# NATIONAL ASSEMBLY

**FOR WRITTEN REPLY**

**QUESTION NO. 1648**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 19 AUGUST 2016**

**(INTERNAL QUESTION PAPER NO. 20)**

**Mrs C Dudley (ACDP) to ask the Minister of Health:**

(1) Whether there is existing legislation regarding testing on animals for cosmetic purposes;

(2) whether his department is aware of any testing being done on animals in South Africa for cosmetic purposes; if not, why not; if so, what are the details of the Government's (a) preparedness and (b) plans to deal with such testing through legislation?

###### NW1819E

**REPLY:**

1. The Department of Health administers the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54, 1972), as amended in 2007. There are a number of Regulations published in terms of this Act to ensure that either food or cosmetics are appropriately controlled and that the public are protected.

Recently on 19 August 2016, the Minister of Health published a set of General Regulations amending the legislation from 1972 addressing Cosmetics. Kindly be advised that:

The proposed 19 August 2016 update to the General Regulations on cosmetic oversight makes provision for a company to claim on the label of the cosmetic to the fact that no animal testing has been carried out or that no any animal tests on the finished cosmetic product or its prototype or any of the ingredients contained in have been commissioned, or that no ingredients have been tested on animals for the purpose of developing new cosmetics. However, the proposed Cosmetic Regulations do not prohibit testing on animals.

1. The Department is not aware of any testing being done on animals in South Africa for purposes of testing cosmetics. The Department is aware of testing being done on animals for purpose of testing veterinary medicines for registration with the Medicines Control Council (MCC) in terms of the provisions of the Medicines and Related Substances Act, 1965 (Act 101 of 1965). These clinical trial sites are being inspected by the Department’s Inspectors and prior to the conduct of the clinical trial, the company is required to obtain authorization from the MCC for the conduct of the study.
2. None of the current health legislation in South Africa, i.e.
	* Act 35 of 1984 (Animal Disease Act) [Department of Agriculture];
	* Act 36 of 1947 (Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies) [Department of Agriculture];
	* Act 54 of 1972 (Foodstuffs, Cosmetics and Disinfectants Act) [Department of Health];
	* Act 61 of 2003 (National Health Act) [Department of Health] provides for regulatory oversight of testing of cosmetics in animals.

(b) The Department intends to deal with this regulatory gap by including, under the proposed cosmetic General Regulation (19 August 2016), the requirement that the cosmetic information file that each manufacturer of a cosmetic needs to keep, includes information on the assessment of safety in humans using animals.

END.