

**NON-SURGICAL COSMETIC ENHANCEMENT: A CONSUMER'S LEGAL
PERSPECTIVE**

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The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.

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ABSTRACT

This research paper outlines the laws and regulations that govern the protection of consumers in non-surgical cosmetic enhancement procedures. It first identifies the issue and the current situation in Malaysia with reference to relevant reported cases. It also includes the identification and analysis of local laws governing the issue, comparison between local laws and international laws as well as problems of enforcement of laws and regulations relating to the issue at the federal and state level.

Based on the research done, appropriate recommendations for the protection of consumers in non-surgical cosmetic enhancement procedures apart from the overall conclusion are provided for in Chapter 5 of the paper.

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CHAPTER ONE: INTRODUCTION

1.0 INTRODUCTION

A consumer is a person who acquires or uses goods or services of a kind ordinarily acquired for personal, domestic or household purpose, use or consumption.¹ Consumers have a right to complain if they feel that the treatment that had been received was unsatisfactory. The rights of a consumer are covered under the Consumer Protection Act 1999 whereby it regulates relationships between individual consumers and the businesses that provide these goods and services. However, due to the nature of the services provided by a beauty parlour, it is hard to define what type of compensation that may be claimed if things don't go as expected. Moreover, service providers are at liberty to conduct their practice at a reasonable standard of safety if a safety standard has not been prescribed by the Minister.² This creates a wide range of safety standards since different service providers may have different views on what constitutes a “reasonable safety guidelines”. Some of the safety standards prescribed by service providers may not be sufficient to protect consumers from risks and injuries of a cosmetic procedure.

Cosmetic or aesthetic procedures alter a part of the body that the person is not satisfied with. Common non surgical cosmetic procedures include botox³, chemical peels⁴, fillers⁵ and thermage.⁶ This differs from reconstructive surgery, which can restore appearance and function of body parts affected by congenital defects, injuries and diseases such as cancer. It is therefore not required for health. While the overall

¹ Consumer Protection Act (1999) at s 3

² Consumer Protection Act (1999) at s 19(4).

³ see Appendix 3: bullet 1

⁴ see Appendix 3: bullet 2

⁵ see Appendix 3: bullet 3

⁶ see Appendix 3: bullet 4