Doing Business in Canada: Cosmetic Laws for Beauty Brands

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Category	Question	Answer
Core framework	What are the primary laws governing cosmetics?	The core legal framework for cosmetics in Canada consists of the *Food and Drugs Act* ("**FDA**") and the *Cosmetic Regulations.* Other laws may also apply, including the *Consumer Packaging and Labelling Act*, the *Canadian Environmental Protection Act* and other legislation related to specific components of the product.
Product scope	What counts as a "cosmetic"?	A cosmetic includes substances or mixtures manufactured, sold or represented for use in cleansing, improving or altering the complexion, skin, hair or teeth, including deodorants and perfumes.
Classification	Can product claims turn a cosmetic into a drug or other regulated product?	**It depends** – classification turns largely on the product's function, claims (explicit or implied), intended purpose and composition. A product falls under the *Cosmetic Regulations*, the *Food and Drug Regulations* or the *Natural Health Products Regulations*. Therapeutic representations can trigger additional regulatory requirements. Although composition alone does not necessarily determine classification, an ingredient or the concentration of an ingredient may make the product unsuitable for classification as a cosmetic.
Notification	Do cosmetic companies have notification requirements?	**Yes** – every manufacturer and importer must submit a Cosmetic Notification Form ("**CNF**") to Health Canada within 10 days of the first sale in Canada. Submission of a CNF does not constitute approval and does not confirm classification or compliance. Amendments must be filed within 10 days of any change, and discontinuation of sale must also be reported within 10 days.

Notification Requirements	Are there specific requirements that need to be included in a CNF?	**Yes** – a CNF must include: (1) the inner label contact information; (2) the cosmetic/product name; (3) its function (including whether it is leave-on or rinse-off); (4) a full INCI ingredient list with the exact concentration of each ingredient or the applicable concentration range; (5) the form of the cosmetic; (6) the name and address of the Canadian manufacturer or importer; (7) if different, the name and address of the entity that manufactured or formulated the product; and (8) the name and title of the CNF signatory.
Ingredients	Are certain ingredients prohibited or restricted?	**Yes** – Health Canada's Cosmetic Ingredient Hotlist identifies substances that are prohibited or restricted. The general safety prohibition under the *Food and Drugs Act* still applies, even to ingredients not listed on the Hotlist. Manufacturers and importers must stay aware of emerging science and risks, monitor scientific and post-market data, and take corrective action as soon as safety information suggests a potential issue.
Quality	Are cosmetics in Canada required to meet Good Manufacturing Practices ("**GMPs**")?	**No** – following specific GMP standards (such as ISO 22716) is encouraged but not legally required for cosmetics in Canada. However, cosmetics must be manufactured, prepared, preserved, packaged and stored under sanitary conditions under the FDA.
Safety	Is it prudent that companies maintain evidence of safety for their products?	**Yes** – Health Canada may request evidence to establish the safety of a cosmetic under recommended/normal conditions of use. If the requested evidence is not provided, the company must cease selling the product.
Small Packages	Is there a new option for small packages to disclose ingredients online?	**Yes** – an online ingredient list option is permitted for small packages, provided that the label includes bilingual text directing consumers to the website where the ingredient list is available.
Labelling	Are there mandatory cosmetic labelling requirements?	**Yes** – required label information must be shown in English and French (with limited exceptions, such as INCI ingredient names) and must include: (1) the product identity (common/generic name or function); (2) the net quantity on the principal display panel (in

		metric units); (3) contact information enabling consumers to ask product-related questions; (4) a complete ingredient list using INCI nomenclature, displayed on the outer label (or the only label), with ingredients listed in descending order of predominance, followed by ingredients at ≤1%, colourants and parfum/aroma; and (5) any required warnings or cautions applicable to certain product types or ingredients. The information must be legible, remain legible throughout the product's useful life and must not be displayed on the bottom of the container except in limited circumstances (e.g., ornamental containers).
Fragrance	Are companies required to disclose fragrance allergens on cosmetic labels?	**Not yet** – disclosure will begin phasing in on April 12, 2026. Fragrance allergens must be listed in the ingredient list when present above 0.01% in rinse-off products or 0.001% in leave-on products, and must appear separately from "parfum." These allergens must also be reported in the CNF. The *Cosmetic Regulations* facilitates alignment with the EU list of fragrance allergens. For grouped allergens, the group name must be disclosed when the combined concentration exceeds the applicable threshold.
Importation	Can a company import a non-compliant product and bring it into compliance after importation?	**It depends** – importing a cosmetic whose sale would violate Canadian requirements is generally prohibited. However, the *Cosmetic Regulations* allow importation for relabelling/modification in limited circumstances, under inspector supervision and a three-month deadline to achieve compliance before sale.
Enforcement	Can Health Canada take enforcement action if it has concerns about a cosmetic's compliance or safety?	**Yes** – Health Canada may take enforcement action where it has concerns about a cosmetic's compliance or safety. Inspectors are empowered to inspect premises, examine and sample products and review labelling and advertising materials. Health Canada may also order the cessation of sale of non-compliant products.

Disclaimer: This article offers general comments on legal developments of concern to business organizations and individuals and is not intended to provide legal advice. Readers should seek professional legal advice on the issues that concern them.

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Fiona is a hands-on client relationship partner known for exceptional service. She leads coordinated corporate, commercial and IP teams that help companies navigate commercial strategy, digital initiatives, regulatory requirements and brand protection. Her experience with retailers, product developers, wellness companies, e-commerce platforms and other consumer-focused organizations enables her to deliver strategic, business-forward advice that supports growth and differentiation.

Fiona is proud to have been recognized by *The Best Lawyers in Canada, The Canadian Legal Lexpert Directory* and *Benchmark Canada.*

Fiona is pleased to offer a multitude of resources answering often-asked questions about expanding into Canada, including this video and this one-page guide.

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Kaitlin is an intellectual property lawyer who enjoys collaborating with clients to develop effective IP strategies. As a trained scientist with a PhD in experimental medicine, she is adept at fusing legal and scientific principles to devise creative solutions to complex problems.

Kaitlin is a member of the firm's Intellectual Property and Litigation & Dispute Resolution Groups. She represents a broad range of clients, including pharmaceutical, life sciences, technology and telecommunication companies, specifically with regulatory and IP litigation needs.

Kaitlin has extensive Federal Court experience and is efficient at managing the challenges that accompany complex litigation. She leverages her scientific background to represent life sciences and pharmaceutical industry clients in patent and regulatory disputes.

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Alyssa summered at the firm in 2023 and 2024. She recently graduated from the JD program at Osgoode Hall Law School. During law school, Alyssa held a variety of leadership roles, including Co-President of the Canadian Italian Association of Osgoode, Communications Director of the Environmental Law Society, Marketing Director of the Osgoode Society for Corporate Governance, Events Coordinator of the Osgoode Emerging Technology Association and Osgoode Ambassador to the Ontario Bar Association. She also participated in the Osgoode Business Clinic and worked as a caseworker at the Investor Protection Clinic.

Prior to law school, Alyssa earned a Bachelor of Environmental Studies from York University, graduating *summa cum laude*, and was recognized with many awards for community leadership and academic achievement. She was active in student leadership, leading the Italian Student's Association, acting as a Peer Mentor Coordinator, and serving as a member of the Equity Committee, the Faculty Council and the Inclusion Group.