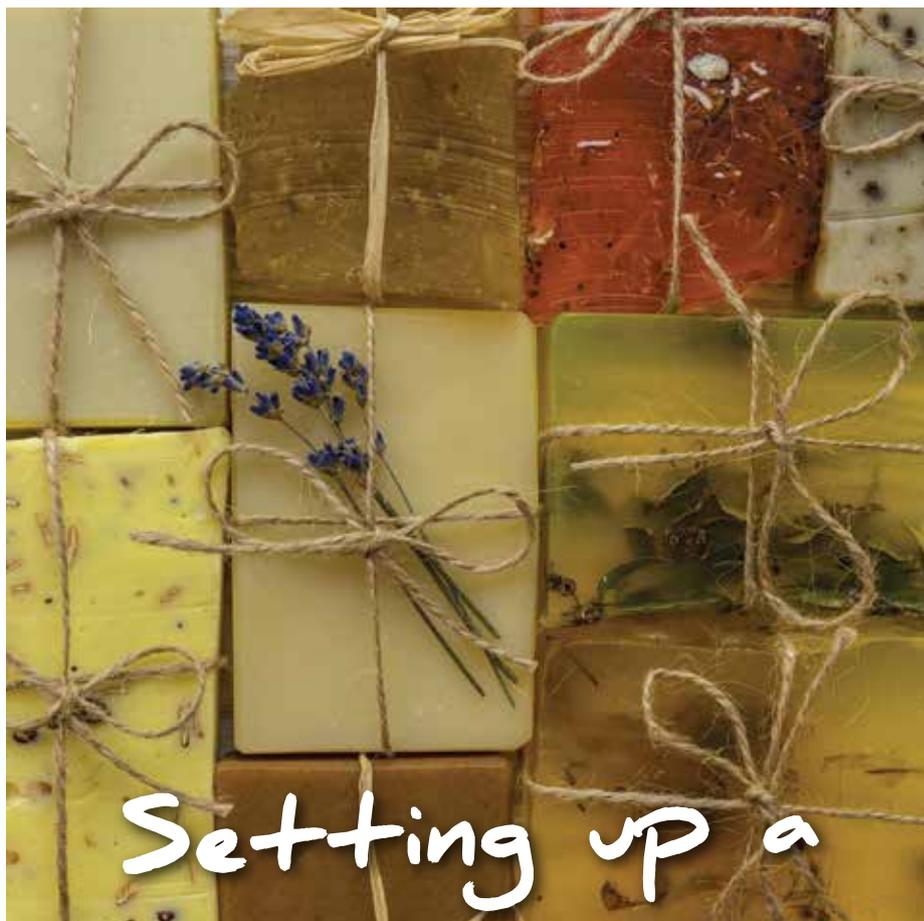




Seren Hollins

Seren is a food historian and professional cook, who can be found most weekends dressed up in historical costume cooking up meals for various events and festivals.

Visit serenitykitchen.com to join in the fun.



Setting up a

HOME-MADE COSMETICS BUSINESS

Seren Hollins considers the legal requirements which any business selling cosmetics to the public must meet

Whether you have made soap and beauty products for years, or are simply tempted to sell hand-made cosmetics, there are things you will need to do to take a product to market. Developing a range that customers want is just one of many hurdles, and selling hand-made cosmetics involves considerable compliance, but that's no reason to give up. Here are a few things to consider:

- Work out what product(s) to focus on – cosmetics is a broad term.
- Decide on a brand message, brand image and a route to market.
- Formulate and test your products on friends and family, and be willing to make changes.
- Obtain a Cosmetic Product Safety Report (CPSR).
- Establish a Good Manufacturing Practice – this ensures products are safe and manufactured in a professional and hygienic manner.
- Formulate and keep a Product Information File (PIF) – this is a record of your product and the latest batch produced, should it be requested by governing authorities or the public.
- Give each batch of your product a unique batch code – this involves keeping a complete record of everything you make and the ingredients used.
- Abide by labelling laws and comply with labelling legislation.
- Acquire all relevant insurances.
- Label your products correctly – this may sound simple, but it is essential you approach labelling in an ordered fashion so batch numbers, ingredient lists etc. are correct and correspond with all your records.
- Notify the Cosmetic Products Notification Portal (CPNP) –

ec.europa.eu/growth/sectors/cosmetics/cpnp_en – a database for the purposes of market surveillance, analysis, evaluation and consumer information.

- Notify HMRC, Trading Standards (tradingstandards.uk) and other relevant authorities that you are manufacturing products.

The list seems daunting, but you'll soon get to grips with it, and a home-made cosmetics company is rewarding and a great way of generating income.

We should take inspiration from Denise Purdie. When her husband's earnings potential was affected by an accident, she felt compelled to act, so, with four young children to support, she turned to soap making; something she learned from her grandmother as a child. With just £35, and without knowing how to use a computer, she began making soap in her

cottage kitchen in Argyll, and thus Purdie's – The Scottish Soap Company (**purdies.org**) was born. Her £35 investment was almost tripled at her first fair, and today Denise owns three shops in Dunoon, Inveraray and Glasgow, and ships across the globe, selling natural soaps, candles, bath oils, shampoos and lotions as far afield as Japan and the US, and all from modest beginnings.

There are many inspiring stories and brands, but no article is complete without mentioning Lush, launched in 1994 from a single store in Poole, Dorset, which has grown to a 438-strong chain, including 80 in Britain. It has expanded into North America, Japan and Australia, and there is even a store on Times Square in New York. Husband and wife team, Mark and Mo Constantine, are behind the business, and their story demonstrates how fickle success can be. Before founding Lush they were the largest supplier to the Body Shop and great friends with the Roddicks, but when their original business, Cosmetics to Go, failed, they lost serious money. The couple started selling freshly-made cosmetics from their Dorset shop and since then Lush has become an international success. Yet despite impressive growth they remain true to their roots and ideals.

The invaluable lesson of standing out from the crown can be learned from companies such as Purdies, Lush and The Body Shop. Each business' success is grounded in a clear message to consumers about the value of the products, which is why deciding on a range and developing a recognisable brand is so important from the outset. Your new business needs a message, and to remain faithful to it. This can be seen in the vision behind The Body Shop. Founded by the late Anita Roddick and her husband in 1976 as an ethical beauty brand that notably didn't test products on animals, the company became a successful business known for cruelty-free, natural and unusual cosmetics.

It was bought by L'Oreal (owned by Nestlé) in 2006 for £650m and has not enjoyed the same momentum since the acquisition. The company undoubtedly lost some authenticity, and sales apparently fell by five percent last year. With 3,000 stores in 66 countries around the world, the business is now for sale. Be authentic, build a credible brand, and be prepared to tell the story of your products.



A colourful Lush display.

With Lush it is undoubtedly the appearance and smell of the products. The ingredients are mostly natural, and packaging is avoided where possible. But there is a clever commercial reason behind not wrapping products; whilst some companies are recognised by logo, Lush is recognised by aroma, and natural cosmetics smell stronger out of the wrapper – something to consider when thinking about presentation.

FORMULATING AND TRIALLING PRODUCTS

Developing cosmetics is like being a chef. Gather your ingredients, try it out and see how it is. Start with a good base recipe then add and subtract ingredients until you get the result you want. A good nose is handy, but a good memory for scents is essential.

I was crafting hand-made lotions, potions and soaps in the late 1990s, and while many laws have changed, the process of developing a good product hasn't. I am currently developing a soap to sell alongside my marmalade; it is to be sold as a marmalade-scented, orange-shaped soap I can include in my marmalade lover hampers. Consequently, I'll be going through the steps I'm sharing with you here.

You may want to create products for sensitive skin, containing

goat's milk or herbs and botanicals that are abundant in your own area, or that you cultivate. The first stage is to consider what products you want to develop, what ingredients you want to include, and what qualities you want them to have i.e. moisturising, reviving, cleansing, relaxing etc.

Start with a tried and tested recipe, but regard it as a starting point to allow you to add ingredients and play around until perfected. There are some good publications about hand-made soap and cosmetics, and it's well worth checking them for ideas and trouble shooting. Also take a look at hand-made cosmetics already on the market, and ask friends and family to trial products you make, and to give you honest feedback.

Whilst experimenting with your recipes, keep accurate records, otherwise you'll perfect a recipe only to never be able to recreate it!

LEGAL REQUIREMENTS

Having developed your range, you need to fulfill all the legal





requirements. The first task is gaining Cosmetic Product Safety Reports (CPSR) for your products. In July 2013 new legislation changed Safety Assessments to Cosmetic Product Safety Reports (CPSR) which are much more detailed. Every cosmetic product on the market must have a CPSR carried out by a suitably qualified person such as a chemist. The CPSR certifies a product will provide no significant risk to health under normal use.

There are a few companies offering this service, but it must be conducted by a suitably qualified individual. I found Cosmetic Safety Assessments (cosmeticsafetyassessment.com) helpful and a great source of advice. An assessment takes around three weeks from a successful recipe submission and payment. You e-mail your recipe to them following their guidelines, and providing that your ingredients are reasonably standard you should receive your CPSR within three weeks. Costs start from £79 for a single product such as a soap or bath bomb, to £139 for a complex lotion, but small producer packages start from £180 for eight products using the same base recipe with different additions. Visit the company's website for details and useful information on labeling.

COSMETICS REGULATIONS

These regulations ensure cosmetic products on sale in the UK (and throughout the EU) are safe and fit for purpose. The sector is regulated by European legislation, the Cosmetics Regulation (EC) No. 1223/2009, and it is important you acquaint yourself with it. Visit gov.uk/guidance/product-safety-for-manufacturers#cosmetic-products-safety-regulations to find out more. Article 4.2 of the regulations states:

“For each cosmetic product placed on the market, the responsible person shall ensure compliance with the relevant obligations set out in this Regulation.” If making and selling products *you* are considered the responsible person, and *you* are responsible for *all* the obligations set out in the regulations. It is your responsibility to ensure you are complying with the regulations and carrying out all necessary record keeping and safety precautions, so don't let your record keeping lapse, and make sure you follow your recipes faithfully –there is no place for a pinch of this and a slug of that.

The Cosmetics Regulation controls what may or may not be put into a cosmetic. The primary purpose is to guarantee safety and ensure every product can be bought with confidence. EU Regulation (EC) No 1223/2009 makes it an offence to supply a cosmetic product that may cause damage to human health, or that contains specific restricted or prohibited substances. You have a legal obligation to ensure the products you make and sell comply with relevant legislation.

It is also an offence not to undertake certain safety assessments and to not compile technical documentation. This means you must have your products safety assessed and certified, as well as keeping appropriate paperwork and records. It is actually not a daunting task in practice, if you read and understand what is required and approach your new business in an orderly and methodical fashion. You can find a copy of the full regulations at eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:342:0059:0209:en:PDF and a summary at europa.eu/legislation_summaries/consumers/product_labelling_and_packaging/co0013_en.htm.



FOOD IMITATION REGULATIONS

This is one regulation I will encounter as I wish to produce an orange-shaped, marmalade-scented soap, however, Food Imitation Regulations prevent the sale of non-food items with the 'appearance' of food. This means bath bombs, soap or other products should not look like cupcakes, fruit, biscuits, slices of cake, or anything else that is edible, meaning they could be mistaken for food. Indeed, the Food Imitation (Safety) Regulations 1989 state: "No person shall supply, offer to supply, agree to supply, expose for supply or possess for supply any manufactured goods which are ordinarily intended for private use and are not food but which:-

(a) have a form, odour, colour, appearance, packaging, labelling, volume or size which is likely to cause persons, in particular, children to confuse them with food and in consequence to place them in their mouths or suck them or swallow them; and

(b) where such action as is mentioned in (a) above is taken in relation to them, may cause death or personal injury.

"Food Imitation Regulations prevent the sale of non-food items with the 'appearance' of food. This means bath bombs, soap or other products should not look like cupcakes, fruit, biscuits, slices of cake, or anything else that is edible"

Curiously, EU Regulation (EC) No 1223/2009 actually states: "There are many notable manufacturers that flaunt these guidelines for their products with Bomb Cosmetics being an obvious one, so many people think that because they do it, it's OK, but these larger companies take full control of their own CPSRs and as such can make their own decision as to whether a cake-shaped bath bomb or soap is really a

danger to health, and as the law is actually unclear they get away with it because eating a soap or bath bomb is likely not to be fatal, only to taste vile. The problem for smaller manufacturers is finding any laboratory which will put their name to a CPSR when it is for a product that looks like or is packaged like food, and generally they will not, so this is why Bomb Cosmetics make cake-shaped products, but our small customers find themselves unable to."

I will be tackling this issue head on and meeting with Trading Standards to discuss their stance on my orange soap. Visit legislation.gov.uk/ukxi/1989/1291/contents/mad to see the Food Imitation Regulations.

NEXT MONTH

We shall look at trading standards, correct labelling, registering with CPNP, packaging, branding, and routes to market, as well as how well my marmalade soap met legislation and legal requirements.



Left: Moulds for Seren's orange-shaped, marmalade-scented soap. Middle: Making the soap. Right: Filling the moulds.