Can government protect consumers?

The best cosmetics watchdog is the user

Women who use cosmetics today have more agencies concerned with their safety than ever before in history. Still it remains the responsibility of consumers like Barbara Tyson of Rochester to follow directions on the product and use cosmetics wisely. (Staff photo by Mindy Saunders)

By SUSAN TAUBER

There are several agencies which regulate the cosmetic industry, controlling ingredients in products and requiring labels with explicit directions.

But none of these agencies can act as watchdogs over the major misuser of cosmetics—the consumer.

All the professionals can do, according to three panelists in "Cosmetics: The Dream Factory" workshop given recently at Cobo Hall, is give consumers directions on how the to use the products, information on ingredients, and hope the products are used wisely.

The speakers were Martin Greif, assistant to the director, Division of Cosmetics Technology, U.S. Food and Drug Administration (FDA) and Norman Estrin, vice-president of Science, Cosmetic, Toiletry and Fragrance Association (CTFA). Both men are from Washington, D.C.

Dr. Harold Plotnick, assosiate professor of dermatology at Wayne State University School of Medicine, offered safety tips on using cosmetics, including hair dyes and nail polish. The workshop was part of a day-long conference, "Consumers Can Compete," sponsored last month by a state committee of the U.S. Food and Drug Administration, Detroit District.

IT WASN'T UNTIL 1938 that cosmetics were federally regulated. The first law, passed in 1906, didn't include cosmetics, according to Greif.

Even since 1938, the cosmetic industrty has changed. Women no longer have to get up hours before their husbands to put on cosmetics since it was once frowned on to wear them. Now women have to compete with their spouses to get a mirror to use to put on the new cosmetics, available for every part of the body.

Greif and Estrin both discussed labeling, and how their agencies have been working to improve the information given to consumers.

"We've issued several regulations about labels to provide meaningful information. Manufacturers have to disclose a list of ingredients in decreasing order of dominance and if a firm thinks its inappropriate to list a certain ingredient, because of a trade secret, it can be exempt if FDA agrees," Greif said.

These secrets ingredients are listed under "and other ingredients" on the label.

"Fragrances and flavors don't have to be disclosed because they are too complex to put on a label. Each may include 50 to 200 complex ingredients," Greif added.

ANOTHER CHANGE in cosmetic labels came from a petition by CTFA, asking that FDA issue a regulation for uniform names for ingredients.

"Labeling wouldn't mean anything to consumers unless manufacturers could use the same name for the same ingredients. CTFA decided to find out what's in cosmetics and assign names for everyone to use. We invited FDA to participate," Estin said.

The results are published in a reference dictionary, "Cosmetic Ingredients Dictionary."

The book is valuable to dermatologists, Estrin said, and Plotnick told how he uses the dictionary for reference.

"If a cosmetic irritates you, stop using it," the Franklin resident said. "Bring the preparation to a doctor. He understands the ingredients and will help you find a preparation without that ingredient."

Plotnick said the cause of irritations comes from two causes, either the concentration of the product is too strong or the consumer is allergic to

"If you're allergic, you can't dilute the product. You have to eliminate its use," he advised.

Plotnick offered more advice. Asked if products which purport to help hair grow really work, he said, "The only thing that makes hair grow is good nutrition."

HE ADVISED consumers only use roll-on deodorants, since aerosals are like refrigerants and freeze the skin, causing it to peel.

"Don't use deodorants on the outside of the arm pit either, just around the pit itself. The hair in the pit protects the skin," he added.

The doctor's main advice, however, was about cosmetics with perfume. He said that 98 per cent of all skin problems he treats are from cosmetics with perfumes.

The only contradictions in the hour-long workshop, moderated by Mary Jane Bostick, professor of Family and Consumer Resources at Wayne State University, involved hair dyes.

"The most visible FDA concern right now is hair dye safety," Greif said. "Two large manufacturers of hair dye have removed one ingredient, called 4-MMPD, (4-methoxy-m-phenylenediamine) from hair dyes. FDA has said products still containing it must have a warning label.

"The product contains a carcinogenic agent and penetrates the skin in small quantities. FDA thinks there is an element of risk from 4-MMPD," Greif said.

Estrin said his agency did studies suggested by the American Cancer Society. The ingredient was put on the skin of animals and there were no adverse results.

"Even if the studies were valid, it would be a weak carcinogen," Estrin said. "But we had manufacturers reformulate hair dyes because of letters from consumers. We don't believe 4-MMPD is harmful."

The workshop on cosmetics was part of the conference because FDA regulates food, drug and cosmetics. The agency, which is part of U.S. Health, Education and Welfare, can only take legal action only after a cosmetic has been shown to cause harm or when its label is misleading.

"Cosmetic provisions haven't been changed in 40 years. Until the law is amended, FDA must prove a cosmetic is harmful before taking action when with other products, manufacturers must prove the products are safe before marketing them. Hopefully, this FDA regulation will change," Greif said.

Farmington Observer
Suburban Life
Thursday, November 16, 1978 (F)1B

Agencies ask those who buy to help regulate

By SUSAN TAUBER

Government is concerned about the needs of consumers.

That was the theme of a recent gathering in Cobo Hall that found top officials of the Food and Drug Administration (FDA) and the Federal Trade Commission (FTC) exchanging ideas with some 400 knowledgable consumers.

The workshop, called "Consumers Can Compete," brought to town the head of the FDA, Commissioner Donald Kennedy, and the assistant chairman of the FTC, Christian White.

They shared the spotlight with workshop leaders who were brought in by Detroit FDA consumer affairs officer Diane Place.

"We need to hear from consumers," White told the gathering. "There are a lot of strong voices businessmen can raise, and it's easier to document those than to seek consumer help. We need consumers to tell us about the intangible benefits of consumer protection."

Ms. Place said that a major purpose of the conference was to give consumers "tools they need to make wise decisions in the market place.

"We invited people who can carry the messages given here back to others," she said.

KENNEDY PUSHED the same message.

"We moved the Office of Consumer Affairs to the FDA office in Washington so we can avoid any time lag of information between the two agencies," he said.

"But we need local meetings like this one to help consumers get through to government."

Kennedy said that his top priority is getting the Drug Regulation Reform Act of 1978 through Congress.

"This is the first full reshaping of drug regulation since the law was passed in 1938," Kennedy said. "Nine out of 10 prescription drugs on the market are new since the law was passed. There's been a failure of the law to respond to scientific changes and progress.

"This raises a serious question we didn't have to answer in 1938: New drugs aren't being used just to treat acute infections the way we used to use medicine," Kennedy continued. "Now drugs are taken for long-term cronic illnesses and are used to change the way we feel. Examples of these are contraceptives, antidepressants and hypertensives. The law is now outmoded. Science has made government less responsive to your needs."

THE NEW LAW will make the FDA more responsive to consumer needs in various areas, according to Kennedy. It will increase consumer protection by putting all drugs in the same system of regulations.

"We have to stop kidding people about safety," Kennedy said.

He said the new law will also aid in encouraging drug innovations; will enable the FDA to put necessary, important drugs on the market immediately; will make it easier for generic drugs to get into the marketplace and, accordingly, will lower the costs of drugs, and will involve the public in the process of making drugs safe for consumers.

"We're opening up the process of public hearings. We'll pay attorney fees for citizens' groups to participate," Kennedy said.

KENNEDY DESCRIBED one of the other studies that the FDA is currently conducting: Trying to learn what consumers want on food labels.

"The labeling laws are decades old. By the 1950s more than 50 per cent of the food eaten in America was processed. We're asking consumers for their views on ingredient labeling," Kennedy said.

"About cosmetics," Kennedy said that "the FDA has been a little quiet lately, and we will be quiet for a while longer." "Out statutory requirements with cosmetics are weak and need changing. Right now the FDA can protect more people if we work in areas where our authority is strong and the most people are helped."

Changes are coming

Food labels don't tell the whole story

By SHERRY KAHAN

"You are what you eat," according to the adage.

If that's true, the place to discover what you really are is on the ingredients label of the food you eat. But you may be disappointed to find that the information there is less than adequate.

Consumers are complaining that the labels don't tell them what they want to know about the food they buy.

Feeling the heat from the nation's kitchens on the food labeling issue, the U.S. Food and Drug Administration has decided to lend an ear to consumer suggestions. It has been holding a series of hearings around the country on the subject. One such hearing, or series of workshops, was held recently in Cobo Hall.

At the workshop, FDA commissioner Donald Kennedy raised more questions than answers about the labeling problem.

"Is the present system adequate?" he asked in his keynote address. "Should the open date on the label be a pull date, a pack date or an expiration date? Should ingredients be listed by percentages?"

AT THE PRESENT TIME certain information must be on the labels of foods.

- The name of the product.
- The net contents or net weight, which in canned foods will include liquid in which the product is packed.
- The name and place of business of the manufacturer.

On most foods, ingredients must be listed by weight, with the heaviest first. Additives must be included, but the colors and flavors don't have to be mentioned by name. If flavors are artificial, they must be mentioned.

A recent decision requires that labels on food products identify fats and oils by names, such as cottonseed or soybean, to help consumers avoid specific oils or fats for health or religious reasons.

> *'To me the date is the time when the product begins to smell. But this confusion only makes it clear that perishables must have a date that is meaningful to everyone.'*
> *–FDA officer Blanche Erkel*

However, manufacturers like to change the kinds of vegetable oil they use in margarine without mentioning it on the label. Regulations permit them to say their vegetable shortening may contain one of three different oils, but the customers don't know which ones.

Nutrition information is voluntary unless the manufacturer makes specific nutritional claims about the product being fortified, enriched, low or high in colories and a good source of certain vitamins.

If nutritional information is included, it must state in grams the amount of protein, carbohydrates and fats per serving.

The use of the word "imitation" is required when a food is nutritionally inferior to the product for which it is a substitute. If nutritionally equivalent, it can't bear the name of the food for which it is a substitute.

In cases where consumers might be misled or confused, the basic nature of the food must be listed. For example, Tang must carry the statement that it "is not a juice product or soft drink." It is a "brand of instant breakfast drink."

On certain packaged foods words like "you must add chicken to complete the recipe" must be added if there would be confusion otherwise.

BUT WHY ARE SOME foods, such as cream, allowed to go on the market with no ingredients mentioned? This was discussed at the Cobo Hall workshop on labeling.

Using the term "standard brand," Blanche Erkel, of the Minneapolis FDA office, revealed why these brands escape the ingredient-listing rule.

To be standard, a product has to use the same official recipe. For example, fruit cocktail has to have certain fruits, and they have to be in proportions arranged by the standard. If it conforms to the standard, it doesn't have to spell out its contents.

But the standard range was so wide, and the exceptions so frequent, that complaints arose from customers who resented being kept in ignorance of what was being used in ice cream.

"By July 1979 ice cream packages will have to include a list of ingredients," Ms. Erkel said.

MAKING A PITCH for the listing of ingredients by percentages was Sally Herberlein, a former UAW-staffer now working for Detroit Common Council president Erma Henderson.

"Listing ingredients in order of prominence simply doesn't do the job," she said. "It should be done by percentages. If I see that a product is 10 per cent sugar, that helps me more than seeing it listed in third place on the box.

"It is also important to know the full sugar content, rather than having separate listings for sucrose, corn syrup and others. All sugars should be lumped together in one category with the percentage."

She made a joke of hos confusing dating practices can be: "To me the (perishable) date is the time when the product begins to smell," she explained. "But this confusion only makes it clear that perishables must have a date that is meaningful to everyone. On labels we need clear information presented in an understandable manner.

VALA STULTS, dietician for the Kellogg Co., raised a subject that led to a prolonged debate. She pushed strongly for listing ingredients by grams. She claimed that consumers who were tested preferred ingredients listed this way.

A man in the audience objected to the Kellogg presentation. "We've been honored by, or subjected to, a slick, well-honed presentation on the beauty of sugar," he said. "It's hard to punch holes in it. But why not say that a product has 56 per cent sugar?"

Another man called the Kellogg slide presentation "a contrived study to show us we don't need percentages."

"The public is upset by the metric system," observed Detroit FDA representative Diane Place of the after the meeting. "Listing by grams is useful to dieticians and to anyone on special diets. They understand grams. But the rest of the consumers would probably prefer to have percentages used."

Many of the participants concluded that the Kellogg Co. advocated using grams to disguise the amount of sugar in its products. A recent article in Consumer Reports noted that Kellogg's Applejacks has 16 grams per serving. A medium-sized apple has 17 grams.

The magazine added that Kellogg did not mention that a one-ounce serving of Applejacks had 57 per cent sugar, while the apple had only 11 per cent.

Consumers who could not attend the Cobo Hall workshops may send their opinions to the FDA by Nov. 10 by writing: FDA, room 4-62, 5600 Fishers Lane, Rockville, Md. 20857.

Studying the agenda on the FDA conference for consumers are June Warner, left, of Bloomfield Hills who works for the Michigan Restaurant Association, and Bloomfield Township resident Joyce Wiznak, former professor of consumer education at Mercy College.