

Public Action Letter to Amazon

November 15 2018

Mr. Jeffrey Bezos, Chief Executive Officer
Amazon.com, Inc.
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**RE: NGO Platform on Toxic Trade in Illegal Mercury-Laden
Cosmetics via the Internet**

Dear Mr. Bezos:

We, the undersigned 51 advocacy organizations, call on Amazon to stop marketing illegal mercury-laden cosmetics on the Amazon.com website as Amazon has pledged to do in court filings.¹ Furthermore, we strongly urge Amazon to police its website to ensure that cosmetics found to have mercury levels over 1 part per million (ppm) are no longer offered for sale to your customers worldwide.

Mercury is known to local, state, federal, and international agencies as toxic and a risk to human health. People who use mercury-based skin creams have higher mercury exposures than others in the general population,² and product use can expose other people living in the household.³ Regular application of creams containing mercury can lead to skin damage, while long-term exposure to high levels of mercury in cosmetic products can cause serious health consequences, including damage to the eyes, lungs, kidneys, digestive, immune, and nervous systems.⁴

The Mercury Policy Project and Sierra Club recently purchased skin lightening creams offered for sale on the Amazon website, and had them tested by Enthalpy Analytical Laboratory in Berkeley, California. We detected 13 skin lightening creams with illegal mercury content. Based upon certified lab testing results, the mercury levels ranged from 1 part per million (ppm) to 30,000 ppm **(see Table 1 for test results.)**

Such levels of mercury make these products eligible to be classified under the federal U.S. Food, Drug and Cosmetic Act as “adulterated” and therefore illegal (21 U.S.C. § 361; 21 C.F.R. § 700.13). What’s more, failure to disclose the presence of mercury makes these products “misbranded” and therefore illegal.⁵ A number of other jurisdictions, including the Europe Union, New York City, Singapore, the Philippines, United Arab Emirates, etc. have made similar determinations, along with several U.S. states. Illinois and Minnesota statutes

prohibit the sale of cosmetics that contain intentionally added mercury.⁶ Connecticut, Louisiana, and Rhode Island statutes prohibit the sale of formulated products containing more than 10 ppm (LA and RI)⁷ or 250 ppm (CT) mercury.⁸ In addition, the Minamata Convention on Mercury entered into force in August 2017 and bans the manufacture, import, or export of cosmetics in 2021 with mercury content above 1 ppm.⁹

In addition, FDA warns consumers that to avoid mercury-containing products which may be illegally sold in the United States, including “skin lighteners and anti-aging treatments that remove age spots, freckles, blemishes, and wrinkles. Adolescents may use these products as acne treatments.”¹⁰ The FDA also notes that marketers of these products often target Asian, African, Latino, and Middle Eastern consumers.¹¹

Amazon has been notified that a number of cosmetics it offers for sale on its website contain mercury levels over 1 ppm in violation of FDA regulations.¹² Many are still available on Amazon’s website and several were recently tested for mercury, including (but not limited to):

- Chandni Whitening Cream (11,000 ppm);
- Goree Beauty Cream (18,000 ppm);
- Goree Day and Night Cream Dark Circles (19,000 ppm);
- Kim Whitening Pearl and Snow Lotus Cream (9900 ppm);
- Kim Whitening Ginseng and Pearl Cream, (3500 ppm and 2100 ppm).

Several of these products were tested earlier by government agencies and targeted for regulatory action.¹³

It is past time for Amazon to stop pretending it is not responsible for toxic trade in illegal cosmetics on its website. Not only must Amazon remove all illegal mercury-laden creams from its website, it is imperative that Amazon develop a system to ensure that cosmetics already identified as illegal not be offered for sale by Amazon anywhere on the world wide web.

Amazon can take simple steps to stop the sale of illegal skin creams and does so for other illegal products. More specifically, Amazon already has a “restricted products” policy that is implemented to prevent the listing and sale of illegal products on its website.¹⁴ Amazon also has a list of “categories requiring approval” before sale.¹⁵

Therefore, our demand is that Amazon:

- (1) monitor government notifications and regulations worldwide and apply its restricted products policy to the listing of cosmetics found by regulatory agencies to be over 1 ppm mercury and pledge to update their restricted products list on a regular basis; and

(2) add skin lightening cream products to its list of categories requiring approval before sale and require that sellers provide documentation verifying that the products do not contain mercury, that all labeling is in English, and that the products are otherwise compliant with all applicable FDA regulations.

We look forward to Amazon complying with our request. Should you have questions or need additional information, please contact Michael Bender at mercurypolicy@gmail.com.

Sincerely,

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Table 1 – Mercury-based skin lighteners purchased from Amazon, 2018

Product Name	Hg Levels (ppm)	Origin	Product Photo	Similar product remains for sale in November 2018*
Chandni Whitening Cream	11,000	Made in Pakistan, sent from Vietnam Seller		https://www.amazon.com/Chandni-Whitening-Cream/dp/B074MGFGMF/
Goree Beauty Cream	18,000	Sent from Sri Lankan Seller		https://www.amazon.com/Goree-Spot-Removing-Beauty-Cream/dp/B07GXLH65L/
Goree Day and Night Whitening Cream	19,000	Sent from Sri Lankan Seller		https://www.amazon.com/Night-Whitening-Beauty-Cream-Effects/dp/B071F5W3Q6
Kim Whitening Ginseng and Pearl Cream	3,500	Sent from US Seller.		https://www.amazon.com/Ginseng-Pearl-Latina-Smoother-Cream/dp/B01DL2O7H0/
Kim Whitening Pearl & Snow Lotus Cream	9,900	Sent from US Seller.		https://www.amazon.com/Whitening-Pearl-Lotus-Latina-Smoother/dp/B00CMIZC88/
White Rose Whitening Cream	8,100	Thailand		https://www.amazon.com/Whitening-Reduce-Melasma-Blemishes-Fragrance/dp/B07217H65N

Kim Whitening Ginseng and Pearl Cream	2,100	Sent from US Seller		https://www.amazon.com/Ginseng-Pearl-Latina-Smoother-Cream/dp/B01DL207H0/ and https://www.amazon.com/Whitening-Ginseng-Latina-Smoother-Salamander99/dp/B00N526M70/
Sandal Whitening Beauty Cream	11,000	Made in Pakistan, listed China, also UK Seller		https://www.amazon.com/100-original-Sandal-Whitening-Beauty/dp/B079R5XFT1
Aneeza Gold Beauty Cream	30,000	Made in India, Texas-based Seller		https://www.amazon.com/Aneeza-Gold-Beauty-Cream-Avacado/dp/B079FY4YZ7/
Parley Herbal Whitening Cream	9.1	Made in Pakistan		https://www.amazon.com/Parley-Herbal-Whitening-Cream-Natural/dp/B019C5HKW4/
Parley Cream	17,000	Made in Pakistan		https://www.amazon.com/Parley-Nomarks-Anti-marks-Extracts-Whitening/dp/B018R7RBZ4/
Sandal Whitening Beauty Cream	12,000	Made in Pakistan, listed China, UK Seller		https://www.amazon.com/100-original-Sandal-Whitening-Beauty/dp/B079R5XFT1/

Stillman's Skin Bleach Cream	7.5	India Seller		https://www.amazon.com/Stillman-s-Skin-Bleach-Cream-Original/dp/B0716F667N/
Face Fresh	11,000	Made in Pakistan, Jamaica and US Sellers		https://www.amazon.com/FFBC-FACE-FRESH-WHITENING-BEAUTY/dp/B07FJWW4BM/

* URLs are for products with the same name and packaging photo listed for sale on Amazon on November 12th, 2018.

Mercury content analyzed by Enthalpy Analytical Laboratories (Berkeley, California) using Cold Vapor Atomic Absorption Spectroscopy.

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- ² Carrie Dickenson, et al. 2013. Elevated mercury levels in pregnant women linked to skin cream from Mexico. *Am J Obst Gyn.* 209(2): e4-5.
<https://www.sciencedirect.com/science/article/pii/S0002937813005176>
- ³ Lori Copan, et al. 2015. Households from the Use of Skin Creams Adulterated with Mercurous Chloride (Calomel). *Int J Environ Res Public Health* 12(9):10943-54. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4586653/>
- ⁴ Agency for Toxic Substances and Disease Registry, Public Health Statement for Mercury (March 1999)
<http://www.atsdr.cdc.gov/PHS/PHS.asp?id=112&tid=24>
- ⁵ 1 C.F.R. §§ 700.13(d)(1), 701.2, 701.3.
- ⁶ 410 Ill. Comp. Stat. Ann. 46/22; Minn. Stat. § 116.92, subd. 8i.
- ⁷ Louisiana State Legislature <http://legis.la.gov/Legis/Law.aspx?d=410536>;
Rhode Island <http://webserver.rilin.state.ri.us/Statutes/TITLE23/23-24.9/23-24.9-5.HTM>
- ⁸ Connecticut Restriction on sale or distribution of mercury-added products. https://www.lawserver.com/law/state/connecticut/ct-laws/connecticut_statutes_22a-617

⁹ Minimata Convention

<http://www.mercuryconvention.org/Convention/Text/tabid/3426/language/en-US/Default.aspx>

¹⁰ FDA, Mercury Poisoning Linked to Skin Products (July 26, 2016).

<https://www.fda.gov/ForConsumers/ConsumerUpdates/ucm294849.htm>

¹¹ FDA, Mercury Poisoning Linked to Skin Products

<https://www.fda.gov/ForConsumers/ConsumerUpdates/ucm294849.htm>

¹² Complaint for Civil Penalties and Injunctive Relief, Superior Court of the State of California for the County of Alameda, Larry Lee v Amazon.com, Inc., Case No. RG14738130, August 25, 2014

¹³ See, e.g., NYC Health Department warns New Yorkers about skin-lightening creams and medicated soaps that contain dangerous levels of mercury, Press Release, April 18, 2018, see:

<https://www1.nyc.gov/site/doh/about/press/pr2018/pr025-18.page>;

The European Commission Rapid Alert System for dangerous non-food products; RAPEX Alert Number A12/0058/13, see:

https://ec.europa.eu/consumers/consumers_safety/safety_products/rapex/alerts/?event=viewProduct&reference=A12/0058/13;

The Philippines, Cosmetics Advisories, FDA Advisory No. 2017-289; Public Health Warning Against the Use of Unnotified Cosmetic Products Found to Contain Toxic Mercury (Hg) Levels (Batch2), see:

<https://www2.fda.gov/ph/index.php/advisories-2/cosmetic-2/472052-fda-advisory-no-2017-289>;

Singapore HSA Alert: 18 Cosmetic Products Detected to Contain Potent Undeclared Ingredients Including High Levels of Mercury, Press Release, see:

http://www.hsa.gov.sg/content/hsa/en/News_Events/Press_Releases/2018/18cosmeticproducts.html;

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<https://www.haad.ae/HAAD/LinkClick.aspx?fileticket=uDnLzoMemj8%3D&tabid=565>

¹⁴ Amazon Restricted Products List, 2018,

<https://sellercentral.amazon.com/gp/help/external/200164330>

¹⁵ Amazon, Category, product and listing restrictions, 2018,

<https://sellercentral.amazon.com/gp/help/external/200301050>