

Japan, EU at odds on animal tests for cosmetics

Moves to ban the practice in Europe could take a toll on the domestic industry.

By **AYAKO SUZUKI**

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A new directive banning animal testing for cosmetics in the European Union could have a major impact on trade with Japan, where the controversial practice is still legally mandated for a wide range of products.

The legislative amendment, which took effect in the EU on March 11, has enforced a near-total ban on the sale of animal-tested cosmetics in member countries. It also prohibits animal testing—not only of finished products but also of the raw ingredients used in them.

Some long-term toxicology tests, including those designed to measure damage to reproductive functions, are still permitted, but only for the time being. Under the EU directive, a total ban will be in place by March 2013.

Animal rights groups in Europe have been campaigning vigorously against animal testing since the 1970s. Public sentiment began to turn against the practice after some of the more unpleasant details were widely publicized.

In some tests, still conducted in parts of the world, researchers place chemicals in the eyes of rabbits, while in others they rub cosmetics on the skin of guinea pigs. In others still, they use mice to check for allergic reactions as well as to perform toxicity tests.

Reports into these inhumane practices led to vehement public criticism against animal testing and calls for a ban on the tests for luxury cosmetic products.

Animal rights activists inflamed the debate by lobbying for a boycott of cosmetics companies and their products.

The shift in public feeling prompted the EU to pass a 1986 directive encouraging the use of alternative testing methods. In the years that followed,

research into safe testing gained pace and laid the way for a directive that called for a total ban.

Under the new provisions, alternative methods to be encouraged include tests on cultured skin tissue from humans and mice, as well as on eyeballs from dead livestock.

The new directive proscribes experiments on large animals, such as guinea pigs and rabbits, even in the absence of alternative methods.

In the United States, meanwhile, a concerted push to develop safe testing methods and guidelines for their use is gaining momentum.

In 2002, the U.S. government amended its equivalent of Japan's law on welfare and management of animals to include provisions encouraging the use of alternative methods and stricter oversight of testing facilities.

As a result of the development in the EU, some Japanese products may be banned from export to Europe while European brands may not be available for sale in Japan.

In Japan, cosmetics are widely classified into general cosmetics and quasi-drugs. While animal testing for safety is not necessary for general cosmetics, it is required by law for quasi-drugs.

For quasi-drugs—such as skin-lightening products, suntan lotion and hair growth tonics that can be advertised as medicinal—companies are expected to carry out animal testing whenever they add new ingredients.

Products developed without animal testing cannot be sold in Japan.

L'Oréal of France has been involved in research into alternative testing methods for about 20 years. It has developed artificially cultured human skin tissue for use in tests on new products designed to guard against ultraviolet rays and to slow aging.

Stéphane Ortiz, who heads the research and development center for Nihon L'Oréal, said, "While we have

to respect the laws of different nations, we will lobby to have more countries allow the use of alternative testing methods."

Japanese cosmetic companies are caught in a dilemma.

Katsuhiko Takano, who heads the technology department in the Japan Cosmetic Industry Association, which has about 1,000 member companies, said, "Even if we wanted to end animal testing, we have to continue with those tests to gain domestic certification for the safety of our products. We are hoping the EU will implement measures respecting the standards set by Japan."

In recent years, Japan has taken its first tentative steps away from its strict enforcement of animal testing requirements for quasi-drugs. In 2006, regulations were revised to allow for alternative methods in two of the 12 testing items required when applying for the inclusion of new ingredients in quasi-drugs.

Nonetheless, there are still many issues to be resolved before a total ban on animal testing can be achieved in Japan.

It normally takes five to 10 years to verify the efficacy of animal-free tests, largely because researchers must satisfy an onerous burden of evidence to show that the tests produce similar results irrespective of who conducts them.

In 2005, scientific research subsidies from the Ministry of Health, Labor and Welfare were used to create the Japanese Center for the Validation of Alternative Methods.

But it was given a five-year time limit, and only one full-time staff member. That is a world away from the national projects being undertaken in Europe and the United States.

Other factors have limited the use of foreign standards and testing innovations in Japan. Differences in skin quality and climate, for example, mean that Japan must use its own system of tests to measure allergic reactions to light.

The National Institute of Health



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Sciences serves as the secretariat for the Japanese Center for the Validation of Alternative Methods.

Hajime Kojima is a national institute official who has been pushing research into alternative methods.

"There is a need for Japan to develop alternative methods," Kojima said. "However, people only use cosmetics when they know they are safe. For that reason, evaluation of those products has to be done in a careful manner."

In the West, reports must be submitted to the government when constructing animal testing facilities or when conducting such tests.

In Japan, there is no legal basis for scrutinizing the type of animal testing being conducted.

Fusako Nogami heads the animal protection nongovernmental organization All Life in a Viable Environment (ALIVE).

"There is a need to first establish a legal structure to grasp what the current situation is like," Nogami said. "We cannot decrease testing unless we know exactly what is going on."