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**DEATH: THE PRICE OF BEAUTY:
ANIMAL TESTING AND THE COSMETICS INDUSTRY**

By Kelly Renz McNeal

Millions of nonhuman animals are poisoned and killed each year in barbaric tests. These tests were crudely developed as long ago as the 1920s to evaluate the toxicity of consumer products and their ingredients. The safety testing of chemicals and consumer products probably accounts for only 10 to 20 percent of the use of animals in laboratories. This equates to approximately 2 to 4 million animals in the United States per year. (p. 1)

...The practice of testing cosmetics on animals began in 1933, soon after a woman applied mascara and went blind. The Food and Drug Administration (FDA) passed the Federal Food, Drug, and Cosmetic Act (FDCA) in 1938 to protect the public from unsafe cosmetics. (p. 2)

...In the United States, manufacturers bear responsibility to ensure their products are safe for consumer use...The FDA “urges cosmetic manufacturers to conduct whatever tests are appropriate to establish that their cosmetics are safe”, but “does not specifically mandate animal testing for cosmetic safety”. (pp. 2-3)

...The Council of Europe, which comprises more than 42 European countries, has five conventions covering animal welfare, one of which is the European Convention for the Protection of Vertebrate Animals Used for Experimentation and other Scientific Purposes. On January 15, 2003, the European Parliament and the Council of Europe amended Council Directive 76/768/EEC. Article 4(a)(1)(a) prohibits "the marketing of cosmetic products, where the final formulation... has been the subject of animal testing using a method other than an alternative method after such alternative method has been validated and adopted..." Article 4(a)(1)(b) prohibits "the marketing of cosmetic products containing ingredients or combination of ingredients which ... have been the subject of animal testing using a method other than an alternative method after such alternative method has been validated..." Further, for tests concerning repeated dose toxicity, reproductive toxicity, and toxicokinetics, for which there are no alternatives yet under consideration, the period for implementation of the sections above shall be limited to a maximum of 10 years after entry into force. (pp. 11-12)

...As of 2009, even if there are no alternative methods, it will be prohibited to carry out tests on animals and to sell products which have been tested or whose ingredients have been tested on animals. For those three tests for which there are no alternatives under consideration, a marketing ban shall come into effect within 10 years after entry into force, i.e. 2013. The agreement means that the ban on animal testing and sales would start immediately, where alternative non-animal tests are available. This will be followed by a complete ban six years after the directive enters into force. (pp. 12-13)

...The U.S. Government has expressed concern that the entry into force of the ban could restrict trans-Atlantic trade as certain U.S. products tested on animals could be prohibited from sale in the European Union (EU), while EU products not tested on animals could be prohibited for sale in the United States. **The National Foreign Trade Council states that the EU “has effectively banned U.S. and other non-EU exports of products deemed hazardous, stifled scientific and industrial innovation and advancement and, in the process, has ignored a basic reality, namely that a certain amount of risk is ¹⁰³ unavoidable in every day life.”** It is incumbent on the U.S. and the EU to try to **harmonize the many differences among the WTO membership into a unified, workable, and fluid mechanism that facilitates rather than impedes the flow of ¹⁰⁴ international trade.**

To minimize trade disruption, the U.S. Government and European Commission have ¹⁰⁵ agreed to pursue a project on harmonized alternative testing methods.

¹⁰³ **“Looking behind the Curtain: The Growth of Trade Barriers that Ignore Sound Science”. National Foreign Trade Council, Inc. May 2003.**

¹⁰⁴ **Id.**

¹⁰⁵ **Id.**

...**Ultimately, it is important to reconcile the different approaches of the U.S and the ¹¹² EU if the cause of trade liberalization is to advance.**

¹¹² **“Looking behind the Curtain: The Growth of Trade Barriers that Ignore Sound Science”. National Foreign Trade Council, Inc. May 2003.**

(pp. 14-15)