

By Mr. Birmingham of Boston, petition of Leo M. Birmingham that the manufacture and sale of cosmetics be regulated. Public Health. Jan. 18.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Twenty-Eight.

An Act relative to the Manufacture, Distribution, Sale and Commercial Use of Cosmetics.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter ninety-four of the General Laws is here-
2 by amended by inserting after section one hun-
3 dred and ninety-six under the title "Cosmetics"
4 the four following new sections:—

5 *Section 196A.* Whoever manufactures, dis-
6 tributes, sells, commercially uses or has in posses-
7 sion with intent to distribute, sell or commercially
8 use a cosmetic which is adulterated or misbranded
9 within the meaning of sections one hundred and
10 ninety-six A to one hundred and ninety-six D in-
11 clusive shall be punished for the first offence by a
12 fine of not more than one hundred dollars, and for
13 a subsequent offence by a fine of not more than
14 five hundred dollars.

15 *Section 196B.* The term "cosmetic" as used in
16 sections one hundred and ninety-six A to one hun-
17 dred and ninety-six D inclusive means any sub-
18 stance or combination of substances represented,

19 whether wholly or in part, as for use externally or
20 by direct application for embellishing, cleansing,
21 perfuming, conditioning, or otherwise improving
22 the appearance of the skin, lips, eyes, hair,
23 nails or teeth of the human body, whether such
24 representation be made on the label, in advertise-
25 ments, or orally, and whether with or without refer-
26 ence to the cure, mitigation or prevention of
27 disease; except (a) substances prescribed or ap-
28 plied for any purpose named above by registered
29 physicians and dentists for patients whom they are
30 personally attending, and (b) substances and mix-
31 tures of substances bearing only names recognized
32 in the United States Pharmacopœia or in the Na-
33 tional Formulary, and without claims for remedial
34 value.

35 *Section 196C.* A cosmetic is adulterated within
36 the meaning of sections one hundred and ninety-
37 six A to one hundred and ninety-six D inclusive, if
38 it contains any salt, compound or derivative of lead,
39 arsenic, mercury, or of hydrofluoric acid, any free
40 sodium or potassium hydroxide in excess of one
41 half of one per cent, any amine derived from coal
42 tar hydrocarbon, any methyl alcohol, or any other
43 ingredient that renders its use injurious.

44 *Section 196D.* A cosmetic is misbranded within
45 the meaning of sections one hundred and ninety-
46 six A to one hundred and ninety-six D, inclusive:
47 (a) if its package or label shall bear, or any ad-
48 vertising matter relating to the articles shall con-
49 tain, any statement, design or device which is false,
50 misleading or deceptive in any particular; (b) if its
51 inner and outer package labels shall fail to bear a
52 plain and conspicuous declaration of the presence

53 and amounts, in accordance with the common
54 method of expression, of such of the following as
55 may be ingredients, accompanied, except in the case
56 of dentifrices and soaps, by the phrase, For Exter-
57 nal Use Only: salts, compounds and derivatives of
58 silver, copper, zinc, barium, bismuth, antimony,
59 cadmium, nickel and cobalt; any oxalic acid, bella-
60 donna or mydriatic alkaloid, and any salts or deri-
61 vatives of such; any pyrogallie acid, calcium sul-
62 phide, formaldehyde, aluminum chloride, aluminum
63 oxychloride, and any free mineral acid in excess
64 of one per cent.

