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The Jansan Industry and the Ingredient Disclosure Issue

By **Mike Sawchuk** — posted 08/11/2011



On September 23, 2009, U.S. Senator Al Franken introduced the Household Product Labeling and Disclosure Act in Congress, which would have required manufacturers of household cleaning products to list all the key ingredients in their products. The same day, the bill was forwarded to a committee for review and that was the last anyone heard of it.

Franken was proposing “full ingredient disclosure.” Typically, this includes a listing of all the “intentionally added” ingredients in a product to be posted on the product’s label. Some ingredients in cleaning chemicals are known as “incidental ingredients.” They serve no specific function and often disappear in the manufacturing process. These ingredients would not have to be listed in accordance with the act.

You might think that this was the end of the ingredient disclosure concept. However, interestingly enough, at least in the household cleaning market, just the opposite appears to be evolving. Pressure from manufacturers of environmentally friendly cleaning products for the home has resulted in some major players—namely Clorox Co. and SC Johnson—to disclose more information on product labels about what is in their household cleaning chemicals.

Now, both companies appear to be “one-upping” each other, launching marketing campaigns on television and social media sites and disclosing the key ingredients for a variety of their household products. Apparently, these companies view ingredient disclosure and the transparency that results as not only a wave of the future and important for consumer confidence, but as a marketing tool as well.

Should jansan manufacturers and distributors also view ingredient disclosure as necessary, a future trend, and even a marketing tool? The answers: they should, they likely will, and it will be good for our industry. Further, it should be an effective marketing tool.

Why Full Ingredient Disclosure Is Necessary

When the issue of ingredient disclosure is discussed, some jansan manufacturers and distributors say it is not necessary because most of this information is already available on Material Safety Data Sheets (MSDSs). Although some of a product’s ingredients are listed on the MSDS, it is typically only those, but not all, that are known to be hazardous and in the formula above 1 percent. Also to be included are ingredients considered carcinogens, mutagens, and teratogens over 0.1 percent—but this is not full ingredient disclosure.



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For example, some formulations may have a number of hazardous ingredients that make up a high percentage of the formula, but if all are below the required 1 percent and 0.1 percent thresholds, they need not be included on the MSDS. Also, while guidelines are given, there is no auditing required, meaning that some MSDSs may not be accurate.

Possibly the best way to describe the need for full ingredient disclosure is with the following scenario. A school decided to use only proven green cleaning products. After evaluating various products, the school's officials found two that they believed would be the most cost- and performance-effective. However, one of the products contained an ingredient that, while environmentally preferable, could potentially trigger respiratory problems in small children. The other product did not contain this ingredient. Knowing this, and as a result of full ingredient disclosure, the school selected the product that did not contain the ingredient in question.

In plain and simple terms, full ingredient disclosure helps the end-customer make an informed buying decision, especially in sensitive environments such as schools, medical centers, nursing homes, etc.

What's Holding Things Up?

One concern some manufacturers have about full ingredient disclosure is that it opens the door for competitors to see exactly what is in the products they produce. The manufacturer may have spent considerable time and money developing the product and, understandably, the last thing it wants is for a competitor to inexpensively replicate the product a few weeks later.

Well aware of this problem, the Consumer Specialty Products Association (CSPA), which advocates ingredient disclosure information, suggests an ingredient disclosure format that lets consumers and end-customers know what is in a product, while also protecting the manufacturer's trade secrets. For instance, it proposes the following guidelines for determining whether an ingredient is proprietary:

- The extent to which the identity of the ingredient is known outside the manufacturer's business
- The extent to which the identity of the ingredient is known by employees and others involved in the manufacturer's business
- The extent of measures taken by the manufacturer to guard the secrecy of the information
- The value of the information about the identity of the claimed trade secret ingredient to the manufacturer and to its competitors
- The amount of resources expended by the manufacturer in developing products that contain safe and effective ingredients
- The ease or difficulty with which the identity of the ingredient could be properly acquired or duplicated by others.

Further, acknowledging that in some cases the release of product information might harm a company's competitive position, the CSPA suggests "functional descriptors" can be substituted. These describe the purpose and function of the ingredient without actually identifying it.

Certainly there are ways to break down and reverse-engineer a competitor's product. However, it's like baking a cake—having all the ingredients does not mean the cake will turn out the same for everyone.

Where We Go From Here

What I find most interesting about the bill introduced to Congress that would mandate ingredient disclosure is that the government did not need to mandate these policies.

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Segments of the household and professional cleaning industries are voluntarily stepping up to the plate and adopting full ingredient disclosure policies.

Most likely, as manufacturers start to endorse this concept, including those in the professional cleaning industry, more will follow. This is an example of private industry working at its best. A positive outcome will only help end-customers and further professionalize our industry.



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