

“The Rose Sheet”[®]

COSMETICS, SKIN CARE AND FRAGRANCES

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TOP STORIES

REGULATORY

P&G Backs Proposed SPF Cap For Sunscreens, In Break From Rivals

Procter & Gamble supports FDA's proposed ceiling on sunscreen SPF claims, maintaining that high-SPF products do not provide a significant incremental protective benefit and that capping SPF claims at "50+" will harmonize the U.S. with other international regulatory frameworks without stifling innovation..... **5**

NTP Requests Comment On Review Process For Carcinogens Report

The National Toxicology Program is reviewing its process for developing the Report on Carcinogens, inviting public comment as it aims to improve transparency and efficiency and publish the report "in a timelier manner," according to an Oct. 31 Federal Register notice.... **8**

BUSINESS

L'Oreal USA Plugs Into Device Category With PBL/Clarisonic Acquisition

L'Oreal USA will add *Clarisonic* skin-care devices to its portfolio with the acquisition of Redmond, Wash.-based **Pacific Bioscience Laboratories Inc.**, announced Nov. 9 **10**

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Fighting Ingredient Disclosure Is Losing Battle, Consultant Suggests At RIFM Meeting

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The Research Institute for Fragrance Materials' 46th Annual Meeting in West, Orange, N.J., touched on the hot-button issue of fragrance ingredient disclosure, not unlike last year's event.

But this year it was an industry veteran urging fragrance firms to bite the bullet and comply.

The question of whether or not fragrance recipes should be made available to the public has arisen in response to accusations from watchdog groups that fragrance manufacturers are trying to hide their use of potentially hazardous substances.

"There's a clock ticking [and] somebody somewhere is going to force ingredient disclosure anyway. It could be Congress, it could be California, it could be Canada, it could be New Zealand - who knows? Whether or not [we] like it, sooner or later, it very possibly will happen." - consultant Steve Herman

While calls for greater transparency are resounding across the consumer products universe, the issue is a particularly sensitive one for the fragrance industry, which traditionally has regarded its intellectual property and the chemistry for hit scents as sacred.

"We should all understand that our brands, our products and our industry are under severe attack," said Sean Traynor, vice chairman of RIFM and president of **Takasago USA**, at the Nov. 3 meeting.

"We've had legislation proposed in California that would open up the possibility of disclosure of formulas, and would be disastrous to our industry," he asserted. The exec emphasized that industry's "secrecy is not in the ingredients we use, but it's the specific mix that goes into those consumer products that end up being the consumer-loved, brand-winning products."

According to Traynor, industry needs to get in front of impending legislation with investments in science and a "much stronger advocacy position for taking on legislators and NGOs."

Currently, the International Fragrance Association - which provides funding for RIFM and incorporates the institute's fragrance ingredient safety findings in global stan-

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dards for its members - is out “engaging with legislators so they understand the business model of our industry,” Traynor noted.

Even so, “we’re behind the curve, we need to catch up. The danger for what is lost if we cannot properly defend ourselves is enormous,” he said, eliciting a round of applause from the room.

Legislation to mandate ingredient disclosure at the expense of trade secrets is being considered on the federal level as well as in California and other states. The Safe Cosmetics Act of 2011 would require personal-care product labeling to list all ingredients, including “the components of a fragrance, flavor or preservative” (“*Safe Cosmetics Act Will Take Small Business Out Of The Game, Group Says*,” “*The Rose Sheet*” July 18, 2011).

Science Isn’t The Answer

Tempers flared at RIFM’s annual meeting last year, when Mark Rossi, research director for environmental group Clean Production Action, gave a presentation on hazard prevention and the unavailability of a “middle ground” with regard to fragrance transparency (“*Tempers Flare At RIFM Meeting Over Transparency, Hazards Avoidance*,” “*The Rose Sheet*” Nov. 22, 2010).

This year, it wasn’t an NGO with a contrary viewpoint, but Steve Herman, a principal at PJS Partners and president of Diffusion LLC with 38 years of experience in the industry, including stints with **Givaudan** and **Robertet**.

“You’re not going to solve the problems of public relations with peer-reviewed science,” said Herman, who now consults on technical, regulatory and other issues affecting the fragrance and personal-care industries and teaches a graduate-level perfumery course at Fairleigh Dickinson University.

“You can do \$100 million worth of safety testing, but if those ingredients are kept confidential, there will be consumer groups that never trust you, period,” he told “*The Rose Sheet*” afterward. “The [Environmental Working Group] is going to come out at the other end and say you’re selling secret ingredients.”

In May 2010, The Campaign for Safe Cosmetics and the Environmental Working Group released a report titled “Not So Sexy” identifying “secret” and allegedly hazardous chemicals in 17 popular fragrances (“*Study Identifying ‘Secret’ Chemicals In Popular Fragrances Spurs Legislation*,” “*The Rose Sheet*” May 17, 2010).

Herman isn’t unable to relate to consumers who are wary of industry secrets. “It’s like a mechanic is fixing your car and you ask if you can lift up the hood and he says no. Do you trust the guy? No.”

By fighting to keep perfume formulas under wraps, “what we’ve done is put up a wall,” Herman said. “As long as the wall is there, we’ll never get over what our opponents think now about our fragrances loaded with endocrine disruptors and parabens and phthalates.”

Much To Gain, Nothing To Lose?

Herman believes it is in industry’s best interest to lower the wall. The exec does not envision a system in which ingredient disclosure is mandatory, but if a fragrance house’s client, particularly a large consumer goods company, feels compelled to make the information available to its customers - by posting it online, for example - it should be free to do so, he argues.

Seventh Generation already does this for some of its products in cooperation with its suppliers.

“If a major consumer company insisted that its fragrance suppliers provided the information to enable the disclosure of fragrance ingredients to its customers, that would change the paradigm,” Herman said.

He proposes that IFRA could draw up voluntary guidelines so that “if you’re **Avon** or **Revlon** and you want to provide ingredient disclosure, here’s the way we’re going to do it. Here’s a list of materials and here’s the format.”

IFRA already has published lists of fragrance materials used globally, Herman noted. In disclosing, companies could refer to those lists and use ingredient names without numbers or percentages, he suggested.

The exec holds that companies really have nothing to lose, and when it comes to trade secrets, there’s nothing to protect, he says.

“There are no trade secrets. The first moment a product hits the shelf, everybody duplicates it,” Herman said. “Marketing people open up a magazine and see Paris Hilton’s new fragrance and say, ‘Let’s duplicate it.’ You think that any company in the world can’t make Britney Spears fragrance?”

Furthermore, what makes a scent successful is much more than the juice itself and the notes that compose it, according to Herman.

“If I gave you the formula for *Chanel No. 5*, what are you going to do with it? Take their business away?”

Herman maintains that the success of a fragrance franchise hinges on the relationship between the consumer and the brand.

In any event, the disclosure matter is largely out of industry’s hands, according to the industry vet. “There’s a clock ticking [and] somebody somewhere is going to force ingredient disclosure anyway,” he said. “It could be Congress, it could be California, it could be Canada, it could be New Zealand - who knows? Whether or not they like it, sooner or later, it very possibly will happen.”

RELATED READING

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