

Marie Boyd
Assistant Professor
University of South Carolina School of Law
boydmc@law.sc.edu

**GENDER, RACE & THE INADEQUATE
REGULATION OF COSMETICS**

ABSTRACT

Scholars and other commentators have identified failures in the regulation of cosmetics—which depends heavily on voluntary industry self-regulation—and called for more stringent regulation of these products. These calls, however, have largely neglected an important dimension of the problem: the current laissez faire approach to the regulation of cosmetics disproportionately places women, and particularly women who are members of other excluded groups, at risk. This Article examines federal cosmetics law and regulation through a feminist lens. It argues that cosmetics law and regulation have lagged behind that of the other major product categories regulated by the Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act of 1938 because cosmetics are a gendered product and industry. In addition, conflicting views of the meaning of cosmetics among self-identified feminists and differences in usage across racial, ethnic, and socio-economic and age lines, means that reform efforts must confront opposition and tension both within and outside of feminism. Ultimately, this Article questions the legitimacy of the current approach to cosmetics law and regulation. It concludes with several recommendations regarding how to begin to address the failures of cosmetics law and regulation.

Forthcoming in the *Yale Journal of Law & Feminism*.