

Preventive and Repressive Supervision of Beauty Product Distribution

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ABSTRACT

Beauty products require intensive legal supervision because consumers cannot independently verify ingredients, contamination levels, manufacturing quality, or the accuracy of promotional claims before purchasing. This article examines preventive and repressive supervision of cosmetic products within business law and evaluates the implementation of consumer protection in Indonesia. A normative legal method is applied through statutory and conceptual approaches. The analysis shows that preventive supervision operates through business legality, cosmetic notification, manufacturing requirements, safety and quality standards, contamination limits, labeling, claims, promotion, and advertising. Repressive supervision begins when violations are identified through inspection, sampling, consumer reports, product withdrawal, distribution restrictions, administrative measures, dispute resolution, and criminal liability where statutory elements are satisfied. Digital commerce creates additional difficulties because illegal products, misleading claims, and sellers can rapidly move across accounts and platforms. Effective consumer protection therefore requires coordinated digital supervision involving regulatory authorities, electronic marketplace operators, consumer institutions, and the public. Legal supervision is most effective when pre-market controls, post-market monitoring, consumer remedies, and digital enforcement operate as an interconnected system.

INTRODUCTION

The growth of the beauty product industry expands consumer choices while simultaneously increasing the need for regulatory systems capable of safeguarding product safety, quality, efficacy, and information accuracy. Cosmetics are directly linked to the human body; therefore, quality failures, the use of prohibited ingredients, contamination exceeding limits, or misleading claims can result in health and economic losses (Vieira et al., 2024). In business law, supervision is necessary to correct information asymmetry between producers and consumers. Howells (1998) explains that product safety regulation combines pre-market controls with post-market surveillance, including standardization, safety obligations, product recalls, accident monitoring, and information exchange. This framework indicates that consumer protection cannot rely solely on individual buyer choice. Consumers require institutions that establish boundaries regarding products fit for the market and

mechanisms to halt distribution when risks are identified (Shidarta, 2014).

Supervision carries an economic significance because the beauty product market relies heavily on consumer trust in information provided by business actors. Consumers generally lack laboratory capabilities to check composition, impurity levels, stability, or production process compliance before purchasing products. They use information on labeling, advertising, claims, brand reputation, and marketing authorization as the basis for decisions (Suyudi & 'Afif, 2022). Hodges (2005) demonstrates that product safety regulation uses various instruments, such as pre-market assessment, production environment control, provision of information, post-market obligations, and distributor supervision. This structure shows that safety is not an attribute that consumers can fully verify at the time of transaction. The state and business actors share the responsibility to build systems that allow risks to be detected before

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causing widespread harm. Strategic business approaches require compliance with operational principles to maintain market stability (Mardikaningsih et al., 2024).

The development of digital marketing adds complexity to supervision. Beauty products can be marketed through marketplaces, social media, live streaming, affiliates, influencers, and cross-border sellers within a very short time (Hidayati & Aripin, 2024). Such trade models broaden consumer access, but increase the opportunity for unnotified products, counterfeit items, non-compliant labeling, and benefit claims exceeding available evidence. Digital marketing information also changes faster than physical packaging. A product with compliant labeling can still be promoted through content giving the impression of medical efficacy or unrealistic results. The character of digital trade makes supervision need to move from mere product inspection toward monitoring product representation in the electronic space. Transaction systems in the digital era must incorporate reliable electronic frameworks (Rahman et al., 2024).

Ramsay (2012) places consumer law as part of market regulation related to information asymmetry. The obligation to provide complete and honest information about a product, including circulation permit information, is an essential part of consumer protection in electronic-based trade (Sulaiman et al., 2024), trade practices, consumer contracts, and changes in electronic commerce. Brand integrity and proper trademark protection safeguard consumer trust against unfair market practices (Yani et al., 2023; Hardyansah et al., 2023). This perspective is relevant for beauty products because protection does not stop at ingredient safety. Consumers also have interests in true information, transparent product prices and characters, as well as redress access when goods cause harm. Quality supervision ultimately affects business competition. Actors complying with safety requirements and spending on good production processes can be harmed if illegal or fake products are allowed to compete through lower prices (Alimah, 2023). Consumer protection and business order have a close relationship. Product purchasing decisions are significantly shaped by brand perceptions and value evaluations (Zahroh & Chasanah, 2023).

Beauty product supervision can be distinguished into preventive and repressive supervision. Preventive supervision works before or during products entering the market through production requirements, notification, labeling,

claims, safety standards, and business actor examination (Putri & Hapsari, 2024). Repressive supervision works after non-compliance is found through inspection, recall, market withdrawal, approval revocation, administrative sanctions, consumer lawsuits, and criminal liability if criminal elements are fulfilled. This division helps explain that consumer protection is not a single process. Products already approved for circulation can still be supervised because actual composition, production, distribution, advertising, or post-marketing sales methods can deviate from requirements. Standardized operational frameworks and compliance mechanisms are essential for effective organizational governance (Darmawan, 2021).

The need for supervision grows stronger because consumer literacy levels are not uniform. Some consumers are accustomed to checking notification numbers and composition, while others rely more on testimonials, prices, influencer promotions, or product visual appearances. Literacy gaps provide room for practices exploiting consumer ignorance through excessive claims, product identities resembling other brands, unaccountable testimonials, or incomplete information inclusion (Sakti & Dinanti, 2020). Legal supervision must run alongside consumer education because supervisory agency capacities are always limited compared to transaction volumes. Consumers recognizing risk signs can be part of detection systems through complaints and reporting. Micro and small enterprises must adhere to legal standardization and formal certification provisions to ensure fair market participation (Hakiky et al., 2023).

When beauty product supervision is often understood as a technical task of BPOM, relationships among product supervision, business actor responsibility, digital commerce, dispute resolution, and market discipline must be recognized. Pre-market notification has a different function from market inspection. Labeling differs from advertising. Marketplace supervision has a structure distinct from production facility checks. Consumer disputes also have separate pathways. Service providers and institutional frameworks must bear clear legal liabilities when operational discrepancies or fraudulent practices occur (Eskandar et al., 2025; Faridi et al., 2023).

The research problem formulation encompasses an analysis of the construction of preventive and repressive supervision over beauty products within business law to protect consumers, as well as an evaluation of the implementation of supervision by

authorized institutions in Indonesia along with the necessary reinforcements to enhance consumer protection. This article aims to analyze the legal construction of supervision over beauty products and the implementation of supervision by authorized institutions in Indonesia. The first focus is directed toward preventive and repressive supervision through product requirements, notification, labeling, claims, market surveillance, and forms of liability. The second focus assesses the execution of supervision in conventional and digital trade, complaint access, institutional coordination, and obstacles in the form of low consumer literacy and rapid changes in sales patterns.

RESEARCH METHOD

This study employs normative legal research using statutory and conceptual approaches. Marzuki (2017) explains that legal research is conducted through the examination of rules, principles, and doctrines to construct arguments regarding legal issues. The statutory approach is utilized to assess the relationship between consumer protection, health, cosmetics, electronic commerce, labeling, advertising, and sanctions. Ibrahim (2006) emphasizes the necessity of reading norms as part of a system so that different regulations are not analyzed in isolation. Primary legal materials were selected from regulations that remain in force and relate directly to beauty products. Secondary legal materials in the form of books and scholarly studies were used to explain the function of supervision, business actor liability, and consumer protection.

The analysis was conducted through the inventory of regulations, examination of validity status, classification of supervision, systematic interpretation, and argumentative synthesis. Soekanto and Mamudji (2015) position written legal materials as the core of normative legal research to examine principles, systematics, and normative relationships. The materials were then grouped according to the two research problem formulations. The first group encompasses provisions on notification, safety, quality, contamination, labeling, promotion, advertising, inspection, recall, and sanctions. The second group covers electronic commerce, consumer complaints, dispute resolution, online supervision, fraud, public literacy, and institutional coordination. Outdated regulations that have been revoked were not used as operational legal bases. The analysis was directed toward distinguishing supervision that prevents problematic products from entering the market from supervision that responds to violations after products are in circulation.

RESULT AND DISCUSSION

Construction of Preventive and Repressive Supervision over Beauty Products

Legal supervision within the framework of business law is an instrument to maintain a balance between the interests of business actors and consumer rights. The increasing demand for cosmetics and skincare enlarges business opportunities while simultaneously providing room for actors attempting to market goods with materials, quality, labeling, or claims that do not meet requirements. Law Number 17 of 2023 concerning Health places pharmaceutical preparations, including cosmetics, within a safeguarding structure related to standards, safety, quality, and supervision (Armansyah & Satino, 2024). The law serves as the primary foundation for the national health framework. Such norms render consumer interests regarding cosmetics distinct from ordinary goods transactions because bodily safety constitutes a legal interest that must be safeguarded before losses materialize.

The implementation framework of the Health Law is detailed through Government Regulation Number 28 of 2024. This regulation governs pharmaceuticals, health supplies, guidance, and supervision, and currently remains in force. This Government Regulation replaces a number of outdated rules, including Government Regulation Number 72 of 1998 concerning the Safeguarding of Pharmaceutical Preparations and Medical Devices. Consequently, Government Regulation Number 72 of 1998 is no longer appropriate for use as an operational legal basis for current beauty product protection. The new structure places supervision within the framework of the 2023 Health Law along with its implementing regulations and more specific BPOM regulations (Amanda et al., 2024).

Preventive supervision of cosmetics by BPOM is conducted through product distribution oversight, education for the public and business actors, as well as the utilization of technology and cooperation with relevant parties to prevent the circulation of illegal cosmetics (Mustika et al., 2023). The implementation of regulatory standards requires clear division of responsibilities to protect market participants from unfair practices (Kurniawan et al., 2024). Preventive supervision begins with the requirement that cosmetics intended for circulation follow a notification mechanism. BPOM Regulation Number 21 of 2022 concerning Procedures for Submitting Cosmetic Notifications defines notification as the approval by the Head of BPOM of a business actor's notification to distribute cosmetics after submission requirements are fulfilled (Rahmawati et al., 2024).

This system cannot be understood as the elimination of business actor responsibility once the notification number is obtained. The notification holder remains responsible for fulfilling product safety, efficacy, and quality. Standardized production requirements ensure business quality alignment with ethical principles (Mardikaningsih & Chasanah, 2023). This mechanism provides a control point before products enter the market while establishing a regulatory identity that can be used in post-market supervision.

The next preventive supervision stage focuses on the manufacturing and distribution processes under BPOM Regulation Number 12 of 2023 concerning Supervision of Cosmetic Manufacturing and Distribution. This regulation provides the basis for examining business actor compliance during production and distribution. Such a structure is relevant to market practices because a notification number does not guarantee that every distributed unit of a product will always comply with the submitted data (Suyudi & 'Afif, 2022). Supervision of facilities, documentation, and distribution is necessary to ensure consistency between the approved product and the goods actually received by consumers. Findings of non-compliance can serve as the basis for follow-up supervisory actions. Managerial governance structures are essential to maintain operational compliance and service innovation across distribution channels (Putra et al., 2023).

Product safety is also related to contaminant restriction. BPOM Regulation Number 16 of 2024 concerning Contaminant Limits in Cosmetics replaces previous contaminant provisions after the completion of its transition period. This regulation restricts specific contaminant levels so that products do not pose unacceptable risks. Laboratory supervision and sampling become relevant when there is an allegation that the actual composition does not match the requirements (Ananda, 2024). Products found to contain mercury or other prohibited substances, or possessing contamination exceeding specified limits, can become objects of supervisory action. Technical standards, including SNI when required by certain sectoral rules, can complement quality and safety control. Strict regulatory enforcement prevents adverse commercial practices that harm consumer safety and market integrity (Sumito et al., 2024; Prasetyo et al., 2023).

Information on packaging is part of preventive supervision because purchase decisions are made through information provided by business actors. BPOM Regulation Number 18 of 2024 concerning Cosmetic Labeling, Promotion, and Advertising connects product information with promotional

activities so that business actors cannot treat packaging and advertising as two entirely separate spaces (Anggraini et al., 2024). Labeling must provide required information, whereas promotion and advertising must not form representations that deviate from the cosmetic's characteristics. The accuracy of information regarding composition, usage, instructions, warnings, and product identity serves to reduce information asymmetry between producers and buyers. Information provision through labeling standards supports safe consumption decisions while reducing information gaps for consumers (Nugraha et al., 2024). With precise information, consumers are assisted in making informed decisions (Purwanto et al., 2023). Franchise and distribution networks must adhere to standard trade protections to maintain fairness for operators and consumers (Wibowo et al., 2024).

Claims represent an area requiring special attention because cosmetic marketing relies heavily on promises regarding appearance and skin condition changes. BPOM Regulation Number 3 of 2022 concerning Technical Requirements for Cosmetic Claims acts as a control mechanism to ensure claims align with product characteristics and supporting evidence. Claims creating the impression that cosmetics can cure diseases or provide results lacking adequate support have the potential to mislead consumers (Rahmawati et al., 2024). The legal liability of business actors does not end with listing ingredients. The way product benefits are conveyed is also part of the transaction because such information can be the main reason consumers hand over money and use the product. Fair competition principles prevent deceptive promotional practices within the consumer goods sector (Vitrianingsih et al., 2023). Global market standards require strict adherence to regulatory compliance to build international trade trust (Rojak & Darmawan, 2021).

Repressive supervision begins when the results of inspections, monitoring, public reports, or testing indicate a violation. Responses can take the form of halting distribution, product recall, revocation of relevant approvals, destruction, restriction of activities, or administrative sanctions according to the type of violation and the applicable legal basis. The repressive function does not merely serve to impose punishment (Vohnsen et al., 2023). The recall of hazardous products aims to halt consumer exposure, whereas the revocation of approvals prevents actors from continuing to use administrative legitimacy for products that no longer meet requirements. This model demonstrates the interconnection between individual protection and

market discipline. Enforcement action against a single product also signals to other market actors that commercial advantages must not be achieved by disregarding safety standards.

Market sample inspections hold a strategic position because some violations only become apparent after goods are in circulation. Products may be manufactured by the same actor but sold through different distributors, stored under poor conditions, repackaged, or counterfeited by third parties. Post-market surveillance enables regulators to compare notification data with actual goods. Supply chain tracking also helps determine whether an issue originates from the manufacturer, importer, distributor, or seller. This mechanism shows that accountability must follow the facts of distribution, rather than merely the brand name on the packaging.

The separation of preventive and repressive supervision does not mean that the two mechanisms operate independently. The results of post-market surveillance provide information to improve pre-market requirements. Findings regarding hazardous ingredient patterns, misleading claim methods, or new sales methods can drive standards updates. Complaint data can also be utilized to determine inspection priorities. This cycle renders supervision adaptive. The faster findings data feeds back into the regulatory process, the smaller the likelihood that the same violation patterns will continue to recur on a large scale.

A robust supervisory structure also provides benefits for compliant business actors. Companies that invest costs into proper production processes, documentation, testing, and appropriate promotion will face unfair competition if illegal products circulate freely at lower costs (Twesigye et al., 2021). Enforcement against non-compliant products protects consumers while simultaneously maintaining fair competition conditions. Firm law enforcement can encourage business actor compliance with regulations while creating a healthy business environment (Noor et al., 2023). Business law functions to ensure that business efficiency is not achieved through the reduction of safety costs. A market possessing credible supervision provides incentives for companies to build quality as a source of competitive advantage.

The construction of beauty product supervision is shaped through interrelated preventive and repressive layers. Preventive supervision encompasses notification, production requirements, safety and quality, contamination limits, labeling, promotion, and claims. Repressive supervision moves when non-compliance is discovered through inspection, testing, recall, distribution cessation,

revocation, and sanctions. This model places consumer protection as a responsibility that persists throughout the product lifecycle. Initial legality does not close the door for subsequent inspections, whereas repressive actions should generate information to strengthen prevention.

Implementation of Supervision, Consumer Protection, and Digital Commerce Challenges

Law Number 8 of 1999 concerning Consumer Protection remains the general foundation for the relationship between consumers and business actors. This law guarantees consumer interests regarding comfort, security, safety, information, choice, and recovery from losses. In the trade of beauty products, these norms operate alongside health and cosmetics regulations. Consumers who experience losses due to unsafe products or misleading information do not rely solely on BPOM supervisory channels (Januartha & Widyantara, 2024). The consumer protection structure provides spaces for complaints, dispute resolution, lawsuits, and business actor liability according to the requirements of each mechanism.

The implementation of repressive supervision relates to the ability of consumers to submit reports when experiencing losses, such as irritation, injury, skin damage, or economic loss caused by products that do not match their description. Complaints to BPOM serve as a source of information for product supervision. Dispute resolution through the Consumer Dispute Resolution Agency or the courts serves a different function because it is directed toward conflicts between consumers and business actors (Khodijah et al., 2022). This separation needs to be understood so that consumers do not assume that reporting hazardous products automatically results in personal compensation. Regulator supervision aims to protect the public and regulate market circulation, whereas individual loss recovery requires appropriate liability pathways.

Trade through electronic systems possesses a specific basis in Government Regulation Number 80 of 2019 concerning Trade Through Electronic Systems. This regulation governs trading activities through electronic systems and establishes obligations for actors in digital transactions. For beauty products, marketplaces are not spaces free from product law and consumer law. Information regarding goods, seller identity, transaction mechanisms, and problem resolution remain part of trading obligations. When cosmetics are offered online, the layers of electronic commerce law operate concurrently with BPOM product requirements.

Online supervision is strengthened through BPOM Regulation Number 14 of 2024 concerning Supervision of Food and Drugs Distributed Online, indicating that digital supervision continuously adapts to trading patterns. Beauty products circulated through marketplaces and digital media remain objects of monitoring, information inspection, and action against violations (Ismawati & Ismawati, 2024). BPOM plays a role in both field supervision and electronic supervision of products marketed digitally (Sutriyono et al., 2024). Coordination with platform providers holds great significance because regulators require the ability to stop sales access when illegal or risky products are identified. Digital platform accountability requires clear legal structures to address unfair trading practices (Jauhari et al., 2024).

The greatest challenge in the digital market comes from the speed of offer reproduction. A product removed from a marketplace can reappear through another account, a different platform, or affiliate sellers. Counterfeit products can use original item photos, while testimonials and claims can be produced in large quantities through video content. Physical supervision based solely on market inspection is insufficient to face such a model. The system needs to connect digital monitoring, notification number tracing, account analysis, user complaints, and platform cooperation. Technology helps accelerate pattern identification, but enforcement decisions still require legal basis and accountable verification. Electronic transaction systems must also incorporate robust security frameworks to prevent digital data breaches and cyber crimes (Hartana et al., 2024).

Consumer protection also requires differentiating between original rules-violating products and counterfeit goods using another party's identity. Official products can commit violations through inappropriate claims or labeling. Counterfeit products create additional problems because consumers do not receive goods from the producer whose name is listed. Cosmetic producers should bear the responsibility to guarantee production process transparency, fulfill applicable standards, and provide true information through product labeling as part of consumer protection (Alfiyah et al., 2023). Business actors must assume strict legal responsibility and maintain proper pricing standards to protect buyers in commercial transactions (Baktiasih & Mardikaningsih, 2024). Tracing sellers, distribution chains, payments, and account identities becomes more important. Marketplaces need mechanisms allowing seller data to be acted upon by authorized institutions according

to legal procedures (Rizqi & Ramli, 2024). Surveillance systems only removing content without tracing distribution sources risk producing repetitive actions without reducing supply.

Criminal liability must also use applicable legal laws. The national Criminal Code is regulated under Law Number 1 of 2023. Fraud is now regulated, among others, in Article 492, while Article 493 specifically regulates sellers deceiving buyers regarding goods or circumstances, characteristics, or quantities of delivered goods. The application of criminal provisions still depends on fulfilling offense elements and cannot be applied automatically to every administrative cosmetic violation. This framework replaces the old Criminal Code Article 378 reference as the general basis for fraud (Putri et al., 2024). The construction of criminal law provides essential legal remedies when financial or administrative breaches escalate into severe statutory violations (Ambarwati et al., 2024).

Business licensing must also be read through the currently applicable Job Creation framework. Law Number 11 of 2020 is no longer the main operational reference as it has been replaced through Government Regulation in Lieu of Law Number 2 of 2022 which was then stipulated into Law Number 6 of 2023. This framework forms the basis for risk-based business licensing implementation and has undergone changes in several sectors through subsequent laws (Ujianti et al., 2024). Equitable service delivery standards remain vital across regulated sectors to ensure fairness and non-discrimination for all market participants (Napu et al., 2023). In beauty products, business licensing must be distinguished from product notification. Actors may hold business legality, but every cosmetic product must still fulfill BPOM sectoral requirements.

Implementation barriers continue to arise from the low awareness of some consumers in checking product legality and understanding the meaning of notification numbers. Low prices, public figure recommendations, testimonials, and promises of rapid results can override safety considerations. Consumers may also assume that widely sold products automatically meet requirements. Such circumstances increase the need for public education regarding how to check products, recognize suspicious claims, save transaction evidence, and report suspected violations (Sakti & Dinanti, 2020). Consequently, enhancing public legal awareness constitutes an essential part of consumer protection in online transactions (Hardyansah et al., 2022). Consumer education expands detection capacity because the public is positioned closer to daily transactions than supervisory institutions.

Participatory supervision is increasingly gaining a place in BPOM policy. The list of BPOM regulations in the cosmetics sector indicates the presence of provisions concerning supervision through public participation, alongside the strengthening of cosmetics supervision and online trading regulations (Christi et al., 2024). Public participation can bridge the resource limitations of supervisors, particularly when the volume of products and sales channels is exceptionally massive. Consumer institutions, community organizations, higher education institutions, and communities can function as literacy partners and reporting sources. Its effectiveness nevertheless requires accessible complaint channels, trackable follow-ups, and communication of supervision results so that the public perceives that reports generate responses.

Subsequent reinforcement needs to be directed toward digital coordination among BPOM, the Ministry of Communication and Digital, marketplace operators, and consumer protection institutions. According to Sumito et al. (2024), the strengthening of supervision can be conducted through enhancing the capacity of supervisory institutions so that the implementation of consumer protection against circulating products can proceed more effectively. Systems can be developed to facilitate the verification of notification numbers, accelerate the takedown of product content declared illegal, identify repeat sellers, and preserve electronic evidence for enforcement purposes. Marketplaces can also implement controls before specific products are offered by requesting verifiable legality information. A model of this nature shifts a portion of supervision from post-loss responses toward system-based prevention. Protection becomes stronger when platform technology is designed to support compliance rather than merely facilitate transactions.

The implementation of supervision already possesses extensive institutional pathways through BPOM, consumer protection law, electronic commerce law, dispute mechanisms, and criminal law. Strong consumer protection in digital trade through active collaboration among the government, business actors, and society will be capable of building protection effectiveness (Ali et al., 2024). The main challenges lie in the scale of digital commerce, illegal products rapidly shifting accounts, low literacy among some consumers, limited supervisory reach, and the need for inter-institutional and platform data coordination. Strengthening requires digital monitoring, legality verification on marketplaces, public education through social media, the participation of consumer

and community institutions, and transparent complaint follow-up. Protection effectiveness is ultimately determined by the capacity of the system to connect prevention, detection, distribution cessation, consumer recovery, and actor liability.

CONCLUSION

The supervision of beauty products within business law is formed through preventive and repressive mechanisms. Preventive supervision works through business actor legality, cosmetics notification, production requirements, quality and safety, contamination limits, labeling, claims, promotion, and advertising. Repressive supervision moves when violations are discovered through inspection, testing, recall, distribution cessation, approval revocation, sanctions, complaints, dispute resolution, and criminal liability when delict elements are fulfilled. This system indicates that consumer protection takes place throughout the product lifecycle. The greatest challenge develops in digital commerce because illegal products can rapidly shift accounts and platforms. Effective protection requires coordination among BPOM, platform operators, relevant government agencies, consumer institutions, and society so that supervision can move as rapidly as changes in beauty product marketing patterns.

The supervision of beauty products cannot be separated between health law and business law. Product safety relates to competition, market information, business actor liability, and consumer trust. Juridically, regulatory changes require research and business practices to examine rule validity status periodically because several outdated bases have been replaced by new frameworks. Practically, business actors need to view compliance as a continuous process encompassing products, production, labeling, promotion, distribution, and digital commerce. Marketplaces also hold a strategic position because their system design can prevent the uploading of problematic products before transactions occur. For consumers, the ability to check legality and report violations constitutes a part of participatory supervision that complements regulatory capacity.

Supervision reinforcement should be directed toward digital verification systems that connect BPOM data with marketplaces so that legality information can be checked automatically before products are offered. Claim monitoring on social media needs to be developed in tandem with goods supervision because violations can occur in how products are promoted even when packaging meets requirements. The government and consumer

institutions need to expand education regarding notification numbers, risky ingredients, misleading claims, transaction evidence, and complaint channels. Marketplaces need to enhance seller identity verification and prevent accounts that have been subject to enforcement actions from easily reopening similar offerings.

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