



Dangerous, mercury-laden and often illegal skin-lightening products and measures to restrict them under the Minamata Convention

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It is an uncomfortable truth that colorism is still pervasive worldwide. In communities of color, beauty standards based on the racist notion that lighter skin is more desirable still hold power. In the quest for lighter skin, many people of color turn to skin-lightening products and, by choosing some of the least expensive cosmetics, unwittingly expose themselves to toxic substances in often illegal products.

By the end of 2020, the Minamata Convention on Mercury requires each Party to ban the manufacture, import or export of cosmetics containing over one ppm mercury, by taking appropriate measures. However, compliance with this requirement may present a challenge for Parties, as the sale of widely available skin-lightening products is a fast growing multi-billion-dollar industry, and research indicates that some of these products contain dangerously high levels of mercury and other potentially hazardous substances.



Extensive testing by the Zero Mercury Working Group (ZMWG) again confirms that local markets and also internet platforms, such as Amazon and eBay (along with many other online internet marketers worldwide), are selling toxic, dangerous and often illegal skin-lighteners that have been already identified by many governments around the world as over the legal limit. Further, e-commerce giants have failed to ensure that cosmetics sold through their sites directly or by third-party sellers are free of toxic and illegal substances like mercury.

In our most recent testing study, “**Dangerous, mercury-laden and often illegal skin-lightening products: Readily available for (online) purchase**”, the collection of samples was carried out by members of the ZMWG¹ in 12 countries². 158 samples were bought from

both shops and large e-commerce platforms and 95 of them were found to violate the limit of one part per million (ppm) of mercury that many countries and the Minamata Convention have fixed as a legal limit.

Products with above one ppm mercury had mercury contents that ranged from 40 ppm to over 130,000 ppm. Nine creams (or 9.5%) had mercury contents exceeding 100,000 times the allowed limit established in the Minamata Convention. Sixty-five of the non-compliant creams (or 68%) were bought online.

The following table provides the product name of each high mercury skin-lightening cream analyzed, the countries purchase from and the concentration range in ppm, as different samples of the same brand often had different mercury content.

Selected skin-lightening products with mercury content exceeding one ppm

| Product name | Countries where purchased | Concentration range (ppm mercury) |
|---|---|-----------------------------------|
| Aneeza Gold Beauty Cream | Djibouti, India, Nigeria, Philippines | 17,086 – 54,653 |
| Chandni Whitening Cream | Bangladesh, Djibouti, EU, India, Kenya, South Africa, USA | 0 – 102,233 |
| Due Whitening Beauty Cream | Bangladesh, India, South Africa, USA | 0 – 92,530 |
| Erna Whitening Cream | Philippines | 4,560 |
| Face Fresh | Bangladesh, South Africa, USA | 1,214 – 12,385 |
| Faiza Beauty Cream | Bangladesh, Djibouti, India, the Côte d'Ivoire, Kenya, South Africa, Uganda | 0 – 21,407 |
| Golden Pearl Beauty Cream | Bangladesh, EU, India, South Africa, USA | 0 – 73,953 |
| Goree Day and Night Whitening Cream | Bangladesh, India, Philippines, South Africa | 47 – 131,567 |
| Goree Whitening Beauty Anti-ageing spots pimples removing Cream | Bangladesh, EU, India, Philippines, South Africa, USA | 46 – 130,667 |
| Goree Whitening Soap | South Africa | 32,505 |

Selected skin-lightening products with mercury content exceeding one ppm, cont.

| Product name | Countries where purchased | Concentration range (ppm mercury) |
|--|---|--|
| JiaoBi Whitening set | EU | 15,404 - 20,813 |
| Jiaoli Miraculous Cream set | EU, India, Philippines | 585 - 18,877 |
| Jiaoli Speckle Dispelling & Whitening Cream | Nigeria | 1,154 |
| Jiaoli Cream Jaoe whitening Yan Ying, set | USA | 1,800 |
| JJJ Magical Spot Removing Cream | Philippines | 7,777 |
| Jolié Beauty Cream | Djibouti | 9,871 |
| Kim Whitening Ginseng and Pearl Cream | Bangladesh, USA | 8,600 - 17,417 |
| Kim Whitening Pearl and Snow Lotus Cream | Bangladesh, India, Nigeria; USA | 2,584 - 100,500 |
| NOOR Herbal Beauty Cream | Djibouti | 17,669 |
| Palmer's Skin Success Fade Milk | Côte d'Ivoire | 14,121 |
| Parley Beauty Cream | Uganda | 15,985 |
| Parley Goldie Pearl Shine | Djibouti | 19,242 |
| Parley Herbal Whitening Cream | Bangladesh, India | 113,833 - 116,600 |
| RDL Cream | Philippines | 49 |
| POP Popular Facial Cream Whitening Acne Pimple | Bangladesh, EU, India, Philippines, Uganda, USA | 0 - 60 |
| Sandal Whitening Beauty Cream | Bangladesh, India, South Africa, USA | 26,321 - 100,567 |
| Stillman's Skin Bleach Cream | Bangladesh, India, South Africa | 0 - 63 |
| Temulawak Beauty Whitening Cream | Bangladesh, Nigeria, USA | 1 - 32,670 |
| White Rose Whitening Cream | EU, India, USA | 0 - 48,840 |
| White Rose Whitening Cream (super Gold Caviar | EU | 6,188 |

Non-compliant creams are not only widely available, but the same brands are often found to be sold in several countries, or are available via e-commerce platforms accessible from multiple countries. The same brands were found to contain high mercury levels on several consecutive sampling occasions, in different years, and purchased from both physical shops and via e-commerce platforms. In addition to previously identified high-mercury brands, 20 additional such products were found in the 2019 sampling round.

Based on the information from the packaging, most of the high-mercury products tested were manufactured in Asia, especially in Pakistan (62%), Thailand (19%) and China (13%). However, it's important to note that the study did not test products from Latin America.

The following table lists the countries in which our NGO partners purchased skin-lightening products for this study and provides the names of the internet marketers from which the products were purchased, as well as the range of mercury in the products bought from them.

| Non-governmental Organization Purchasing Products | Country | Internet Platform Products Were Purchased from | Range of mercury in the tested products (ppm) |
|--|----------------|---|--|
| Environment and Social Development Organization (ESDO) | Bangladesh | Daraz www.daraz.com.bd | 9344.33 - 116,600.00 |
| European Environmental Bureau (EEB) | United Kingdom | Amazon UK www.amazon.co.uk | 0.00 - 11,928.00 |
| EEB | Belgium | e-bay Belgium www.ebay.be | 0.00 - 20, 813.00 |
| Toxics Link (TL) | India | Amazon, India www.amazon.in | 46.95 - 113, 833.33 |
| Toxics Link (TL) | India | Flipkart, India www.flipkart.com | 62.53 |
| Centre for Environment, Justice and Development (CEJAD) | Kenya | Jumia, Kenya www.jumia.co.ke | 0,00 - 11,313.18 |
| Sustainable Research And Action For Environmental Development (SRADev) | Nigeria | Jumia, Nigeria www.jumia.com.ng | 0.00 - 20,598.76 |
| SRADev | Nigeria | Nigeria - Jiji www.jiji.ng | 0.00 - 2584.46 |
| SRADev | Nigeria | Nigeria - Konga www.konga.com | 0.00 |
| Ban Toxics | Philippines | Lazada, Philippines www.lazada.com.ph | 47.98 - 131,566.67 |
| groundWork | South Africa | South Africa - BidorBuy www.bidorbuy.co.za | 0.00 - 33,082.92 |
| Mercury Policy Project (MPP) | United States | U.S. - e-Bay, USA www.ebay.com | 0.00 - 23,000.00 |
| MPP | United States | U.S. - Amazon www.amazon.com | 3400 - 26,000.00 |

Online purchases were made from popular domestic and international e-commerce platforms.

- Nineteen of the products exceeding the one ppm mercury limit came from the U.S. global e-commerce platform Amazon, and seventeen from the U.S. global e-commerce platform eBay.
- In South Africa, ten non-compliant products were bought from BidorBuy.
- Seven non-compliant products were from Lazada, the largest e-commerce platform in South East Asia (Singapore)³, based on monthly web visits.
- Daraz is a Chinese owned e-commerce platform that operates in South Asia. Six of the non-compliant products came from Daraz. Both Lazada and Daraz are affiliated with the Chinese global e-commerce platform Alibaba.
- Jumia and Jiji are Nigerian-owned e-commerce platforms of regional significance in Africa.
- One non-compliant product came from the Indian-owned Flipkart e-commerce platform.

E-commerce further complicates the implementation of legislation, and associated inspections and sanctions for non-compliance. Unclear division of liabilities exist in the e-commerce supply chain. Therefore, coordinated compliance mechanisms are needed at the local, national, regional and global levels to target their removal from commerce before they are sold to consumers.



Our companion report, “**Enforcement measures to restrict high mercury cosmetic products under the Minamata Convention**”, suggests elements for improving enforcement of the Minamata Convention provisions for banning cosmetic products with mercury levels over one ppm. It also presents a field survey of the systems and strategies in eight countries where the ZMWG has member organizations.

Combined, the two reports identified a number of key measures that are important for successful implementation of the Minamata Convention provisions for controlling cosmetics containing over one ppm mercury, including:

- **Laws, regulations and supporting tools.** Laws and supporting policies should be enacted in line with the Minamata Convention restrictions on cosmetics. Supporting measures could include such provisions as ingredient lists, licensing systems, detention lists⁴, advisories and alert systems (e.g. EU RAPEX, ASEAN PMAS).
- **Division of responsibilities and mandates.** Roles, responsibilities, mandates and decision-making processes should be clearly defined in national law for all relevant stakeholders.
- **International collaboration.** Regional and international collaboration is essential for countries with limited resources to share costs and technical expertise, e.g., for market surveillance and enforcement, information-sharing, product inspection and analysis, and training. A regional alert system, for example, can be used to rapidly share information about non-compliant products among collaborating countries. Joint units for monitoring and tracing dangerous and non-compliant products sold online can help the customs service, as well as consumers, to be vigilant with regard to products that may be non-compliant and take relevant measures.

- **Inspections, sanctions, penalties, voluntary agreements and screening tools.** For an enforcement scheme to be effective, there should be a system of regular inspections, sanctions and penalties for non-compliance. Customs services need to have basic monitoring equipment (e.g. XRF) and the training to effectively utilize them. Laboratory capacity for higher accuracy analytical work is also needed if legal measures are to be taken against importers.
- **Engagement with e-commerce platforms.** Channels of communication between governments and e-commerce platforms are key to inform sellers about national/regional labelling requirements, detention lists, communication means for posting alerts, etc. Effectively dealing with e-commerce may require special measures such as voluntary agreements (e.g., EU Product Safety Pledge), or the ability to shut down web pages if other reasonable measures fail.
- **Consumer outreach and collaboration with civil society organizations (CSOs), market surveillance and testing mechanisms.** Well-informed consumers are key to combatting the marketing of toxic products. Information on the risks of certain product ingredients could be presented through health care providers, online advisories and national detention lists, along with information on how to submit complaints to the authorities. In particular, in low- and middle-income countries where scarce resources may limit the scope of the authorities, CSOs with access to reliable analytical instruments could support the authorities in the work of identifying non-compliant products.

- **Systems for sustainable financing.**

Effective implementation of any international agreement requires dedicated funds. Many low- and middle-income countries still rely heavily on external funds to implement international agreements. In the long run, however, Parties will need to create conditions for raising the necessary funds in their own countries, to sustainably implement obligations required under the Minamata Convention. Industry is a potentially important partner in the “integrated approach,” and may help to unlock new funds.

- **Harmonization of implementation and enforcement mechanisms.**

In the medium to long term, in support of the Minamata Convention, countries should strive for better regional and/or global harmonization of legislation, enforcement measures, standards and communication systems preventing the marketing of unsafe products. Such harmonization will simplify and facilitate enforcement, which helps to ensure a level playing field among companies acting in both the traditional and online supply chains, while at the same time reducing product related risks to consumers.

Further examples of policy instruments relevant to enforcement, inspections and sanctions may be found in the full report.

Footnotes

1 Environment and Social Development Organization (ESDO), Bangladesh; European Environmental Bureau (EEB), the European Union; Toxics Link (TL), India; Centre Africaine Santé Environnement (CASE), Côte d'Ivoire; Centre for Environment, Justice and Development (CEJAD), Kenya; Center for Public Health and Environmental Development (CEPHED), Nepal; Sustainable Research And Action For Environmental Development (SRADev), Nigeria; Ban Toxics (BT), the Philippines; groundwork South Africa (gW), South Africa; Bio Visio Africa (BIVA), Uganda; Mercury Policy Project (MPP), USA.

2 Bangladesh, Djibouti, European Union (EU) (the member states Belgium and UK), India, Côte d'Ivoire, Kenya, Nigeria, the Philippines, South Africa, the United States of America (USA) and Uganda.

3 Sea's loss widens on investment in Shopee e-commerce platform (<https://www.businesstimes.com.sg/companies-markets/seas-loss-widens-on-investment-in-shopee-e-commerce-platform>).

4 A “detention list” is a list of products that have been found to be non-compliant with national or international legislation. It could be used by the national customs service to stop the import of a listed product until the importer or supplier verifies that the product is in compliance.

This is the executive summary of the 2019 ZMWG reports:

- **Dangerous, mercury-laden and often illegal skin-lightening products: Readily available for (online) purchase**
- **Enforcement measures to restrict high mercury cosmetic products under the Minamata Convention**

Both reports can be found at:

www.zeromercury.org/mercury-added-skin-lightening-creams-campaign



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