

# **CONSULTATION ON ISSUES RELATING TO THE DELIVERY OF THE COALITION AGREEMENT COMMITMENT TO END THE TESTING OF HOUSEHOLD PRODUCTS ON ANIMALS**

**RSPCA submission to the Home Office**

**November 2011**





## CONSULTATION ON ISSUES RELATING TO THE DELIVERY OF THE COALITION AGREEMENT COMMITMENT TO END THE TESTING OF HOUSEHOLD PRODUCTS ON ANIMALS

### RSPCA position

In accordance with the *Animals (Scientific Procedures) Act 1986*, a project licence is only granted after the Secretary of State has weighed the likely adverse effects on the animals concerned against any benefits likely to accrue as a result of the project. In the case of safety testing, the relevant benefit has been taken by the Home Office to be the protection of humans, animals or the environment. In our view, this approach is incorrect - the benefits likely to accrue from using the specific product or substance should be weighed against the harms caused to animals in safety testing. If this concept were applied, no animal testing would be allowed for products or substances with trivial purposes or little benefit to society.

This principle has in fact already been applied in the case of cosmetics, where the use of animals in safety testing has been banned throughout Europe. The UK government implemented a ban on the testing of both finished cosmetic products and their ingredients in 1997/98. This was facilitated by the existence of a legal definition of cosmetic products, and a judgement that such products did not, as a class, confer benefits which outweighed the harms to animals of the safety testing.

In our view, the principle of weighing benefits against harms should be applied to all products and substances on a case-by-case basis, obviating the need for legal definitions of particular product classes.

#### ▪ Licence condition

**‘The prior consent of the Secretary of State is required for the testing of household products, which is likely only to be forthcoming in an exceptional case.’**

**Question 1: We would welcome views on this condition and examples of any other potentially exceptional cases.**

**RSPCA response:** Finished products are rarely tested as such, safety being generally assessed by reference to the toxicological properties of the chemical constituents, and their concentrations in the product. Home Office annual statistics of scientific procedures on animals show that very few animals have been used in tests under the ‘household’ category in recent years<sup>1</sup>. In fact, it is not clear whether the animal procedures recorded under the heading ‘household’ were tests of finished household products, or of their ingredients. A ban only on the testing of finished products on

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<sup>1</sup> E.g. 24 animals during 2010 and zero in 2009 - source: <http://www.homeoffice.gov.uk/science-research/research-statistics/other-science/>

animals, rather than substances intended to be used as ingredients, might have even less effect than the statistics indicate.

Furthermore, those animal tests which have been carried out recently were probably conducted where there was a specific reason - which may now be encompassed by circumstances described in the consultation as 'potentially exceptional cases'.

Therefore the proposed licence condition is unlikely to save any animals, and will be extremely difficult to implement in practice. It will have no credibility with the RSPCA and is unlikely to have much credibility with the public.

▪ **Working definition of 'household product'**

<b>'Household product' means a finished product primarily intended for use in the household.'</b>
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**Question 2: We would welcome views on this definition and suggestions for other definitions bearing in mind the need for clarity, enforceability and compatibility with the requirements of UK safety testing legislation.**

**RSPCA response:** This definition could apply to any article or preparation used in the household - hardware, clothes, food, etc. The Boyd Group, in a discussion paper on the desirability and feasibility of banning the animal testing of finished household products<sup>2</sup>, recognised the difficulties of defining a household product and proposed an indicative list of products which might be included.

The definition of 'household product' proposed in the consultation does not resolve the problem of defining 'household'. Does it include the garden, garage and the car, for example? One definition of 'the household' is the basic residential unit in which economic production, consumption, inheritance, child rearing, and shelter are organised and carried out, which may or may not be synonymous with family<sup>3</sup>. This definition makes it extremely difficult to define a distinct boundary between 'household products' and other types of product, which highlights the importance of ensuring that the working definition is clear.

Similarly, the term 'primarily intended' is ambiguous and nebulous. 'Intended for use primarily in the household' would make more sense, but it is not clear *whose* intention is involved. Logically, it should refer to the manufacturer, but they are not usually the licensee who is conducting and reporting the animal testing.

What constitutes an 'intention' is also open to question, since intentions are difficult to challenge or substantiate, and can change. A product might be said to be intended for 'industrial' use and then be marketed for household use after testing has been completed. We strongly suspect that this would be used to get around the ban. This, too, would be unlikely to fool the public.

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<sup>2</sup> The Boyd Group report: 'The use of animals in testing household products - a discussion paper and statement of principle' (Dec 2002) <http://www.boyd-group.demon.co.uk>

<sup>3</sup> Haviland WA (2003) *Anthropology*. Wadsworth: Belmont, CA

▪ **Impact**

**‘The proposed approach would have minimal financial impact on UK contract research organisations.’**

**Question 3: Is our assumption correct? We would welcome further and better information, including estimated costs and other details, to help refine our assessment.**

**RSPCA response:** As far as the RSPCA is concerned, this aspect is completely irrelevant. It is unacceptable to cause animals to suffer so that new household products can be marketed, and if ending this use of animals has a financial impact on contract research organisations in the UK, then so be it. In practice, presumably there would be little financial impact because there would actually be little (or no) reduction in animal testing.

(We would also point out that an impact assessment would normally include an estimate of what an action would gain, as well as its cost.)

**In the RSPCA’s view, it is difficult to avoid the conclusion that this proposal is just an ill thought out PR exercise rather than a serious attempt to reduce the use of animals in testing.**

**Research Animals Department**

**On behalf of the RSPCA**

**November 2011**