

([HTTPS://ACCORD.ASN.AU/](https://accord.asn.au/))



VOLUNTARY INDUSTRY CODE ON ANIMAL TEST BAN

[\(HTTPS://ACCORD.ASN.AU/\)](https://accord.asn.au/) > [INNOVATION & SUSTAINABILITY \(HTTPS://ACCORD.ASN.AU/SUSTAINABILITY/\)](https://accord.asn.au/sustainability/) > VOLUNTARY INDUSTRY CODE ON ANIMAL TEST BAN

Voluntary Industry Code of Practice to Support the Australian Ban on Testing Cosmetics on Animals

The Australian Government introduced laws to ban the use of data or information from animal tests conducted from 1 July 2020 for cosmetics.

[This Voluntary Industry Code of Practice \(https://accord.asn.au/wp-content/uploads/2021/05/Australian-Ban-on-testing-cosmetics-on-animals.pdf\)](https://accord.asn.au/wp-content/uploads/2021/05/Australian-Ban-on-testing-cosmetics-on-animals.pdf) to Support the Australian Ban on Testing Cosmetics on Animals aims to guide consistency and provide clarity regarding not tested on animals terms and advertising claims used by the Cosmetics Industry.

Through the work of Accord, this Code was developed for the Australian Cosmetics Industry in consultation with the Australian Department of Health and other key stakeholders, including animal welfare groups like RSPCA Australia.

This Code fulfils the Australian Government's Budget commitment to '*...work with the cosmetics industry, in consultation with key animal welfare stakeholders, to develop a voluntary code of practice on the sale of cosmetics after the introduction of the ban*' with a focus on '*...promotional claims that can and cannot be made on cosmetic products in relation to the ban.*'

(Accord expressly acknowledges the legal expertise and plain English drafting skills of HWL Ebsworth Lawyers, who undertook the primary research and drafting tasks for this project.)



Voluntary Industry Code of Practice

to support the Australian ban
on testing cosmetics on animals

Compliance & advertising claims guidance



<https://accord.asn.au/wp-content/uploads/2021/05/Australian-Ban-on-testing-cosmetics-on-animals.pdf>

Quick Links

[Code operation and how it can help industry and consumers](#)

[Information and contents within the Code](#)

[Important points to note about the Code](#)

[Media release launching the Code](#)

[Link to download the Code](#)

[Explanatory videos on the Code's purpose and use](#)

[More details about the Australian animal test ban](#)

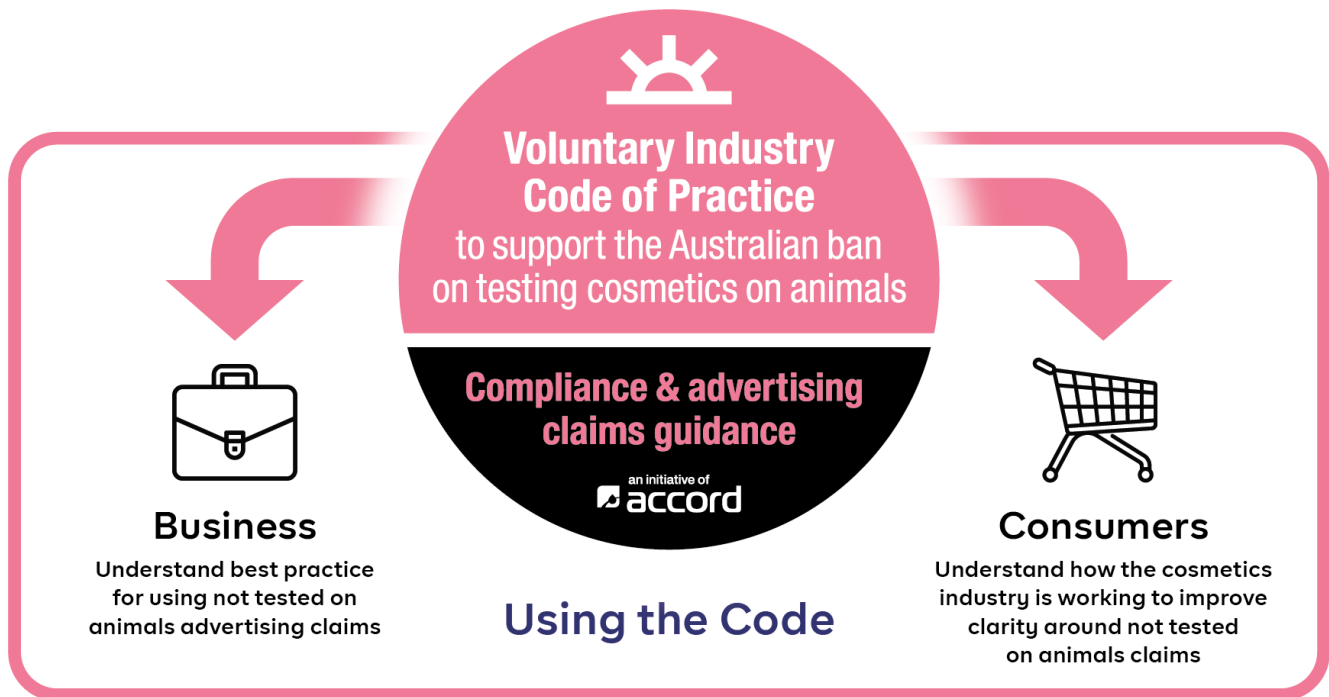
[Contacting Accord about the Code](#)

Code operation and how it can help both industry and consumers

Like many other industry codes, this Code is voluntary. It is a best practice guide for businesses in the Cosmetics Industry in relation to using not tested on animals advertising claims.

Businesses that observe this Code can more accurately and transparently promote their cosmetics and help customers make informed choices.

The Code also helps inform consumers about the Australian ban on the use of animal test data and provides greater clarity around not tested on animals advertising claims.



Information and contents within the Code

Businesses making or supplying cosmetics for sale in Australia are encouraged to read and follow this Code.

Interested consumers are also encouraged to read the Code to enhance their understanding.

The various subsections of the Code are presented in a question/answer format to aid understanding.

The Code contents are laid out as follows:

- Section 1 – Purpose of this Code
- Section 2 – Dictionary (defines key terms/concepts)
- Section 3 – Background to the Ban
- Section 4 – Commencement and Application of this Code
- Section 5 – Guidelines for Advertising Claims (the core of the Code)
- Section 6 – Failure to Observe this Code
- Section 7 – Administration of this Code

- Section 8 – Important notice (legal disclaimer)
- Schedules – Contain information on the operation of the ban via the *Industrial Chemicals Act 2019*.



Voluntary Industry Code of Practice
to support the Australian ban on testing cosmetics on animals

Compliance & advertising claims guidance

The Voluntary Industry Code of Practice to Support the Australian Ban on Testing Cosmetics on Animals was developed by the Australian cosmetics industry, through Accord Australasia, in consultation with the Australian Department of Health and other key stakeholders, including animal welfare groups, in response to this ban.



Guideline

All advertising claims must be true

Advertising Claims that make statements that appear to be factual or complete such as *'This cosmetic has not been tested on animals'*, must be true. Evidence to substantiate the Advertising Claim should be held before making the Advertising Claim, although it need not be publicly released. However evidence will provide certainty that the Advertising Claim can be made and will be available to support the Advertising Claim if, for instance, the ACCC, a competitor or a consumer alleges it is false.

5.4 What are some specific examples?

Practices to follow

Not tested on animals

Context: The manufacturer has not relied on any Animal Test Data itself or used any Cosmetic Ingredients Introduced by another entity using Animal Test Data

The overall impression given by this claim could be that the Cosmetic has not been tested on animals at all.

This claim in the context as shown would be true because the Cosmetic and its Cosmetic Ingredients have not been tested on animals at all for the purposes of a Cosmetic.

This would most likely still be the case even if one of the Cosmetic Ingredients had been tested (for example) by a third party for the purposes of a medicine.

Practices to Avoid

Not tested on animals

Context: The manufacturer has relied on Cosmetic Ingredients Introduced by another entity using Animal Test Data

The overall impression given by this claim could be that the Cosmetic has not been tested on animals at all.

In the context as shown, although the manufacturer has not used any Animal Test Data itself, one of the Cosmetic Ingredients was originally approved for Introduction in Australia several years ago in reliance of Animal Test Data. As a result, this claim may not be true or complete as it does not include important qualifiers and could be misleading to consumers.

Not tested on animals

Context: The manufacturer has previously engaged in extensive animal testing but just not since 2019

Any qualifications to an Advertising Claim should be clear and obvious to consumers. The use of small print, similar font colours to that of the background, or key information under asterisks or links (especially on goods) are unlikely to provide sufficient clarity.

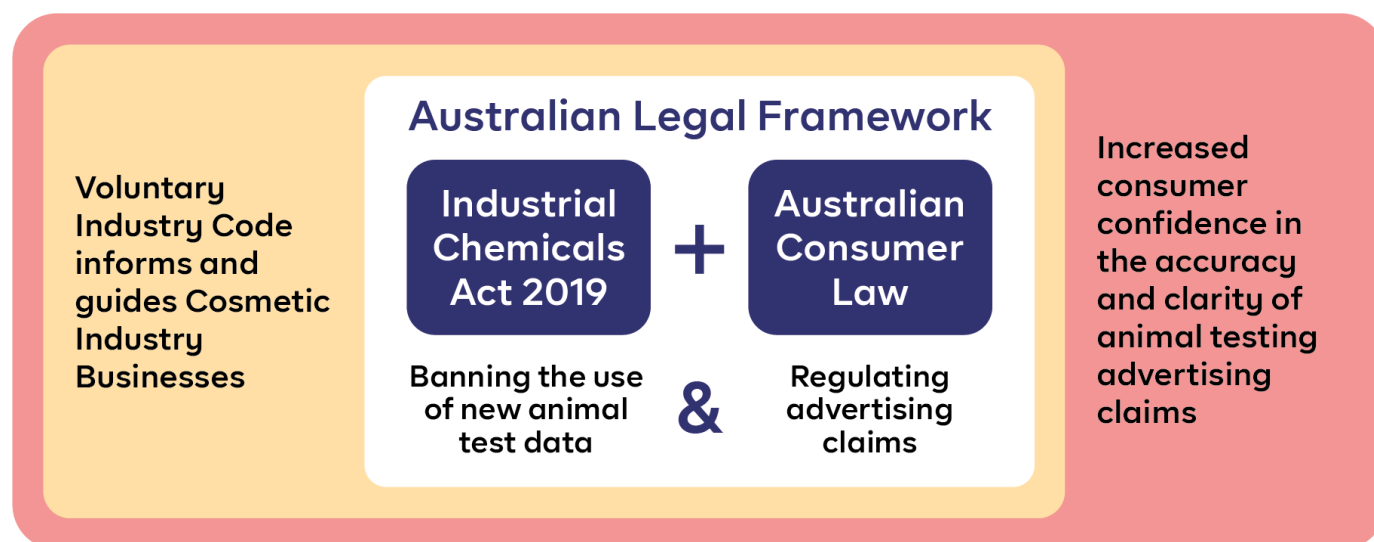
This claim in the context as shown may give the impression that the Cosmetic has not been tested on animals at all as consumers may concentrate on the wording in larger clearer font and not see the fine print qualification.

Important points to note about the Code

As noted already, the Code is voluntary, not legally binding. It provides important guidance and for this reason businesses using animal testing claims are encouraged to promote their commitment to the Code.

The Code does not apply to businesses outside of the Cosmetics Industry or to advertising for other products like therapeutic goods.

Additionally, the guidance provided in the Code is derived from the regulatory rules, administration and case law experience of two pieces of legislation that apply only in Australia:



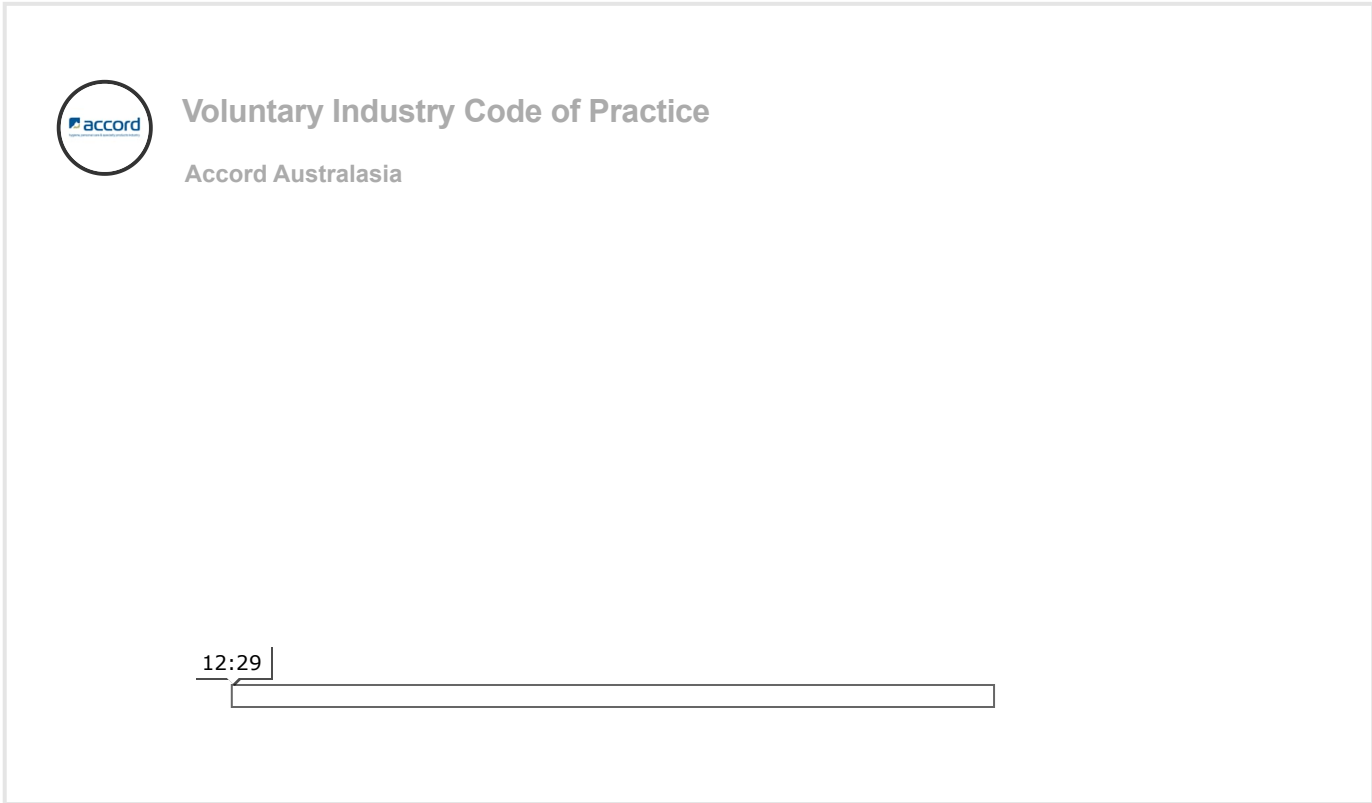
1. The Industrial Chemicals Act 2019, administered by AICIS (the Australian Industrial Chemicals Introduction Scheme).
2. Australian Consumer Law, as outlined in Schedule 2 of the Competition and Consumer Act 2010 (Cth), and administered by the ACCC (Australian Competition and Consumer Commission).


This Code therefore cannot and does not provide any guidance outside of the Australian context.

The legal frameworks within which this Code sits are complex. Businesses are reminded that this Code does not provide definitive statements of the law and does not provide comprehensive information on particular issues or to particular businesses and is not a substitute for legal advice. As a result, there may be exceptions or important qualifications to information provided in this Code.

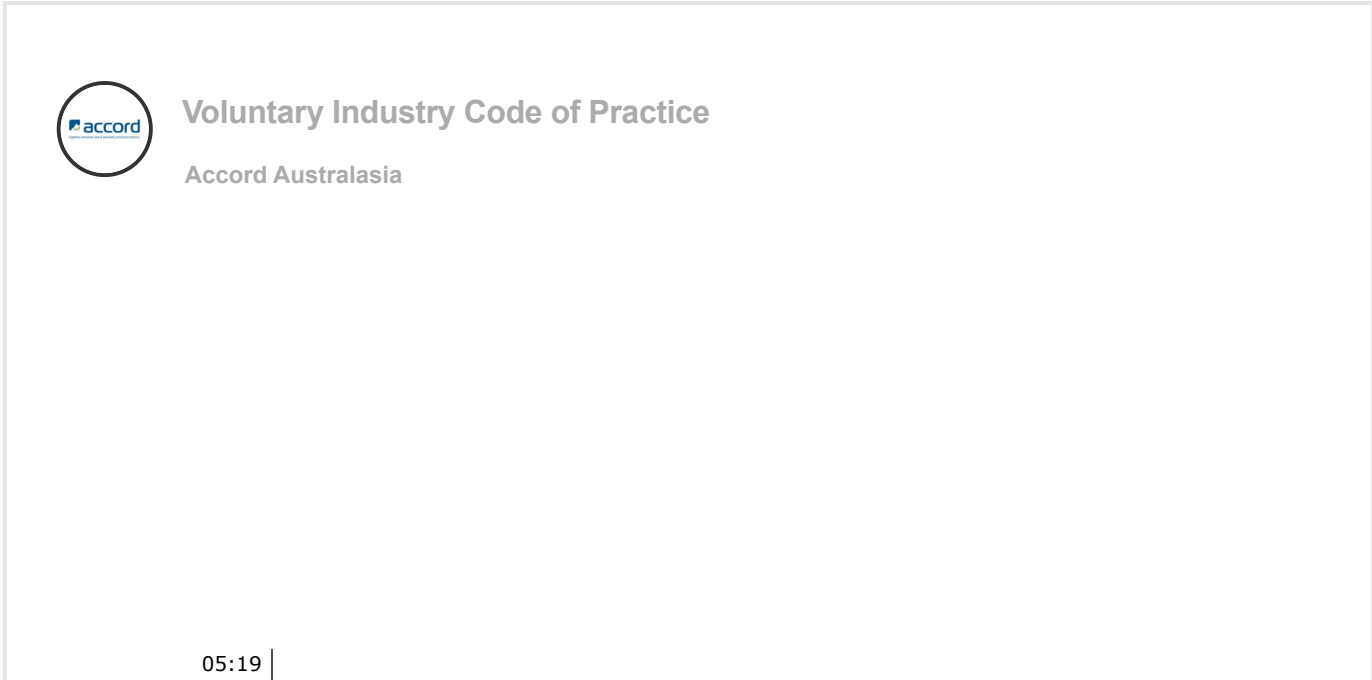
For these reasons, it is strongly recommended that businesses obtain their own legal and regulatory compliance advice in relation to any advertising claims they may seek to make.


Explanatory videos on the Code's purpose and use



 **Voluntary Industry Code of Practice**
Accord Australasia

12:29



 **Voluntary Industry Code of Practice**
Accord Australasia

05:19

Useful Links

[Media Release on the Code from the Hon Mark Coulton MP and the Hon Jason Wood MP \(https://accord.asn.au/wp-content/uploads/2021/05/Australian-Ban-on-test-ban-Code.pdf\)](https://accord.asn.au/wp-content/uploads/2021/05/Australian-Ban-on-test-ban-Code.pdf).

[Download a copy of the Code \(https://accord.asn.au/wp-content/uploads/2021/05/Australian-Ban-on-test-ban-Code.pdf\)](https://accord.asn.au/wp-content/uploads/2021/05/Australian-Ban-on-test-ban-Code.pdf)

For more information on the Australian animal test ban:

- [AICIS Website \(https://www.industrialchemicals.gov.au/business/use-animal-test-data\)](https://www.industrialchemicals.gov.au/business/use-animal-test-data).
- [animalcosmetictestban.com.au \(http://animalcosmetictestban.com.au\)](http://animalcosmetictestban.com.au).
- [Article in Retail Beauty \(https://accord.asn.au/wp-content/uploads/2021/05/accord-retail-beauty-article.pdf\)](https://accord.asn.au/wp-content/uploads/2021/05/accord-retail-beauty-article.pdf)

Contact Accord about the Code: [animaltestcode@accord.asn.au \(mailto:animaltestcode@accord.asn.au\)](mailto:animaltestcode@accord.asn.au)

If you believe a cosmetic is inaccurately claiming not to have been tested on animals, first contact the relevant authority.

©2022 Copyright Accord Australasia [Terms of Use \(http://accord.asn.au/terms-use/\)](http://accord.asn.au/terms-use/) [Privacy Policy \(http://accord.asn.au/privacy-policy/\)](http://accord.asn.au/privacy-policy/) [Site Map \(http://accord.asn.au/site-map/\)](http://accord.asn.au/site-map/) [Contact \(http://accord.asn.au/contact/\)](http://accord.asn.au/contact/)

Call us on **+61 2 9281 2322**
or email: [shollands@accord.asn.au \(mailto:shollands@accord.asn.au\)](mailto:shollands@accord.asn.au)

We acknowledge the Traditional Owners of country throughout Australia and recognise their continuing connection to land, waters and culture.

We pay our respects to their Elders past, present and emerging.