

Cosmetic Compositions

Lara Tessaro, Kent Law School

l.tessaro@kent.ac.uk

What are the pasts and presents, the practices and performances, the power and politics, of cosmetics labelling law in Canada?

Research Questions

- How have cosmetics labels been done in Canada?
- What do cosmetics labels do?
- How has formal law in Canada been supplemented, supplanted, or sidestepped by cosmetics labels?

Label as Techno-Legal Device

This project draws from Science and Technology Studies to theorize the cosmetic product label as a techno-legal device (Ballesterio 2019). Critically, a label constitutes its contents and "jurimorphs" its substances (McGee 2015), as much as it governs cosmetics or their (largely feminized) consumers.

Methodologies

Much like cosmetic labels are an assemblage of components that has emerged through historically contingent events, this project uses a "**compositional**" approach. Labels' elements are gathered and arranged as **narrative histories**.

Primary historical sources include archival materials (National Health, Justice), historical legislation, Hansard, *Canada Gazette*, case law, newspapers, adverts, and journals.

Contemporary sources include FOI materials, online documents, and roughly 15 semi-structured interviews.

Criminal Prohibition + Hazard

- Changing constitutional doctrine
- Draft amendments to Food and Drug Act (many abandoned)
- Department of Justice counsel and National Health officials
 - 1940s and onwards

Ingredient Lists: Allergy or Toxicity?

- "Hotlist" of ingredients banned or restricted - informal law?
- Canadian Environmental Protection Act - formal law?
- mid-level civil servants in health and environment departments
 - 1970s and onwards

Directions for Use + Injury

- A new Food and Drugs Act in 1953 separated cosmetics and drugs, including with use labels
- Justice counsel, National Health officials, and Parliamentarians
 - 1950s and onwards

Claims + (re)entanglements of cosmetics and drugs

- in 1940s, Canada dropped plan to regulate claims i.e. 'puffery' allowed
- from 2000s,, National Health separated cosmetics and drugs by the claims made about them.
 - from 2015, these objects re-entangling through "self-care products"

Packaging (incl. weight) + Fraud

- 1939 amendments to Food and Drugs Act (most not into force)
- Cosmetics made sub-class of drug
- Licensing, labelling, and packaging
 - Parliamentarians primarily
 - 1930s and onwards

