A woman with dark hair is looking into a round mirror. She is applying a white cream to her face with her fingers. The background is a soft, warm-toned wall. The image is partially obscured by a dark grey overlay on the right side, which contains the title and author information. On the left side, there is a vertical stack of colored buttons with text.

Introduction

Regulations

Insights

Menopause

Collagen

Hormones

Pregnancy

Protection&Repair

Tweakments

Microbiome

Conclusions

Claims on Life Stages during Ageing

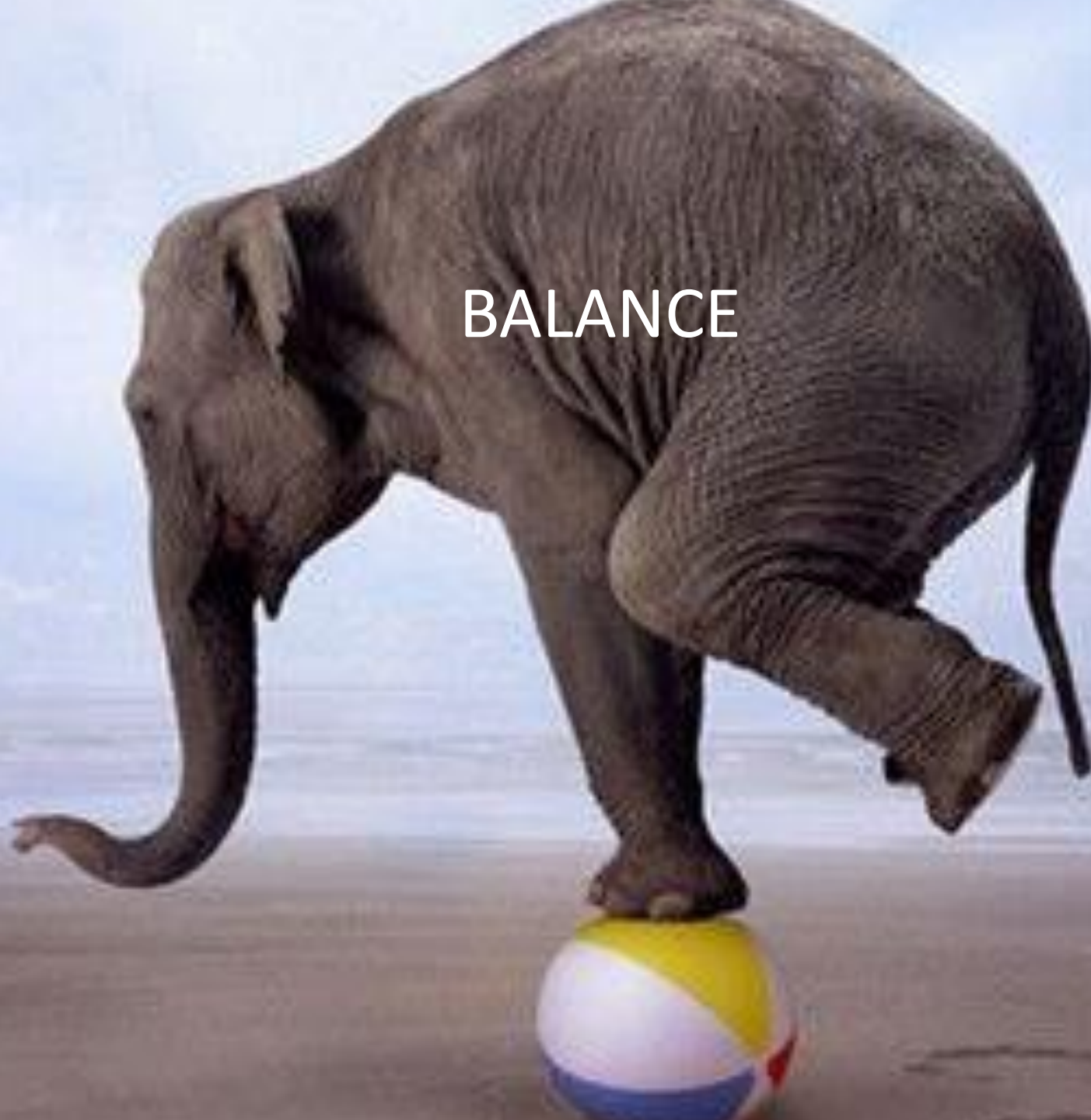
Floriana Vincis

**“YOU’RE DEFINITELY A DIFFERENT PERSON AT
DIFFERENT STAGES IN YOUR LIFE.”**

BEN HARPER



BALANCE



COSMETIC VS NON COSMETICS (UK & EU)

Cosmetic products

A "cosmetic product" shall mean any substance or mixture intended to be placed in contact with the various external parts of the human body (epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity with a view exclusively or **mainly to cleaning them, perfuming them, changing their appearance and/or correcting body odours and/or protecting them or keeping them in good condition.**

Medicinal products

Treating or preventing disease in human beings. Either with a view to **restoring, correcting or modifying physiological functions** by exerting a pharmacological, immunological or metabolic action, or to making a medical diagnosis

Food supplements

"...foodstuffs the purpose of which is to **supplement the normal diet** and which are concentrated sources of nutrients or other substances with a nutritional or physiological effect, alone or in combination, marketed in dose form..."

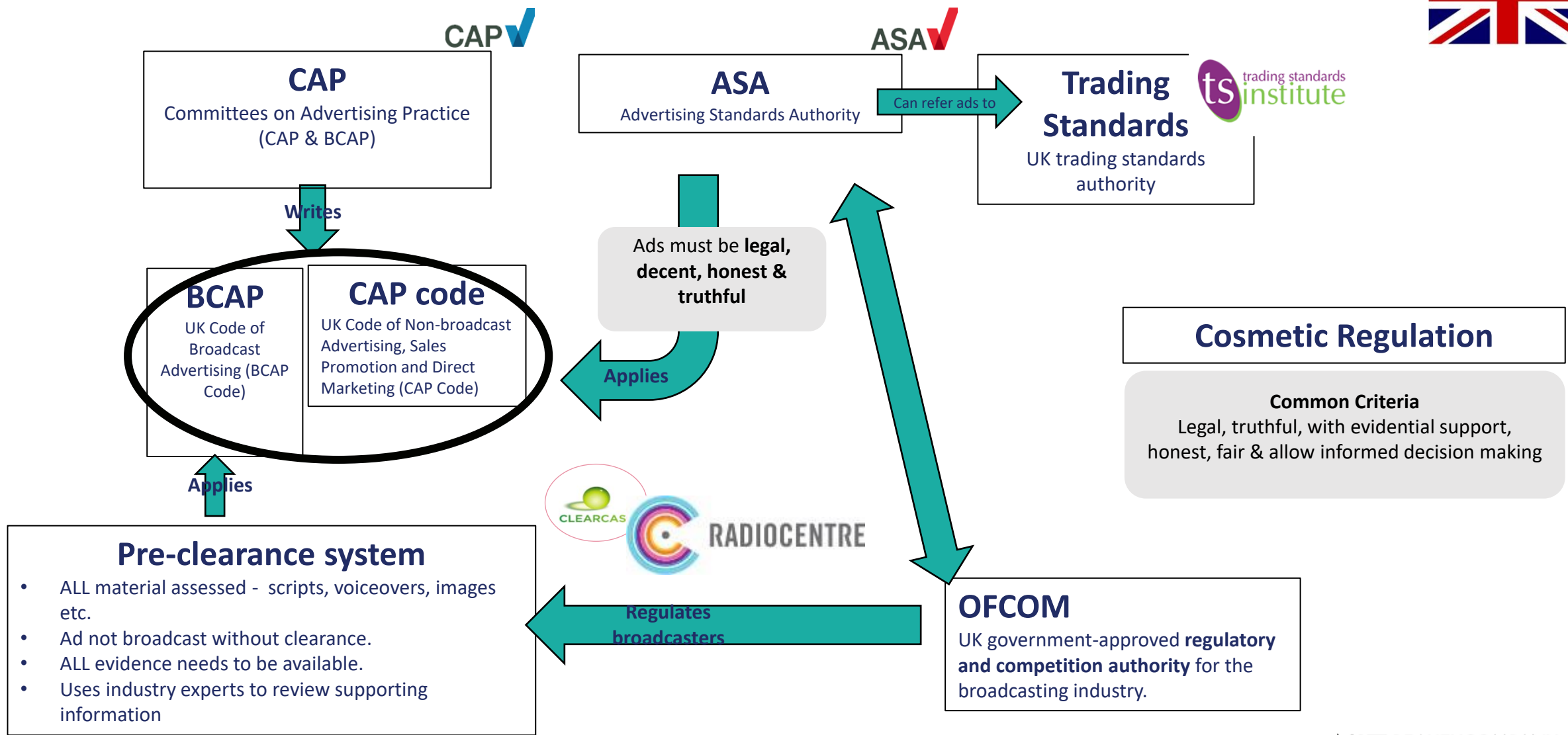
Medical Devices

Products that **incorporate, or are used to administer, a drug** may be regulated as either medical devices or as medicinal products, depending on the principal intended function of the product and the method by which this action is achieved (mostly physical).

Biocides

with the intention of **destroying, deterring, rendering harmless**, preventing the action of, or otherwise exerting a controlling effect on, any **harmful organism** by any means other than mere physical or mechanical action

ADVERTISING REGULATORS – SUMMARY OF UK AGENCIES



COSMETIC VS NON COSMETICS (US)

Cosmetic products

The Federal Food, Drug & Cosmetic Act (FD&C Act) defines cosmetics as "articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body...**for cleansing, beautifying, promoting attractiveness, or altering the appearance.**" Included in this definition are products such as skin moisturizers, perfumes, lipsticks, fingernail polishes, eye and facial makeup preparations, shampoos, permanent waves, hair colors, toothpastes, and deodorants, as well as any material intended for use as a component of a cosmetic product.

Food supplements

The law defines dietary supplements in part as products taken by mouth that contain a "dietary ingredient." Dietary ingredients include vitamins, minerals, amino acids, and herbs or botanicals, as well as other substances that can be used to supplement the diet.

Drugs – monographs (could include cosmetic biocides e.g. hand gels)

Drugs as "articles intended for use in the diagnosis..and articles (other than food) intended to **affect the cure, mitigation, treatment, or prevention of disease.he structure or any function of the body of man or other animals.**" Over-the-counter (OTC) drugs are drugs that can be purchased without a doctor's prescription.

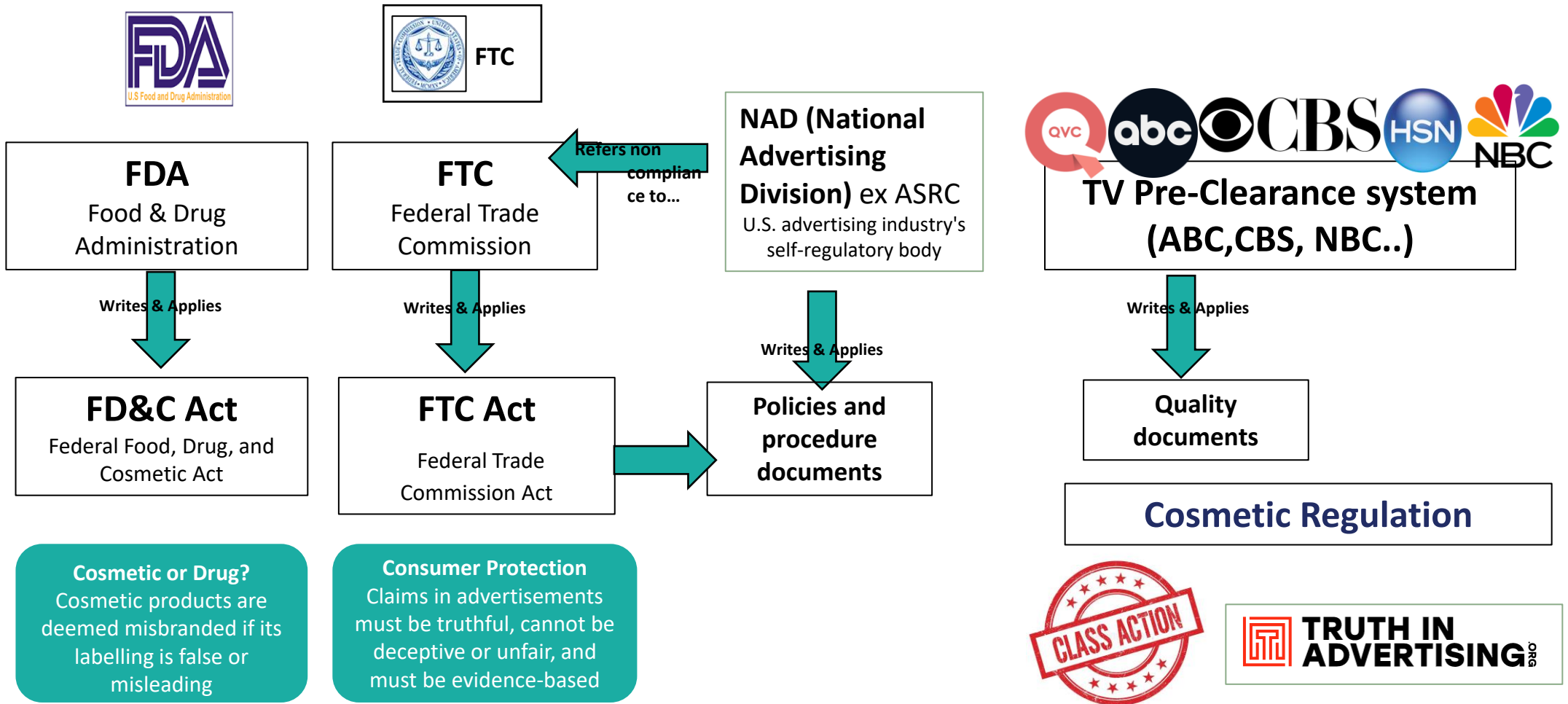
Medical Devices

An instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article [...] intended for use in the **diagnosis of disease, in the cure, mitigation, treatment, or prevention of disease,** [...] intended to affect the structure or any function of the body of man or other animals, which does not achieve its primary intended purposes through chemical action within or on the body of man or other animals and which is not dependent upon being metabolized for the achievement of its primary intended purposes.

Biocides

a diverse group of poisonous substances including preservatives, insecticides, disinfectants, and pesticides used for the **control of organisms** that are harmful to human or animal health or that cause damage to natural or manufactured products

ADVERTISING REGULATORS – SUMMARY OF US AGENCIES

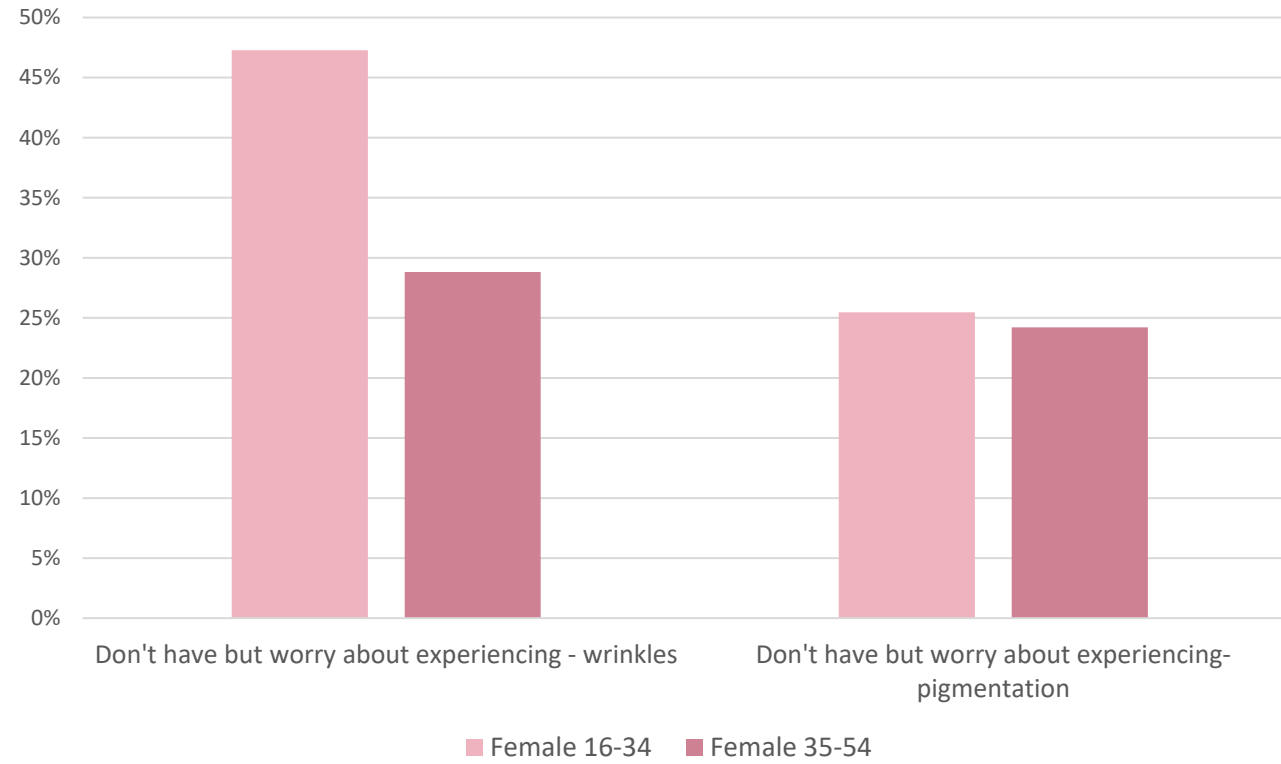


Cosmetic or Drug?
Cosmetic products are deemed misbranded if its labelling is false or misleading

Consumer Protection
Claims in advertisements must be truthful, cannot be deceptive or unfair, and must be evidence-based

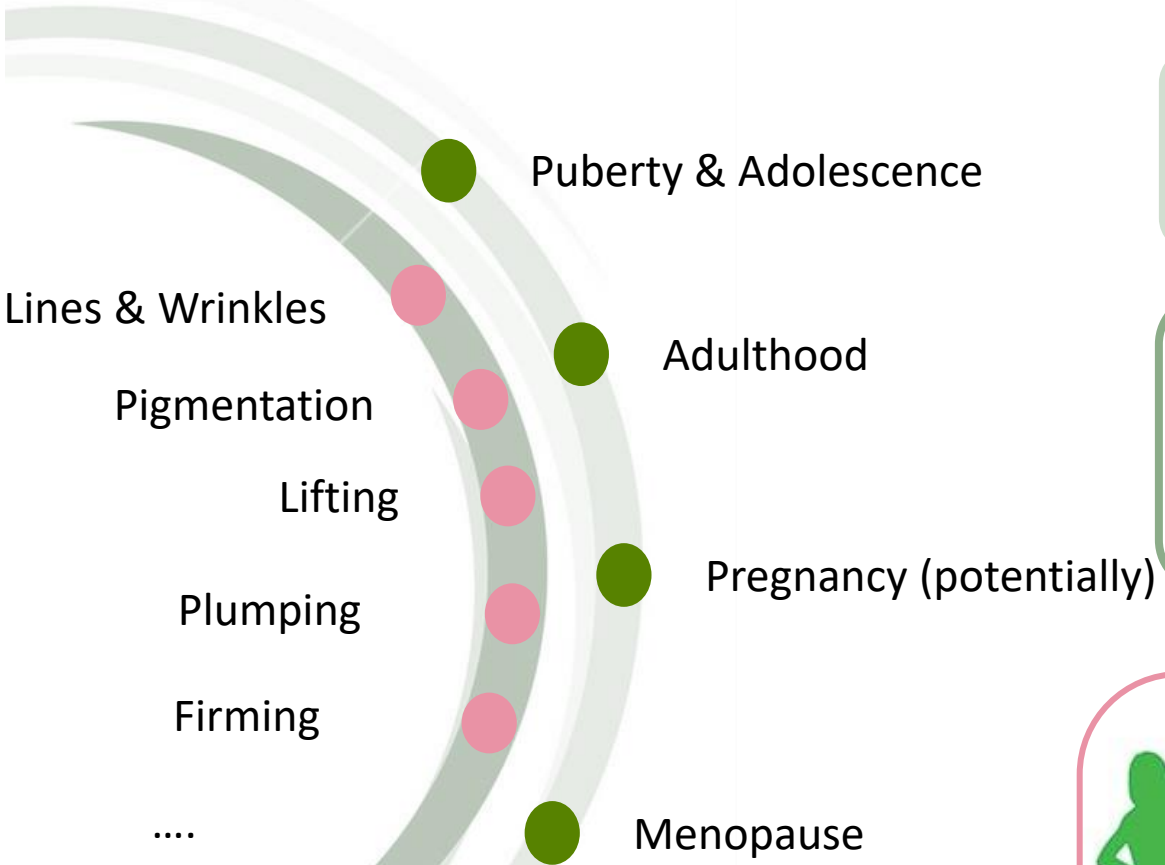


Young consumers are concerned about skin ageing

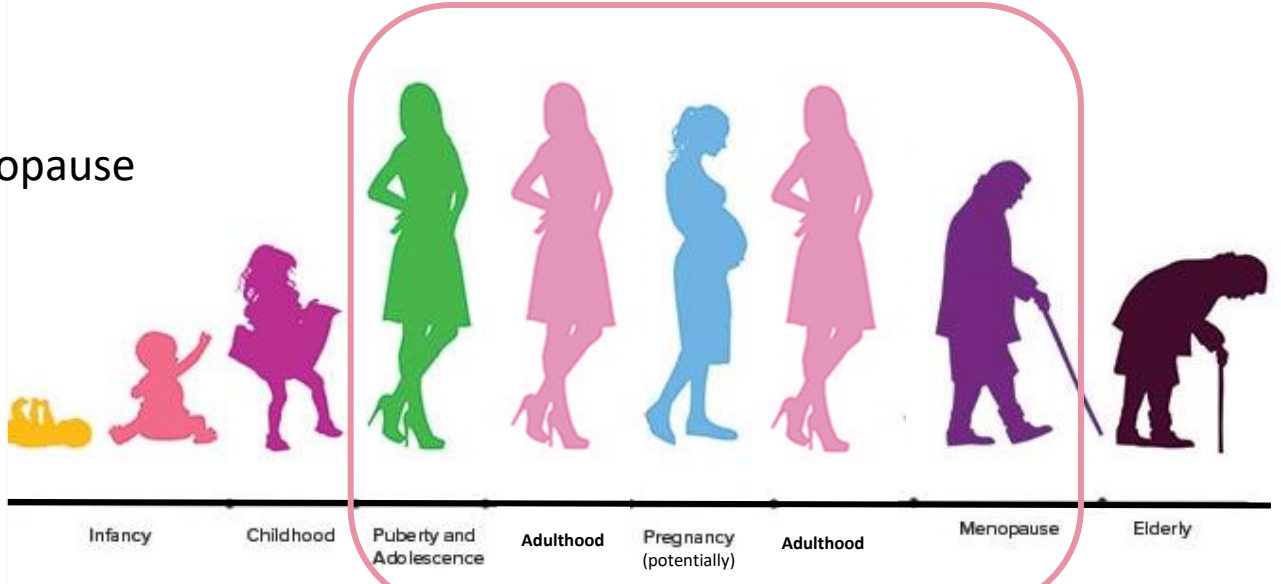


Source: Lightspeed/Mintel, May 2020.
Based on internet users; 330 female aged 16-34; 347 female aged 35-54

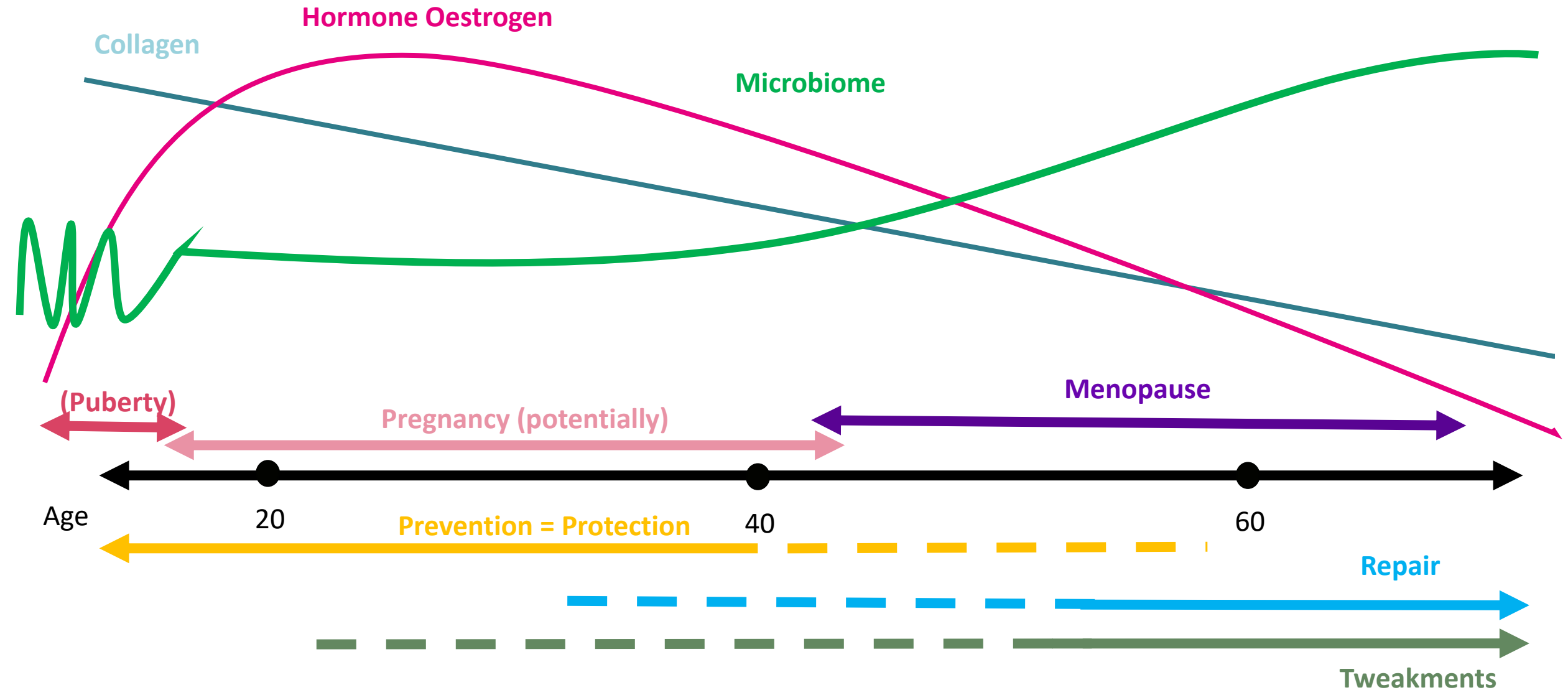
LIFE STAGES NEEDS



In UK 45% of 42-57 year old female users of facial skincare show interest in using facial skincare to be used at a specific lifestage*



LIFE STAGES AND CHANGES





Focus on the Claims

MENOPAUSE

by 2025

1 billion+

women worldwide will be experiencing menopause, representing 12% of the population*

Source: Frost & Sullivan

Base: UK: 249 female internet users aged 42-57 who have used facial skincare products in the last 12 months; US: 182 female and transgender male internet users aged 18+

Source: Kantar Profiles/Mintel, November 2021, April 2022, January 2022



Neovadiol Perimenopause Plumping Day Cream for Dry Skin



me-NO-pause cooling mist

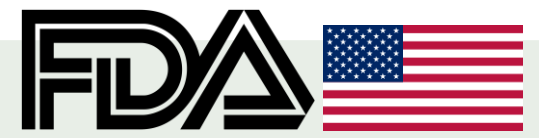


me-NO-pause restorative cream

mojo* wellbeing

FOR PERI - MENOPAUSE & BEYOND





Claims to **treat the symptoms of the menopause** are likely to be **medicinal in nature** and marketers should therefore check with the Medicines and Healthcare Products Regulatory Agency (MHRA) before marketing to establish whether the product is likely to need to be licenced as a medicine, or if it is eligible to be registered under the Traditional Herbal Medicine scheme.

Menopause (sometimes called “the change of life”) is a normal time in a woman’s life when her period stops. There is **an FDA-approved hormone medicines lists to treat symptoms of menopause.**



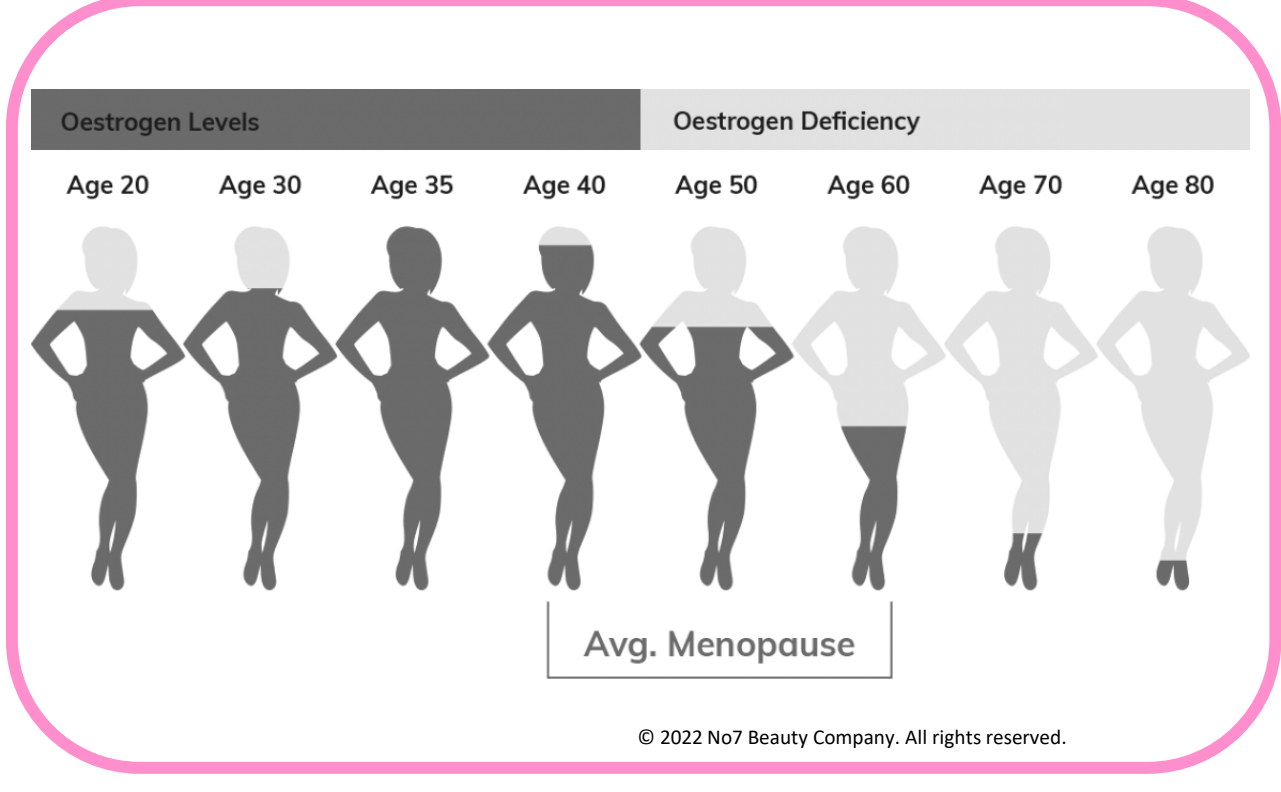
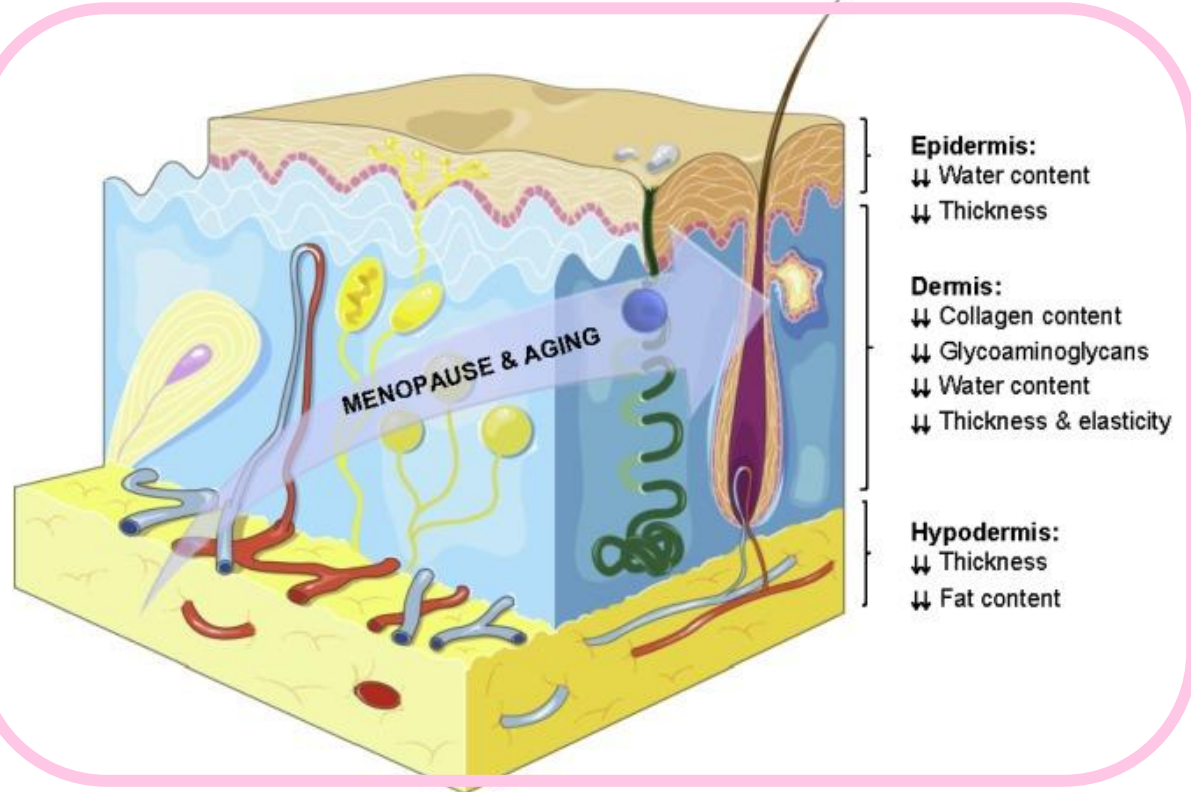
- MENOPAUSE is a life stage, not a disease. Claims about **treating** the symptoms of menopause/**underlying cause**, could be seen as medical. ✗
- Menopause, due to hormonal changes, causes **skin concerns**, such as: dryness, loss of firmness, loss of elasticity, dullness, skin fragility. These skin concerns **could be improved** with cosmetics. ✓

MENOPAUSE



INSIDE THE SKIN = COLLAGEN

INSIDE THE BODY = HORMONES





COLLAGEN



The global collagen market was valued at \$4.27 billion in 2018 and is expected to grow to \$6.63 billion by 2025. As a result, collagen has become a huge marketing tool to draw consumers into “anti-aging” or “healthy-aging” or products.

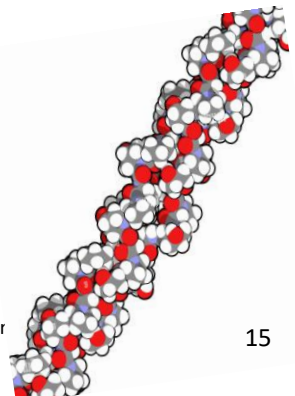
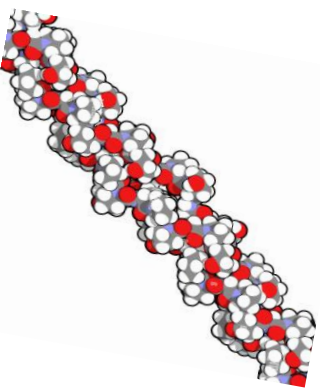


Collagen molecules have a high molecular weight of 300 kDa (kilodaltons), therefore they cannot penetrate the epidermis and therefore unlikely to provide antiageing benefits.

[Nguyen et al. v. Algenist LLC](#)
22-cv-13, S.D.N.Y.
(Jan. 2022)

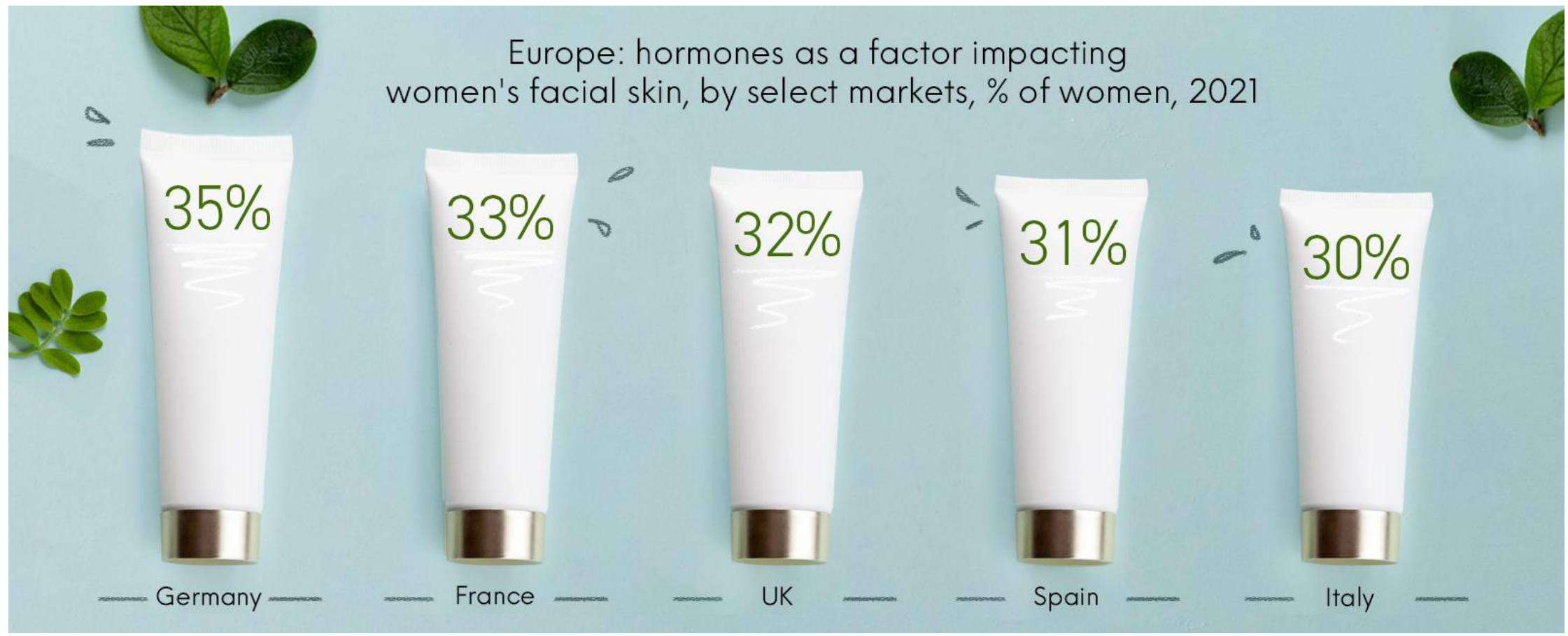


[Lopez et al v. L'Oreal USA, Inc.](#)
21-cv-7300, S.D.N.Y.





HORMONES - A EU/UK POSITIVE APPROACH



Base: female internet users aged 16+ who have used cleansing or caring products on their face in the last 12 months (Germany: 970; France: 1,010; UK: 975; Spain: 996; Italy: 1,009)

Source: Kantar Profiles/Mintel, [June 2021](#), [April 2021](#)

HORMONES & ENDOCRINE DISRUPTORS



Cosmetics do not interact with hormones on your skin



HORMONES such as oestrogen and progesterone are prohibited for being presents in cosmetics in the EU/UK legislation



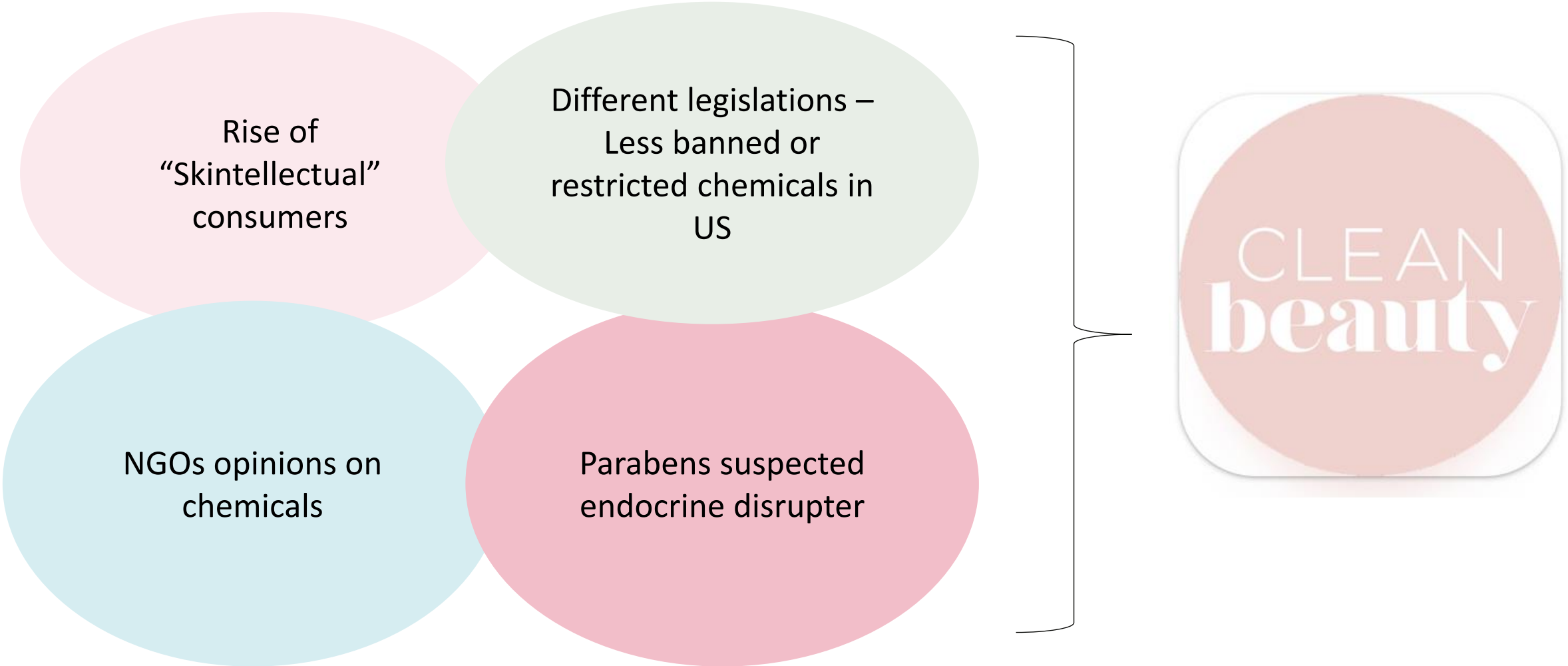
US: fragmented across the different states, no federal ban on any of the ingredients for endocrine disruption on cosmetics.

In EU/UK: Whenever substances are identified as potentially having endocrine-disrupting properties, they are assessed by

- (i) SCCS for **human health concerns** in cosmetics -> assessment will result in no action (not an ED), restriction or ban
- (ii) Under REACH for **environmental concerns** as a Substances of Very high Concern (SVHC) -> if determined to be SVHC will result in restriction or ban



US – HORMONES FEAR



PREGNANCY

Focus still more on bodycare – more safety concerns

ASA ✓



Marketers wanting to make any efficacy claims for the topical treatment of **stretch marks** must ensure they hold robust evidence consisting of clinical trials relating to their product specifically and must not exaggerate the likely capabilities of the product.



- Help reduce the appearance of stretch marks ✗
- Products improve the appearance of stretch marks, minimize the appearance of stretch marks, improve skin elasticity, and allow skin to stretch more comfortably. ✓



NESSA

You're a glorious, evolving being.

You ride the wave of hormones in constant flux; pregnancy, birth; breastfeeding, all the way to menopause – and your extraordinary body is with you all the way.

It's time to give it the love (and respect) it deserves.

Whatever stage of womanhood you're in, we make products that celebrate your changing body.

my expert midwife.

midwife developed, natural blends

with over 25+ industry awards, our highly effective skincare products are loved and recommended by thousands of women through their pregnancy, birth, recovery and new parent journey. we are here to help you feel like you again.

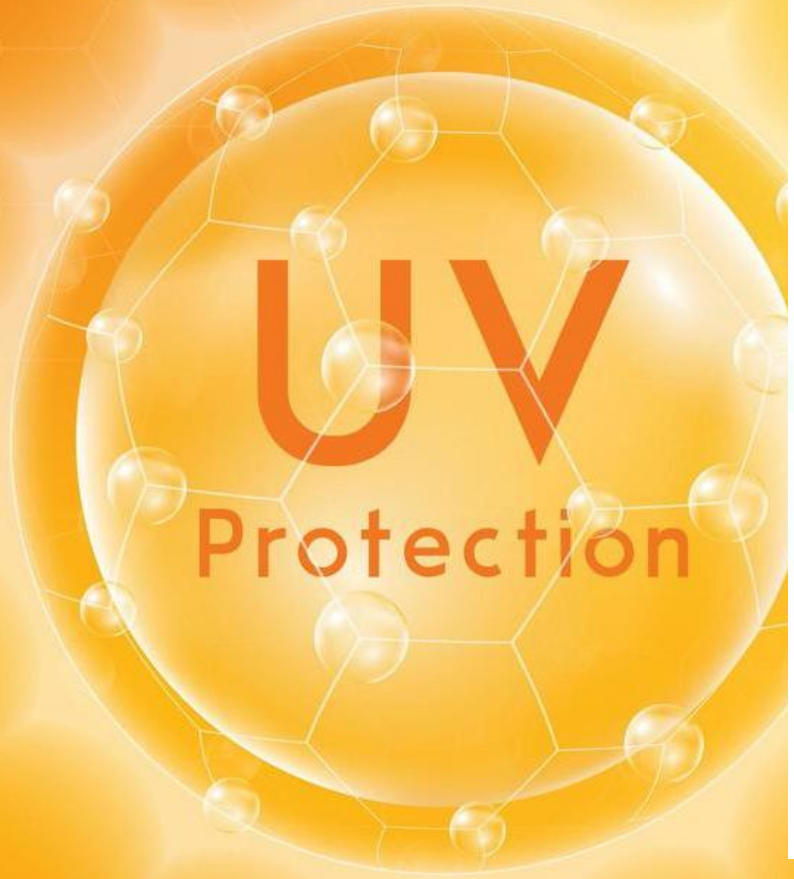
discover our award winners

Pregnancy Protect Kit

Safe for pregnancy & breastfeeding

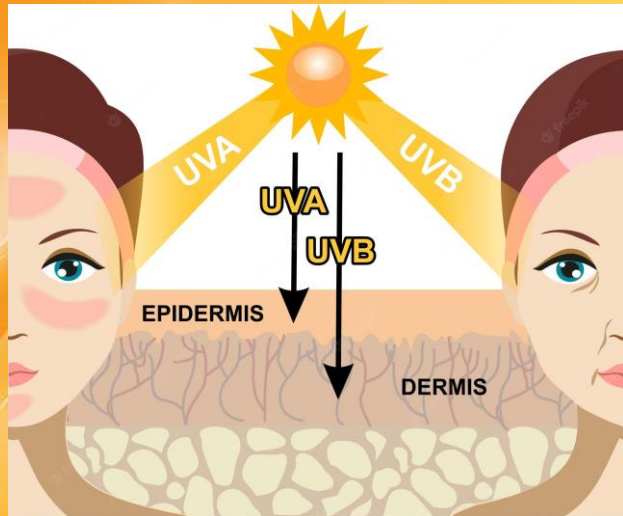


AGEING : PROTECTION & REPAIR



REPAIR

PROTECTION & REPAIR - CLAIMS



SPF AND UVB & A claims are highly regulated – OTC Monograph in US

Claims around “Skin protection/decrease early ageing signs caused by the sun” can be made starting from SPF15 and UVA.

High UVA protection (in UK 5 stars system/ US broad spectrum) is also important to make claims about protection from premature ageing.

Repair claims are more controversial
They need to be qualified with cosmetic qualifiers such as “appearance of” and “look of” or be within a fully cosmetic context and appropriate substantiation for it – be aware of the risk of challenge!

NAD #5241 Maybelline Instant Age Rewind – Eraser Treatment Makeup



WHY IT'S CHIC TO TWEAK

Tweakment culture is booming, and products that mimic or heal minimally invasive procedures around the eyes, mouth, cheeks and jawline will be key.

-> Over the past year there has been a **56% increase in searches for 'creams like Botox'**

TOP 10 MOST SEARCHED FOR COSMETIC

Tweakments



COMPARISON TO TWEAKMENTS

“Over the years, NAD has observed that advertising for anti-ageing cosmetic products often include very strong performance claims, in some instances comparing the products to medical procedures”



In UK, any claim of the level of performance of the cosmetic in comparison to any named surgical procedure is not allowed.



Potential MHRA
investigation for the
product being unlicensed
medicine.



Is a structure function claim? Any comparison between a cosmetic and a procedure or product that modifies the **structure or function** of the skin or **treats a skin condition, and implies a very high level of performance** is high risk.



“NAD has repeatedly held that absent competent and reliable scientific evidence, advertisers should not compare, either expressly or by implication, their cosmetic face creams/serums (which typically work only on the surface of the skin) to plastic surgery or injections which penetrate deeper within the skin to correct among other things, wrinkles, dark circles, and bags under the eyes.

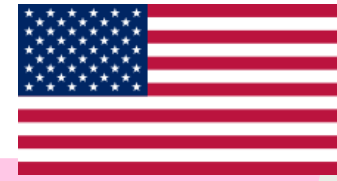
COMPARISON TO TWEAKMENTS - CHALLENGES

No claims even with strong evidence!



- Image of a needle with the text “All you need to know about LIFTING”. The voice-over stated, “Face exercises? Lifting? Not for me.” > Nivea 2019 not upheld
- “Let surgery wait” by L’Oreal Golden Ltd, 17 August 2005 not upheld
- “TAKE ACTION WITH THE AT HOME ALTERNATIVE TO SURGERY. THE NEW WAVE IN FACE LIFTS Avon Upheld 2007

Space on “alternative to surgical procedures”



15 warning letters “alternative/better than botox”

10 upheld adjudications and counting!

- Case #4627 “An eyetuck without surgery?” Results in just 15 days”
- Case #5368 “Decrease wrinkle appearance 56% and increase collagen production by 84% [in a way L’Oreal can’t, Chanel can’t, even Botox can’t]”
- Case #4368 “Precise. Fast. Injection-free”
- Case #4398 “Needle? Knife? Lipo? No”[... delivers an at home alternative derm treatment for the body”...Put tummy and butt in their place”
-



Strong evidences are needed to make the claim – high chances to get challenges even from botox companies!

MICROBIOME CLAIMS



1

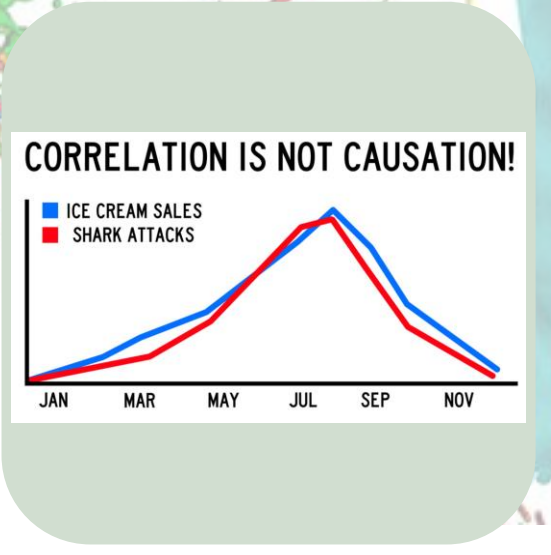
Ensure the basis of the claim is clear to consumers

“Every baby is born with a unique microbiome, a living layer that protects its skin [...] nourish it with Baby Dove wash and lotion”

“Baby Dove gently nourishes with prebiotic moisturiser”

2

Hold sufficient evidence



3

Relevance to consumers

- Does a balanced or strengthened microbiome have positive effects on the consumers with generally healthy skin?
- Any clinical endpoints that could correlate a balanced microbiome with a skin benefit?

4

Within cosmetic regulations

Food and Agriculture Organization of the United Nations
World Health Organization

The FAO/WHO definition of a probiotic—“live microorganisms which when administered in adequate amounts confer a health benefit on the host”

MICROBIOME ADJUDICATIONS

ASA ✓

“Every baby is born with a unique microbiome, a living layer that protects its skin [...] nourish it with Baby Dove wash and lotion”

“Baby Dove gently nourishes with prebiotic moisturiser”

-> Skin or microbiome nourisher?



“Our moisturizing and microbiome gentle formula provides instant softness and lasting care for your skin.”

“Start your year with a health microbiome[.]”

“Your microbiome is a protective layer that helps keep skin healthy, moisturized and resilient. Wash gently and revitalize skin with microbiome-gentle Dove[.]”

“What you eat isn’t the only thing that may affect your skin’s microbiome—skin’s living protective layer.”

-> **beyond cleansing and moisturizing skin**, and [has] specific additional protective benefits

-> **Product will keep the microbiome in an optimum state to protect the skin.**

-> cocamidopropyl betaine (CAPB) challenge from EWG.



The claims: “**probiotic technology**” and “**microbiome technology.**” have been challenged.

-> **the products don’t contain any live probiotics.**

CONCLUSIONS

Products for different life stages are a real consumer need

Targeted Life Stages communication is key

Grey regulatory space -> Challenge? Or opportunity?

Innovation is all about finding a balanced solution





Q&A