

Guidance for Producers of Face Coverings

Background

As of the 15th of June 2020, the government has mandated the wearing of face coverings on public transport and when attending hospitals. They also recommend that they are worn in other enclosed public spaces where social distancing isn't possible and when coming into contact with people you would not normally meet.

Evidence suggests that wearing a face covering does not protect the wearer. However, if someone is infected but has not yet developed symptoms, it may provide some protection for others that the wearer comes into close contact with.

A face covering is not the same as medical masks or respirators which are used by healthcare and other workers as part of personal protective equipment.

Purpose

This guidance relates to face coverings only. It does not relate to the sale of personal protective equipment face masks or medical face masks.

It is intended to assist producers of face coverings comply with the law.

Safety

All goods sold or supplied are required to be safe under the General Product Safety Regulations 2005. This legislation also requires that products have on their labelling or packaging the producers' name and address. This is to allow traceability if there are any problems with the product. The Office of Product Safety & Standards has produced the following guidance on this legislation with regard to face coverings. Please click the link below to read this guidance.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/891041/Guidance-for-businesses-and-individuals-face-coverings-version-2.pdf

Fair trading

The Consumer Protection from Unfair Trading Regulations 2008 prohibit misleading actions and omissions. This means that all information you provide to consumers must be accurate and clear.

To avoid contravening these regulations we would recommend that you do not make any health claims when selling your product. This is because the evidence suggests that face coverings do not protect the wearer.

The following descriptions are examples of what may be considered misleading under this legislation when advertising a face covering:

- “Health protection face mask”
- “Keeps you safe”
- “Protects you from viruses”
- “Extra protection”

To avoid providing a misleading description you should ensure that you only state factual information which does not mislead consumers. An example of a compliant description would be to describe your product as a “face covering” and give information regarding its size and fabric design/ pattern.

More in-depth guidance on this legislation can be found by following this link <https://www.businesscompanion.info/en/quick-guides/good-practice/consumer-protection-from-unfair-trading>

Fabric labelling

EU Regulation 1007/2011 and The Textile Products (Labelling and Fibre Composition) Regulations 2012 require all textile products to be labelled indicating their fibre content. Products consisting of 2 or more fibres must indicate how much of each fibre is present.

Further guidance on this can be found by following this link. <https://www.businesscompanion.info/en/quick-guides/goods/labelling-of-textiles>

Further information

The guidance above covers the main legal aspects relevant to the production of a face covering but is not an exhaustive list of all applicable legislation. Further advice on Trading Standards legislation is available at <https://www.businesscompanion.info/>

Contact

This guide was produced by Oxfordshire County Council Trading Standards. We can be contacted on the details below.

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In offering this advice Oxfordshire County Council wish to make clear:

- Legislation may change over time and the advice given is based on the information available at the time of writing.
- Only the courts can interpret statutory legislation with any authority.
- This advice is not intended to be a definitive guide to, nor substitute for, the relevant law.
- Independent legal advice should be sought where appropriate.