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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

BAN ON ANIMAL TESTING: A STEP TOWARDS EQUALITY FOR ALL

AUTHORED BY - ADITI SINGH

“Life is life - whether in a cat, or dog or man. There is no difference there between a cat or aman. The idea of difference is a human conception for man's own advantage.”¹

- Sri Aurobindo

Animals have rights as living beings, and these rights are violated when exploited for experimentation. In 2015, at least 192.1 million animals were exploited for scientific research throughout the world. The above figure includes almost 80 million animal experiments and more animals slaughtered for their tissues to produce genetically modified animal strains.² They are compelled to consume chemicals, which can result in long-term harm or even death. They are being abused, as examinations are carried out without their consent. It is quite unjust since their fundamental rights are being infringed. These cruel experiments determine the impact of a product, millions of animals are killed or affected in some manner.

An attempt is made in this paper to investigate the history of animal testing and a few countries' statures on outlawed cosmetic experimentation on animals. The purpose of this research paper is to look at a few nations that have started or attempted to prohibit animal testing for cosmetics and look at the alternatives that should be used in place of animal testing. This study will also look at the animal rights and statutes that exist in India. The question as to, Why is it vital to be aware of animal experimentation and its long-term consequences? It concerns not just animal life but also the fundamental human matter of rights for all living creatures. Our responsibility is to protect animals from undue suffering and damage since they are living beings and have rights.

Animals have long been exploited in biomedical research as experimental subjects due to their physiological resemblance to humans. Mice, rabbits, snakes, monkeys, hamsters, guinea pigs,

¹ 'Sri Aurobindo Quotes' (*BrainyQuote*) <https://www.brainyquote.com/quotes/sri_aurobindo_170701> accessed 22 November 2021.

² 'Facts And Figures On Animal Testing | Cruelty Free International' (*Crueltyfreeinternational.org*) <<https://www.crueltyfreeinternational.org/why-we-do-it/facts-and-figures-animal-testing>> accessed 22 November 2021.

frogs and other animals are subjected to breathing and swallowing various chemicals and products applied on their skin to check if they are harmless for human consumption. The demand for cosmetic items has increased dramatically. Concealers and highlighters were rarely utilised by individuals a decade ago. New cosmetic items are constantly being produced to meet the demands. Due to the apparent rising demand for cosmetics and the necessity for corporations to create new and better goods, animal testing for these items has intensified. Many studies have demonstrated considerable stress reactions in animals undergoing regular laboratory procedures, in addition to the physical discomfort they face. Imprisoning, confinement, handling, and blood sampling can cause stress reactions in animals. This not only jeopardises scientific findings but also visually depicts the stress that animals face in experiments.

Animal welfare groups, researchers, environmental activists, animal enthusiasts, and even the public have become more concerned about animals in recent years. Many nations have established legislation prohibiting animals as research samples to prevent them from undue suffering and injury. In order to protect them from unnecessary pain and injuries, many countries have passed laws.

Animal testing of cosmetics or any of its components is prohibited across the European Union. It was the first to prohibit animals testing for cosmetics. The first prohibition on the sale of final products was enacted in 2014, followed by a ban on items that had been tested on animals in 2008.³ The European Union banned the sale and export of cosmetics tested on animals in March 2013. This implies that it is illegal to sell or promote a cosmetic product and if the completed item has been tested on animals.⁴ The EU is a vast market for cosmetics firms worldwide. This regulation has prompted corporations to explore alternatives to animal testing methods in areas like China, Israel, and India.⁵

In the U.K., prohibition on animal testing for manufactured cosmetic products aimed primarily at “vanity” products was first implemented in 1998.⁶ At the same time, the UK was the first to prohibit animal testing in cosmetics, EU Regulation 1223/2009, which now includes the

³ Sreedhar D. and Manjula N., 'Ban Of Cosmetic Testing On Animals: A Brief Overview' (2020) 12 International Journal of Current Research and Review.

⁴ Bushra Tunekar, 'Indian Laws Against Cosmetic Testing On Animals - Ipleaders' (*iPleaders*, 2021) <<https://blog.ipleaders.in/indian-laws-against-cosmetic-testing-on-animals/>> accessed 21 November 2021. ⁵ Sreedhar D. and Manjula N., 'Ban Of Cosmetic Testing On Animals: A Brief Overview' (2020) 12 International Journal of Current Research and Review.

⁶ Bushra Tunekar, 'Indian Laws Against Cosmetic Testing On Animals - Ipleaders' (*iPleaders*, 2021) <<https://blog.ipleaders.in/indian-laws-against-cosmetic-testing-on-animals/>> accessed 21 November 2021.

Cosmetics Regulation.⁷ Cosmetics supplied in the EU must be considered safe. It is the producer's responsibility to ensure that they are adequately tested to assure that they are not hazardous for humans.

Before the prohibition on animal-tested cosmetics was implemented, safety evaluations incorporating animal research to establish toxicological endpoints were done. The effects of the cosmetic and its constituents on human health were investigated in this study, which largely utilised rats and rabbits. If a safety evaluation for a component in a new cosmetic product previously existed, animal research for that ingredient would not be needed in the future. Like the European Union, Israel was also one of the first to take action for this cause. They even went forward and introduced a law in 2010, which banned imported products from countries that practised animal testing on those products.⁸

“The greatness of a nation and its moral progress can be judged by the way its animals are treated.”⁹ - Mahatma Gandhi

In India, there are various laws passed in relation to cosmetic testing on animals. Some of them are the Prevention of Cruelty to Animals Act, 1960 [Section 3 and 11(1)], Wildlife (Protection) Act, 1972 [Section 50 and 51] and the Cosmetics Rules, 2020. People for the Ethical Treatment of Animals (PETA) have also played a vital role in protecting animal rights.

In 2013, the Bureau of Indian Standards (BIS) removed animal testing for cosmetics. The Ministry of Health & Family Welfare published the cosmetic testing ban, as rule “148-C. prohibition of testing of cosmetics on animals – No person shall use any animal for testing of cosmetics” to the existing Drugs and Cosmetics Rules, 1954.¹⁰ The Ministry of Health and Family Welfare released its new Cosmetics Rules, 2020. It provided a separate and updated regulatory framework for testing, manufacturing, stocking, selling, and trying to import cosmetics in India after receiving recommendations from PETA India.¹¹ The rules include provisions to ensure ban on the import and export of such cosmetics are strictly regulated.

⁷ Ibid.

⁸ Ibid.

⁹ 'A Quote By Mahatma Gandhi' (*Goodreads.com*) <<https://www.goodreads.com/quotes/340-the-greatness-of-a-nation-and-its-moral-progress-can>> accessed 23 November 2021.

¹⁰ 'Cosmetic Testing Banned On Animals' (*PETA India*, 2014) <<https://www.petaindia.com/blog/cosmetics-testing-banned-on-animals/>> accessed 22 November 2021.

¹¹ 'PETA India Applauds New Cosmetics Rules For Strengthening Import Ban On Animal-Tested Cosmetics - Blog - PETA India' (*PETA India*, 2020) <<https://www.petaindia.com/blog/peta-india-applauds-new-cosmetics-rules-for-strengthening-import-ban-on-animal-tested-cosmetics/>> accessed 22 November 2021.

Alternatives to animal testing have been developed to address many animal studies' problems, avoiding unethical techniques. A three-R method which means reduction, refinement, and replacement of animal usage in laboratories, is being used.¹² This technique is implemented using a variety of methodologies and species. The idea of replacing animals was initially proposed in 1957 by Hume and Russell.¹³ Russell and Burch proposed three approaches to make animal-related laboratory studies more humane, which became the three Rs.¹⁴ This strategy encouraged using the minimum number of animals, i.e. a "reduction" in the number employed in an experiment.¹⁵ Animals use must be meticulously planned, basically 'refined' so that agony and misery caused by the experiment are minimised.

Cell lines derived from animals and human tissue are frequently employed and grown further in a laboratory. This procedure is known as "in vitro methods" since they are performed outside the organism (the test tube).¹⁶ They are essential and frequently utilised, especially to understand cellular processes or the influence of drugs on cell metabolism.¹⁷ Research within vitro systems has seen numerous methodological development in recent decades. They have helped to limit the usage of animal experiments, particularly in drug testing and the creation of pharmacological products.

Another alternative for eliminating experiments on animals is called "body on a chip," which is derived from regenerative medicine.¹⁸ This technology evolved from tissue engineering or bioprinting, in which human replacement organs are generated from human tissue and printed using a 3D printer.¹⁹ These microorganisms are housed on a microchip and are supported by a computerised maintenance system—sensors on the microchip monitor and record changes in parameters such as organ temperature and oxygen content.²⁰ The "body on a chip" technique assesses biological and chemical substances' toxicity or pharmacological characteristics.

¹² Ranganatha N. and Kuppast I.J., 'A Review On Alternatives To Animal Testing Methods In Drug Development' (2012) 4 International Journal of Pharmacy and Pharmaceutical Sciences
<https://www.researchgate.net/publication/280765029_A_review_on_alternatives_to_animal_testing_methods_in_drug_development> accessed 22 November 2021.

¹³ Michael Balls, 'Replacement Of Animal Procedures: Alternatives In Research, Education And Testing' (1994) 28 Laboratory Animals.

¹⁴ Rex L. Burch, 'The Progress Of Humane Experimental Technique Since 1959: A Personal View' (2009) 37 Alternatives to Laboratory Animals.

¹⁵ Ibid.

¹⁶ Cornelia Exner, *Animal Experiments In Research* (Lemmens Medien GmbH Matthias-Grünewald Str).

¹⁷ Ibid.

¹⁸ Cornelia Exner, *Animal Experiments In Research* (Lemmens Medien GmbH Matthias-Grünewald Str).

¹⁹ Ibid.

"In silico procedures" (performed on a computer) are also becoming more popular as an alternative. These computer-controlled analysis and simulation methods, among other things, are used to assess danger while exploring drug tolerance or conceptually modelling life processes.²¹ As a result, experimental data in neurobiology is increasingly being integrated into computer models to predict central nervous system processes. Animal experimentation instructional films are used to educate students to work with real animals and promote an ethical approach.

According to PETA's scientific advisor, Mr. Chaitanya Koduri, many alternative tests are present that can produce considerably more reliable outcomes for different goods than animal testing.²² Various organisations have recommended alternative methods. The usage of current alternative testing evolved into invasive animal experiments.

Crude skin allergy tests human responses only 72% and 82% of the time, on guinea pigs and mice predict respectively. A method which is combination of chemical and cell-based alternative methodologies, and has been found to precisely anticipate human reactions more than 90% of the time.²³ The Draize skin irritation test in rabbits accurately predict human skin responses 60% of the time only. However, regenerated human skin can be up to 86% accurate.²⁴ The conventional test on pregnant rats to determine if chemicals are harmful to infants can only detect 60% of toxics.²⁵ However, a cell-based test detects very dangerous substances with 100% accuracy.

The expensive and two-year long time-consuming rat research to determine if a drug is carcinogenic to people predicts cancer 42% of the time only.²⁶ A cell-based test can expect 90% of human carcinogens.²⁷ So after looking at the alternative methods present, one can conclude that these alternatives save animal lives and provide more effective outcomes. So all the countries but protect both humans and animals by using the other options. This will not only protect lives but, in the long run, save the environment as well.

²⁰ Ibid.

²¹ Cornelia Exner, *Animal Experiments In Research* (Lemmens Medien GmbH Matthias-Grünwald Str).

²² Shailja Singh, 'Cosmetic Testing On Animals In India - Indian Law Portal' (*Indian Law Portal*, 2021)

<<https://indianlawportal.co.in/cosmetic-testing-on-animals-in-india/>> accessed 22 November 2021.

²³ 'Alternatives To Animal Testing | Cruelty Free International' (*Crueltyfreeinternational.org*)

<<https://www.crueltyfreeinternational.org/why-we-do-it/alternatives-animal-testing>> accessed 22 November 2021.

²⁴ Ibid.

²⁵ Ibid.

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²⁶ 'Alternatives To Animal Testing | Cruelty Free International' (*Crueltyfreeinternational.org*)

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²⁷ Ibid.

