

Body care products, also referred to as “cosmetics” in state and federal law, are popular with consumers, especially when made from natural or local ingredients. From lip balm to lotion, skin creams to shampoos, these are great products to market directly to consumers at farm stands, farmers markets, and independent grocery or specialty retail stores. All cosmetics are subject to state and federal regulations to ensure they are safe and list all potential allergens.

This fact sheet includes information on:

- Definition of cosmetics.
- Definition of soap.
- Regulations for selling cosmetics.

Definition of Cosmetics

Body care products include lotions, salves, lip balms, skin creams, and shampoos, as well as other cosmetic items. According to Washington law, body care products are referred to as “cosmetics,” which are defined as:

- *Articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and*
- *Articles intended for use as a component of any such article; except that such term shall not include soap.*

As indicated by the definition, soap is not a “cosmetic.”

Definition of Soap

According to this definition in Washington law, soap products are not considered cosmetics if they meet two conditions: 1) they consist primarily of an alkali salt of fatty acid; and 2) they make no claims on their label other than “cleansing of the human body.”

Additionally, under the Food and Drug Administration (FDA) regulations, the cleaning actions of soap must be a result of the alkali salts of fatty acids, not another product such as a sudsing detergent. If the product contains synthetic detergents, it is a cosmetic and falls under those regulations.

Soap cannot be labeled and marketed for purposes beyond cleaning. For example, if the label claims the cleanser is moisturizing or deodorizing, it is a cosmetic. If it is intended to treat a disease such as a skin condition or to kill germs, it is considered a drug and regulated as such.

The FDA website has helpful information about soap definitions and regulation. Search for “Soap FAQs” on their website, fda.gov.

Regulations for Selling Cosmetics

To sell “cosmetics” such as lotion at a farmers market or other venue, producers must comply with a combination of federal laws including:

- Federal Food, Drug, and Cosmetic Act (FD&C Act).
- Fair Packaging and Labeling Act (FPLA).
- Parts of the Code of Federal Regulations that relate to cosmetics (21 CFR 700-740, 21 CFR 73, 74 and 82).

Cosmetics producers are not required to register manufacturing establishments or formulations with the FDA nor to make safety data or other information available before marketing their product.

The FDA website has many helpful resources in “The Basics” and “Resources for You” sections of its cosmetics webpages, fda.gov/cosmetics/. The FDA fact sheet, “Small Businesses & Homemade Cosmetics” found there answers many common questions about how to make and sell cosmetics in line with the federal requirements. Search for it by name.

Body products made with cannabis or hemp in Washington State are subject to specific regulation, including by the Washington State Liquor and Cannabis Board. Please refer to the “Selling Marijuana, Hemp, and Cannabis” products fact sheet.


Making claims about cosmetics

Washington State law complies with the federal Food, Drug, and Cosmetic Act and with the Federal Trade Commission Act that expressly outlaws the false advertisement of food, drugs, devices, and cosmetics. For more information, please see the Washington State Intrastate Commerce in Drugs and Cosmetic code (Chapter 69.04 RCW) which outlines the regulations governing the sale of cosmetics at apps.leg.wa.gov/rcw

In particular, cosmetics may not carry a claim that the product treats or prevents a disease, or that it otherwise affects the structure or function of the body. If products carry this claim, then they are considered to be “drugs” and require FDA approval.

Other label requirements

Certain cosmetics (such as shampoos and foaming detergent bath products) are required to state specific warnings on their label. For detailed information, please contact the U.S. Food and Drug Administration Cosmetics Division directly at 888-723-3366, email industry@fda.gov, or search for the FDA “Cosmetics Labelling Guide” online at [fda.gov](https://www.fda.gov).



Body products made with cannabis or hemp in Washington State are subject to specific regulation, including by the Washington State Liquor and Cannabis Board. Please refer to the “Selling Marijuana, Hemp, and Cannabis Products” fact sheet.

Making organic claims

USDA regulates the use of the term “organic” on agricultural ingredients and products, including claims made on body care products. For a body product to include a certified organic claim on its label, the operation which produces the agricultural ingredients, any handlers of the ingredients, and the manufacturer of the final product must all be certified by a USDA-accredited organic certifier, such as the WSDA Organic Program. Certified organic cosmetics and body care products must follow the specific labeling rules established by the National Organic Program.

A USDA National Organic Program, “Cosmetics, Body Care Products, and Personal Care Products” fact sheet, searchable at ams.usda.gov, provides an overview. Please contact the WSDA Organic Program with questions at 360-902-1805 or organic@agr.wa.gov. See the “Organic Certification” fact sheet for more information.

Additional Resources

References for federal regulations

Search for these by name at the Food and Drug Administration website, [fda.gov](https://www.fda.gov).

- Federal Food, Drug, and Cosmetic Act (FD&C Act).
- Guidance on Key Legal Concepts in FD&C Act: Interstate Commerce, Adulterated, Misbranded
- Electronic Code of Federal Regulations (e-CFR) Title 21. Search for sections relating to cosmetics.

Search for this name at the Federal Trade Commission website, [ftc.gov](https://www.ftc.gov)

- Fair Packaging and Labelling Act (FPLA).



20. Organic Certification

42. Selling Marijuana, Hemp, and Cannabis Products