

Accord comments on the European Animal Testing Marketing Ban for Cosmetics

Background:

On February 2003, the European Union (EU) adopted a set of regulations intended to phase out animal testing on cosmetic products and ingredients. The initial phases of this legislation banned animal testing for finished products in 2004 and extended the testing ban – with the exception of certain specified repeated-dose toxicity tests – to ingredients in 2009. In addition, the legislation prohibited the marketing, in the EU, of cosmetics or ingredients that were tested on animals.

The European Commission has now announced it will allow the exemption for the specified tests to expire allowing the complete ban to become effective as originally proposed in 2003.

This means that any new products and/or ingredients entering the EU market cannot have been tested on animals after March 2013.

The Australian hygiene, cosmetic and specialty products industry places the highest regard on the safety and consumer acceptance of its products.

No one likes the idea of using animals in product safety testing. Likewise no one wants to compromise either public safety or scientific advancement. This is the dilemma facing society in general and public health regulators in particular, when considering the often emotive issue of animal testing.

For close to thirty years, the global cosmetics industry has been a strong leader in the search for alternative safety testing methods that reduce or eliminate the use of animals.

The industry largely stopped animal testing on finished cosmetic products in the 1980s, long before the introduction of the EU phase out. Similarly, action was taken to eliminate needlessly cruel tests and to improve the general treatment and welfare of laboratory animals.

Some perspective is needed on actual scale and significance of this issue, as it relates to cosmetics. It is a little known fact that just 0.0125% of the animals used for experimental and other scientific purposes in Europe in 2008 were used for testing cosmetic ingredients.

Within Australia, cosmetics and their ingredients are regulated for safety by a number of agencies including: the National Industrial Chemicals Notification & Assessment Scheme (NICNAS), the Australian Competition and Consumer Commission (under the overarching product safety provisions of the Australian Consumer Law), the Advisory Committee on Chemicals Scheduling (ACCS) and, for sunscreens, the Therapeutic Goods Administration (TGA)

Australia's ingredient safety regulators, like NICNAS, mandate by law that companies provide animal test data for local assessment of new ingredients (or existing ingredients under local safety review). This applies mainly in those circumstances where the regulator considers that validated and scientifically reliable alternative testing methods are unavailable.

The Australian government position on the need for animal tests for local safety evaluation is spelt out in detail at <http://www.health.gov.au/internet/main/publishing.nsf/Content/currentissue-P08000026> and makes the following key statements in relation to cosmetics:

“The Australian Government is aware of the amendments to the Cosmetic Directive in the European Union related to the phasing out of animal testing. For health effects which have validated non-animal tests, such as skin and eye irritation, NICNAS currently accepts this information in lieu of animal testing results.



However, for many health effects non-animal test methods have either not yet been developed, or are still in the process of evaluation and validation. Therefore, studies carried out with animals according to internationally recognised protocols remain an important resource for assessing the safety of cosmetic ingredients."

It should be noted that safety testing using laboratory animals is generally conducted overseas, rather than within Australia. Traditionally this was undertaken in laboratories throughout Europe and North America. Of recent times China has also established testing facilities for specific animal tests.

Australian-based cosmetics companies exporting to the EU would of course act to comply with the new rules applying within the European market.

However, it needs to be acknowledged that the well-intentioned position of EU officials in instituting a complete ban from March 2013 comes in advance of the full scientific validation of many critical safety tests. This has adverse implications for both innovation and global trade.

In terms of the current state of the science on alternatives to animal tests for ingredient safety, the approach of EU officials in instituting this ban is akin to starting the car without firstly checking whether the tyres are in place. Put bluntly, the timing is wrong; the process needs to march in step with the science, not ahead of it.

The cosmetics industry, both here and abroad, is committed to the eventual elimination of animal testing for cosmetic ingredients.

The industry took the step decades ago of ceasing to test finished cosmetic products on animals.

Significant investment is being made by the industry internationally to validate critical alternative safety tests. The goal of this investment is to allow safety regulators such as those in Australia to fulfil their statutory obligation of protecting public health with surety, but ultimately without needing to rely on animal tests.

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Accord Australasia is the national industry body representing the makers and marketers of hygiene, cosmetic and specialty products in Australia. Our industry's products are used every day across the nation in homes, public places, commercial premises, institutions, industry and agriculture. These products play an important role in: hygiene protection to safeguard public health; promoting personal wellbeing; maintaining clean and comfortable homes and public spaces; self-expression and personal pampering; and in keeping the wheels of commerce and industry turning.