

US EPA ARCHIVE DOCUMENT

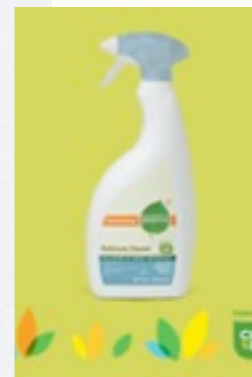
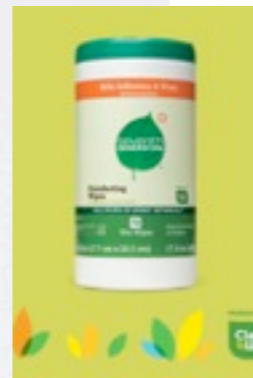
REGISTERED PRODUCTS LABELING

Animal Testing Statements
Kristie Sullivan



LABELING EXCEPTION

- “Not tested on animals,”
“Finished product not tested
on animals,” or similar
language
- Niche of products
- Consumer support
- Encourage company
participation



PESTICIDES NOT TESTED ON ANIMALS?

- Current: Thyme-based antibacterial products
- Current: Data waivers
- Future: Antimicrobial Cleaning Products
- Future: Registered products based on (Q)SAR, read across

PESTICIDES NOT TESTED ON ANIMALS?

- In a 1996 CCIC poll respondents stated they were more likely to buy a product that indicated it was not tested on animals.
- More than 55% of women surveyed indicated it was important to know which companies are not now testing on animals, even though virtually all ingredients have been tested on animals in the past.

CURRENT STANDARD I: LEAPING BUNNY

- Coalition for Consumer Information on Cosmetics
- “The Leaping Bunny Program provides the best assurance that no animal testing is used in any phase of product development by the company, its laboratories, or suppliers.”
- Companies sign pledge that they [or their suppliers] do not currently test using animals and will not do so in the future



CURRENT STANDARD II: CARING CONSUMER

- People for the Ethical Treatment of Animals
- Companies listed either have signed PETA's statement of assurance or provided a statement verifying that they do not conduct or commission any animal tests on ingredients, formulations, or finished products and that they pledge not to do so in the future



MECHANISMS WITHIN EPA

- Verifiable factual statements: e.g. “dye free” and “fragrance free”
- PR Notice 98-10: “non-pesticidal characteristics” statements by “non-notification.”
 - Specifically, under PR Notice 98-10, a statement about recycled content of pesticide packaging itself may be made in accordance with (FTC) Guidance.

WITHIN EPA - ANTIMICROBIALS

- The registration provisions, which appear in 7 USC § 136a, which provide, in part, that for antimicrobial pesticides, it “shall not be a violation of this chapter for a registrant to modify the labeling . . . to include relevant information on product efficacy, product composition, container composition or design or other characteristics that do not relate to any pesticidal claim or pesticidal activity.” This provision goes on to state that such statements “shall not be false or misleading or detract from” required statements, and establishes a procedure for EPA to be notified of such language with an opportunity for disapproval.

OTHER AGENCY PRECEDENT?

- Regarding consumer products, most label text is not regulated in its entirety
 - CPSC: labeling subject to FHSA--hazard statements, firm info, warns against conflicting graphics
 - FDA (cosmetics): Guidelines for what must be on and how it must be displayed but no specific exclusions
 - FDA (drugs): Difficult to apply to this question
 - DOT: similar situation as above

FDA-COSMETICS

Cruelty Free/Not Tested on Animals

March 14, 1995; Updated February 24, 2000

Some cosmetic companies promote their products with claims such as "CRUELTY-FREE" or "NOT TESTED ON ANIMALS" in their labeling or advertising. The unrestricted use of these phrases by cosmetic companies is possible because there are no legal definitions for these terms.

Some companies may apply such claims solely to their finished cosmetic products. However, these companies may rely on raw material suppliers or contract laboratories to perform any animal testing necessary to substantiate product or ingredient safety. Other cosmetic companies may rely on combinations of scientific literature, non-animal testing, raw material safety testing, or controlled human-use testing to substantiate their product safety.

Many raw materials, used in cosmetics, were tested on animals years ago when they were first introduced. A cosmetic manufacturer might only use those raw materials and base their "cruelty-free" claims on the fact that the materials or products are not "currently" tested on animals.

OTHER LANGUAGE SUGGESTIONS

- This product [or its ingredients] was not tested on animals [for EPA registration purposes].
- This product [or its ingredients] did not undergo animal testing [to meet EPA registration requirements].

POTENTIAL PITFALLS

- Not very many products
- Not all registrants can try to meet claim because of EPA regulations
- “Never” vs. “Not recently” tested

GOING FORWARD

- Gather information here
- Pilot program and/or policy statement?