

# **Decree No 2023-1427 of 30 December 2023 on Information on certain Intimate Care Products**

NOR: SPRP2329066D

ELI: <https://www.legifrance.gouv.fr/eli/decret/2023/12/30/SPRP2329066D/jo/texte>

Alias: <https://www.legifrance.gouv.fr/eli/decret/2023/12/30/2023-1427/jo/texte>

Official Journal of the French Republic No 0304 of 31 December 2023

Text No 112

- Annex

Groups concerned: manufacturers, importers, distributors, consumers of intimate care products.

Purpose: Definition of the information which must appear on the packaging or leaflet of intimate care products.

Entry into force: the provisions of this Decree enter into force on 1 April 2024, under the conditions referred to in Article 7.

Notice: The Decree defines the content of the information which must appear on the packaging of intimate care products (absorbent pads, panty liners, menstrual panties, tampons, menstrual cups, menstrual sponges) placed on the market and the manner in which they are brought to the consumer's attention.

References: the Decree can be consulted on the Légifrance website (<https://www.legifrance.gouv.fr>).

The Prime Minister,

On the report of the Minister of Economy, Finance and Industrial and Digital Sovereignty and of the Minister for Health and Prevention;

Having regard to Regulation (EU) 1007/2011 of the European Parliament and of the Council of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products and repealing Council Directive 73/44/EEC and Directives 96/73/EC and 2008/121/EC of the European Parliament and of the Council;

Having regard to the amended Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009;

Having regard to Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, together with the notification addressed to the European Commission on 6 June 2023;

Having regard to Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce'), together with the notification addressed to the European Commission on 7 September 2023;

Having regard to the Consumer Code, in particular Articles L. 120-1, L. 321-1, L. 412-1, L. 421-1 to L. 421-7, L. 422-1 and R. 412-1 thereof;

Having regard to the opinion of the National Agency for Food, Environmental and Occupational Health & Safety of 21 July 2022;

Having regard to notification No 2023/0344/F of 6 June 2023 and the notification of 7 September 2023 addressed to the European Commission;

Having heard the Council of State (Finance section),

Hereby decrees:

## **Article 1**

The provisions of this Decree apply to single use or reusable products, intended to absorb or retain body fluids and to be put in contact with the internal or external genitourinary system of persons who have reached puberty and which are kept for sale or for distribution free of charge.

These provisions do not apply to medical devices defined by the above-mentioned Regulation of 5 April 2017.

## **Article 2**

The packaging of products mentioned in Article 1 shall bear the following information written in French and in indelible, visible, legible and understandable characters:

1. The composition of the product, in the form of a list containing all the components that are present and, for each of these components, the details of the substances and materials intentionally incorporated during the manufacturing process of the finished product. This provision does not apply to textile products, which are subject to the specific provisions of the above-mentioned Regulation of 27 September 2011;
2. The health risks associated with the composition or use of the product, in particular as regards irritations, intolerances, allergies, micro-trauma;
3. The terms and precautions for the use of these products as well as the health risks mentioned in point 2 are set out in the Annex to this Decree.

## **Article 3**

When the products mentioned in Article 1 are offered for sale by means of

distance communication, the information referred to in Article 2 shall be provided before the completion of the purchase and shall appear on the distance selling medium.

#### **Article 4**

Where the size of the packaging does not allow all the information referred to in Article 2 to appear in it, it may appear on a package leaflet accompanying it. In this case, the packaging shall indicate at least the following information: the composition, the risk of menstrual toxic shock syndrome related to the use of products for internal use, the maximum wear period for these products, the recommendation for wearing products for external use at night, the appropriate choice of protection in relation to the menstrual flow.

#### **Article 5**

Where the products referred to in Article 1 are intended to be sold or distributed free of charge individually or in bulk in accordance with Article L. 120-1 of the Consumer Code, the information required shall be contained in a leaflet accompanying the product or displayed nearby.

#### **Article 6**

The provisions of this Decree shall not prevent the placing on the market in France of products lawfully manufactured or marketed in another Member State of the European Union or in Turkey, or lawfully manufactured in a State party to the Agreement establishing the European Economic Area, in so far as they are accompanied by information ensuring a level of safety equivalent to that required by this Decree.

#### **Article 7**

This Decree shall enter into force on 1 April 2024.  
Products which do not comply with the provisions of this Decree placed on the market before this date may continue to be offered for sale or distributed free of charge until 31 December 2024.

#### **Article 8**

The Minister of Economy, Finance and Industrial and Digital Sovereignty, the Keeper of the Seals, the Minister of Justice, and the Minister for Health and

Prevention shall each be responsible for his part for the implementation of this Decree, to be published in the Official Journal of the French Republic.

## **Annex**

### **ANNEX**

#### **TERMS AND PRECAUTIONS FOR THE USE OF CERTAIN INTIMATE CARE PRODUCTS**

The terms and precautions mentioned in point 3 of Article 2 of this Decree regard the:

- washing of hands before use or insertion of the product and its removal;
- washing or disinfection of reusable products before their use;
- information on the positioning of the product, how to remove it;
- regular change of the product.

The information, terms and precautions mentioned in point 2 of Article 2 of this Decree, for care products (hygienic or periodic) for internal use, shall cover:

- the indication of using only one product at a time;
- the maximum recommended wear period, which may not exceed six hours;
- the recommendation on wearing the product only during menstruation and the use of a product adapted to the menstrual flow of the person, who must have access to an explicit indication of the absorption capacity of the product;
- information that menstrual toxic shock syndrome is a serious, potentially life-threatening infectious disease related to wearing a care product (hygienic or periodic) for internal use for too long during menstruation, the complete description of possible symptoms of menstrual toxic shock syndrome (fever that is sudden and above 39°C, vomiting, diarrhoea, skin rashes resembling sunburn, sore throat, dizziness and/or fainting, specifying that not all of them may occur at the same time);
- the recommendation to consult a doctor immediately if the symptoms of menstrual toxic shock syndrome appear, remove the product and, if possible, store it for analysis, inform the doctor of current menstrual periods and the possibility of having a menstrual toxic shock syndrome linked to the use of an intimate care product for internal use;
- the recommendation to people who have already developed menstrual toxic shock syndrome not to use care products for internal use;
- the recommendation to use intimate care products for external use at night, given

the maximum wear period indicated, in order to reduce the risk of developing menstrual toxic shock syndrome.

Done on 30 December 2023.

Élisabeth Borne  
By the Prime Minister:

The Minister for Health and Prevention,  
Agnès Firmin Le Bodo

The Minister for the Economy, Finance, and Industrial and Digital Sovereignty  
Bruno Le Maire

The Keeper of the Seals, Minister of Justice,  
Éric Dupond-Moretti