



Voluntary Industry Code of Practice

to support the Australian ban
on testing cosmetics on animals

**Compliance & advertising
claims guidance**

The Voluntary Industry Code of Practice to Support the Australian Ban on Testing Cosmetics on Animals was developed by the Australian cosmetics industry, through Accord Australasia, in consultation with the Australian Department of Health and other key stakeholders, including animal welfare groups, in response to this ban.

Preface

The Australian cosmetics industry represented by Accord Australasia prides itself on excellence as innovators in quality personal care, wellness and beauty products.

As an industry that enhances the lives of our customers through our products, we take seriously our responsibilities to act with integrity and go about business in ways that are ethical, transparent, and meet community expectations. The industry fully embraces the formal ban on animal testing in Australia for cosmetics.

On a global basis, the cosmetic and personal care products industry has been at the forefront of the development of effective alternatives to laboratory animal testing for many years. Our industry has contributed to this research effort well beyond what is proportional in terms of its actual past use of laboratory test animals.

The Australian ban on testing cosmetics on animals is driven by three initiatives:

- First, the provisions in the *Industrial Chemicals Act 2019* to ban the use of animal test data generated after 1 July 2020;
- Second, the amendments to the *Australian code for the care and use of animals for scientific purposes* which is published by the National Health and Medical Research Council and adopted under relevant legislation in all states and territories; and
- Third, this Code, which is intended to provide guidance to the cosmetics industry and consumers alike.

Accord Australasia is pleased to deliver this Code on behalf of the Australian cosmetics industry.

We trust that the *Voluntary Industry Code of Practice to support the Australian ban on testing cosmetics on animals* will prove a valuable resource now and into the future.

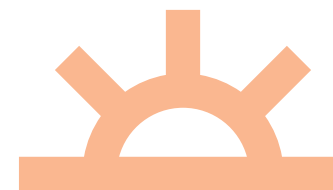
Acknowledgements

This Code has been prepared with the assistance and input of many organisations and individuals and we thank all who took time to review and comment on earlier drafts of the Code. Special thanks to HWL Ebsworth Lawyers for their legal expertise and plain English drafting skills in undertaking the primary research and drafting tasks for this project. Thanks also to IDENT for the typesetting and graphic design of the final published version.



Table of contents

Voluntary Industry Code of Practice	1	4. Commencement and Application of this Code	9	7. Administration of this Code	23
Executive Summary	1	4.1 When did this Code start?	9	7.1 What is Accord's role?	23
1. Purpose of this Code	2	4.2 Who must observe this Code?	9	7.2 How is this Code reviewed and updated in the future?	23
1.1 Why was a Code needed?	2	4.3 What are the advantages of observing this Code?	9	7.3 How will Accord promote the Code to Industry?	24
1.2 Why was this Code developed?	2	4.4 What obligation do those who commit to observe this Code have?	10	8. Important notice	25
1.3 How does the Code function?	2			Schedule 1	
2. Dictionary	3	5. Guidelines for Advertising Claims	11	Categories of Introduction	26
2.1 What is a Cosmetic?	3	5.1 What are these Guidelines for?	11	Schedule 2	
2.2 What is an Animal, Animal Test and Animal Test Data?	3	5.2 What are the general guidelines that all Advertising Claims should follow?	11	When you can and cannot use animal test data	27
2.3 What do other terms used in this Code mean?	4	5.3 What do specific Advertising Claims mean?	13		
3. Background to the Ban	6	5.4 What are some specific examples?	16		
3.1 What is the historical context of the ban?	6	6. Failure to observe this Code	21		
3.2 What legislation covers the ban?	7	6.1 How should complaints about failures to observe this Code be made?	21		
3.3 What is banned?	7	6.2 How should the Cosmetic Industry deal with complaints?	21		
3.4 What is the process for Introducing an Industrial Chemical?	8	6.3 What should a complainant do if unsatisfied with a response?	21		
3.5 Are there any exceptions to the ban?	8	6.4 What are the consequences for not observing this Code?	22		
3.6 Can Old Animal Test Data still be used?	8				



Voluntary Industry Code of Practice

Executive Summary

New cosmetic ingredients manufactured in, or imported into, Australia will not be able to use data or information from animal tests conducted on or after 1 July 2020 to demonstrate they are safe.

In 2016, the Australian Government announced a policy to ban the testing of cosmetic products and ingredients on animals. Following community and key stakeholder consultation, the Australian Government introduced laws to ban the use of data or information from animal tests conducted on and from 1 July 2020 for cosmetics.

The *Voluntary Industry Code of Practice to Support the Australian Ban on Testing Cosmetics on Animals* was developed by the Australian cosmetics industry, through Accord Australasia, in consultation with the Australian Department of Health and other key stakeholders, including animal welfare groups, in response to this ban.

The Code aims to address the findings of consumer research undertaken by the Australian Department of Health, which revealed a lack of information about animal testing for cosmetics in Australia and consumer confusion about terminologies used in the Cosmetics Industry in relation to animal testing.

It is also a resource to assist the Cosmetics Industry to meet its obligations relating to the ban on the use of animal test data or information and to communicate with consumers with greater transparency and consistency in relation to animal testing.

Businesses making or supplying cosmetics for sale in Australia are strongly encouraged to follow this Code. To aid understanding, the various sub-sections of the Code are presented in a question/answer form, e.g. Section 2.1 *What is a Cosmetic?*

Here is a summary of the various sections of the Code:

Section 1 – Purpose of this Code sets out the industry- and consumer-facing purposes of the Code and provides context for the Code.

Section 2 – Dictionary defines key terms and concepts relating to animal testing and cosmetics.

Section 3 – Background to the Ban provides more details on the legal and regulatory frameworks governing cosmetic products in Australia as ‘industrial chemicals’, with emphasis on the safeguards to ensure cosmetic product safety, the animal testing ban, how it came about, and its scope and exceptions.

Section 4 – Commencement and Application of this Code provides details on when the Code starts, who it applies to and the advantages of complying with it. It also sets out the specific obligations that all cosmetics companies which voluntarily commit to observe the Code agree to meet. This Section promotes excellence in delivering the intended outcomes of the Code and helps increase its impact across Australia.

Section 5 – Guidelines for Advertising Claims

is the core of the Code, providing the general guidelines for advertising claims in relation to animal testing. It also provides recommended definitions for key claims, such as ‘Not Tested on Animals’, and a series of examples to demonstrate when an advertising claim is likely to meet the guidelines. While this Section provides helpful guidance on advertising claims all businesses making advertising claims need to ensure the claims they make are consistent with the law.

Section 6 – Failure to Observe this Code

explains the consequences for not observing this voluntary Code and provides suggested actions that can be taken in those circumstances.

Section 7 - Administration of this Code

identifies Accord Australasia as the primary organisation responsible for the Code, its public availability, promotion and future review.

Section 8 - Important notice

is an important legal disclaimer relating to the information in this Code.

Schedules - Contain important information relating to the operation of the ban via the Industrial Chemicals Act 2019.

This Code aims to guide consistency and provide clarity, regarding Not Tested on Animals terms and advertising claims, used by the Cosmetics Industry.



1. Purpose of this Code

1.1 Why was a Code needed?

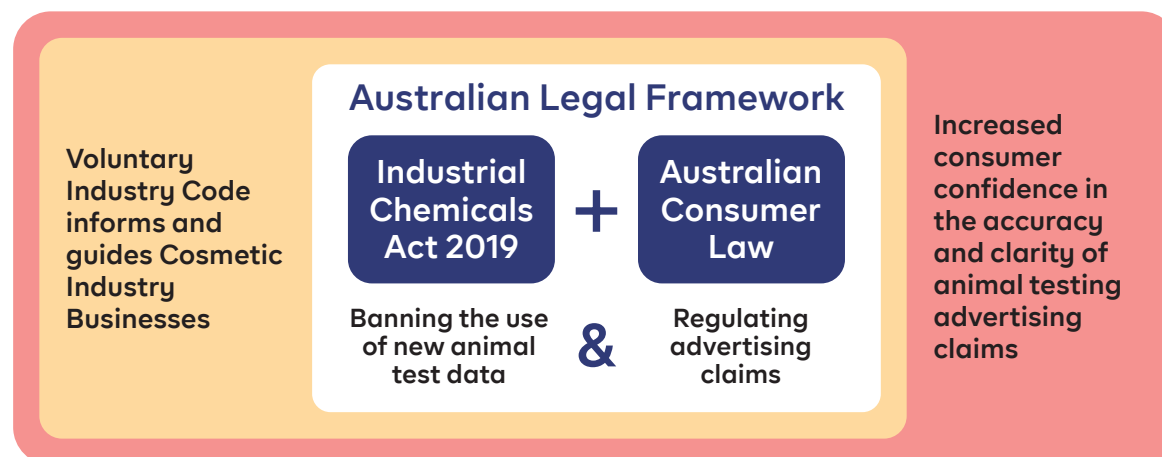
Consumer research and community and key stakeholder consultation commissioned by the Australian Government Department of Health revealed that there was a lack of available information about animal testing for cosmetics in Australia. It also found that there was confusion around the practices and terminology used in the Cosmetics Industry regarding animal testing and there was a need for greater transparency about the information that manufacturers of Cosmetics provided on their products. Therefore, the Australian Government Department of Health, Accord Australasia and members of the Cosmetics Industry were of the view that further guidance for the Cosmetics Industry and consumers was required.

1.2 Why was this Code developed?

This Code was developed in consultation with the Australian Government Department of Health, representatives of the Cosmetics Industry and animal welfare groups to:

- (a) inform the Cosmetics Industry about its obligations to comply with the laws relating to the use of data or information from Animal Tests;
- (b) provide guidance to the Cosmetics Industry on Advertising Claims in relation to the use of Animal Test Data;
- (c) inform consumers about the ban on the use of Animal Test Data, what it means, and provide guidance on the meaning of various Advertising Claims about the use of Animal Tests Data in relation to Cosmetics; and
- (d) provide ways for consumers to understand how Animal Test Data has been used (if at all) in relation to the Cosmetics they buy.

1.3 How does the Code function?



2. Dictionary

2.1 What is a Cosmetic?

A Cosmetic is more than just make-up. It includes a broad range of personal care products such as toothpaste, shampoo, deodorant, perfume and moisturiser.

A **Cosmetic** is: any substance intended to be placed on any external part of the human body (including inside the mouth) to change its odour or appearance, clean it, keep it in good condition, protect it or perfume it.¹

Therefore, Cosmetics are more than 'make up'. They comprise many important everyday products used for personal care and cleanliness, sun protection, oral health, skin health and hair and nail care and include deodorants, perfumes, colognes, toothpaste, lipstick, moisturisers, lotions, some sunscreens² and makeup.

Cosmetics do not include products that are used for medical purposes - they are known as Therapeutic Goods.

2.2 What is an Animal, Animal Test and Animal Test Data?

An 'Animal' is any animal with a spine such as a fish, bird, snake, rabbit or a mouse and also includes cephalopods such as an octopus. The data or information obtained from tests or experiments on animals using certain chemicals is called Animal Test Data.

(a) **An Animal**

An **Animal** is: any live non-human vertebrate (that is, a fish, amphibian, reptile, bird and mammal) whether domesticated, purpose-bred, livestock or wildlife and a cephalopod (that is, a squid, octopus, cuttlefish and nautilus).³

(b) **An Animal Test**

An **Animal Test** is either:

- (i) the application of an Industrial Chemical, either on its own or in combination with one or more other chemicals, to an Animal; or
- (ii) an experiment to test the effects of an Industrial Chemical, either on its own or in combination with one or more other chemicals, using an Animal.⁴

Neither of the terms 'application' or 'experiment' are defined and therefore, they have their usual meaning. However, an 'Animal Test' does not include tests on humans.

Tested on Animals, and similar terms, have a corresponding meaning.

(c) **Animal Test Data**

Animal Test Data is: any data or information that results from Animal Tests.⁵

¹This is a summary of definition from s9 of *Industrial Chemicals Act 2019*. The full definition in s9 is: "cosmetic means: (a) a substance or preparation intended for placement in contact with any external part of the human body, including: (i) the mucous membranes of the oral cavity; and (ii) the teeth; with a view to: (iii) altering the odours of the body; or (iv) changing its appearance; or (v) cleansing it; or (vi) maintaining it in good condition; or (vii) perfuming it; or (viii) protecting it; or (b) a substance or preparation prescribed by the rules for the purposes of this paragraph; but does not include: (c) a therapeutic good within the meaning of the *Therapeutic Goods Act 1989*; or (d) a substance or preparation prescribed by the rules for the purposes of this paragraph."

²Most sunscreens are therapeutic goods. 'Cosmetic' sunscreens include sunscreens with an SPF of 3 or lower and products which contain an ingredient with suncreening properties, but the primary purpose of the product is neither suncreening or therapeutic such as some tinted foundations and some moisturising products with sunscreen.

³The National Health and Medical Research Council has further guidance on the definition of 'Animal', including through the *Australian code for the care and use of animals for scientific purposes*.

⁴The complete definition can be found in the *Industrial Chemicals (General) Rules 2019*, Rule 8.

⁵Summary of definition from s9 of *Industrial Chemicals Act 2019* and s8 *Industrial Chemicals (General) Rules 2019*

2.3 What do other terms used in this Code mean?

Term	Meaning
ACCC	Australia Competition and Consumer Commission
Accord	Accord Australasia Limited
ACL	Australian Consumer Law as set out in Schedule 2 of the <i>Competition and Consumer Act 2010</i>
Advertising	Any material, communication or activity undertaken to promote goods and services: <ul style="list-style-type: none"> • by any means including verbally, graphically or in writing; and • by any media including print, radio, television, packaging, labelling, outdoor displays, point-of-sale, online and social media.
Advertising Claim	A claim made in connection with Advertising of a Cosmetic or a Cosmetic Ingredient.
AICIS	Australian Industrial Chemicals Introduction Scheme
Alternative Tests	Testing methods and approaches that don't involve Animals and include the following tests or combinations of them, including: <ul style="list-style-type: none"> • <i>Ex Vivo Test</i>: A test or experiment conducted using tissue obtained from surgery or after the death of the Animal.⁶

Term	Meaning
	<ul style="list-style-type: none"> • <i>Human Test</i>: A clinical test on humans, including consumer tests, tolerability and sensory tests or studies. • <i>In Chemico Test</i>: A test or experiment conducted by chemical assay. • <i>In Silico Test</i>: A test or experiment conducted via computer simulations.⁷ • <i>In Vitro Test</i>: A test or experiment conducted in a test tube, or more generally in a controlled environment outside of a living organism.⁸
Animal	As described in Section 2.2(a) of this Code.
Animal Test	As described in Section 2.2(b) of this Code.
Animal Test Data	As described in Section 2.2(c) of this Code.
Business	Any person operating a business including an individual, a partnership and a company
Cosmetic	As described in Section 2.1 of this Code.
Cosmetic Ingredient	An Industrial Chemical used in a Cosmetic.
Cosmetics Industry	Manufacturers, formulators, importers, suppliers and retailers of Cosmetics (or Cosmetic Ingredients for Cosmetics), operating in Australia.

⁶ Provided that the death of the Animal was not for the purpose of carrying out Animal Tests.

⁷ OECD: https://www.oecd-ilibrary.org/environment/guidance-document-on-good-in-vitro-method-practices-givimp_9789264304796-en

⁸ OECD: https://www.oecd-ilibrary.org/environment/guidance-document-on-good-in-vitro-method-practices-givimp_9789264304796-en

2.3 What do other terms used in this Code mean?

Term	Meaning
Industrial Chemical	<p>A chemical element, compound, or substance that has an Industrial Use.</p> <p>An Industrial Use is any use other than use as, or in the preparation of: an agricultural product; a veterinary chemical product; a substance prepared by a pharmacist or veterinary surgeon; a Therapeutic Good; food for humans; or feed for animals.⁹</p> <p>Therefore, Industrial Use includes use of an Industrial Chemical in, or in the manufacture of a Cosmetic.</p>
Industrial Chemicals Act	The <i>Industrial Chemicals Act 2019</i> (Cth).
Industrial Chemicals General Rules	The <i>Industrial Chemicals (General) Rules 2019</i> (Cth).
Introduce(d)	The manufacture in Australia OR the importation into Australia.
New Animal Test Data	Animal Test Data from Animal Tests conducted on or after 1 July 2020.
Old Animal Test Data	Animal Test Data from Animal Tests conducted before 1 July 2020.

Term	Meaning
Therapeutic Good	A product for use in humans which is to be used in connection with a disease, defect or injury; to affect a physiological process; to control conception or test for pregnancy; to replace or modify a body part, ¹⁰ as more fully defined in section 3 of the <i>Therapeutic Goods Act 1989</i> . ¹¹
Third Party Logo	A logo owned or controlled by a third party that is licensed to members of the Cosmetics Industry to signify that the business or the Cosmetic in question complies with the scheme operated by that third party.

⁹ The complete definition can be found in the Industrial Chemicals Act 2019, Section 9.

¹⁰ <https://www.tga.gov.au/what-are-therapeutic-goods>

¹¹ <https://www.legislation.gov.au/Details/C2019C00066>

Cosmetic Ingredients, like other chemicals, must be assessed for risk before they can be used in Australia.

3. Background to the Ban

3.1 What is the context of the ban?

Although Animal Tests were historically used to assess the risk of Cosmetic Ingredients, the Cosmetics Industry has in recent years moved away from using Animal Tests. Fewer than 0.2% of Cosmetic Ingredients in 2014-2015 relied on Animal Test Data for this purpose.

Product safety is the number one priority for the Cosmetics Industry. In Australia, as in most countries, legislation sets out requirements to ensure that Cosmetics are safe for human health and the environment.

All Cosmetic Ingredients in Australia must be listed on the Australian Inventory of Industrial Chemicals or otherwise meet AICIS requirements. This may mean that data has to be provided to demonstrate the risks, or otherwise, that a Cosmetic Ingredient may pose.

As is the case for many other industries that provide products for human use, Animal Tests have historically been an important source of such data for the Cosmetics Industry. Although Animal Tests for Cosmetics have not taken place in Australia for many years, data from Animal Tests conducted overseas has sometimes been used to assess the risks of Cosmetic Ingredients.

However, the Cosmetics Industry has historically been responsible for a very small proportion of Animal Tests. According to data provided by the Australian Department of Health, in 2014-2015, over 7000 Cosmetic Ingredients were Introduced in Australia. Of these, only 14 relied on Animal Test Data. Despite this minor comparative use, the Cosmetics Industry has been a driving force in the development of effective Alternative Tests.

The ban on the use of Animal Test Data follows similar moves by the European Union, India, Israel and New Zealand. However, the use of Animal Test Data is still permitted in certain exceptional circumstances (summarised in Section 3.5 and Schedule 2). A formal ban also safeguards against the potential for Animal Tests to occur in the future.

As a result of the ban, unless such an exceptional circumstance applies, Alternative Tests must be relied upon. These Alternative Tests must generally be at least as accurate as previously accepted Animal Tests. This means it is not necessarily a straightforward process to develop Alternative Tests and there are still some circumstances for which no accepted Alternative Test currently exists. This is partly why some exceptions to the ban exist. As science advances, these circumstances are likely to change. For the most up-to-date information about alternative tests search “animal test data” at www.industrialchemicals.gov.au

The ban aligns legislation with public expectations on the issue of animal cosmetic testing and is reflective of advancements in alternative safety testing methods.

3.2 What legislation covers the ban?

The legislation that bans the use of animal test data for cosmetics is the Industrial Chemicals Act 2019. 'Industrial chemicals' may seem a strange place for cosmetics, however, an industrial chemical is any chemical that is not used for therapeutic, agricultural, veterinary or food purposes. That is why industrial chemicals are relevant to cosmetics.

The Australian Government enacted legislation to ban the use of New Animal Test Data in respect of Cosmetics and Cosmetic Ingredients. By prohibiting the use of New Animal Test Data to prove safety, it means that businesses have no reason to test Cosmetics or Cosmetic Ingredients on Animals in order to import to or sell them in Australia. It also means that any new Cosmetics for sale in Australia will not rely on the use of New Animal Test Data. The ban is set out in and regulated by:

- (a) the Industrial Chemicals Act 2019;
- (b) the Industrial Chemicals General Rules, which impose additional rules in relation to the use of New Animal Test Data and provides categorisation guidelines; and
- (c) the AICIS¹² which is the scheme that regulates the manufacture and importation of Industrial Chemicals.

For more information, visit:

www.industrialchemicals.gov.au

3.3 What is banned?

A business that imports or manufactures Cosmetics in Australia must not use 'New Animal Test Data' - this is information from tests conducted on animals on or after 1 July 2020 to demonstrate safety.

There is a ban on using New Animal Test Data for Industrial Chemicals introduced into Australia with an end use only in Cosmetics. Restrictions on using New Animal Test Data for Industrial Chemicals introduced into Australia with multiple end uses, including an end use in Cosmetics, are also in place. Further information about when you can and can not use animal test data is set out in Section 3.5 and Schedule 2.

¹² The AICIS was established by the ICA and came into force on 1 July 2020 replacing the National Industrial Chemicals Notification and Assessment Scheme (NICNAS).

3.4 What is the process for Introducing an Industrial Chemical?

'Introduced' means to manufacture in Australia or import into Australia. To introduce a chemical in Australia, it must be shown to be safe for humans and the environment.

If an Industrial Chemical is to be Introduced in Australia for use in a Cosmetic, it must meet the requirements set out by AICIS before it can be Introduced. The term 'Introduced' means to import into, or manufacture in, Australia. In order to meet AICIS requirements, data may be needed to support the introduction of the chemical into Australia and its use in cosmetics.

The AICIS requirements for the Introduction of an Industrial Chemical involves categorising the Industrial Chemical and then following the steps required for the particular category. Unless an exception applies, New Animal Test Data cannot be used as part of the categorisation process or, if the introduction is categorised as requiring an assessment certificate, as part its application.

There are 5 categories for Introducing an Industrial Chemical. These are outlined in Schedule 1 of this Code.

3.5 Are there any exceptions to the ban?

There are some limited exceptions to the ban which permit the use of New Animal Test Data in categorising the introduction of, or applying to Introduce, a Cosmetic Ingredient. See Schedule 2 for further information, or visit the [AICIS website](#).

Any member of the Cosmetic Industry seeking to rely on New Animal Test Data in categorising the introduction of an Industrial Chemical or as part of an application for the Introduction of an Industrial Chemical should seek their own regulatory and legal advice.

3.6 Can Old Animal Test Data still be used?

As the ban was introduced with effect from 1 July 2020, it covers New Animal Test Data (that is, generated on or after 1 July 2020). Therefore, Old Animal Test Data (that is, generated before 1 July 2020) can still be used.¹³

¹³In practice, Old Animal Test Data is infrequently used. For instance, as set out in Section 3.1 above, according to data provided by the Australian Department of Health, of the 7000 Cosmetic Ingredients Introduced in Australia in 2014-2015, only 14 relied on Animal Test Data.

Businesses using animal testing claims are encouraged to promote their commitment to this Code. Businesses that observe this Code can more accurately and transparently promote their cosmetics and help customers make informed choices.

¹Businesses should refer to the Industrial Chemicals Act 2019 (Cth) and the Industrial Chemicals (General) Rules 2019 (Cth) to determine their legal obligations. Further information can be found at www.industrialchemicals.gov.au. If in doubt seek assistance from a qualified regulatory consultant familiar with AICIS requirements.

²Businesses should refer to the Australian Consumer Law set out in Schedule 2 of the Competition and Consumer Act 2010 (Cth). Further information can be found at <https://consumerlaw.gov.au/australian-consumer-law/legislation>.

If in doubt seek assistance from a legal practitioner qualified in the area.

4. Commencement and Application of this Code

4.1 When did this Code start?

This Code was first released on 28 May 2021. Members of the Cosmetics Industry should endeavour to observe the recommendations and best practice guidance set out in this Code as soon as possible. It is realistically anticipated that businesses will require a reasonable time period to review their existing advertising and labels but it is expected they should do so within 12 months from the date of this Code.

However, this Code only provides recommendations and best practice guidance and does not provide any transition period or exemption for compliance with all legal requirements. Therefore:

- **all businesses must comply with the law banning the use of New Animal Test Data on and from 1 July 2020;**¹ and
- **all businesses must comply with the ACL at all times.**²

4.2 Who must observe this Code?

Like many other industry codes, this Code is voluntary. It is a best practice guide for businesses in the Cosmetics Industry.

The Code is not legally binding. It is a voluntary, best practice guide for the Cosmetics Industry. Members of the Cosmetics Industry can self-declare their commitment to observe this Code at any time. However, all members of the Cosmetics Industry are encouraged to observe this Code.

This Code **does not apply** to:

- (a) businesses that do not operate in the Cosmetics Industry or that operate outside Australia; or
- (b) Advertising Claims in relation to products that are not Cosmetics (such as Therapeutic Goods).

4.3 What are the advantages of observing this Code?

By observing this Code, members of the Cosmetics Industry can:

- (a) enhance their reputation and credibility;
- (b) more accurately and transparently promote their Cosmetics;
- (c) reduce the risk of their Advertising Claims breaching applicable laws, including the ACL and AICIS, insofar as the use of Animal Test Data in respect of Cosmetics is concerned;
- (d) help customers make informed choices about the Cosmetics they buy;
- (e) demonstrate that they are working to meet or exceed their legal obligations.

4.4 What obligation do those who commit to observe this Code have?

Members of the Cosmetics Industry that commit to observe this Code agree to:

- (a) comply with the recommendations and best practice guidance set out in this Code;
- (b) take reasonable steps to train their staff about this Code;
- (c) communicate their commitment to observe this Code. This may, for instance, be by placing a notice on their website or acknowledgement on product packaging;
- (d) promote the Code, such as by including a link to it on their websites; and
- (e) maintain records of all complaints they receive from consumers and other members of the Cosmetics Industry about any failures to observe this Code including the number of complaints, a summary of each complaint, the status of each complaint and the outcome of each complaint (and provide information regarding those complaints to Accord, on request, for Accord to take into account when conducting reviews of this Code in accordance with Section 7.2).

All members of the Cosmetics Industry are encouraged to follow these guidelines when they communicate that their cosmetics have not been tested on animals.

5. Guidelines for Advertising Claims

5.1 What are these Guidelines for?

There are many claims used in the Cosmetics Industry in relation to Animal Tests which can be confusing to understand. This Code aims to encourage a standard set of terms to be used on Cosmetics to reduce this confusion.

They are intended to provide consumers and the Cosmetics Industry with clear information about claims made in relation to Animal Tests and the use of any Animal Test Data.

All Advertising Claims must also comply with all applicable laws, such as the ACL. Under the ACL, businesses must not make statements that are false or likely to mislead or deceive consumers.

Businesses need to be particularly careful because an Advertising Claim can still be misleading and deceptive even if it is unintentional.

Section 5.2 below sets out the general guidelines that Advertising Claims in the Cosmetics Industry should follow. Section 5.3 below sets out examples of specific Advertising Claims in relation to Animal Test Data. Section 5.4 provides examples of acceptable practices and practices to avoid.

5.2 What are the general guidelines that all Advertising Claims should follow?

All Advertising Claims should be:

- **true - factually correct;**
- **complete - not a 'half-truth';**
- **clear - easily understandable in language and presentation; and**
- **fair - fair when compared to other cosmetics.**

These guidelines are of a general nature only to give direction to members of the Cosmetics Industry and to inform consumers. However, each member of the Cosmetics Industry should independently ensure that their Advertising Claims comply with the law.



Guideline: True



Guideline: Complete



Guideline: Clear



Guideline: Fair

Guideline 1: **All advertising claims must be true**

Advertising Claims that make statements that appear to be factual or complete such as ‘*This cosmetic has not been tested on animals*’, must be true. Evidence to substantiate the Advertising Claim should be held before making the Advertising Claim, although it need not be publicly released. However evidence will provide certainty that the Advertising Claim can be made and will be available to support the Advertising Claim if, for instance, the ACCC, a competitor or a consumer alleges it is false.

Guideline 2: **All advertising claims must be complete**

Advertising Claims that are misleading because they are not complete, do not ‘tell the entire story’ or are otherwise a ‘half-truth’, should not be made. It is important to consider the overall impression created by an Advertising Claim and it could still be misleading if, for instance, important information is left out. Even if it is not left out but included in a fine print disclaimer or qualification to a prominent claim which is not easily found or too hard to read, the impression created can still be misleading. Ideally, Advertising Claims should stand by themselves and not need qualification. If a disclaimer or qualification is used, it should:

- be clear, accurate and in plain language;
- be reasonably prominent to consumers at the time they see the Advertising Claim and ideally in the same place, font, colour and size as the Advertising Claim;
- not alter the natural meaning of the lead claim.

Guideline 3: **All advertising claims must be clear**

Advertising Claims should be clear and easily understandable. Plain language should be used wherever possible. If an Advertising Claim is ambiguous, unclear or could give an alternative meaning to consumers, it should be revised so it is clear in its meaning.

Guideline 4: **All advertising claims must be fair**

Advertising Claims should not give consumers a false impression. This is particularly relevant in direct or indirect product comparisons. For instance, an Advertising Claim that indicates that a particular Cosmetic is superior to another because it has a particular quality or benefit may be misleading and unfair when all Cosmetics have that same quality or benefit. This may cause a consumer to purchase one Cosmetic instead of another one based on a false impression.

One of the ways consumers can see if a cosmetic was not tested on animals is to look for terms like Not Tested on Animals or recognised logos that support that claim. However, if a cosmetic is silent on animal testing, this does not necessarily mean it has been tested on animals. Many companies simply choose not to feature animal testing claims on their products or in their advertising. However all companies must follow the Australian ban on animal test data use.

5.3 What do specific Advertising Claims mean?

This Code sets out some specific Advertising Claims with recommended meanings. These should not be considered to be comprehensive but the aim is to encourage a standard set of claims so the industry and consumers can understand how Cosmetics have been tested. It is anticipated that further specific Advertising Claims will be referred to in future reviews of this Code.

Members of the Cosmetics Industry should be particularly wary of Advertising Claims that make definitive statements. Any number of factors may impact the accuracy and meaning of that Advertising Claim. For instance, an Advertising Claim may be affected if the Cosmetic or Cosmetic Ingredient has been Tested on an Animal: by an unrelated business in another country; for a non-cosmetic purpose such as in a medication; after the Cosmetic was first sold in Australia; or by a governmental body as required by law. These situations, and others, may affect whether and how an Advertising Claim can be made.

Care should also be taken where an Advertising Claim has been made but it later ceases to be accurate.

Members of the Cosmetics Industry should ensure that their use of any of the following Advertising Claims still comply with the general guidelines in Section 5.2 above.

(a) Not Tested on Animals

This claim can be used to show that the Cosmetic and its ingredients have not been Tested on Animals by the manufacturer and the manufacturer has not received any benefits from Animal Tests of the Cosmetic or its ingredients.

It is recommended that this Advertising Claim be used where:

- (i) neither the Cosmetic nor its constituent Cosmetic Ingredients have been used in any Animal Tests by, on behalf of, or with the consent of, the manufacturer in Australia or elsewhere in relation to the Cosmetics Industry; and
- (ii) the manufacturer has not received any benefit from any Animal Test Data for the Cosmetic or any of its Cosmetic Ingredients in Australia or elsewhere in relation to the Cosmetics Industry. For instance, a manufacturer that uses Cosmetic Ingredients which were Introduced to Australia by a third party years ago through the use of Animal Test Data would be receiving a benefit from that Animal Test Data even though they were not responsible for its creation and should therefore not make this Advertising Claim.

This Advertising Claim does not necessarily mean that a Cosmetic or Cosmetic Ingredient has never been Tested on Animals. For instance, a Cosmetic Ingredient may have been Tested on Animals:

- without the knowledge of the member of the Cosmetic Industry making the Advertising Claim. However, the member of the Cosmetic Industry should make reasonable efforts to find out if the Cosmetic Ingredient has been Tested on Animals in the past and not, for instance, turn a blind eye as to whether it has obtained a benefit from such Animal Test (for instance where the Cosmetic Ingredient was originally Introduced to Australia by a third party through the use of Animal Test Data);
- by an entirely unrelated entity for a purpose other than its use in a Cosmetic (such as in a cleaning product) and this Animal Test Data has never been relied upon in respect of the Cosmetic Ingredient as part of a Cosmetic; or
- by an entirely unrelated entity without the consent of the manufacturer.

However, if a member of the Cosmetics Industry is aware of any of the circumstances referred to above (or any other relevant circumstances), it should consider whether continuing to make the Advertising Claim may mislead consumers or otherwise fail to comply with these guidelines.

Members of the Cosmetics Industry should make sure that their use of this Advertising Claim is not misleading in any way, particularly where they rely on or benefit from Cosmetic Ingredients Introduced to Australia with Animal Test Data from many years ago or generated outside Australia.

(b) Not Tested on Animals since [year]

Clear and accurate qualifiers may be added to an Advertising Claim for greater clarity where necessary. This may be particularly relevant for cosmetic ingredients first used many years ago.

The Advertising Claim *Not Tested on Animals* may lead consumers to think that the Cosmetic and the Cosmetic Ingredients have never been tested on Animals at all - by anyone, at any time and in any country - which is a stringent test.

Some Cosmetic Ingredients may have been Introduced years or decades ago on the basis of Animal Test Data. Once Introduced, the introducer and subsequent manufacturers may be able to use those Cosmetic Ingredients without further Animal Testing. Similarly, some members of the Cosmetics Industry may have originally Tested on Animals but ceased doing so many years ago and would like to advertise this fact.

Therefore, in this example, the Advertising Claim may have an appropriate qualifier added to it referring to the year in which Animal Test Data was last used such as '*Not Tested on Animals Since [year]*'. Any such qualification used should comply with Guideline 2 in Section 5.2.

(c) Third Party Logos

There are schemes which businesses can sign up to regarding Animal Tests in the Cosmetic Industry. Businesses usually indicate their compliance with these schemes through the use of a logo. Information about what each scheme means is usually set out on the scheme's website.

These logo schemes are detailed on the next page.

There are three third party logos consumers can look for to know if cosmetic has not been tested on animals.

Third Party Logos

Some third parties offer schemes in relation to Cosmetics. Businesses usually demonstrate their compliance with these schemes by displaying the relevant Third Party Logo on the applicable Cosmetic.

Such schemes are regulated by the entity managing the Third Party Logo. In some cases, they also licence the use of the Third Party Logo and/or provide independent verification to substantiate Advertising Claims. They also provide a standard meaning for the Third Party Logo to which consumers can refer.

Accord does not monitor, review or recommend any specific schemes. However, Accord is aware of following Third Party Logos:



This registered trade mark in Australia is managed by Cruelty Free International in Australia



This mark is unregistered in Australia and is managed by PETA.



This registered certification mark in Australia is managed by Choose Cruelty Free

Each scheme has different requirements and standards for compliance. Members of the Cosmetics Industry that sign up to such schemes are responsible for ensuring their compliance and should satisfy themselves that their use of the Third Party Logo does not breach the ACL.

Some Cosmetics make claims as to being 'vegan' or 'vegetarian' and Accord is aware of at least one Third Party Logo of The Vegan Society. Claims of 'vegan' or 'vegetarian' may be intended to mean that there are no animal-derived ingredients in the Cosmetic but consumers may also interpret those claims as meaning the Cosmetic has not been tested on Animals. Therefore, businesses should take particular care that they do not mislead consumers in making such claims.



Guideline

All advertising claims must be true

Advertising Claims that make statements that appear to be factual or complete such as '*This cosmetic has not been tested on animals*', must be true. Evidence to substantiate the Advertising Claim should be held before making the Advertising Claim, although it need not be publicly released. However evidence will provide certainty that the Advertising Claim can be made and will be available to support the Advertising Claim if, for instance, the ACCC, a competitor or a consumer alleges it is false.

5.4 What are some specific examples?

Practices to follow

Not tested on animals

Context:
The manufacturer has not relied on any Animal Test Data itself or used any Cosmetic Ingredients Introduced by another entity using Animal Test Data

The overall impression given by this claim could be that the Cosmetic has not been tested on animals at all.

This claim in the context as shown would be true because the Cosmetic and its Cosmetic Ingredients have not been tested on animals at all for the purposes of a Cosmetic.

This would most likely still be the case even if one of the Cosmetic Ingredients had been tested (for example) by a third party for the purposes of a medicine.

Practices to Avoid

Not tested on animals

Context:
The manufacturer has relied on Cosmetic Ingredients Introduced by another entity using Animal Test Data

The overall impression given by this claim could be that the Cosmetic has not been tested on animals at all.

In the context as shown, although the manufacturer has not used any Animal Test Data itself, one of the Cosmetic Ingredients was originally approved for Introduction in Australia several years ago in reliance of Animal Test Data. As a result, this claim may not be true or complete as it does not include important qualifiers and could be misleading to consumers.

Not tested on animals

For Us Since 2019

Context:
The manufacturer has previously engaged in extensive animal testing but just not since 2019

Any qualifications to an Advertising Claim should be clear and obvious to consumers. The use of small print, similar font colours to that of the background, or key information under asterisks or links (especially on goods) are unlikely to provide sufficient clarity.

This claim in the context as shown may give the impression that the Cosmetic has not been tested on animals at all as consumers may concentrate on the wording in larger clearer font and not see the fine print qualification.

2

Guideline

All advertising claims must be complete

Advertising Claims should not be made that are misleading because they are not complete and do not 'tell the entire story' or are otherwise a 'half-truth'. It is important to consider the overall impression created by an Advertising Claim and it could still be misleading if, for instance, important information is left out.

Even if it is not left out but included in a fine print disclaimer or qualification to a prominent claim which is not easily found or too hard to read, the impression created can still be misleading. Ideally, Advertising Claims should stand by themselves and not need qualification.

If a disclaimer or qualification is used, it should:

- be clear, accurate and in plain language;
- be reasonably prominent to consumers at the time they see the Advertising Claim and ideally in the same place, font, colour and size as the Advertising Claim;
- not alter the natural meaning of the lead claim.

Practices to follow

We have not tested this on animals

Context:

The manufacturer has not relied on Animal Test Data for the Cosmetic or Cosmetic Ingredients Introduced into Australia

The overall impression given by this claim could be that the manufacturer has not tested the Cosmetic on animals at all or asked or allowed anyone else to do so on its behalf. If that is the case, this claim in the context as shown would be true.

Practices to Avoid

We have not tested this on animals

Context:

The manufacturer has not used or relied on Animal Test Data for the Cosmetic or Cosmetic Ingredients Introduced into Australia by it but did request a third party overseas to carry out Animal Tests on one of the Cosmetic Ingredients even though that Animal Test Data was not used

The overall impression given by this claim could be that the manufacturer has not tested the Cosmetic on animals at all or asked or allowed anyone else to do so on its behalf.

This claim in the context as shown may not be appropriate because the manufacturer requested a third party overseas to test a Cosmetic Ingredient on Animals. While it may be technically correct that the manufacturer has not conducted any Animal Tests itself, it has asked a third party to do so on its behalf and this claim could be misleading.



Guideline

There are logos regulated by third parties used to indicate if cosmetics have been tested on animals

Be Careful

We have not tested this on animals

Context:
One of the Cosmetic Ingredients was Introduced by a third party in reliance on Animal Test Data, but that third party has no connection to the manufacturer or its suppliers. The manufacturer or its suppliers relied on this Introduction to manufacture with the Cosmetic Ingredient. This means the manufacturer has indirectly benefited from Animal Test Data.

This claim in the context as shown would be technically true as, although one of the Cosmetic Ingredients had relied upon Animal Test Data carried out by an unrelated third party, and the manufacturer benefited from this, the Animal Tests were not done at the request of or with the permission of the manufacturer or its suppliers.

However, some consumers may still form the impression from this claim that the Cosmetic (and therefore its ingredients) has not been Tested on Animals when one of its Cosmetic Ingredients had been (to the manufacturer's benefit).

Although a claim may be technically correct, manufacturers should consider how consumers may interpret the claim and whether it could give a false impression or otherwise fail to comply with this Code or the ACL.

A disclaimer or qualification to this claim could be added to provide clarification, such as '*However one or more ingredients have been tested on animals by other companies*'. Any disclaimers or qualifications should comply with Guideline 2 in Section 5.2 above.

3

Guideline

All advertising claims must be clear

Advertising Claims should be clear and easily understandable. Plain language should be used wherever possible. If an Advertising Claim is ambiguous, unclear or could give an alternative meaning to consumers, it should be revised so it is clear in its meaning.

Practices to follow

Context:
The manufacturer is authorised by a relevant scheme



Cruelty Free
INTERNATIONAL



cruelty free



Third Party Logos show that the product has been authorised by a particular scheme or is compliant with a recognised set of criteria. Typically, manufacturers that have been authorised under the scheme may use the Third Party Logo.

Third Party Logos provide a clear meaning according to the schemes' published guidelines and allow the consumer to easily find the guidelines. Further clarity could be provided by displaying the Third Party Logo next to a QR code which links to the scheme's website setting out the criteria for compliance.

Practices to Avoid

Context:
The manufacturer uses a generic or invented logo



Logos, such as the example on the left, which are not Third Party Logos should not be used. These logos may give the impression that they have not been tested on animals or that they have been independently certified (as not being tested on animals or otherwise), when that is not the case. There is also no published materials giving guidance on the meaning of the logo.

This claim in the context as shown may not be clear and could be misleading.

Cruelty Free or Animal Friendly

Context:
The manufacturer uses generic statements

Emotive and ambiguous claims such as 'cruelty free' and 'animal friendly' should not be used. These claims may give an impression that the Cosmetic is not tested on animals. However these claims have no clear meaning and provide no guidance on whether the Cosmetic has been tested on animals or not.

The use of such a claim is different to the use of a Third Party Logo (which may include the same words such as 'Cruelty Free' as part of the logo shown in the column to the left) because this Third Party Logo has a specified meaning given to it by the scheme which operates the logo. Note that neither this Code nor Accord endorses any Third Party Logo and does not make any statement as to whether a Third Party Logo complies with the ACL.



Guideline

All advertising claims must be fair

Advertising Claims should not give consumers a false impression. This is particularly relevant in direct or indirect product comparisons. For instance, an Advertising Claim that indicates that a particular Cosmetic is superior to another because it has a particular quality or benefit may be misleading and unfair when all Cosmetics have that same quality or benefit. This may cause a consumer to purchase one Cosmetic instead of another one based on a false impression.

Practices to follow

Against Animal Testing

Context:
Where it appears on a company's website or general corporate materials

General claims such as this which set out a policy or political position have their place and may be appropriate on a website or on other general corporate marketing material to set out a company's general ethical principles and values - provided that such claim complies with applicable laws such as the ACL.

Practices to Avoid

Against Animal Testing

Context:
Where it is applied to a Cosmetic

Particular care should be taken when broad 'policy' claims such as 'Against Animal Testing' are used on or in relation to particular Cosmetics as they may give the impression that the Cosmetic and its Cosmetic Ingredients have not been tested on animals. If the Cosmetic and its Cosmetic Ingredients have not been tested on animals, then this claim is unlikely to be false but it may still need to be qualified.

However, this claim could be misleading to consumers if it led them to believe the Cosmetic and its Cosmetic Ingredients had not been tested on animals if, in fact, that was not the case.

If you believe a cosmetic is inaccurately claiming not to have been tested on animals, first contact the relevant company. Information of this kind will be used when reviewing this Code in future.

6. Failure to observe this Code

This Code is voluntary and members of the Cosmetics Industry are responsible for their own compliance.

If anyone has a complaint, they should notify the business concerned.

If the business does not provide a satisfactory response, a complaint can be made to the ACCC.

6.1 How should complaints about failures to observe this Code be made?

As this Code is a voluntary code, each member of the Cosmetics Industry is responsible for its own observance of this Code. Consumers and members of the Cosmetics Industry are encouraged to report concerns or potential failures to observe this Code to the business responsible for the Advertising Claim in the first instance.

6.2 How should the Cosmetics Industry deal with complaints?

Members of the Cosmetics Industry should allow the public and other members of the Cosmetics Industry to make complaints if they believe that a business does not observe this Code. Members of the Cosmetics Industry should also have a process for how they will respond to any such complaints. At a minimum, members of the Cosmetics Industry should provide: contact details (including an Australian phone number and/or email address) for the lodgement of complaints; details of their complaints handling process which will be followed; and a commitment to respond within a specified time frame.

Members of the Cosmetics Industry should also maintain a record of the complaints that they receive. This information should be provided on request to Accord as part of a review of the Code as it will provide guidance on areas that require more focus.

6.3 What should a complainant do if unsatisfied with a response?

If the response is unsatisfactory, a person or business making the complaint may report it to the ACCC. The ACCC's website includes information and resources to assist with making complaints.¹⁴

¹⁴ <https://www.accc.gov.au/consumers/complaints-problems>

Following this Code can assist Cosmetics Industry businesses to meet their compliance obligations under Australian law.

6.4 What are the consequences for not observing this Code?

Members of the Cosmetics Industry should voluntarily engage in appropriate remedial action where they have failed to observe this Code. This may include removal of inaccurate advertising from the market, corrective advertising and revisions to product artwork at the earliest reasonable opportunity.

If Accord becomes aware of a serious failure, or repeated failures, to observe this Code, it may:

- (a) issue a written notice to the business of that failure and request an explanation for the failure and details of the proposed remedial action to be taken; and/or
- (b) in instances where there appears to be an unambiguous breach of the ACL, report the conduct to the ACCC.

As this is a voluntary Code, there are no direct legal consequences for a failure to observe this Code. However, observing this Code may assist members of the Cosmetics Industry to comply with Australian laws, such as the Industrial Chemicals Act, the Industrial Chemicals General Rules and/or the ACL. Non-compliance with these laws can have significant consequences, including:

- (a) in respect of the ACL, a maximum penalty per breach of:
 - (i) for individuals: \$500,000; and
 - (ii) for corporations, the greater of:
 - (A) \$10,000,000
 - (B) three times the value of the benefit received from the conduct;
 - (C) 10% of the annual turnover¹⁵ in the last 12 months, if a court cannot determine the benefit received from the offence; and
- (b) in respect of the Industrial Chemicals Act, a criminal or civil offence with a penalty of up to \$66,600 per offence.

¹⁵ In the case of multinationals, current case law indicates that the turnover may be assessed on the total Australian turnover of the corporate group rather than the specific business unit in Australia which engaged in the conduct.

Accord will review this Code's effectiveness at 2-year periods. This review will consider what change the industry had made to improve clarity and transparency around not tested on animals claims.

7. Administration of this Code

Accord administers the Code by conducting regular reviews of, and updates, to the Code and promotes the Code to the Cosmetics Industry and the public.

7.1 What is Accord's role?

Accord is the peak national industry association representing manufacturers and marketers of hygiene, personal care and speciality products, their raw material suppliers and service providers - which includes the Cosmetics Industry. Accord is responsible for:

- (a) administering the Code, including conducting regular reviews of, and updates, to the Code. See Section 7.2 for more details;
- (b) promoting the Code to members of the Cosmetics Industry and the public including by publishing the Code on its website.

Any questions regarding the Code may be directed to Accord at animaltestcode@accord.asn.au

7.2 How is this Code reviewed and updated in the future?

Accord will conduct a formal review of this Code every 2 years after its release to assess the effectiveness of the Code and any required changes to its provisions, including as a result of changes to laws, industry practices and/or consumer expectations. Otherwise, interim reviews may be conducted at other times, if required, to deal with urgent matters that need addressing prior to the next formal review.

To carry out a review, Accord will use a variety of mechanisms, such as surveys of the broader Industry, and engagement of other relevant industry bodies to seek to determine the Code's effectiveness.

Specifically, Accord will:

- (a) invite comments and submissions from the Cosmetics Industry (manufacturers and retailers), animal rights groups, the public generally and other interested parties for a period of at least one month and engage in other consultations as appropriate (such as with representatives of the ACCC and the Australian Department of Health);
- (b) assess the coverage of the Code in the Cosmetics Industry in terms of the number of members of the Cosmetics Industry that declare their commitment to observe this Code;
- (c) request information from those members of the Cosmetics Industry that declare their commitment to observe this Code on complaints they have received in respect of any failures to observe this Code;
- (d) assess the operation of this Code against its objectives;
- (e) have regard to developments in other countries;
- (f) prepare a report on the operation of this Code and recommend any improvements or changes to this Code including, if necessary, ways to increase observance of the Code within the Cosmetics Industry.

A copy of the report and any recommended improvements or changes will be publicly available on Accord's website and Accord will make corresponding changes to this Code.

7.3 How will Accord promote the Code to Industry?

Accord will regularly look for opportunities to promote the Code to the Cosmetics Industry and encourage take-up. This will include:

- (a) developing articles for industry publications
- (b) writing to other key industry bodies
- (c) discussions at relevant industry bodies
- (d) surveys of the industry to determine their awareness and observance of the Code

In addition to promoting the Code, Accord will make the Code available at a dedicated page on its website to ensure it is readily accessible.

This Code is designed to guide best practice for the Cosmetics Industry.

8. Important notice

This Code is designed to give information to the public and guidance to the Cosmetics Industry. This Code avoids legal language wherever possible and summarises the Industrial Chemicals Act and other relevant legislation. This Code does not provide definitive statements of the law and does not provide comprehensive information on particular issues or to particular businesses and is not a substitute for legal advice. As a result, there may be exceptions or important qualifications to information provided in this Code.

To ensure compliance with legal obligations, the relevant legislation and regulations must be referred to and independent legal advice should be obtained in relation to the application of all relevant laws to each particular situation.

Each member of the Cosmetics Industry must ensure its own compliance with the Industrial Chemicals Act, the ACL and all other relevant legislation. Accord cannot accept any liability for any loss incurred or claims suffered by any member of the Cosmetics Industry as a result of observing this Code.

Nothing in this Code limits or varies the effect of any legislation which may apply to members of the Cosmetics Industry.

Schedule 1: Categories of Introduction

Industrial chemicals importers and manufacturers must categorise their chemical's introduction into Australia.

The below describes each of the categories under the Industrial Chemicals Act 2019.

- (a) **Listed** - this is where the Industrial Chemical is already listed on the Australian Inventory of Industrial Chemicals. This means it is already available for use in Australia and the business needs to comply with the existing terms set out in the Inventory.
- (b) **Exempted** - this is where the Introduction of the Industrial Chemical is categorised as *very low* risk to humans and the environment. The business needs to submit a declaration to AICIS *after* the Industrial Chemical has been Introduced.
- (c) **Reported** - this is where the Introduction of the Industrial Chemical is categorised as *low* risk to humans and the environment. The business needs to submit a report to AICIS *before* the Industrial Chemical is Introduced.
- (d) **Assessed** - this is where the Introduction of the Industrial Chemical is categorised as *medium to high* risk to humans and the environment. The business needs to apply for assessment by AICIS and obtain a certificate *before* the Industrial Chemical is Introduced.

- (e) **Commercial Evaluation Authorisation** - this is for when a business wishes to Introduce an Industrial Chemical in Australia in order to test its commercial viability. The business needs to apply for an authorisation from AICIS and must obtain authorisation *before* the Industrial Chemical is Introduced.

For more information including a step-by-step guide, visit the [AICIS website](#).

There are limited circumstances when the ban does not apply. This is necessary to continue to protect human health and the environment, and to align as far as possible with comparable international bans on using animal test data.

Schedule 2: When you can and cannot use animal test data

There are limited circumstances in which New Animal Test Data may be used in relation to Cosmetic Ingredients. This is necessary to continue to protect human health and the environment, and to align as far as possible with comparable international bans on animal test data. In summary, these circumstances are where the new animal test data:

- shows a chemical has a hazard characteristic and this conflicts with non-animal test data
- is the only information that can demonstrate whether or not a chemical has a particular environment hazard characteristic
- is from tests conducted on a different industrial chemical to the one being categorised or being submitted for an application.

These exceptions are set out in greater detail below. As science advances, guidance for these circumstances will likely change. The Industrial Chemicals General Rules detail these exceptions and the Australian Industrial Chemicals Introduction Scheme provides the most up-to-date information and guidance on this topic.

The following exceptions apply if the animal test data is from tests conducted on or after 1 July 2020

Exception 1: Animal test data show a hazard

This exception applies if the animal test data from tests shows the chemical has a hazard characteristic.

- When categorising the introduction, companies can only have regard to the animal test data if doing so results in a higher risk introduction category determination.
- When applying for an assessment certificate, companies can only submit the animal test data if the results conflict with other information in the application. The information requirements set out in the approved form must be met using other information (not the new animal test data).

Exception 2: No alternatives to animal test data for environmental hazards

This exception applies if the animal test data is the only information that can demonstrate whether or not the chemical has a particular environment hazard characteristic. This means there are no validated alternative tests a company can use to determine whether or not the chemical has a particular environment hazard characteristic.

Exception 3: Read across information from different chemicals

If a chemical has an end use in cosmetics, this exception applies if the animal test data was derived from a different chemical. This allows for read across information, but only where the different chemical:

- was not introduced into Australia by your company, or
- was introduced into Australia by your company, but the different chemicals:
 - do not have any end use in cosmetics, if the chemical in question is a multi-use chemical; or
 - do not have an end use solely in cosmetics, if the chemical in question is itself used solely in cosmetics.

The Australian Industrial Chemicals Introduction Scheme also considers a fourth exception, which is for multi-use chemicals only. This exception applies in the case of pre-approval to use New Animal Test Data for chemicals with multiple end uses (including cosmetics). For more information visit the [AICIS website](#).