The Need for Government Regulation of the Cosmetic Industry

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Abstract

This paper investigates the role the FDA plays in the monitoring of the ingredients used in cosmetics. It discusses the mismanagement the FDA has on the cosmetic industry. The FDA has stringent regulations and testing for drugs and food, yet allows cosmetic companies to monitor themselves. This allows the public to use products unknowing what the effects have on their health. The absences of strict government oversight lead cosmetic companies to use ingredients that have little to no testing and could lead to larger health risks in using these products. This has allowed cosmetic companies to use inferior ingredients in their products. The use of these ingredients is not to the fault of these companies, as it is the fault of the FDA. They lack the resources needed to ensure the safety of the consumer. This paper will demonstrate what key ingredients consumers should stay away from and be aware of. It also argues the need for a new agency to fill the void the FDA has left.

Keywords: **"**Harmful + ingredients + Cosmetics", "Ingredients + Cosmetics", "Effects + Cosmetics", "Regulation + Cosmetics + Ingredients", "FDA + Parabens", "FDA + Cosmetics"

The Need for Government Regulation of the Cosmetic Industry

Government agencies are put in place, like the Food and Drug Administration, or better known as the FDA, to monitor food and drug products to make them safe for consumers. While this is true, they are also responsible for the regulation of cosmetic products. However, they should not be responsible for the regulation of cosmetics since cosmetics are not classified as a food or drug. Cosmetics should be monitored by a different independent branch to be better equipped at regulating cosmetic companies with more restrictions. The FDA was put in place to protect consumers, but, even then cosmetic corporations are able to slide by. For example, common ingredients like parabens, talc, titanium dioxide, and zinc oxide do not have conclusive findings, according to the FDA, to be "inherently harmful" but there has been research providing information that states otherwise. With more regulation by another specialized department within the government, focusing every resource on testing and ensuring the safety of cosmetics, it will prevent harmful ingredients from ending up in products affecting the health of consumers without their knowledge. This is why the FDA should not be in charge of regulating cosmetics and another agency should.

According to the updated 2018 FDA webpage, the FDA states they "monitor for potential safety problems with cosmetic products on the market and take action when it is needed." The FDA does not require cosmetic companies to provide test results of ingredients and they cannot band ingredients unless they are proven to be poisonous or render consumers with inherent health problems. For example, asbestos, mercury, and chloroform are a few ingredients that the FDA has outright banned. Individual companies have the legal obligation of insuring themselves what is safe for consumers, and are able to use whatever testing they deem is necessary. Finally,

they could register their products and ingredients on an FDA database but it is done at the company's discretion (Center for Food Safety and Applied Nutrition, 2018).

"The law does not require cosmetic products and ingredients, other than color additives, to have FDA approval before they go on the market, but there are laws and regulations that apply to cosmetics on the market in interstate commerce" (Center for Food Safety and Applied Nutrition, 2018). Meaning, the government has more regulation on how these products are sold, but not of what is actually being sold.

Talc is a common ingredient found in most powder-based cosmetic products. It could be found in baby powder, blush, foot powder, eyeshadows the list goes on. According to the updated FDA website, "Published scientific literature going back to the 1960s has suggested a possible association between the use of powders containing talc and the incidence of ovarian cancer. However, these studies have not conclusively demonstrated such a link, or if such a link existed, what risk factors might be involved"(Center for Food Safety and Applied Nutrition, 2018). They then go on to say that these fears could be due to asbestos and talc are naturally occurring minerals that are found near each other but are mined carefully to ensure safety for consumers. Yet, they do not require these suppliers of talc to these cosmetic companies to submit any testing to the government before distributing. The FDA site makes it seem that talc has only been dangerous if it is contaminated with asbestos.

For instance, in Katherine Drabiak's 2017 review of legal court proceedings, the dangers of talc are clear. In the case of Hogans v. Johnson & Johnson, Deane Berg had used Johnson & Johnson's baby powder in her perineal area for decades when she was diagnosed with ovarian cancer. Berg's attorney provided evidence of the pathologist's report finding talc particles

embedded in Berg's ovarian tissue. The pathologist, Dr. Cramer, submitted a written summary of over twenty other similar cases with ovarian cancer and the finding of talc embedded in the ovarian tissue. He concluded that after these findings, he had reason to believe that the use of talc in Johnson & Johnson's baby powder in the perineal area showed to have a significant increase of risk in producing ovarian cancer. The jury agreed and found in Berg's favor concluding, that "Johnson's baby powder was unreasonably dangerous and that Johnson & Johnson failed to warn of the dangers associated with its use."

Another example of the FDA's lack of regulation is shown from the harmful effects of other popular ingredients. Payman Derikvand 2017 paper "Cyanobacterial Metabolites as a Source of Sunscreens and Moisturizers: A Comparison with Current Synthetic Compounds" talks about how the sun has harmful effects on the skin when it is not protected, but, the ingredient that most sunscreen companies use has harmful effects on the body. Take as an example, the ingredients titanium dioxide (TiO_2) and zinc oxide (ZnO). These are the two most used ingredients in physical sunblock. Derikvand goes on to talk about how these ingredients penetrate through the cell membrane, impairing their function to move and have the ability to have an average cell turnover rate. This slows down the production of collagen in the skin and allows the skin to age much quicker (Derikvand 2017).

Chemical sunscreens contain ingredients such as oxybenzone and methoxydibenzoylmethane, otherwise known as avobenzone ($C_{20}H_{22}O_3$). These ingredients have been linked to causing contact dermatitis and disruption in hormones in both children and adults (Derikvand 2017).

These ingredients have been shown to absorb into the bloodstream passing through

breastfeeding mothers into their children. The compound was present in 85.2% of all the mothers tested in this study (Jalla 2017). In Derikvand 2017, findings showed that this specific oil-soluble ingredient is easily absorbed into the skin, causing photogenic contact dermatitis, and can accumulate in human tissue disrupting the endocrine system. There is a correlation that these ingredients are having adverse health effects, especially on mothers and their children. However, the FDA does not outright band ingredients such as this unless proven to be inadvertently poisonous.

According to the FDA, "Parabens are preservatives that prevent the growth of potentially harmful bacteria that could live in some cosmetic products[...] Parabens have not been shown to be harmful as used in cosmetics, where they are present only in very small amounts." Yet, nowhere on the website states what is considered to be a small amount. However, parabens, according to "Skin Sensitization to Fluorescein Isothiocyanate is Enhanced by Butyl Paraben in a Mouse Model," have shown large direct exposure to parabens could potentially have harmful effects. When studied in mice subjects, they showed increased rates of weakening sensitization properties that made them susceptible to contact allergens (Matsuoka et al., 2018). Besides direct sensitization to parabens, it made it so the skin was more sensitive to other allergens.

Parabens also seem to affect the sensitivity levels of the mice's lymph nodes. Due to the introduction of butyl parabens, it enhanced the production of the cytokine in the lymph nodes (Matsuoka et al., 2018). This is a common occurrence, but, the production of cytokine usually occurs when inflammation or infection is present. This shows how the body is being affected on a hormonal level.

The effects of parabens on the endocrine system and could be harmful to the reproductive

systems in men; low sperm count, testis cancer, hypostasis, and women; disruption of estrogen production, breast and reproductive cancer (Gowhar 2017). To dispute the FDA's claim of being a safe preservative if used in small quantities, this shows how dangerous this ingredient could truly be. Yet, simultaneously encouraging consumers to use massive quantities since the FDA does not clearly state what is considered to be a "small quantity". This allows cosmetic companies to decide what is a small quantity.

Method Section

During the research, the library database was used to find credible and reputable sources. When nothing was located within the database, the sources that did appear were cross-referenced in this paper. For this paper, the critical discourse analysis, CDA, is used. This paper is focused on a social problem this is the perfect method. In the methods section it was determined that this would be a critical discourse analysis since there is a social problem; there is little to no regulations placed on cosmetics from the government and a solution; the FDA should no longer be left in charge of regulating cosmetics and another department should be put in place to have enough resources to regulate these products closely. In the paper, the use of an ethos, logos, and pathos is used to persuade the reader. The information shows credibility through the use of academic journal citations. It also displays logic through the questioning of the FDA's own information with those credible sources. Finally, the information tries to sway the reader on an emotional level by showing the dangers and including how these ingredients are affecting children and adults.

Results and Discussion

The purpose of this project was to prove the FDA was not fit to regulate cosmetics allowing another agency to take its place. What are these dangerous side effects? Are these common ingredients? Is the FDA equipt in regulating the cosmetic industry?

In order to answer these questions, research was done into the regulations the FDA placed on the cosmetic industry. The missing sources on the public's perception of the regulation of cosmetics indicate there is a lack of knowledge on the public's behalf. They are unaware of the effects of these ingredients and most likely would be shocked at these findings (America, 2018). This assumption can be made since there is a lack of tangible sources. There would be a public outrage against the FDA forcing the government to come up with a solution. One possible solution could be this thesis argument, a separate agency in control of regulation and testing.

There was also a gap of information on how the cosmetic companies felt on these liberal regulations. While researching, however, the increase of "natural" beauty brands could indicate these companies sensing the skepticism of consumers and the use of cosmetics. The assumption of this is that companies are aware of the increase of reporting of possible harmful effects of ingredients in pop culture magazines and online. In the past year or so, "natural brands" with "all natural products" have made up a quarter of all beauty stores sales (Wischhover, 2018). Still, these companies are taking advantage of this false security the consumers have with the title "natural" placed on these products since there are still no regulations on what is considered "natural". They are taking advantage of the lax regulations. These companies are most likely thrilled with these policies since it saves them money and effort of waiting for testings to be conducted on their products.

All the research argues that the thesis is correct. The FDA should not be in control over the regulation of the cosmetic industry. The research shows how important the need for some regulation done by an agency that has the means to provide that regulation since the FDA has not stepped up. By allowing the FDA to be completely responsible for regulations, there will be none. They allow themselves to be as vague as possible so they could not be held liable for any mishap and it falls all of the individual companies. These cosmetic companies are continuously compromising the health of the public, despite any evidence of the adverse effects these ingredients have on consumers. The research is pointing to no regulation from the government and no one is held accountable. Due to the government's lack of regulation and accountability, they allow this illusion of safety in the public eye, yet, in actuality they distance themselves just enough to avoid legal action. These ingredients are dangerous, the FDA states itself "Parabens have not been shown to be harmful as used in cosmetics, where they are present only in very small amounts." They make sure to keep this vague and do not give a set amount for consumers to avoid liability (FDA, 2018).

Personal Reflection

What I have learned throughout this process was that there are no solid regulations in place for the cosmetic industry. This is concerning to me, especially since I work in the cosmetic industry and use quite a bit myself. This just shows how regulation by the government is something that consumers need. They need to be protected from the unknown. Before I started this research, I knew there were dangerous ingredients out there. I was just surprised to find as much as I did. I was also surprised to see how little the government actually regulated this industry.

The government regulates more on how the product is being sold than what is actually in the product. Why is it they cannot regulate and test these cosmetics? This is why I argue in my paper, since the FDA has taken control over all regulation of cosmetics in the 30's they have let the public down. It is time for a change. The FDA needs to stay in charge of food and drugs and another agency needs to be in place to protect consumers from any cosmetic product.

SUNY Purchase has taught me a plethora of tools that I can take with me into the future. I realize that without my education here I would not be able to form this type of argument and speak to it on all parts. My liberal arts degree proves how wide of a range my interests are. Purchase has been able to aid in my ability to be able to learn in any discipline. It is because of Purchase I am able to write a critical analysis of the government on regulations in the cosmetic industry. My passion for learning new things and my passion for cosmetics are able to come together in one paper. By completing this paper, it solidifies every technique I have learned here and can use it in my future.

Conclusion

Since the FDA has no regulation or requires any testing of the effects of these ingredients, they do not truly know what is inadvertently dangerous and detrimental to the public's health. With that, how can the FDA claim they are monitored for potential safety problems when harmful ingredients are making it into the ecosystem and thus affecting everyone and every living, regardless if they personally use these ingredients (Derikvand, 2017).

Cosmetics regulation in this country has not been updated since 1938 (Wischhover, 2018). This has left regulation completely up to these cosmetic companies and allows the FDA to avoid prosecution or responsibility. This allows cases such as Hogan's v. Johnson & Johnson to

exist. The FDA's lack of actions and regulations allowed Johnson & Johnson to be completely isolated in this case, and not holding the FDA responsible for ensuring the safety of the consumer as they stated they would. In America, there is a system of checks and balances so the question arises, why is the FDA exempt from this?

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