

## **Consumer Product Ingredient Communication Initiative Guidance for Participating Companies**

The Household & Commercial Products Association (HCPA), and the American Cleaning Institute (ACI), and the Canadian Consumer Specialty Products Association (CCSPA) have developed a voluntary ingredient communication initiative to provide consumers with information about the ingredients in products in four categories: air care, automotive care, cleaning, and polishes and floor maintenance products.

The guidance in this document is being provided to assist companies participating in the Initiative (“Participants”). All referenced sections in this document refer to the Consumer Product Ingredient Communication Model developed by HCPA, ACI, and CCSPA, unless otherwise noted.

### **I. Nomenclature**

Section II(b)(i) provides that ingredients may be identified using one or more of the following naming systems: International Nomenclature of Cosmetic Ingredients (INCI), International Union of Pure and Applied Chemistry (IUPAC), Chemical Abstract Service (CAS) name, common chemical name.

Resources for accessing these naming systems include:

#### **International Nomenclature of Cosmetic Ingredients**

- International Cosmetic Ingredient Dictionary and Handbook, 13th Ed. (2010) [View Webpage](#)

#### **International Union of Pure and Applied Chemistry (IUPAC)**

- [IUPAC Compendium of Chemical Terminology - the Gold Book](#)

#### **Chemical Abstract Service (CAS)**

- [View Webpage](#)

#### **Common Chemical Name**

Common chemical names are specific chemical names (as opposed to function or class descriptors) traditionally employed by the industry or the name recognized by the consumer where such name recognition has been established over a period of time. Ingredients that consist primarily of a specific chemical compound may have numerous common chemical names that differ from the INCI, IUPAC and CAS names. In some cases, common names for specific compounds may also be chemical class descriptors widely recognized by consumers, such as sodium chloride having the common name “salt”.

Some other examples of common names for specific chemical compounds include:

- Isopropyl alcohol for propan-2-ol
- Potash for potassium carbonate
- Lye for potassium/sodium hydroxide
- Soda ash for sodium carbonate
- Lime for calcium oxide
- Baking soda for sodium bicarbonate
- Epsom salt for hydrated magnesium sulfate
- Urea for aminomethanamide

## **II. Confidential Business Information**

Section II(b)(iii) of HCPA's and ACI's Initiative provides that ingredients may be listed by their chemical function and/or chemical class descriptors "where needed for protection of confidential business information."<sup>1</sup>

Under this program, participants are not required to disclose information that has been claimed as confidential business information (CBI) under existing law or private contractual agreements.

In determining whether an ingredient should be considered CBI, participants should look to existing federal and state law for guidance.

Federal law governing the confidentiality procedures for cosmetic ingredients (21 CFR §720.8) lists several factors that should be considered in determining whether the identity of an ingredient qualifies as CBI:

- a. The extent to which the identity of the ingredient is known outside the [Participant's] business;
- b. The extent to which the identity of the ingredient is known by employees and others involved in [Participant's] business;
- c. The extent of measures taken by the [Participant] to guard the secrecy of the information;
- d. The value of the information about the identity of the claimed trade secret ingredient to the [Participant] and to its competitors;
- e. The amount of effort or money expended by [Participant] in developing the ingredient; and
- f. The ease or difficulty with which the identity of the ingredient could be properly acquired or duplicated by others.

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<sup>1</sup> For more information on how the CCSPA Initiative addresses the protection of CBI, see *Confidential Business Information (CBI) and Consumer Ingredient Communication* at <http://www.healthycleaning101.org>.

Some states have similar laws. The New Jersey Worker and Community Right to Know Act (N.J.S.A. 34:5A-1 et seq.) identifies the following factors in determining whether information is a valid trade secret:

- a. The extent to which the information for which the trade secret claim is made is known outside the employer's business;
- b. The extent to which the information is known by employees and others involved in the employer's business;
- c. The extent of measures taken by the employer to guard the secrecy of the information;
- d. The value of the information to the employer or the employer's competitor;
- e. The amount of effort or money expended by the employer in developing the information;
- f. The ease or difficulty with which the information could be disclosed by analytical techniques, laboratory procedures, or other means.

### **III. Location of Ingredient Listing**

Section II(c) provides that the participant may use one or more of the following media to identify ingredients: product label, manufacturer's website, manufacturer's toll free number, and/or other non-electronic means.

#### **a. Product Label**

Consumer product labels are regulated by the Consumer Product Safety Commission (CPSC) and the Federal Trade Commission (FTC). Participants electing to list ingredients on a product's label should review relevant CPSC (<http://www.cpsc.gov>) and FTC (<http://www.ftc.gov>) labeling regulations to be certain that they are in compliance and the manner in which ingredients are provided on a label does not conflict with these regulations.

#### **b. Website**

Participants that elect to list ingredients on a company or product website should provide this information in a prominent and easily accessible location on the relevant website. The website address may appear on the product label with a statement that the product's ingredients can be found at that website. For example: For product ingredient listing, go to [www.ABCProduct.com](http://www.ABCProduct.com).

#### **c. Toll-free number or other non-electronic means**

Participants electing to use a toll-free number or other non-electronic means to provide the ingredient information may list the telephone number or contact information on the product label with a statement that the product's ingredients can be obtained by contacting the manufacturer through that number or the other indicated means. For example: For

product ingredient listing, please call 1-800-xxx-xxxx or contact us at [your company's mailing address].

#### **IV. Template**

Section II(d) provides that “[I]ngredients present at a concentration of greater than one percent will be listed in descending order by predominance. Ingredients present at a concentration of not more than one percent will be listed but may be disclosed without respect to order of predominance.” In other words, ingredients in concentrations greater than one percent must be listed from the highest to the lowest concentration in the product. Ingredients in concentrations of one percent or less can be listed in any order at the manufacturer’s discretion. The latter group of ingredients can be placed in the same list as the former, following the lowest concentration ingredients present above one percent.

The following is a sample template that participants may use for listing ingredients on a website:

***Product Name:***

***Picture of Product:***

***Product Ingredients:***

- ***List those ingredients that are used at or above 1% in order of predominance followed by ingredients under 1% in the order you choose.***

***What are the benefits of this product?***

***To find additional information about air care, automotive, cleaning and polishes and floor maintenance products, as well as information about ingredients that may be contained in these, go to <http://www.thehcpa.org> <http://www.cleaninginstitute.org>, or [www.ifraorg.org](http://www.ifraorg.org).***

#### **V. What constitutes “intentionally added ingredients”?**

Participants will disclose all ingredients in the subject product categories except incidental ingredients that have no technical or functional effect in the product. In determining what constitutes an incidental ingredient, Participants should look to existing federal law.

Federal law for the labeling of cosmetic ingredients (21 CFR §701.3) defines “incidental ingredients” as:

- a. Substances that have no technical or functional effect in the [product] but are present by reason of having been incorporated into the [product] as an ingredient of another [product] ingredient.

- b. Processing aids, which are as follows:
  - i. Substances that are added to a [product] during the processing of such [product] but are removed from the [product] in accordance with good manufacturing practices before it is packaged in its finished form.
  - ii. Substances that are added to a [product] during processing for their technical or functional effect in the processing, are converted to substances the same as constituents of declared ingredients, and do not significantly increase the concentration of those constituents.
  - iii. Substances that are added to a [product] during the processing of such [product] for their technical and functional effect in the processing but are present in the finished [product] at insignificant levels and do not have any technical or functional effect in that [product].

**VI. Canadian Consumer Product Ingredient Communication Initiative**

For more information on the materials related to Canadian Consumer Specialty Products Association's voluntary ingredient communications program go to: <http://www.healthycleaning101.org>.