

Legislation Introduced to Define the Term “Natural”

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The meaning of the term “natural” has been the subject of countless false advertising lawsuits in recent years. It has also been the subject of regulatory scrutiny by the Federal Trade Commission in conjunction with advertising-related regulatory investigations and enforcement actions.

Technically speaking, the Federal Trade Commission has not formally defined what “natural” means. However, the inclusion of artificial or synthetic ingredients is typically perceived as rendering such claims false and deceptive.

For example, in [2016](#), the FTC settled charges against companies that allegedly promoted personal-care products containing artificial ingredients as “all natural” and “100% natural.” According to [FTC attorneys](#), “[a]ll natural’ or ‘100 percent natural’ means just that -- no artificial ingredients or chemicals.”

Marketers of personal-care product must always consider issues such as avoiding misrepresentations relating to whether the product is all natural or 100 percent natural, the extent to which the product contains any natural or synthetic components; the ingredients or composition of a product, and the environmental or health benefits of a product. Of course, marketers must also always possess and rely on competent and reliable evidence to support any product claims they make, prior to dissemination thereof. Some claims require scientific evidence, which is defined as tests, analyses, research, or studies that have been conducted and evaluated objectively by qualified individuals using procedures generally accepted in the profession to yield accurate and reliable results.

Recently, with respect to “natural” claims, legislation dubbed the [Natural Cosmetics Act](#) was introduced. The Act would define the term “natural” as it pertains to personal-care products and provide the U.S. Food and Drug Administration with enforcement authority, including that ability to recall misbranded products.

Specifically, the Act would amend the Federal Food, Drug, and Cosmetic Act to require cosmetic products labeled as “natural” to be “naturally occurring” (with designated processing and extraction standards), contain at least 70 percent natural substances, and be free from certain manufacturing processes. A mislabeled cosmetic would be considered misbranded under the FDCA.

Additionally, the Act imposes new recordkeeping and testing requirements.

The next stop for the Act is the House Committee on Energy and Commerce.

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National Law Review, Volume IX, Number 347

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