

2013.03.28

Cosmetics and Animal Testing

Keywords: law; legislation; jurisprudence; animal

The prohibition on the use of animals for testing cosmetic products, and, by extension, the sale of such products, has recently (11.3.2013)[1] become active.

This is not a complete novelty, as this prohibition is nothing more than the implementation of one of the extreme elements of the recently published Royal Decree 53/2013, of 1st February,[2] by which Spain applies the European Directive of 11th March 2003, which came about ten years earlier.[3]

It deals with one of the aspects that, in terms of experimenting on animals for human benefit, will probably receive greater consensus among the general public. It rejects the idea that for determining the effectiveness of a floor mop, a shampoo, a detergent or a moisturising cream, these products should undergo toxicity tests on laboratory animals. If this rejection is not more evident and is further extended, it is due to ignorance of the reality of experimentation, its need, the increasing strictness of its regulation, and the development of a genuine, informed and objective citizen awareness.

In this sense, there have been companies pioneering the suppression of animal testing, as much for cosmetic products (for example, The Body Shop) as for cleaning products, cosmetics and cleanliness (for example, the brands “Bosque Verde” and “Deliplus” of Mercadona). More and more users check the product label before buying in order to see whether it has been tested on animals. As a result, more brands are suppressing their tests on animals. A recent example that impacted the quality and global reputation of a company is that of Japanese company Shiseido that, since 2009, has been the focus of protest by international organisations for the use of animals in their testing methods. In the end, their products were not longer tested on animals, from April 2013 onwards.[4]

Popular rejection provoked by animal testing is inversely proportional to ignorance of it and of the measures the law is slowly but surely applying.

The most recent legislative texts prioritise animal welfare and the application of techniques that represent an improvement by replacing animal experimentation with alternative and increasingly more developed techniques that are more rigorously monitored by ethics committees required in each centre where animal testing takes place according to the new legislation. However, there is a long road ahead along which, fortunately, the first step has been taken.

With the DA WebCentre we want to provide coverage of what the law offers animals used for testing, and encourage the necessary dialogue between scientists and jurists. For this reason, this month we have been publishing articles relating to this topic[5] and we have also included a commentary on a sentence of the High Court of Justice of Catalonia,[6] which has been referred to the Camarles centre, which is at the centre of attention of the news and highlights the need for reviewing the facilities in order to

thoroughly incorporate the latest legal provisions.

THE EDITOR

Teresa Giménez-Candela
Professor of Roman Law
Professor of Animal Law
Autonomous University of Barcelona

[1] Directive 2003/15/EC introduced provisions relating to testing with animals in Directive 76/768/EEC on cosmetics. As a result, experimentation with animals in the Union has been prohibited since 2004 for cosmetic products, and since 2009 for the cosmetic ingredients (“prohibition of experimentation”). Since March 2009 the commercialisation in the Union of cosmetic products containing ingredients test on animals has also been prohibited ([“prohibition of commercialisation”](#)). The prohibition date for commercialisation relating to the more complicated effects on human health (toxicity from repeated use, including cutaneous sensitivity and carcinogenicity, as well as toxicity from repeated use and toxicokinetics) was broadened on 11th March 2013.

[2] [Royal Decree 53/2013](#) of 1st February, which establishes the basic regulations applicable for the protection of animals used for experiments and other scientific purposes, including teaching;

[3] Vid. [internal document](#)

[4] Vid. [Oipa](#)

[5] Vid. Patri VERGARA, [Nueva legislación sobre la protección de los animales utilizados en investigación](#); Maria GONZÁLEZ LACABEX, [La ciencia, también de su lado](#); Martí PUMAROLA, [Animales e investigación en neuropatología veterinaria](#)

[6] Vid. Anna MULÀ, [Experimentación con animales: Sentencia del Tribunal Superior de Justicia de Cataluña nº 315, de 31/3/2006](#)