

# Guidance in Identifying Personal Care Products during Pandemic In-Person Retail Limitations

## Intent of this Document – Objective Approach

This document has been prepared by Cosmetics Alliance Canada. It is intended to assist retailers and public health officials in objectively identifying “personal care” products which are essential (i.e. due to health and/or hygiene purposes) during pandemic limitations on in-person retail.

The criteria used in defining “personal care” is based on the definitions used in Canada’s Food and Drugs Act and Regulations and can thereby provide a uniform and objective approach to decision making.

**Please note the measures taken in ONTARIO under the recently announced pandemic retail restrictions effective April 8<sup>th</sup>, 2021** - As indicated in the Ontario Government’s public announcement (available [HERE](#)):

- Most “non-essential” retailers may open for curbside pick-up and delivery only.
- “Essential Retailers” (i.e. grocery, pharmacy) may open with the exception that “Discount and Big Box stores” must limit their in-person retail sales to “grocery items, pet care supplies, household cleaning supplies, pharmaceutical items, health care items, and **personal care items** only”.
- This differs from the recent restrictions in Quebec where ALL retailers were restricted to selling ONLY “essential” products, which included products defined as “health and hygiene” rather than “personal care”.

Consequently, this guidance is particularly relevant in defining “personal care” in Discount and Big Box Stores.

## List of Personal Care Product Categories Covered by this Guidance

- soap, skin cleansers, toners, exfoliants/scrubs, masks, makeup removers
- moisturizers, skin care treatments, sunscreens
- acne preparations, medicated skin creams, diaper rash creams, lip balms
- shampoo, anti-dandruff products, hair conditioners and treatments
- hair dyes/colourants, hair relaxers, hair styling products (e.g. gel, mousse, sprays)
- toothpaste, mouthwash, tooth whitening products
- deodorants, antiperspirants, body powders
- shaving preparations (e.g. shaving cream, after-shave), hair removal creams
- colour cosmetics/makeup including foundation, powder, blush, eye-shadow, mascara, eye and lip liner, lipstick, nail polish, and fragrances

## Definitions in Canada's *Food & Drugs Act* and *Regulations*

All "personal care" products are governed by Canada's *Food & Drugs Act* and are regulated under one of the following three regulations based on the product's function and source of any "active" or "medicinal" ingredients:

- (a) **Drug Regulations** – are for products that **MUST** have a therapeutic benefit and therefore are for health and/or hygiene purposes. They are identified by a Drug Identification Number (DIN) on the label.
- (b) **Natural Health Products Regulations** – are for products which **MUST** have a therapeutic benefit but differ from "drugs" in that their "active" or "medicinal" ingredient(s) can all be found in nature. They too are for purposes of personal health and/or hygiene. They are identified by a Natural Product Number (NPN) on the label.
- (c) **Cosmetics Regulations** – are for products defined by the *Food & Drugs Act* as used for personal cleansing, improving, or altering the complexion, skin, hair or teeth. There is no specific identifier on the label.
  - (i) Products which "cleanse" or "improve" the skin, hair or teeth are for personal care and are essential.
  - (ii) Deodorants and antiperspirants are regulated as "cosmetics" and are essential for personal hygiene.
  - (iii) Products which "alter" (or cover) the complexion, skin, hair or teeth (e.g. makeup, hair colour, etc.) are for personal care.

They are used by people suffering from various conditions which affect their appearance including skin conditions, scars, burn marks, or cancer and its treatment and can be considered "essential" to their general health and well being. Also, current research suggests that maintaining personal care regimes positively influence emotional and physical well-being which can decreased stress and bring identifiable benefits to the body and brain. The use of these "altering" products such as make-up, hair dyes, etc. may be essential to a person's well-being, self-confidence, stress management and general mental health (particularly while under a "stay-at-home" order).

## Cosmetics Alliance Canada

Cosmetics Alliance Canada is the lead trade association for the personal care products industry in Canada and represents over 150 companies including manufacturers, distributors, retailers and suppliers of goods and services to the industry.

## Questions or Inquiries?

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