



Australian Government
Department of Health

Ban on the testing of cosmetics on animals

Background Paper



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Introduction

The Australian Government has announced its commitment to implement a ban on testing cosmetics on animals. This commitment recognises the strong view many Australians have on this issue and brings Australia into line with similar policies implemented in other countries. In fulfilling this commitment the Government will ensure that the impact to business, trade and industry is taken into account and is minimised in the approach going forward, whilst continuing to maintain Australia’s high standards in protecting public health, worker safety and the environment.

The Australian Government is in the initial stages of a phased consultation process to better understand and consider ideas, key issues and views in the development of the policy.

The purpose of this paper is to provide important background and contextual information. It does not provide a comprehensive analysis or put forward policy options. Its purpose is to provide as a starting point to an important consultation process with the Australian community.

The Australian Government therefore encourages you to participate in the consultation process and is inviting you to contribute to the development of the policy.



Cosmetic products

Cosmetics (and other personal care items) are chemical products that are designed to be repeatedly applied directly to the human body, or inside the mouth, to change its appearance, cleanse it, keep in good condition, perfume it or protect it.

Cosmetic products include:

- Oral hygiene: mouthwash and toothpaste
- Soaps and deodorants: antiperspirants, bath gels, body washes, antibacterial hand washes, shampoos and conditioners;
- Skin care: skin cleansing, acne washes, secondary sun protection products (with an SPF of 15 or below), lip care creams, anti-ageing creams, facial moisturisers, body lotions, hand/feet/skin emollients and shaving creams;
- Make up and beauty: nail polish, mascara, make up, depilatory products, hair dyes and perfumes; and
- Some baby care and hygiene products.

Cosmetics are products that are used by consumers every day – there are estimates that **each consumer uses at least seven different cosmetics per day** and many of us will use more¹.

Where do we get our cosmetics from in Australia?

The majority (>80%) of the cosmetic products sold in Australia are imported,² principally from the United Kingdom, the United States, France, Thailand and China.³

The Australian cosmetics industry

The Australian cosmetics manufacturing industry principally consists of small, niche manufacturing companies. Australian cosmetic products have a global reputation for being high-quality, clean and environmentally friendly. Their reputation has contributed to growth in exports which are estimated to be worth \$535 million annually, which represents over half of the total manufacturing revenue.⁴

¹ http://europa.eu/rapid/press-release_MEMO-13-188_en.htm

² *IBIS World Industry Report C1852, Cosmetics, Perfume and Toiletries Manufacturing in Australia (June 2016)*

³ *IBIS World Industry Report G4271b, Cosmetic and Toiletry Retailing in Australia (May 2016)*

⁴ *IBIS World Industry Report C1852, Cosmetics, Perfume and Toiletries Manufacturing in Australia (June 2016)*



The regulation of cosmetics

In Australia, cosmetics are regulated at the Commonwealth, and state and territory level. These regulatory frameworks establish requirements which ensure the safety and efficacy of cosmetics sold in Australia.

Cosmetic Products

Cosmetics are a consumer good and are subject to the broad provisions of the Australian Consumer Law (ACL) (Schedule 2 of the Competition and Consumer Act 2010) which is regulated by the Australian Competition and Consumer Commission. The ACL provides a range of statutory guarantees to consumers when they purchase goods and services to ensure they are safe and of acceptable quality. Separately, a specific information standard makes it illegal to supply [cosmetic products](#) that do not supply ingredient information to consumers at the point of sale (for details see <https://www.productsafety.gov.au/standards/cosmetics-ingredients-labelling>).

The *Cosmetics Standard 2007* and the *Standard for the Uniform Scheduling of Medicines and Poisons* place further restrictions on ingredients used in cosmetic products and sets requirements for specified products to distinguish them from similar goods that are for therapeutic use.

Chemical ingredients used in cosmetics

The import and/or manufacture ('introduction') of cosmetic ingredients are subject to regulation under the National Industrial Chemicals Notification and Assessment Scheme (NICNAS), which is established by the *Industrial Chemicals (Notification and Assessment) Act 1989*. Industrial chemicals are defined by exclusion (chemicals that are not therapeutic goods, agricultural or veterinary chemicals, food or food additives) and hence include cosmetic ingredients. There is no standalone legislation for cosmetics; and chemical ingredients used in cosmetics are often used in a broad range of other consumer and industrial products.

Chemical ingredients proposed to be used in cosmetic products are required to be notified and (unless exempt from assessment) assessed for human health and environmental impacts. The extent of scientific information required for assessment depends on the category under which a chemical is notified.

In general, the amount and type of information required to be submitted to assess the risks of a cosmetic ingredient depend on the volume or concentration proposed for its use, and the hazardous nature of the chemical (factors that determine the estimated risk from the chemicals use). A full suite of health effects information is only required for those chemicals considered to warrant in-depth assessment (e.g. hazardous chemicals, or those introduced in high volumes and/or at high concentrations). The quality of data submitted is evaluated



with reference to the Organization for Economic Co-operation and Development (OECD) Test Guidelines⁵, which have wide international regulatory acceptance.

Animal testing of cosmetic products or ingredients

Animal testing relates to the use of animals in experiments and development projects usually to determine toxicity, dosing and/or efficacy of the test chemical or product.

In a product safety framework, data derived from animal testing is used to help determine the limits for safe use of chemicals in order to protect human and animal health, and the environment.

Why is animal testing carried out for cosmetics?

Cosmetics are used by consumers every day and therefore it is crucial to make sure that products that come into contact with our body every day are safe for human health.

The OECD offers guidelines on the testing of chemicals which provide the most relevant, internationally agreed testing methods for governments, industry and independent laboratories to assess the safety of chemicals.

Whilst animal testing has in the past been considered a reliable means of assessing the risks of a substance or what most would call an 'Ingredient' of a product. Alternative non-animal tests are being developed and have been validated for a range of health effects. However, it should be noted that this is an emerging area of research with some non-animal test methods not yet available for all health effects, either because they have not yet been developed or because they are still in the process of evaluation and validation.

Is using animals to test cosmetics legally required in Australia?

Australia's regulatory framework for cosmetic ingredients, administered by National Industrial Chemicals Notification and Assessment Scheme, does not require any cosmetic product to be tested on animals and requires animal test data only in certain circumstances (and where there are no non-animal alternative tests available) if a company is introducing a new chemical ingredient into Australia.

^{5,5} [OECD Guidelines for the Testing of Chemicals](http://www.oecd.org/chemicalsafety/testing/oecdguidelinesforthetestingofchemicals.htm)
<http://www.oecd.org/chemicalsafety/testing/oecdguidelinesforthetestingofchemicals.htm>

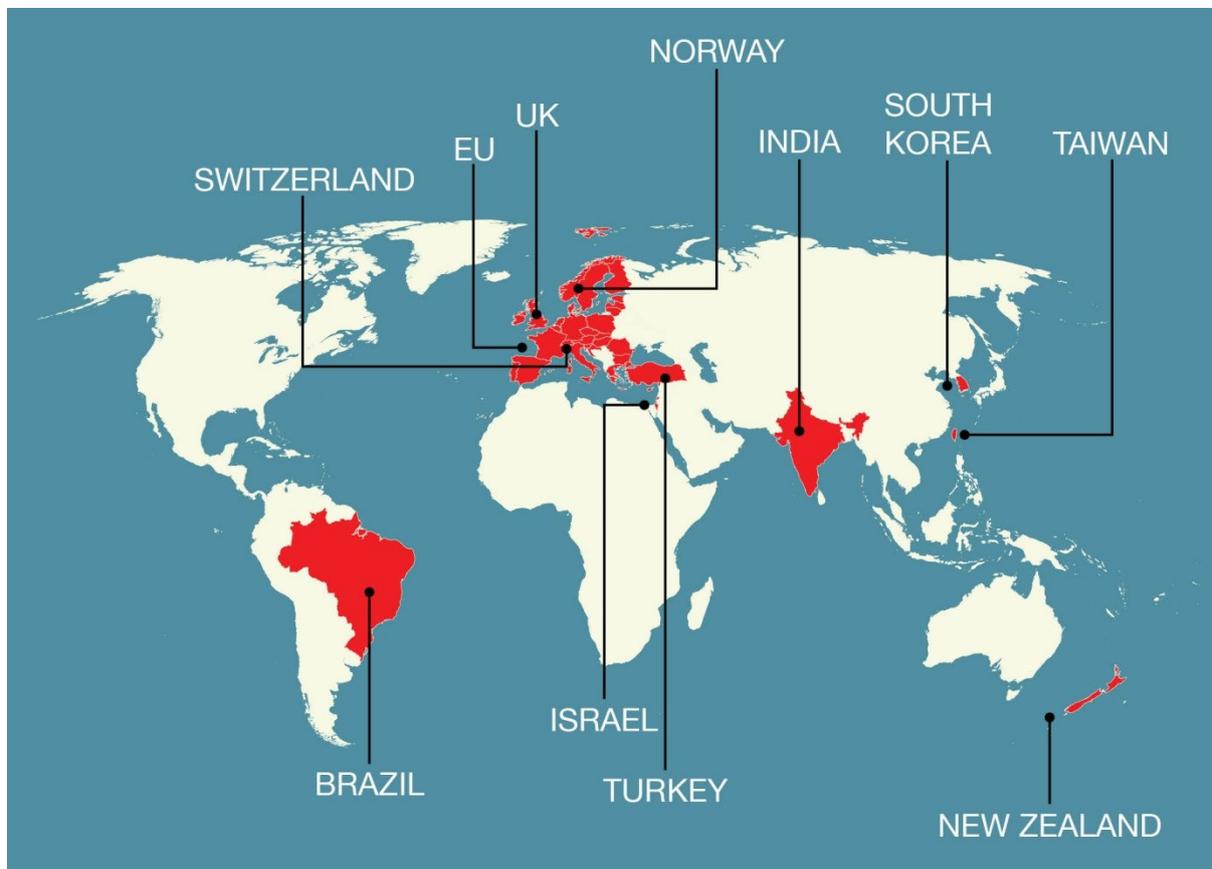


What is happening internationally?

The issue of testing on animals for cosmetics is not a new one when looking internationally. Many countries have debated this issue and have put in place policies that meet their circumstances. Whilst all countries have tailored their approaches and there are differences compared to one another, fundamentally all put in place a ban on the testing of cosmetics on animals.

As illustrated below, other countries have implemented a ban, in some form, for example:

- EU, India, Israel and NZ all have bans on testing cosmetics and ingredients on animals;
- EU has a general marketing ban on cosmetic products tested on animals; and
- India and Israel have import bans on cosmetic products and ingredients tested on animals.



How can I be involved?

This paper forms the first stage of a phased consultation process to help shape the approach the Australian Government will take in implementing its commitment to Ban the testing of Cosmetics on Animals.

As outlined previously the Australian Government invites you to participate in this process to help the policy development process.

Further information about how you can get involved can be found on [Department of Health website](http://www.health.gov.au): www.health.gov.au

