# CTFA NEWS
December 2018

ctfa
COSMETIC TOILETRY & FRAGRANCE ASSOCIATION OF SOUTH AFRICA

## FROM THE ED'S DESK

Dear CTFA Members

2018 has been a busy year with an ever-evolving legislative environment. As the year comes to a close, the industry is still awaiting the much-anticipated promulgation of the published redraft by the Department of Health. There is still no clarity on the promulgation or where the cosmetic regulatory structure will be housed within the Department of Health.

In September 2018, the CTFA moved offices to Hurlingham Manor and gained two new staff members; Ms Anina van der Walt is the new Head: Regulatory Affairs & Policy Analysis and Samantha Lotkin has taken over the position of Receptionist and Office Administrator. The CTFA is now poised for housing many debriefing sessions and training interventions to keep member companies informed during 2019.

The main focus in this issue of CTFA News is the global and national outlook on microbeads, the impact they are having on the environment and the pending legislation around them.

ISO participation in November this year, gave the CTFA, and in turn industry, a glimpse of pending changes both in the analytical methods and sun care sectors. If your products include natural ingredients indigenous to South Africa, do read the update on bioprospecting/ biotrade and the relevant requirements in South Africa.

Thank you to all members for your ongoing support during 2018. The CTFA wishes all a safe and peaceful festive season with friends and family and we look forward to engaging with you again in 2019.

Kind regards.

Adelia Pimentel
*Executive Director*

## IN THIS ISSUE:



## MICROBEADS ARE AN ENVIRONMENTAL CONCERN - DO WE NEED THEM?

A micron-sized ingredient in personal care products has encouraged the cosmetics industry to rethink the health of the environment. Microbeads have been under public scrutiny ever since studies on the marine litter issue found that these specks of plastic in products can pass through filtration and sewage systems, given the size, enter the waterways, ecological systems and potentially pollute the oceans.

Microbeads are typically made of polyethylene (PE), polypropylene (PP), polyethylene terephthalate (PET), polymethyl methacrylate (PMMA) and nylon (PA), with sizes ranging from less than 5 mm. Microbeads are water insoluble, non-biodegradable, solid plastic particles, intentionally added to assist in exfoliating or cleansing in rinse-off cosmetic and personal care products. Typical cosmetic and personal care products include rinse-off products i.e. face wash, scrubs, toothpaste.

A study carried out by UK's **Plymouth University** found that every time a product like a facial scrub, hand cleanser, exfoliating soap, toothpaste, sunscreen and or shampoo is used, an estimated 100,000 microbeads leach into the environment, thus posing harm to marine life. According to BBC.com.environmental news (Jan 2018) the problem relating to cosmetic use of microbeads could result in 680 tonnes of microplastic waste entering the oceans from the UK alone, every year.

A number of countries have already banned the manufacturing and/or importation of products containing these microbeads. Following below, are a few of the countries where the microbead ban is enforced.

### Microbeads - International updates and trends

**United Kingdom**

In a worldwide win for the environment, the United Kingdom has officially banned the sale of washable products containing microbeads. According to the Guardian International and Glamour UK, the manufacturing of products containing microbeads was banned in the UK in January 2018, however, retailers were allowed to sell these products until June 2018. From June, the total ban of these products, therefore including both their manufacturing and sale, came into effect in England, Scotland and Wales.

Ireland expects to enforce a ban by end of 2018.

**Europe**

The microbead ban has swept across Europe, following the lead of the US, which signed the Microbead-Free Waters Act of 2015 that demanded companies to halt the use of microbeads in beauty and health products from July 2017.

As from 1 July 2018, a Swedish ban on rinse-off cosmetics containing microbeads has come into force.

Other European countries are currently embarking on the same route, included countries such as France, Finland, and Norway.

Italy also recently joined the anti-microplastics movement. According to cosmeticobs.com, on 22 June 2018, Italy notified the WTO a draft regulation aimed to ban the marketing of non-biodegradable and non-compostable cotton buds and exfoliating rinse-off cosmetic products or detergents containing microbeads. Italy is prohibiting the production and sales of rinse-off cosmetics products with microbeads starting 2020.

**Asia Pacific**

Along the same vein, the call to eliminate microbeads has been sought across Asia since 2017, with over 500 environmental and consumer groups making the appeal to Asian countries to ban the use of microbeads in PCCPs.

**Taiwan**
The ban on microbeads is being enforced. According to the Environmental Protection Administration in Taiwan, the ban that will take effect from July 2018 and covers products like facial scrubs, body wash, soaps, shampoos, cosmetics, deodorants and toothpastes.

**Australia**
Products containing microbeads are still legally produced and sold in Australia - however, companies are voluntarily phasing them out. Companies are following international suit and according to government resources, willingly working towards the successful implementation of an anti-microplastic position.

**India**
Although the Bureau of Indian Standards (BIS) has classified microbeads as "unsafe" for use in cosmetic products, there is no prohibition against its use.

**Japan**
A bill intended to reduce the volume of microplastics dumped into the ocean was approved by Japan's Parliament on 15 June, but it included no sanctions for failure to comply.
Japanese industry has started taking measures to address concerns about microplastics, according to the government, with major manufacturers already ending the use of microbeads.

**United States**
The US passed a law to ban the production of personal care products and cosmetics containing plastic microbeads from July 2017. This law, which was aimed at protecting the nation's waterways, also stated to ban the sales of cosmetics containing microbeads from beginning July 2018.

**Canada**
After nearly two years in the making, Canada has enacted the ban on microplastics in toiletries, effective from July 2018. As of July 1st, the manufacture, import, and sale of most toiletries that contain microbeads where all banned. Product exceptions include natural health products and over-the-counter drugs.

## Microbeads out, natural alternatives in

It is a valid line of reasoning to conclude that microbeads are entirely unnecessary when there are natural alternatives available.

When biodegradable alternatives to plastic microbeads are researched and evaluated, it is evident that there are various particle properties that will influence the Research and Development scientist in switching to a more natural particle option for the formulations such as:

- The natural particle skin-feel properties comparable to the plastic counterpart.
- Does the natural alternative contain for instance petrochemical ingredients?
- Are the replacement natural "microbeads" available in a range of particle sizes or colours?
- Are these natural "microbead" replacements easy to formulate with and compatible with all other cosmetic ingredients?

Other natural alternatives are: beeswax, rice bran wax, jojoba waxes, starches from corn, tapioca and carnauba, seaweed and silica, clay. There are yet other environmentally viable alternatives that are being developed from plants, algae, and shellfish.

Scientists and engineers from UK's U**niversity of Bath's** Centre for Sustainable Chemical Technologies (CSCT), have developed beads made from cellulose, in this process, the scientists dissolve the cellulose to reform it into tiny beads by forming droplets that are then "set". These microbeads are robust enough to remain stable in a body wash, yet can be broken down by organisms at the sewage treatment works, or even in the environment in a short period of time, the team said.

The researchers anticipate they could use cellulose from a range of "waste" sources, including from the paper making industry as a renewable source of raw material. Their study was published in the journal ACS Sustainable Chemistry and Engineering.

With several countries worldwide having phased out microbeads or in the process of doing so, studies prove that there is a positive move towards reducing microbeads in cosmetic products. The European trade association Cosmetics Europe announced in May that over 97% of plastic microbeads have already been phased out from cosmetics, because of its campaign from 2012 to 2017. This decrease represents over 4,250 tonnes of plastic microbeads substituted and removed.

The efforts from industry involves research, investment and reformulation, these are time-consuming, complex and costly. However, the availability of suitable alternatives has also played a critical role.

## Where does South Africa stand in the microbeads saga?

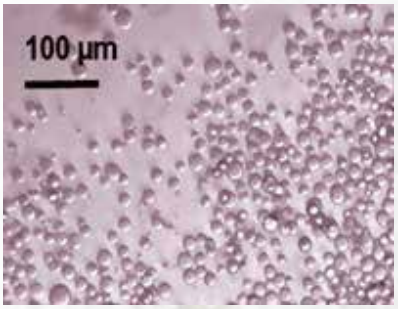
The drive globally to ban microbeads bodes well for the South African industry, as South Africa generally looks to European legislation for guidance and the intention is to follow the same route and ban the use of non-biodegradable microbeads by 2020.

The protection of the environment is of utmost importance to the cosmetics and personal care industry in South Africa. The industry is committed to working with all the relevant stakeholders to find risk and science-based solutions. CTFA members have been aware of the microbeads issue for some time and survey results show that they are in the process of implementing alternative substitutes. Research, investment and reformulation is being done on an ongoing basis to reach the ultimate goal of natural alternatives that do not pose a hazard to the environment.

In the meantime, the CTFA are engaging with the Department of Environmental Affairs (DEA) on an ongoing basis to ensure that the transition to legislation is conducive to a thriving industry. Industry concerns are being conveyed to DEA on allowed timelines and industry constraints.

Do we need microbeads? Most companies would agree that we do as they enhance not only the aesthetics of cosmetic products but also ensure that the product delivers on its promise to the consumer. The real challenge lies in how to formulate and manufacture efficacious products with environmentally friendly microbeads.

South Africa is looking at banning microbeads with a probable timeframe of 2020/2021.



# THE COSMETIC REGULATORY STRUCTURE AT THE DEPARTMENT OF HEALTH

**It has been almost twelve months since the Department of Health (DoH) published the redraft of the Regulations relating to the labelling, advertising and composition of cosmetics. During this time the CTFA has had various interventions with the Department of Health and one of the key questions we have asked the DOH is clarity on the structure the DOH has planned for the custodianship and enforcement of the cosmetic regulations.**

To date, there has been no definite answer, mostly due to lack of resources at the Department of Health. It is important that we, as an industry, have clarification on this issue so that future expectations from both the Regulator and industry are clear in a regulated industry.

To this end, the CTFA sent a letter to the Deputy Director General of the Department of Health, Dr Anban Pillay, with a copy to the Minister of Health, Dr Aaron Motsoaledi, the Acting CEO of SAHPRA, Ms Portia Nkambule as well as the MCC Officer, Ms Momeena Omarjee requesting clarity and proposing a Directorate for the Cosmetic Industry.

Below is the letter sent:

*"Re: Proposed Directorate for Cosmetic Industry - based on the pending Labelling, Advertising and Composition of Cosmetics Regulations – Foodstuffs, Cosmetics and Disinfectants Act, 1972*

*The Cosmetic Toiletry and Fragrance Association (CTFA) represents over 80% of cosmetic companies in South Africa. These range from small to medium sized enterprises and also includes major multi-national companies. The CTFA has been the custodian of the cosmetic, toiletries and fragrance industries in South Africa for 24 years and provides expertise and advice on best business practice and regulatory compliance.*

*The CTFA's comments on both drafts of the Cosmetics Regulations cited above, highlighted areas that required alignment with international and local best practice, as well as practical challenges and consequences that the industry will experience following promulgation.*

*Post both commentary periods in 2016 and 2017, the CTFA has been continuously engaged with the Department of Health, including a number of round table meetings and discussions, on finding the best way forward. As a result, there have been mutually beneficial outcomes, as the CTFA's experience in the self-regulatory environment and knowledge on the regulatory landscape has led to practical and beneficial amendments to both redrafts, with due consideration to both the consumer and the South African cosmetic industry. The CTFA fully supports the changes that have been adopted and the concerns that have been acknowledged, as a result of the above-mentioned consultations.*

*It has been just over two years from the initial draft published by the Department of Health and in order to ensure there is no uncertainty in the cosmetic industry, clarity is required on whereabouts within the Department of Health governance will reside? The CTFA, as an objective industry trade association, is looking towards developing legislation to enhance the industry and, as such, is submitting a proposal for a cosmetic regulatory structure for your consideration.*
*The CTFA is proposing that the Minister appoints a dedicated Directorate to regulate the cosmetic industry. This Directorate would need to be equipped with the relevant skilled resources and a wide knowledge of the cosmetics industry value chain, with all its nuances.*
*The CTFA's vision of this structure for enforcement is not new to the operations of the Department of Health, as similar structures are currently in place for the food and pharmaceutical industries. Both of these Directorates have proven to be beneficial for both the regulator and the respective industries alike. Since each industry is unique, having separate Directorates for each one ensures that the required, focussed resources and expertise are available to operate optimally. The proposed draft regulations are very specific to the cosmetic industry and cannot therefore be easily incorporated into an existing Department of Health regulatory framework, without potentially resulting in mis-regulation of a thriving industry.*

*The CTFA is grateful to the Department of Health for affording the cosmetic industry of South Africa the opportunity to engage on the proposals made thus far and it acknowledges that its objective perspective has been prioritised. The CTFA further acknowledges that the current proposal will also receive due consideration in the finalisation of the regulatory structure for the cosmetic industry.*

*The CTFA remains available to engage further on the matter.*

*Yours Sincerely,*

*Mark Hobbs*
*CTFA Chairperson*
*(on behalf of the full CTFA Executive Council)"*

*Adelia Pimentel*
*CTFA Executive Director*

The CTFA will continue to engage on this proposal with the Department of Health and keep Members informed.

**IMPORTANT NOTE - DEPARTMENT OF HEALTH REGULATIONS REDRAFT**

In 2018, the CTFA has been promoting the redraft of the regulations as we have been made to believe that this version is likely to remain unchanged when promulgation occurs. Our advice has been, and continues to be, that members and industry at large, familiarise themselves with the requirements of the redraft of the regulations including the ingredient annexures as this will hold the industry in good stead when promulgation does occur.

The industry can expect the regulator to hold an industry workshop prior to promulgation of the regulations, which we have been told, is planned as soon as a structure to oversee the cosmetic regulations has been finalised. The CTFA will continue to engage with the regulator and provide updates to the members as they become available.

# ISO PARTICIPATION: INTERNATIONAL STANDARDS HARMONISATION

**The CTFA participate at the International Organisation for Standardization (ISO) through the South Africa Bureau of Standards (SABS). The ISO Technical Committee consists of members from over 60 countries around the globe all striving to find "common" standards. Continued work in this area is key for South Africa because by participating at ISO we can ensure that the ISO Standards reflect the South African perspective. Harmonised international standards also reduce barriers to trade and adopting these international standards helps to make locally compliant companies more export ready.**

Every year two ISO meetings take place, South Africa participated in the last one that took place in Monaco on the 19-20 November 2018. The CTFA took part in two of the scheduled workshops. As per an arrangement, made possible by collaboration between SABS and the CTFA and in turn SABS and the ISO structures, the CTFA were given permission to participate in the WG3 meeting via webinar. Ms Anina van der Walt logged in and "attended" the WG3 Cosmetics -analytical methods meeting.

For the WG7, the Sun Protection Test Methods meeting, the CTFA assisted Ms Marlize Lategan, the SABS Suncare expert in attending the ISO meeting in Monaco and in turn representing South Africa.

On Monday, 19th November 2018 the 18th meeting of the ISO/TC 217/WG 3 "Analytical Methods" took place in the Novotel Monte Carlo, Monaco. The meeting convenor was Pr. Pierre-Antoine Bonnet.

The projects discussed were the following:

- ISO 21392 Cosmetics - Analytical methods - Measurement of traces of heavy metals in cosmetic finished products using ICP/MS technique Update from project leaders and discussion since CD ballot (from 04/02 to 06/04/2018)
- ISO 23674 Cosmetics - Analytical methods - Determination of mercury in cosmetics by integrated mercury analytical systems for discussion after NWIP ballot results (ISO end date on 2018-11-07) "Determination of mercury in cosmetics by atomic absorption spectrometry (AAS) cold vapour technology after pressure digestion" For discussion – NWIP ballot to be launched
- ISO/TR 22176 Cosmetics - Analytical methods - Development of a global approach for validation of quantitative analytical methods Update from the project leader and discussion since DTR ballot (from 24/07 to 24/09/2018) was given.

The ISO/TC 217 Cosmetics WG 7, Sun Protection Test Methods meeting was held on 19 &20 November 2018, also in Monaco (convenor: Philippe Masson).

The projects discussed during the meeting were as follows:

- ISO 24444 Cosmetics - Sun protection test methods - In vivo determination of the sun protection factor (SPF)
- ISO 24442 Cosmetics - Sun protection test methods - In vivo determination of sunscreen UVA protection
- ISO 16217 Cosmetics - Sun protection test methods - Water resistance – water immersion procedure
- ISO 18861 Cosmetics - Sun protection test methods - Determination of percentage of water resistance
- ISO 24443 Cosmetics - Sun protection test methods - Determination of sunscreen UVA photoprotection in vitro
- ISO 23675 Sun protection test Methods - In Vitro determination of Sun Protection Factor Discussion on ISO results after NWIP ballot ended (2018-10-30)
- ISO 23698 Cosmetics - Sun protection test methods - Measurement of the Sunscreen Efficacy by Diffuse Reflectance ISO NWIP ballot end on 2018-11-20

For more information with regards to the recommendations discussed at the meetings, kindly contact the CTFA. An official report will also be made available in due course.

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# NEW ADVERTISING REGULATORY BOARD (ARB)

**A Notice of Liquidation was issued against the Advertising Standards Authority of South Africa (ASASA) on the 2 October 2018, by Business Rescue Practitioners, Eripio. The embattled organization was under Business Rescue for the past two years, during which time the ASA restructured to reduce operating costs and tried to re-establish a funding system. However, after exploring all avenues the decision to liquidate was made.**

The marketing and advertising industry want advertising to remain self-regulated, therefore a new entity with the same purpose as the previous Advertising Standards Authority has now been established, called the Advertising Regulatory Board (ARB).

The ARB is encouraging previous members to consider staying on as members and become part of the ARB funding model. If the CTFA stay on as members of the Advertising Regulatory Board (ARB), the Association will need to undertake to:

- Bind all our members to the jurisdiction of the ARB;
- Where relevant, our members undertake to bind their customers in turn;
- Encourage our members to become funders of the ARB;
- Facilitate communication between the ARB and our members at all times;
- Acknowledge that we have read and understood the provisions of the MOI of the ARB.

Whilst the CTFA fully endorse the infrastructure to be a member we are still evaluating whether this is a feasible proposition. We are taking into consideration the 'undertaking" stated in the above points, the new Memorandum of Incorporation (MOI) needs to be revisited and there is a need to relook the current set up of the ARB Board consisting of merely three directors which are not reflective of their proposed membership base.

We have taken a wait and see approach, as per the CTFA Exco mandate, while the ARB gain traction in their role before we take the decision of membership on behalf of industry. This will not be a unilateral decision and members will have the opportunity to mandate the CTFA on the decision of membership.

Currently, as you are aware, the CTFA are custodians of the sectoral code for cosmetics and will remain so, whilst the ARB are custodians of the 'main advertising code'. All members of CTFA agree to abide by this sectoral code in their advertising endeavours and this has always been the case.

The only information we have access to, regarding funding of the ARB is below:

*"The ARB is looking for monthly direct commitments.*

*If you are a marketer, the ARB is asking you to consider the following:*
*What 0,1% of your total ad spend is;*
*How much you use the ASA;*
*How important you believe self-regulation is.*
*Based on this, we ask you to tender what you are prepared to pay – with a minimum tender of R1000/month please!*

*If you are an agency, the ARB is asking you to consider the following:*
*The MAC sector charter calls for 2,5% of your NPA as a contribution to responsible social marketing – and this included contributions to the ASA;*
*We would urge all agencies to consider a minimum donation of R1000/month.*

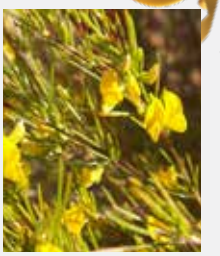
*Do you HAVE to pay?*
*No. At this stage, the Board of the ARB has opted to keep with a voluntary system.*

*What if we don't pay?*
*The risk remains that the ARB will not achieve the financial viability necessary to keep going without member support – so we urge you to "do the right thing" and ensure that we go forward with a viable and sustainable funding model."*

We will keep you informed on future steps with the Advertising Regulatory Board, in the meantime you, as an advertiser, can approach the ARB in the case of an advertising dispute, you are also welcome to come to the CTFA for advice on the above.

# AN UPDATE ON BIOPROSPECTING/ BIOTRADE REQUIREMENTS IN SOUTH AFRICA





**The CTFA and industry at large have worked tirelessly to bridge the gap between industry and the Department of Environmental Affairs (DEA) on various legislative topics. One of these is the bioprospecting/biotrade requirements in South Africa.**

The article below is a summary of these requirements in a succinct manner and could assist in dispelling any difficulties or queries member companies may have.

"South Africa is considered to be the third most mega-diverse country after Indonesia and Brazil, with an incredible 10% of the world's plants, 7% of the world's reptiles, birds and mammals, 15% of known coastal marine species and an entire floral kingdom. South African communities also have a wealth of traditional knowledge relating to use of indigenous biological resources for medicinal, nutritional and cosmetic purposes, and more.

Because of this biodiversity, the National Environmental Management Biodiversity Act, 2004 (the **"Biodiversity Act"** or the **"Act")** and Regulations as amended in 2015 are administered by the Department of Environmental Affairs (**"DEA"**) to:

- Conserve South African biodiversity
- Provide for sustainable utilization of indigenous biological resources; and
- To provide fair and equitable sharing of benefits among stakeholders (in compliance with South Africa's obligations in terms of the Nagoya Protocol).

Various legislative amendments were introduced to support the objectives of the Act, for example, the amendments to South Africa's Patents Act in 2005 require patent applicants to disclose the origin of indigenous biological resources and indigenous genetic resources and traditional knowledge, and to show that they have obtained prior informed consent and have shared benefits with providers.

The early years of regulation in terms of the Biodiversity Act were stormy and there was much confusion around who needed to apply for permits and what exactly was required from applicants. But with experience garnered over time by DEA officials (who are custodians of the Act) stakeholder education and the publication of various guidelines, such as South Africa's Bioprospecting, Access and Benefit- Sharing Regulatory Framework published by the DEA in 2012, there is now more clarity and certainty about what the requirements are. There have been 85 permits of various types issued up until July 2018.

## What is covered?

The Act regulates bioprospecting on and biotrade with indigenous biological resources, indigenous genetic resources and use of traditional knowledge. In terms of the Act:

- **Indigenous biological resources** are defined quite broadly to include any living or dead organism of an indigenous species in South Africa, as well as the use of their genes or biochemicals.
- **Traditional use or knowledge** refers to the customary utilization or knowledge of indigenous biological resources and indigenous genetic resources by an indigenous community or individual, in accordance with written or unwritten rules, usages, customs or practices traditionally observed, accepted and recognized by them, and includes discoveries about the relevant indigenous biological resources or indigenous genetic resources by that community or individual.
- **Bioprospecting** is defined as any research, development or application of indigenous biological resources for commercial or industrial exploitation.
- **Biotrade** means the buying and selling of milled, powdered, dried, sliced or extracted indigenous biological resources and indigenous genetic resources for further commercial exploitation.

## Exclusions

There are certain resources and activities excluded from the Act:

- Human genetic resources
- Exotic organisms
- Internal Treaty on Plant Genetic Resources for Food and Agriculture resources
- South African performed research not for bioprospecting
- Export of ex-situ indigenous biological resources not for bioprospecting, provided that an export agreement is in place and the relevant provisional authority has been notified
- Artificial propagation/cultivation for the cut flower/ornamental plant markets
- Aquaculture and mariculture activities for consumption

## Permits required

No bioprospecting permit is required for basic research with no commercial intent on indigenous biological resources or indigenous genetic resources or relating to traditional knowledge, although to export material, a permit from the relevant provincial authority is needed if the material is not from an ex-situ collection such as a museum, herbarium, genebank or registered culture collection.

A bioprospecting permit is also not necessary for screening/discovery or to do further research on the commercial potential of indigenous biological resources, indigenous genetic resources or relating to traditional knowledge (the discovery phase) but the Minister of Environmental Affairs must be notified.

A Bioprospecting permit must be obtained for research/development on indigenous biological resources, indigenous genetic resources or with traditional knowledge for commercial or industrial exploitation (the commercialization phase). A biotrade permit must be obtained to engage in biotrade relating to indigenous biological resources, indigenous genetic resources or with traditional knowledge.

A permit is also necessary for export of indigenous biological resources or indigenous genetic resources from South Africa, in either the discovery or commercialization phase or for biotrade. The permit will only be granted if it can be shown that the export is for a purpose that is in the public interest.

A foreign applicant must apply jointly with South African applicant for permits, and it is possible to include multiple species in one application.

## Access and benefit sharing for bioprospecting

Together with the bioprospecting or biotrade permit, an applicant must submit a material transfer agreement (**"MTA"**) and benefit sharing agreement (**"BSA"**) that has been entered into with an access provider of indigenous biological resources (for example, a land owner) or a BSA with traditional knowledge holders who have contributed to bioprospecting/ biotrade.

Just because traditional knowledge is in the public domain, does not preclude the necessity of entering into a BSA with an indigenous community that developed or discovered it.

The benefits provided may be monetary or non-monetary. The Act also makes provision for review of the MTA and BSA over time and for the amendment of the permit and agreements.

## Confidential information

Confidential information in an application will be maintained as confidential, but will be subject to the Promotion of Access to Information Act ("PAIA").

Under PAIA, the following information can be withheld:

- Trade secrets
- Financial, commercial, scientific or technical information, if disclosure would be likely to cause commercial or financial harm to a party
- Information, including regarding research that may reasonably place a party at a commercial disadvantage or commercially prejudice the party

## Identifying traditional knowledge holders

Identification of traditional knowledge holders can be complex. It would be prudent to do some research online or on archival material, and a notice may be published in the media, asking any person or group with traditional knowledge about the indigenous biological resource to come forward. Local municipalities and local NGOs may also be able to assist.

In very difficult or complex cases, the DEA may be approached for assistance and advise.

## Duration to process a permit

This varies widely depending on the quality of the application and complexity of the circumstances. At a minimum, a permit could be issued in four months if all the permit application requirements are met, sufficient information is provided and there are no queries from the DEA.

## Amnesty

The punishment for non-compliance with the Act includes imprisonment for a period not exceeding 10 years, a fine not exceeding ZAR 10-million, or both. On 1 November 2017, the Minister of Environmental Affairs gave notice of an intention to declare a period of amnesty to facilitate compliance with the provisions of the Act. Amnesty would only apply to natural or juristic persons engaging in the commercialization phase of bioprospecting or biotrade in indigenous biological resources. Unfortunately, no amnesty period has been provided for to date.

The process around obtaining permits for bioprospecting and biotrade is admittedly complex, but it is advisable to at least start the process of engagement with the DEA where discovery phase research, bioprospecting or biotrade is being undertaken or planned."

*This article was published by ENSafrica on 7 November 2018*

# ADDITION TO CTFA TECHNICAL EXPERTISE

**The CTFA has appointed a new Head: Regulatory Affairs & Policy Analysis from 1 October 2018. Ms Anina van der Walt's portfolio includes the review of national and international policies which will directly or indirectly relate to the CTFA member base and the cosmetic industry in South Africa. She is responsible for evaluating, training and assisting in the implementation of applicable cosmetic industry guidelines and standards. Her role also includes representation at the International Organisation for Standardization (ISO) via the South African Bureau of Standards (SABS).**

Ms Anina van der Walt is a registered pharmacist since 2001. From 2013 her focus moved from pharma to the cosmetic industry with cosmetic product research, product design and topical product in vivo clinical trials being her focus area.

Her educational training includes; B.Pharm and M.Sc Pharmaceutics (cum laude) including cosmetic product design (NWU, Potchefstroom, South Africa), Safety Assessment of Cosmetics in the EU (VUB, Belgium), Bioengineering skin measurement device advanced training (Courage & Khazaka, Germany).
On a more personal note, apart from being a dedicated mother of two and loving to spend time with her family, she is an enthusiastic sportsperson who in the past years, competed in various events including the Midmar mile, Two Oceans (half) Marathon, Telkom 94.7 Cycle Challenge, Cape Town Argus Cycle Challenge, MiWay Triathlon and various other endurance sport events.

In Anina's words "I am a self-motivated person who loves being part of this dynamic CTFA team. I believe that as a representative of the cosmetic industry, I want to add value and be able to positively contribute to this amazing industry".

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# 2018 - 2019 CTFA AT A GLANCE MEMBER MORNING

**The CTFA held a 2018 – 2019 At-a-Glance morning session at our premises in Hurlingham Office Park on the 8 November 2018. Members were invited to be part of a session where the accomplishments for 2018 both for the industry and for CTFA were shared.**

The way forward for 2019 for the industry from a regulatory/legislative point of view was also highlighted.

The morning was a success with good interaction and a great turnout from member companies.
It is important to look back on accomplishments but even more important to look forward to what possibilities the future might hold and how to manage the regulatory maze both within a South African, African and Global perspective.

The CTFA is ready to embrace 2019 and ensure that it drives members' requirements by enabling the legislative environment whether by challenging, lobbying or partnering with the relevant stakeholders. In 2019 the CTFA will be:

- Procuring pro-active partnerships/MOUs with synergistic stakeholders with a view to enhancing member benefits
- Creating awareness of the CTFA proposition at various forums
- Focusing on training interventions to encourage industry compliance
- Focusing on members' needs with tailor-made benefits for:
  - Brand Owners
  - Manufacturers
  - Raw Material suppliers
  - Retailers
  - Academia
- Focusing on Africa Harmonisation by challenging Technical Barriers to Trade
- Implementing a 'CTFA Africa Harmonisation Summit' in October 2019

All this without taking our 'eye off the ball' from who we are, and what our mandate is;

- to be the cosmetic industry's voice in South Africa, committed to maintaining high quality and safety of personal care products.
- to provide all the necessary technical expertise and advice on ingredients, labelling, packaging and product claims.

**Note:** Training will be a focus for the CTFA in 2019. We will be running workshops and training sessions on various topics, which will include amongst others:

- Introduction to Cosmetic GMP
- Label Claims and Substantiation
- Cosmetic Standards and how to implement
- Safety Assessments and Product Information Files
- Responsible Person – SA context
- Members' requested topics

**Below see training interventions for the first half of 2019:**

| Workshops | Dates |
|---|---|
| Introduction to GMP | 13th February 2019 |
| GMP in Cosmetics | 20th February 2019 |
| Responsibilities of a Responsible person | 11th April 2019 |
| An in-depth view on placing your products on the market | 20th June 2019 |
| Label claims and substantiation | 21 August 2019 |

# CTFA 2019 RENEWAL FORMS

**THANK YOU to all Members who have thus far submitted their Renewal Membership Application forms. The updated membership forms are an absolute must to ensure that your details are kept up to date on our database, which in turn ensures that you receive all CTFA notifications and are kept updated on changes in the legislative environment.**

The Renewal Membership Application forms assist the CTFA with invoicing, which will be done at the end of January 2019. Just a reminder that all members will be entitled to an Early bird Discount if the invoice is paid by the 1 April 2019.

According to the POPI Act your details are kept confidential and not shared with any third party.

# CTFA TEAM AT YOUR SERVICE & NEW PREMISES

## New Premises for CTFA

The CTFA moved to new premises in September 2018. The move has been 'on the cards' for the past couple of years as the need for a more suitable venue to do Debriefing Sessions, Regulatory Updates and Training on topics relevant to the member base have become essential.

The new premises at Hurlingham Office Park, have the space for these interventions and are more central for members attending.
We look forward to many years of being of service to our members at the new premises.


## At Your Service

The service that CTFA provides to its members includes information sharing, regulatory advice, government stakeholder engagement, export and import legislative advice and assisting in overall industry compliance. To deliver an effective service, staff with the relevant skills and attitude are a must. The CTFA has a dedicated, professional and motivated team that is always ready to be of service to each and every member.


**Dershana Valla**
Regulatory Affairs Manager

**Samantha Lotkin**
Receptionist & Office Administrator

**Omphile Lehau**
Membership & Development Officer

**Adelia Pimentel**
CTFA Executive Director

**Anina van der Walt**
Head: Regulatory Affairs & Policy Analysis

**SAVE THE DATE**

# CTFA REGULATORY SUMMIT

**for the Cosmetic and Personal Care Industry** - 16-17 October 2019

**Theme: Africa Harmonisation & Global Synergies**

The Cosmetic Toiletry & Fragrance Association of South Africa (CTFA) are proud to announce the launch of a CTFA Summit for the Cosmetic and Personal Care Industry. The Summit will be held in Johannesburg and will focus on dissemination of regulatory information, global legislation and technical barriers to trade across the African continent and globally.

Both local and international presenters will be invited to present on the regulatory framework in various countries in Africa, trade relations, an overview of the Sub-Saharan African Beauty and Personal Care sectors, an overview of international best practice in cosmetics and personal care, amongst others.

We envisage both Africa and global participation in this unique Summit.

**FURTHER INFORMATION ON THIS SUMMIT WILL BE SHARED EARLY IN 2019.**

# Happy Holidays

The CTFA would like to take a moment, to thank each and every Member for your much-appreciated support this year.

As we head into our twenty-fifth year of business, we look forward to a continued, mutually beneficial, working relationship that will ensure the growth and success of our industry.

## YEAR END SHUTDOWN

Please note that our offices will close on Friday 14th December 2018 and will re-open on Thursday, 3rd January 2019.

Warmest thoughts and best wishes for a wonderful holiday and a very happy new year.

Wishing you the gifts of the season - Peace, Joy, Hope.

**Warm wishes from The CTFA Team**

Adelia, Anina, Dershana, Omphile, Samantha

ctfa

COSMETIC TOILETRY & FRAGRANCE ASSOCIATION OF SOUTH AFRICA

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