

Advertisement of chemicals– CLP Article 48

Introduction

A REACHReady subscriber recently approached our helpdesk with a query in relation to advertisement of chemicals. Considering that CLP Article 48 states that the CLP hazard classes should be mentioned in advertisement, the subscriber specifically requested clarifications on what falls under “advertisement”: Do they need to include information on CLP hazard categories on the homepage? Or only if there is an advertisement e.g. in a magazine? The company does not sell chemical substances online, only business to business, but they do have a homepage introducing their products.

REACHReady’s support

A REACHReady consultant helped clarifying the meaning of Article 48(1). With the subscriber’s agreement, the query was also anonymously raised with the UK REACH competent authority’s helpdesk, and the following feedback was received from the Health and Safety Executive: *“According to Article 48 (1), any advertisement for a substance classified as hazardous shall mention the hazard classes or hazard categories concerned. We consider that this includes adverts intended for both the general public and professional users (working at other industrial sites), and that a catalogue or a website is a form of advertising.*

For mixtures, any advertisement for a mixture classified as hazardous or covered by Article 25(6) which allows a member of the general public to conclude a contract for purchase without first having sight of the label shall mention the types or type of hazards indication on the label (Article 48(2)). An advert includes making a representation in any form in connection with a trade, business, craft or profession in order to supply goods or services. This would include providing information in a catalogue (on-line or in hard copy) where it is possible for a consumer to obtain a mixture (i.e., conclude a contract for purchase) without being able to see the product label itself first (e.g., by ordering on-line or over the telephone). If the mixture can only be obtained in person, and the member of the public is able to see the label prior to concluding the purchase (as would be the case in a shop), there is no requirement to include the labelling information in the advert. If a member of the public picks up the mixture in person but pays at a till point prior to receiving the product (as is the case in many catalogue shops), they would not have had sight of the label before-hand and in our opinion any advert should include relevant information on the hazard”.

Further information

REACHReady’s aim is to help our customers find the cost-effective solution which will best meet their requirements. The Helpdesk is a key benefit of the Gold subscription package, offering ongoing support and answers to discrete queries via email and telephone to all our Gold subscribers. First-time subscribers can also receive up to one hour of scheduled telephone consultancy, ideal for getting started in a particular area of compliance.

For more information, please call +44 (0) 20 7901 1444 or email enquiries@reachready.co.uk