

Debate

The Effectiveness of Cosmetics Products

Issue: Should the Personal Care Safety Act exert oversight over the effectiveness of cosmetics products?

A proposed bill called the Personal Care Safety Act (PCSA) would expand the authority of the Food and Drug Administration (FDA) over cosmetics products. The intent of the bill is to protect consumers from cosmetics that contain potentially harmful ingredients. The proposed amendments would require the development of new regulations and ingredient reviews, estimated to cost approximately \$20.6 million per year. According to the Environmental Working Group, such regulations are way overdue—the last time regulations in the cosmetics industry were updated was in the 1930s. In contrast, the European Union has taken a more active role in regulating cosmetics. It has banned 1,000 potentially harmful substances for use in cosmetics, compared to 11 in the United States.

Under current regulations, the FDA already exerts oversight over cosmetics. However, the agency does not have the power to approve cosmetics products before they're sold. Rather, the agency takes action if consumers start suffering adverse effects from cosmetics after they are introduced. Under the PCSA, cosmetics firms would have to report serious adverse effects within 15 business days to the FDA and non-serious adverse effects in their annual reports. The regulation also gives the FDA authority to investigate five different cosmetic ingredients for safety each year.

Most people agree that cracking down on cosmetics ingredients that cause harm is important. Even the Personal Care Product Council, the trade association for the cosmetics industry, has worked with regulators on the proposed legislation. What is more controversial, however, is the efficacy of certain cosmetic products. For years critics have accused brand-name cosmetics and anti-aging products of failing to live up to consumer expectations. With the additional oversight the PCSA would give the FDA to examine cosmetics ingredients, should the agency also make cosmetics firms verify their products are effective as advertised? Pharmaceuticals, for example, are approved by the FDA if they are safe and effective for their intended purposes.

Many consumer advocates are concerned that cosmetics firms are charging customers exorbitant prices for specialized cosmetics that are not any more effective than their lower-priced counterparts. However, unlike pharmaceuticals, which can be assessed on their effectiveness in curing or ameliorating disease, the criteria for cosmetics are not nearly as defined. An anti-aging product, for instance, may reduce the look of aging on a person's skin without actually reversing the aging process. Nevertheless, cosmetics are currently a \$60 billion industry. Anti-aging products are high in demand—and have high prices as well. For instance, Sisley Paris' Antiaging cream runs at \$410 per 1.7-ounce jar. It is obvious that many consumers believe these premium products are extremely effective, and the cosmetics industry believes that these products deliver value to consumers.

The cosmetics industry argues that the premium price points clearly reflect the high amount of research and quality ingredients that go into the product. Premium ingredients that go into cosmetics can include such substances as caviar, peptides, sea kelp, and vitamins—all of which require significant resources to secure and develop. The Personal Care Products Council trade association claims that many types of ingredients do help

This material was developed by Jennifer Sawayda under the direction of Harry Van Buren and John Reed. It was produced with funding from the Daniels Fund Ethics Initiative and is intended for classroom discussion rather than to illustrate effective or ineffective handling of administrative, ethical, or legal decisions by management. Users of this material are prohibited from claiming this material as their own, emailing it to others, or placing it on the Internet. Please contact 505-277-6471 for more information. (2016)

reduce signs of certain unwanted effects like aging. Cosmetics manufacturers argue that they sometimes spend years in research and development to determine ingredients that work best. Additional regulation requiring proof of their effectiveness would cost firms millions and might require extensive research such as double-blind studies. Cosmetics that appear to help but that cannot be definitively proven to do so might be limited in what they can claim. In turn, this could cause consumers to miss out on potentially beneficial cosmetics ingredients.

On the other hand, critics claim that consumers do not know the exact amounts of so-called beneficial “ingredients” that go into these cosmetics. Additionally, there is no definitive proof that they lessen or reverse the effects of aging. While expensive creams might be helpful as moisturizers, critics claim that less expensive creams work just as well. Sunscreen is also helpful because it reduces skin exposure to the sun and keeps it from getting damaged. They also note that an anti-aging cream can gain FDA approval as long as it “improves the appearance of wrinkles.” It does not have to actually reduce or mitigate how quickly skin ages.

There are two sides to every issue:

1. Through the Personal Care Safety Act, the FDA should monitor the efficacy of cosmetics claims.
 2. Through the Personal Care Safety Act, the FDA should be limited to monitoring the safety of cosmetics.
-

Sources:

Anne Chapas, “Are Ultra-Expensive Creams Worth the Price?” *The Huffington Post*, November 17, 2011, http://www.huffingtonpost.com/anne-chapas/are-ultraexpensive-creams_b_64119.html (accessed April 1, 2016).

“Dangerous chemicals in cosmetics spur action by lawmakers,” *CBS News*, November 18, 2015, <http://www.cbsnews.com/news/new-legislation-proposes-greater-fda-oversight-of-chemicals-used-in-beauty-skin-products/> (accessed April 1, 2016).

Katherine Harmon, “Saving Face: How Safe Are Cosmetics and Body Care Products?” *Scientific American*, May 5, 2009, <http://www.scientificamerican.com/article/how-safe-are-cosmetics/> (accessed April 1, 2016).

Riëtte van Laack, “Proposed Personal Care Products Safety Actd Would Significantly Expand FDA Authority over Cosmetics,” *FDA Blog*, April 28, 2015, http://www.fdalawblog.net/fda_law_blog_hyman_phelps/2015/04/proposed-personal-care-products-safety-act-would-significantly-expand-fda-authority-over-cosmetics.html (accessed April 1, 2016).