**REQUEST FOR AN INGREDIENT DISCLOSURE EXEMPTION UNDER THE TRADE PRACTICES (CONSUMER PRODUCT INFORMATION STANDARD) (COSMETICS) REGULATIONS**

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| 1. **REQUESTOR DETAILS**
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| **Name of requestor** |  |
| **Company name** |  |
| **ABN** |  |
| **Job title**  |  |
| **Postal Address** |  |
| **Contact number** |  |
| **Email** |  |
| 1. **INGREDIENT IDENTITY AND REASONS FOR CLAIMING EXEMPTION**
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| **Ingredient name and CAS number (if allocated)** | Please include both generic and scientific names |
| **Product Name(s)** | Please list all of the products that you intend to use this ingredient in |
| **Summary of reasons why you are claiming an exemption from listing this ingredient pursuant to Regulation 7 of the *Trade Practices (Consumer Product Information Standard (Cosmetics) Regulations)*** |  |
| **Is the ingredient commonly used in other cosmetic products?** | If yes, please list the types of cosmetic products that this ingredient is commonly used in. Is the ingredient disclosed on these other cosmetic products? |
| **How important is the order and conditions in which the ingredients are mixed?[[1]](#footnote-1)** | For example, does the claimed uniqueness arise out of the order in which the ingredients are mixed together or other conditions, (eg. temperature, PH, use of emulsifiers or processing aids) or is it due only to the presence of the ingredient?  |
| **State the period for which an exemption is sought**  |  |
| 1. **COMPANY INFORMATION**
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| **Are you a sole trader?** |  |
| **Are you a national or international company?** |  |
| **Are your products sold only in Australia or overseas or both?** |  |
| **Do you sell your product:*** **direct to the public**
* **only through retail outlets or**
* **via wholesalers?**
 |  |
| **Are your products manufactured in Australia or overseas?** | Please specify how many locations your products will be manufactured in.  |
| **Are the products manufactured by you or a contractor?**  |  |
| **If you sell your products overseas, have you sought/been granted an exemption from disclosing the ingredient by the relevant government authority in that country?**  | If yes, please provide details of your trade secret (confidentiality) application to the relevant international authority.Please also specify whether it was granted and when. |
| 1. **EFFORTS TO DEVELOP AND MAINTAIN A TRADE SECRET**
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| **Who knows, or is likely to know/ the identity of the ingredient?** | This includes persons who have access to information about the identity of the ingredient. Please list under what conditions and circumstances they know/ have access to the ingredient |
| **Who knows the source/preparation method of the ingredient (if a rare or unusual source is involved)?** |  |
| **Who primarily purchases the ingredient and to what extent do they know:*** **what the ingredient is; its role in the product/s; and that it is a secret ingredient.**
 |  |
| **Who primarily mixes the ingredient into the product and to what extent do they know:*** **what the ingredient is; its role in the product/s; and that it is secret ingredient.**
 |  |
| **Who knows/has access to the product formulation?** |  |
| **Are other processing aids necessary to introduce the ingredient into the product formulation?** |  |
| **Have you applied for or been granted patents or other protection of intellectual property?** |  |
| **How easily could the identity of the ingredient be identified (e.g. by analysis)?** |  |
| **What steps do you take to ensure that unauthorised persons cannot gain access to information about the ingredient?**  |  |
| **What gives the use of ingredient its value?** | State the value to you/your company of the information regarding this ingredient, particularly whether the following applies:* Your competitors do not know you are using this ingredient.
* Use of this ingredient in cosmetics not obvious or easily ascertainable by other cosmetic producers.
* It is not usually used in cosmetic products.
* Its source is not known to your competitors.
* Its method of preparation is unusual/ uncommon.
* Disclosure of the ingredient would prejudice a trade secret.

Also provide an estimated monetary value (in $AUD) to you/your organisation has spent developing the products using the ingredient? |
| **What would be the effect (in monetary terms) on your company if your competitors knew:*** **You were using the ingredient; or knew the ingredient source/ preparation method.**
 | Please state in $AUD |
| 1. **DOCUMENTATION SUBSTANTIATING SAFETY**
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| **What concentration or proportion is the ingredient used in the product(s) for which exemption is sought?** |  |
| **What parts of the body the product is designed to be applied to?** |  |
| **Are there any specific directions related to safe use of the product?**  |  |
| **What is the claimed purpose of the product?** |  |
| **Has any overseas government/accredited authority assessed this ingredient for safety and have they authorised its use in cosmetics or food?** | Please ensure that all available supporting documentation is provided (for example references to reports, papers should include the author, date of publication and title).  |
| **Has dermal testing been conducted on human or animal subjects?** | Please provide test reports. |
| **Is the ingredient/ chemical currently listed on the Australian Inventory of Chemical Substances (AICS) or otherwise permitted for use by NICNAS?** | If yes, please provide details. |
| **Is the ingredient listed in any of the Schedules to the Standard for the Uniform Scheduling of Medicines and Poisons (SUSMP)?** | If yes, please list which Schedules; and what restrictions or requirements are imposed by the SUSMP |
| **Have any restrictions been placed overseas on the use of the ingredient in a cosmetic product?**  | If yes, please provide details. |
| **SIGNATURE** |
| **Signature of requestor** |  |
| **Date of signature** |  |

1. A trade secret exemption will not be granted to protect the formulation of a cosmetic product. If the uniqueness of the product is due only to the way in which the ingredients are mixed together, or the order of their mixing, protection of that information is considered to be your responsibility. [↑](#footnote-ref-1)