missing information:** Authentic cosmetics offer important facts such as batch numbers and Period After Opening (PAO) symbols. Fakes might not have this important information. The customs authorities of EU Member States are essential in the fight against counterfeiting since they shield consumers from falling for phoney cosmetics. Customers themselves may make a difference by implementing the following actions:

**Purchase from trusted retailers:** To ensure authenticity, only buy cosmetics from recognised retailers or official websites.

**Stay alert for warning signs:** Products offered in unexpected places or at extremely cheap prices should be avoided. Examine the box in detail, paying close attention to spelling errors and colour and design variances.

**Check the details of the product:** Verify that all pertinent information is included, including batch numbers and PAO symbols.

Consumers should get in touch with the brand owner or their country's customs officials right away if they believe they have bought counterfeit products. By raising awareness and

promoting responsible consumer behaviour, we can work together to stop the spread of fraudulent cosmetics and protect our health and well-being.<sup>6</sup>

In the United States, fake cosmetics have crept into pop-up shops and internet stores, offering false hairstyling items and makeup to gullible consumers. These knockoff goods, deceptively labelled as designer labels, not only mislead customers but also provide significant health risks. These fake goods, which are laced with hazardous germs, lead, beryllium, and other elements, can have fatal repercussions for those who purchase and use them without knowing. The dangers go beyond trickery, as it has been discovered that fake scents include DEHP, which the Environmental Protection Agency has identified as a possible human carcinogen. Some phoney goods even include dangerous chemicals related to cancer, acne, eczema, and other health disorders when absorbed by the skin.

It takes effort to spot bogus cosmetics. Signals like dramatic price reductions, particularly by a third or more, make one suspicious since fake goods may be made cheaply and yet make a profit. Furthermore, while genuine name-brand products are usually created in Europe or the US, an abnormally high price for a Chinese-made product should raise red flags. Since legitimate manufacturers closely monitor their distribution routes, consumers should be cautious about purchasing goods from unaffiliated dealers or from flea markets. A unique smell or somewhat different packaging from the real brand might be signs of a phoney item. Another red flag is the deceptive use of "Limited Edition" ads for goods that the manufacturer does not sell as such.<sup>7</sup>

## **SIGNS OF COUNTERFEIT MAKEUP**

There are a few fast clues to watch out for when deciding whether or not to buy cosmetics that might suggest the product is counterfeit:

**Packaging:** Fake cosmetic items frequently have slightly different wording or wrapping that is slightly off-color from the real brands.

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<sup>6</sup> Cosmetics europe the personal care association, 'COUNTERFEIT' (*Cosmetics Europe*, xx/xx/xx) <<https://cosmeticeurope.eu/cosmetic-products/>> accessed 24 January 2024

<sup>7</sup> Department of state, 'Fake Cosmetics and their Health Risks' (*New York State*, xx/xx/xx) <<https://dos.ny.gov/fake-cosmetics-and-their-health-risks#:~:text=They%20are%20often%20disguised%20as,substances%20that%20pose%20health%20risks>> accessed 24 January 2024

**False Sales:** In order to justify the variations in look between their cosmetics and that of real manufacturers, counterfeiters often present their items as belonging to a fictitious "limited edition" collection.

**Price:** When the price of a counterfeit product is much less than the retail price of the original product, that is a serious red flag.

**Physical quality:** Compared to genuine goods, counterfeit cosmetics may have a worse texture or consistency. Another hallmark of a counterfeit product is the lack of the brand's distinctive features.<sup>8</sup>

### MAKEUP PRODUCTS ON STREETS

The increasing need for deeply cheap imported cosmetic products in the quest for beauty deals is driving up the market for counterfeit goods, which not only violates intellectual property rights but also poses major health hazards. Estimated to be worth millions of dollars, the grey market takes advantage of well-known brands at enticingly cheap costs to lure unwary consumers into a dangerous trap. The cosmetics sector is proving to be a lucrative one, especially with the younger generation's increased disposable money and growing inclination for grooming items. However, when consumers are lured in by import tags and alluring prices, the flood of fake goods is weakening respectable businesses and causing brand erosion. The high savings seen on the grey market, which leaves them open to inferior and perhaps dangerous knockoffs, influence customers.

Players in the market, such as L'Oreal India, a leading manufacturer of cosmetics, and Hindustan Unilever Ltd. (HUL), emphasise how urgently the government has to step in to improve laws and stop intellectual property infringement. Customers and retailers looking for steep markdowns feed the grey market, which is mostly found in metropolises like Delhi and Mumbai.

Since the majority of these fake cosmetics can be traced back to China, more stringent regulations and enforcement measures are required to stop the flood of inferior items. Experts in healthcare caution that using counterfeit cosmetics can have detrimental effects on one's

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<sup>8</sup> Sayari, 'Sayari ' (The Dark Side of Beauty: An Overview of the Counterfeit Cosmetics Industry, 08/31/20) <<https://sayari.com/resources/the-dark-side-of-beauty-an-overview-of-the-counterfeit-cosmetics-industry/>> accessed 24 January 2024

health, sensitising the skin and increasing the risk of conditions including contact dermatitis and early ageing. Excessive levels of lead and zinc, two heavy metals, can cause systemic health issues.

Industry leaders are launching consumer education and government lobbying campaigns in response to this rising danger. For example, L'Oreal India and HUL take swift action against infringements on intellectual property rights and actively teach schoolchildren through awareness campaigns to address problems like the grey market and fake goods. The startling truth is that using counterfeit cosmetics puts one's long-term health at risk in addition to endangering one's appearance, which highlights the need for strict regulations and consumer awareness.<sup>9</sup>

Five people were arrested by the Mumbai Police crime branch in a major operation for their involvement in the sale of fake "Lakme" cosmetics, which were made in defiance of the intellectual property rights of FMCG giant Hindustan Unilever Limited (HUL). In response to a tip, the criminal branch unit raided five stores in Malad, successfully removing counterfeit cosmetics valued at an estimated Rs 24 lakh.<sup>10</sup>

One in four Indian families has reported having difficulties with cosmetics they have bought in the last three years, according to alarming data uncovered by LocalCircles' latest countrywide study. The poll illuminates the widespread problem of fake cosmetics in the nation with over 37,000 responses from 305 districts. It's alarming to see that 15% of respondents said using phoney cosmetics had caused allergic responses or serious illnesses.

The results are consistent with a previous study conducted by the Centre for Science and Environment (CSE), which revealed that hazardous materials like mercury were found in 40% of fairness creams and hazardous heavy metals like nickel and chromium were found in 60% of the lipsticks that were examined. According to the LocalCircles poll, three out of ten households had trouble finding genuine goods, with 12% of them buying phoney cosmetics online and 22% from physical retailers.

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<sup>9</sup> The Indian Express, 'Steeply discounted imported cosmetic products may be fake, poses health risk' (*The Indian Express*, 15/7/2018) <<https://www.newindianexpress.com/business/2018/Jul/15/steeply-discounted-imported-cosmetic-products-may-be-fake-poses-health-risk-1843708.html>> accessed 24 January 2024

<sup>10</sup> Saurabh Vaktania, 'Fake cosmetics worth Rs 24 lakh seized in Mumbai, five held' (*India Today*, 5/2/2021) <<https://www.indiatoday.in/india/story/fake-cosmetics-worth-rs-24-lakh-seized-in-mumbai-five-held-1766369-2021-02-05>> accessed 24 January 2024

The poll reveals, concerningly, how difficult it is for customers to return counterfeit goods. When it came to returning phoney cosmetics that they had ordered online, only 55% of respondents succeeded, although 35% of those who had bought phoney goods from physical stores did so. This emphasises the necessity of tougher laws and increased consumer education to stop the spread of phoney cosmetics.

The significance of resolving this issue is shown by the Delhi Police's prior crackdown on a plant making knockoff Lakmé beauty goods. The LocalCircles study, which received responses from a wide range of geographic locations and demographic groups, highlights how pervasive the issue is and how urgently comprehensive steps to shield consumers from the dangers of buying fake cosmetics are required.<sup>11</sup>

In the other report, recent findings from a LocalCircles poll have revealed alarming details regarding the Indian cosmetics market. According to the research, an astounding one in four homes in the nation had experienced problems with makeup they have bought in the last three years. What's even more worrisome is that according to one in six homes, using these cosmetics caused serious illnesses or allergic responses.

The poll, which included 9,119 participants from 305 districts, highlights the widespread issue of phoney or counterfeit cosmetics in the Indian market. It's shocking to see that 34% of families unintentionally bought counterfeit or phoney cosmetics. Multinational consumer goods corporation Unilever's earlier voluntary recall of dry shampoo products serves as evidence that the hazards linked with these products go beyond skin discomfort. A number of items contained benzene, a recognised carcinogen, which triggered the recall.

The problems don't stop with allergic reactions: three out of ten families said they had trouble finding real goods, and 12% of them fell for bogus makeup they bought online and 22% from physical stores. Only 55% of internet purchases and 35% of store-bought fakes were successfully returned, demonstrating how difficult it was to return these imitation goods.

The previous voluntary recall of dry shampoo products by multinational consumer goods company Unilever is proof that there are more risks associated with these products than only

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<sup>11</sup> Sayari, 'Sayari ' (The Dark Side of Beauty: An Overview of the Counterfeit Cosmetics Industry, 08/31/20) <<https://sayari.com/resources/the-dark-side-of-beauty-an-overview-of-the-counterfeit-cosmetics-industry/>> accessed 24 January 2024

skin irritation. The recall was caused by the presence of benzene, a known carcinogen, in many products.

Not only can allergic responses cause issues, but three out of ten families had difficulty locating genuine products, and 12% of them fell for phoney cosmetics they purchased online and 22% from physical stores. It was evident how difficult it was to return these copycat items as just 35% of store-bought fakes and 55% of online purchases were successfully returned.<sup>12</sup>

## HOW TO STOP FAKE PRODUCTS

To tackle current issues, strengthen regulatory frameworks pertaining to cosmetics by introducing provisions for clinical trials, bioequivalence studies, and acceptable manufacturing practices.

**Simplify Enforcement methods:** Develop a coherent and effective regulatory plan to address the disparate enforcement methods. Simplify federal and state authority structures to reduce duplication and provide more distinct roles and duties.

**Provide Enough Funding, Infrastructure, Labour, and Technology:** Overcome resource shortages by providing enough financing, labour, and technology. bolster the capacity of cosmetic manufacturing plants' audit, testing, monitoring, and supervision functions.

**Enhance Transparency:** Attend to issues pertaining to openness in regulatory organisations. Assure regulatory power and responsibility to stop the sale of inferior or counterfeit cosmetics.

**Boost Industry Compliance:** Encourage manufacturers to conform to established norms and standards by raising awareness and knowledge among them and moral behaviour. Encourage accountability from the industry and adherence to safety regulations.

**Educate Consumers:** Put in place extensive programmes aimed at educating people so they can make the distinction between authentic and fake goods. Stress the dangers of wearing phoney cosmetics.

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<sup>12</sup> Times of india , 'One in six households in India have experienced an allergic reaction due to cosmetics: Survey' (*Times of India*, 23/12/2022) <<https://timesofindia.indiatimes.com/business/india-business/one-in-six-households-in-india-have-experienced-an-allergic-reaction-due-to-cosmetics-survey/articleshow/96386322.cms?from=mdr>> accessed 24 January 2024

**International Cooperation:** Encourage cooperation between countries to create standardised international legislation pertaining to cosmetics, forming a group defence against counterfeit goods, and harmonising safety requirements.

## CONCLUSION

In summary, the complex web of Cosmetic Law, woven within the structure of the 1940 Drugs and Cosmetics Act and reinforced by later laws, serves as a vital safety net for the Indian cosmetics sector. The experience navigating this regulatory environment highlights how crucial it is to follow the law in order to preserve customer confidence, product safety, and industry integrity. The regulatory system has drawbacks despite its advantages, such as antiquated legislation, ineffective enforcement, and little resources.

Even if they are extensive, the enforcement methods may use some streamlining to guarantee a more unified and effective strategy. Sufficient resource allocation is essential for carrying out exhaustive audits, testing, and facility monitoring of cosmetic manufacturing plants. To deter violations of regulations, manufacturers' comprehension and compliance with those bodies must be improved, and regulatory organisations must become more transparent prevailing standards.

The cosmetics industry's exponential growth necessitates ongoing regulatory framework adaption. Even though they are fundamental, the current regulations need to be updated to fully accommodate the intricacies of the contemporary cosmetic scene. The regulatory framework would be strengthened by adding requirements for bioequivalence research, clinical trials, and modern good manufacturing practices.

Consumer education is emerging as a critical tactic to enable people to discern between authentic and fake goods. In order to create a worldwide defence against counterfeit goods and harmonise safety standards, international coordination is needed in order to develop universal legislation pertaining to cosmetics.

In summary, the public, industry stakeholders, and regulatory agencies must work together to create a more transparent, compliant, and improved future for the cosmetics business, even as they recognise the benefits of the present regulatory system. Just only by working together will the industry be able to prosper and maintain its top priority of customer safety.