

'Prime' Time to Stop Online Sales of Illegal High Mercury Skin Lightening Products



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1 Executive Summary

Background

This report builds upon the previous work of the Zero Mercury Working Group (ZMWG) in exposing the toxic trade in skin lightening products (SLPs) laced with mercury. SLPs are sold globally via online platforms and, in this particular case, the focus is on illegal SLP sales by Amazon.com in the United States. As co-lead of the ZMWG, the Mercury Policy Project (MPP) has led investigations into a wide range of SLP issues including their composition, manufacture, adulteration, distribution and marketing, as well as a variety of efforts to raise awareness and protect consumers from toxic SLPs.

Despite well-known health risks, unscrupulous cosmetics manufacturers often add mercury compounds to SLPs. Then distributors and retailers, including Amazon.com, benefit from this toxic trade. Mercury lightens the skin by suppressing the production of melanin and can also remove age spots, freckles, blemishes and wrinkles. Adolescents also use SLPs, as mercury acts as an anti-bacterial for the treatment of acne.

Although SLPs have been banned in the U.S. since 1973 if they contain mercury concentrations over 1 ppm, they continue to be sold illegally both through local markets as well as online. Since the start of the pandemic, online sales have grown significantly. Violations of consumer, health and safety laws not only threaten public health, but create an uneven playing field since “brick and mortar” stores must comply with domestic laws that may be evaded online by E-commerce platforms like Amazon.

Curtailing E-marketing of mercury-added SLPs is daunting, given the challenges of holding online platforms responsible. This lack of accountability removes incentives for online platforms to ensure product safety and result, at best, in episodic efforts to remove illegal products. Online consumers may get limitless choice, but have little guarantee that a product is compliant with relevant regulations.

Test results

This report presents the third round of testing of suspect SLPs on Amazon.com since 2018. During the fall of 2022, MPP purchased suspect SLPs available on Amazon.com, which were sent to Legend Technical Services Laboratory in St. Paul, Minnesota for testing. The mercury concentration was determined by laboratory based Inductively Coupled Plasma Optical Emission Spectroscopy (ICP-OES) analysis.

As presented in the table below, twenty-one (21) suspect SLPs were purchased from Amazon.com, and nineteen (19) of those were found to have mercury concentrations over 1 ppm, the legal limit. The levels of mercury detected by the lab in those 19 SLPs ranged from 1.5 ppm to 8,500 ppm.

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Mercury-containing skin lighteners purchased from Amazon, 2022

Product name	Hg ppm	Country/producer	Product photo	Exemplars	Hazard alert
Nunn Care	1500	Mexico/ Miligros Cosmetics		Nunn Care, 1 Ounce (Pack of 1) ASIN: B096TKM6GX	States of California, Minnesota
Kojie San	7.0	Philippines/ Marketasia		Kojie San Dream White Anti-Aging Skin Care ASIN: B008J3A9GA	Sacramento County, CA
Jalea Real Grisi	3.9	Mexico/ Factor Int'l/Grishnos		GRISI Grisi Royal Jelly Cream, 3.8 ounces ASIN: B08J994BG3	Sacramento County, CA
Clear N Smooth	6.6	USA/ Hawkнад Specialty Products LLC		Clear-n-smooth Plus Cream 4 Oz ASIN: B00927VD0S	
Crusader	16	Spain		CRUSADER Skin Lightening Cream Regular Formula 1.76 OZ ASIN: B000142P1W	EU RAPEX
Glutitone	160	Korea		HIYADY Cream (Pink) Enriched with Hyaluron-glutathione extract ASIN: B07QYJ8DBY	State of Minnesota, US FDA
Promina	16	Thailand		3 X Promina Ginseng Pure Pearl Face Cream Removal Freckle & Acne Dark Spot ASIN: B009JCUGHW	State of Minnesota
African formula	9.7	Spain		African Formula Skin Tone Creme 1.76 oz. ASIN: B000142P1W	
Carotone	1.9	Côte d'Ivoire		Carotone B.S.C Cream ASIN: B0B3824MB3	EU RAPEX, US FDA
Faiza	7,000	Pakistan/ Poonia Brothers		fair n pink Faiza Beauty Cream (Pink, 50 g) ASIN : B081TBPC35	NYC Dept of Health; EU RAPEX
Faiza	7,400	Pakistan/ Poonia Brothers		fair n pink Faiza Beauty Cream (Pink, 50 g) ASIN: B081TBPC35	NYC Dept of Health/ EU RAPEX
Yoko Whitenin g	1.5	Thailand		YOKO Whitening Spa Salt For Armpit & Bikini Area 220g. White ASIN : B00VOUJWD6	State of Minnesota

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Snow Lotus	19	Thailand		KOK Liang Snow Lotus Cream Fast Treatment Repair Damage Skin 50g Made in Thailand ASIN: B008DR051Q	State of California
San Ing Face Cream	7.8	Taiwan or China		Pearl Cream , San Ing Face Cream , Value 2 Pak (2 X 0.3 Oz) by scthkidto ASIN: B018IVNLHQ	State of California
Dodo White Up	2.1	United Kingdom		Dodo Beauty Lightening Lotion ASIN: B01LXXFK8F	Ghana FDA
Sakura	0.66	Thailand		Sakura White DJ White Gluta speed White UVA UVB SPF 50 PA ++ 15 g. Silk Sunscreen (1 ASIN: B07H8KC9RG	State of California, Sacramento County, CA
Immediat Claire	4.5	Ghana, Ghandour Cosmetics Ltd.,		Immediat Claire Maxi-Beauty Lightening Body Cream With Carrot Extract 250 ml - 8m4 ASIN: B09FHMMZ6K	
Nunn Care	6.8	Mexico/ Miligros Cosmetics		Nunn Care, 1 Ounce (Pack of 1) ASIN : B096TKM6GX	States of California, Minnesota
Faiza	8,400	Pakistan/ Poonia Brothers		fair n pink Faiza Beauty Cream (Pink, 50 g) ASIN: B081TBPC35	NYC Dept of Health/ EU RAPEX
Faiza	8,500	Pakistan/ Poonia Brothers		fair n pink Faiza Beauty Cream (Pink, 50 g) ASIN: B081TBPC35	NYC Dept of Health/ EU RAPEX
Dermaline	0.79	USA, Neovema		Dermaline - Cocoa Butter Body Cream with Jojoba Oil, Collagen and Vitamin E 2 Oz. ASIN : B08W8MM5T5	

Conclusions

High-mercury SLPs continue to be present on Amazon.com. Amazon appears to be effectively profiting from a counterfeit market where SLPs contaminated with mercury are being sold illegally in the U.S. and worldwide.

Most of the suspect SLPs purchased from Amazon.com were already on hazard lists identified by various governments, including FDA, the states of California and Minnesota, California counties and New York City. By implementing the recommendations below, Amazon and other E-platforms, could and should better protect consumers from the dangers of illegal high mercury SLPs.

Recommendations

While recommendations included in earlier ZMWG reports should also be considered, this report specifically recommends the following:

- I. The Conference of the Parties should consider amending the Minamata Convention to ban SLP sales, advertising and offering of sales of SLPs with mercury levels over 1 ppm.
- II. The US FDA should take steps to eliminate online sales of mercury-added SLPs, similar to recent actions it has taken to curtail online sales of certain SLPs containing hydroquinone.
- III. Any policies, agreements or settlements with E-commerce platforms shouldn't be any weaker than what has been agreed to elsewhere (e.g., in Europe, etc.)
- IV. Other recommendations for E-commerce platforms include the following:
 1. Third party online sales of skin lightening products should be eliminated entirely if counterfeit marketing can't be prevented, since toxic skin lightening sales affects this entire category.
 2. Develop a means to test and ensure compliance with mercury laws when marketing SLPs.
 3. Commit to regularly monitor government websites and detention lists, the ZMWG database and others, and remove suspect SLPs.
 4. Use filtering mechanisms aimed at preventing new listings offering the same items as those previously removed, and implement a penalty point system for repeat offenders.
 5. Sellers should be informed when products are taken down and their products flagged.
 6. All safety concerns notified by consumers via customer service channels should automatically trigger an internal investigation and, where appropriate, the products should be removed.
 7. Procedures should be implemented that allow consumers to signal product safety concerns directly, and when suspect SLPs are identified, platforms should respond with product removals within two days, reaction to notifications within five days, etc.
 8. Measures should be taken to prevent banned SLPs from being searchable and/or purchasable again by consumers, even if the products are re-listed on the platform.
 9. Platforms should commit to report regularly on measures taken to ensure effective communication of safety hazards and issue prompt recalls of defective products, as required by the European Product Safety Pledge.

2 Introduction

This report builds upon the previous work of the Zero Mercury Working Group (ZMWG) in exposing the toxic trade in skin lightening products (SLPs) laced with mercury by online platforms globallyⁱ and in this particular case, suspect SLP sales by Amazon.com in the United States. As co-lead of the ZMWG, the Mercury Policy Project (MPP) has led investigations into a wide range of issues related to mercury-added SLPs, including their composition, manufacture, adulteration, distribution and marketing, as well as a variety of efforts to raise awareness and protect consumers from toxic SLPs.

Despite well-known health risks, unscrupulous cosmetics manufacturers often add mercury compounds to SLPs, with skin lightening creams often containing the highest mercury levels. Then distributors and retailers, including online platforms such as Amazon.com, benefit from this toxic SLP trade. Mercury lightens the skin by suppressing the production of melanin and can also remove age spots, freckles, blemishes and wrinkles. Adolescents also sometimes use SLPs, as mercury is an effective anti-bacterial for the treatment of acne.

The most common active ingredient is inorganic mercury because it can be readily mixed into the creams. The most common mercury compounds used in SLPs are mercury (II) chloride, also known as calomel, and ammoniated mercury.ⁱⁱ

The widespread use of SLPs – with or without mercury – is particularly concerning because they are a symbol of societies grappling with internalized racism and colorism. According to the State of Minnesota:

“Skin lightening products may contain toxic chemicals that can negatively impact the consumer’s health and family living in the same space, such as children or elders. Reasons for using skin lightening products vary, though are often rooted in colorism. Colorism is defined as discrimination that privileges light-skinned people over people with darker skin.”ⁱⁱⁱ

Although mercury-added SLPs have been banned in the U.S. since 1973, they continue to be sold illegally both through local markets as well as online.^{iv} Online sales of SLPs are expanding rapidly, further accelerated by the Covid-19 pandemic.^v Curtailing online marketing of mercury-added SLPs is daunting, given the challenges of regulating online sales. Violations of health and safety laws - facilitated by e-commerce sites - not only threaten public health, but also create an uneven playing field since “brick and mortar” stores must comply with domestic laws that may be evaded online.

Manufacturers rarely label these products properly, and U.S. marketers often cater to Latino, Asian, African, and Middle Eastern communities. Furthermore, the Minamata Convention on Mercury^{vi} also bans the manufacture and trade in cosmetics containing over 1 ppm mercury. As Parties to the Convention, the U.S. and many other countries are legally obligated to enforce this standard.

The illegal production and trade of mercury-added SLPs may often continue unimpeded because of inadequate regulation, weak enforcement, unsatisfactory in-country, bi-lateral, regional and international cooperation along with inadequate resources devoted to this issue. This lack of accountability removes incentives for platforms to ensure product safety and results, at best, in episodic efforts to remove illegal products.

E-commerce often cuts across the boundaries of a country’s product, environment, health and safety regulations. For a number of interconnected reasons, national laws in many countries allow online platforms to evade responsibility for the SLPs sold on their platforms. Online consumers may get limitless choice, but have little guarantee that a product is compliant with relevant regulations.

Furthermore, E-commerce further complicates the implementation of regulations, and associated inspections and sanctions for non-compliance, since its structure is complex and not very transparent. Unclear division of responsibilities are common in the E-commerce supply chain, with platforms often claiming exemption from “secondary liability.” Corrective action appears to occur only after an unsafe product has been placed on the market, and typically only after a documented egregious injury results in a lawsuit. Consequently, policymakers and the courts are increasingly challenged by a legal framework where consumers are left inadequately protected.

E-commerce platforms consistently avoid the normal economic cost of responsibility by neglecting to do conventional due diligence that would be required from any other commercial actor involved in the sale and delivery of drugs and cosmetics. Furthermore, online platforms readily offer a low-cost immunizing guarantee which removes the manufacturer, distributor and retailer from accountability for producing and selling illegal SLPs. Failing to even properly seek the guarantee that may deter sellers unwilling to vouch for their products is unfair at best, considering the obligation to which brick and mortar stores must typically adhere.

In response, many countries are strengthening regulations dealing with high mercury cosmetics,^{vii} and adding additional regulatory and voluntary tools and approaches, given that skin lightening has reached epidemic levels in many nations.^{viii} Due to a variety of challenges, some countries have banded together to control illegal SLPs. The European Union e-Safety Gate Rapid Alert System (RAPEX) has been implemented to restrict the supply of dangerous products.^{ix} A similar system is in place in Southeast Asia under ASEAN.^x Other examples of government controls and regulations can be found in the ZMWG 2019 Enforcement report.^{xi}

Although many manufacturers have long accepted not to add mercury to SLPs due to FDA regulations, consumers are still not sufficiently protected, particularly from online sales. This is because FDA has in the past conducted little oversight, apart from occasional public outreach and issuing import alerts for a limited number of illegal high mercury SLPs, primarily from abroad. Recently, however, there have been indications that the FDA is becoming more active.^{xii}

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This correlates with a recent Google trends report suggesting that consumer awareness is growing, with the search phrase "cosmetics with mercury" increasing by 350%.^{xiii}

Federal and state laws provide opportunities to curtail illegal sales of mercury-added SLPs. Recently, the 2020 CARES Act provided FDA with the authority to ban “unapproved new drugs” such as SLPs if they are “intended to affect the structure or any function of the body.”^{xiv} While some action seems to have been taken against cosmetics containing hydroquinone, FDA has failed to take similar action against high mercury SLP sales, even when provided with evidence.^{xv}

Several states have restrictions on mercury-added SLPs. The California Supreme Court recently upheld a lower court ruling that Amazon must warn consumers about products containing chemicals listed by the state as carcinogens or reproductive toxicants.^{xvi} Illinois and Minnesota prohibit the sale of cosmetics that contain intentionally added mercury.^{xvii}

In January 2020 and November 2021, the Minnesota Pollution Control Agency (MPCA) purchased several products through the Amazon website that contained intentionally added mercury.

In a November 2, 2022, letter to Amazon,^{xviii} MPCA requested that Amazon take the following actions:

- Discontinue all sales and distribution of these products nationwide.
- Recall all products documented to contain mercury where Amazon and/or its marketplace seller have records of a purchase and purchaser contact information.
- Prominently post a notice on the Amazon recall page (if one exists) regarding the mercury content of these products and provide detailed product and label information that is sufficient for customers to accurately identify products that they have purchased that contain or are likely to contain mercury.
- Provide the MPCA with copies of the recall notices and other communications to sellers and customers.
- Conduct outreach and training to all of your existing and potential new marketplace sellers regarding state and federal prohibitions (see Attachment 1).
- Update your guidance to marketplace sellers on prohibited products, on any certifications they are required to sign, and audit their compliance.
- In addition, Amazon may wish to consider developing a means to test and ensure compliance with mercury laws for products sold on the Amazon.com platform.

Most recently in December 2022, New York adopted a law similar to the Minnesota law that will enter into force in June 2023,^{xix} and provisions in a similar California law will enter into force in 2025.

Louisiana and Rhode Island regulations prohibit formulated products containing more than 10 ppm mercury,^{xx} while Connecticut tolerates up to 250 ppm mercury.^{xxi} Some states, including California,^{xxii} also require mercury added SLPs to be disposed of as hazardous waste.

3 Health concerns

SLPs containing mercury compounds have been shown to present significant health risks,^{xxiii} especially to pregnant women and those who may be exposed indirectly, including nursing babies and young children.^{xxiv} Mercury in SLPs can readily enter the body via absorption through the skin, inhalation or orally.^{xxv} Dermal absorption occurs with each application; inhalation occurs when mercury vapor off-gases, and ingestion occurs post application as a result of normal hand-to-mouth behavior, such as eating or preparing food.

Regular use of mercury added SLPs reduce the skin’s resistance to bacterial and fungal infections and can lead to rashes, skin discoloration and blotching. Chronic exposure to mercury at very low levels can cause neurological and kidney impairment. Long-term exposure may also damage the eyes, lungs, kidneys, digestive, immune and nervous systems.^{xxvi}

Numerous peer-reviewed studies confirm the negative impacts of mercury added SLPs on human health. Moreover, the World Health Organization has recognized that mercury is a “major public health concern,”^{xxvii} and has outlined its concerns about SLPs in a fact sheet.^{xxviii}



An adult’s use of SLPs containing mercury can also expose other family members, such as through close contact,^{xxix} and may even require decontamination of the home.^{xxx}

Multiple states have warned of exposure risks to high mercury SLPs. Gordon Vrdoljak, Ph.D., of the California Department of Public Health, says about the use of mercury-laden skin-lightening creams: *“If people are using the product quite regularly, their hands will exude it, it will get in their food, on their countertops, on the sheets their kids sleep on.”*^{xxxi}

Symptoms associated with SLP exposure are not unique to mercury, so it may be difficult to diagnose the source without identifying SLPs as a possible cause, and then testing suspect products.^{xxxii} Persons who apply these SLPs have observed elevated mercury levels in their urine. Once the exposure source was identified and SLP use stopped, kidney functions gradually returned to normal. Unfortunately, users are often not likely to be seen by a doctor before a more serious disease develops.^{xxxiii}

4 Background

4.1 FDA regulations and warnings

The U.S. Food & Drug Administration (FDA) is charged with enforcing a 1 part per million (ppm) regulatory limit for mercury in most cosmetics, including SLPs.^{xxxiv} FDA has extensive authority to investigate, regulate and warn consumers about mercury-added SLPs. This includes FDA authority^{xxxv} to issue import alerts, which permit federal agents to detain these products at the border. According to FDA:

The toxicity of mercury compounds has been extensively documented. In accordance with 21 CFR 700.13 (FR, Vol. 38 No. 3, January 5, 1973, pgs. 853-854), effective July 5, 1973, except for those cosmetics meeting the conditions of 21 CFR 700.13(d)(2)(i) or (d)(2)(ii), any cosmetic product containing mercury as an ingredient is deemed adulterated and subject to regulatory action.^{xxxvi}

SLPs are generally considered to be “unapproved new drugs,” according to FDA, with companies engaged in selling or distributing SLPs subject to sanctions:

Sellers and distributors who market mercury-containing skin whitening or lightening creams in the U.S. may be subject to enforcement action, including seizure of products, injunctions, and, in some situations, criminal prosecution.^{xxxvii}

The 2020 CARES Act highlighted the need to address “unapproved new drugs” such as skin bleaching and lightening products because they are “intended to affect the structure or any function of the body.”^{xxxviii} In April of 2022, FDA sent warning letters to 12 companies selling over-the-counter (OTC) skin lightening products containing hydroquinone that do not meet the requirements to be legally sold as OTC drugs.^{xxxix}

OTC SLPs containing hydroquinone are considered unapproved drugs and are not generally recognized as safe, according to FDA:^{xi}

Dark Spot Fix drug product is an unapproved new drug introduced or delivered for introduction into interstate commerce in violation of section 505(a) of the Federal Food Drug & Cosmetic Act (FD&C Act), 21 U.S.C. 355(a), and is misbranded under section 502(ee) of the FD&C Act, 21 U.S.C. 352(ee). Introduction or delivery for introduction of such a product into interstate commerce is prohibited under sections 301(d) and (a) of the FD&C Act, 21 U.S.C. 331(d) and (a).^{xii}

The FDA letter goes on to state that:

Dark Spot Fix is a drug as defined by section 201(g)(1)(B) of the FD&C Act, 21 U.S.C. 321(g)(1)(B), because it is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease and/or under section 201(g)(1)(C) of the FD&C Act, 21 U.S.C. 321(g)(1)(C), because it is intended to affect the structure or any function of the body. Specifically, this product is intended for use as a skin bleaching product.^{xlii}

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In August, FDA sent warning letters to three companies for introducing mole and skin tag removal products into interstate commerce that are unapproved new drugs, in violation of the FD&C Act.^{xliii} According to FDA., there are no approved OTC drug products for the removal of moles and skin tags:

It is the FDA's duty to protect public health from harmful products not approved for the U.S. marketplace" said Donald D. Ashley, J.D., director of the Office of Compliance in the FDA's Center for Drug Evaluation and Research."... This includes where online retailers like Amazon are involved in the interstate sale of unapproved drug products. We will continue to work diligently to ensure that online retailers do not sell products that violate federal law."^{xliv}

FDA has posted warnings to consumers that cosmetics with added mercury are being sold,^{xlv} including establishing a new initiative in the Office of Minority Health to educate consumers about SLP risks.^{xlvi} However, FDA has yet to take effective action against online perpetrators even when provided with evidence of illegal high mercury SLP sales in the U.S.

However, that may soon change. In a FY 2021 U.S. House of Representatives appropriation bill, a subcommittee “...expressed concerns about the availability of illegal skin lightening products containing dangerous levels of mercury and hydroquinone that are available to consumers, particularly through online retailers.”^{xlvii} In the FY 2022 appropriation bill, FDA was charged with reporting back to Congress on, among others things, the need to “...enforce the physical inspection process.”^{xlviii}

4.2 California Proposition 65, Sherman law and court decisions

Our previous studies, along with others, have confirmed that skin lightening products (SLPs) spiked with mercury are being sold in violation of federal regulations, California’s Sherman Law, as well as California’s Proposition 65 consumer warning requirements. Mercury and mercury compounds are on the Proposition 65 list because they can cause birth defects or other reproductive harm.^{xlix}

Amazon and other online platforms actively invite individuals and companies from all over the world to place products on their marketplace without taking adequate steps to ensure those products are safe and lawful, often resulting in allowing sellers to avoid health and safety compliance.^l

SLPs containing mercury are considered so toxic that they must be disposed of as a hazardous waste^{li} in California. Use can also result in contamination^{lii} of household air and personal items. Various other state health departments have also warned of exposure risks to SLPs.

In a case designed to hold it responsible, Amazon was sued in 2014 by Mr. Larry Lee,^{liii} and again in 2019 by *As You Sow*, under California’s Toxic Enforcement Act.^{liv} For the 2019 lawsuit, MPP provided lab test results of SLPs purchased from Amazon.com, and along with Black Women for Wellness, provided an amicus brief in support of the case, as did the California

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Attorney General. The lawsuits alleged that Amazon knowingly exposed consumers to mercury by allowing SLPs with mercury concentrations at thousands of times the legal limit set by FDA without providing the warning required by California’s Proposition 65.

The 2014 lawsuit brought by Larry Lee, filed in Alameda County, concerned five SLPs sold on Amazon.com which contained mercury at levels far beyond the maximum allowed by federal law. Mr. Lee claimed Amazon knowingly and intentionally listed on its website numerous skin lightening creams that had levels of mercury far beyond what was safe, and well in excess of the minimum threshold triggering a warning of exposure to reproductive toxicants under Proposition 65, while failing to provide statutorily required warnings.^{lv}

Amazon’s primary defense was that it doesn’t have any obligation to comply with the law even if Amazon knows the products are dangerous. Rather, Amazon stated that health and safety compliance of products sold on its site should be handled by each of the individual entities from all over the world — no matter how small and no matter whether they are familiar with U.S. laws—that use its online marketplace. Amazon also argued that because it is an online platform, it should bear no responsibility for any harm to consumers from the mercury-added products sold on its virtual shelves. It also maintained that it was not sure what it was selling on its website.

The trial judge agreed with Amazon and dismissed the Lee lawsuit in 2019, citing a federal law that protects websites from liability for the content of products posted by others and their suits—the Communications Decency Act. Further, the court held that Mr. Lee failed to prove that all the products contained mercury, or that there were any resulting exposures.^{lvi}

However, California’s First District Court of Appeal reversed the trial judge ruling on March 11, 2022.^{lvii} The Court held that Amazon must comply with consumer protection laws, including warning California consumers when products sold on its marketplace contain chemicals listed by California as carcinogens or reproductive toxicants. In its ruling, the Court stated that Amazon does not act as a mere forum for retailers, but plays an active role in selling their products, and can be held accountable for failing to disclose their known dangers.

Subsequently, on June 15, 2022, the California Supreme Court declined Amazon’s request to review the First District Court of Appeal’s decision. It ruled that Amazon must warn consumers when selling products that contain chemicals listed by California as carcinogens or reproductive toxicants. This is the first time a court has allowed consumers to sue because of the platform’s failure to post proper warnings.

4.3 Previous investigations

Each of our prior investigations confirmed that a number of SLPs purchased from Amazon.com contain high levels of mercury. In the SLPs tested during our 2018 investigation, mercury concentrations over 1 ppm ranged from 9.1 ppm to 30,000 ppm and in 2019 they ranged from 1,600 ppm to 26,000 ppm as shown in Annex I and II.

MPP’s testing was part of a broader worldwide investigation originally initiated by ZMWG^{lviii} in 2017. In 2017-2018 ZMWG tested the mercury content of 338 SLPs purchased in 22 different countries, including the United States. SLPs targeted were well-known brands identified via questionnaires, mainly purchased from physical shops (i.e., not -commerce. 34 of those products (10% of the total) had mercury concentrations above 1 ppm.

On August 17, 2018, MPP met with FDA and apprised the agency of the test results. MPP subsequently received an email on Sept.13, 2018, from FDA with a request for:

“...information on a number of skin cream/whitening products identified by various governments with unpermitted levels of mercury, which you found advertised for sale on places such as Amazon and eBay.”^{lix}

In MPP’s September 2018 response to FDA’s request for information, test data was provided on a number of SLPs purchased via Amazon.com with high mercury concentrations. Fourteen (14) SLPs purchased from Amazon had mercury concentrations over 1 ppm.^{lx} Most of these had been previously identified by various government agencies as having excessive levels of mercury.^{lxi}

After receiving the data, FDA followed up with its own testing and presented the results on its website, confirming the mercury content of the tested SLPs as shown in Table 1.^{lxii}

Table 1: Skin Products Found to Contain Mercury, FDA, 2019

Product name and image	Lab results - Mercury (Hg) content
Kim Whitening Pearl and Snowlotus Cream	47 ppm
Golden Pearl Beauty Cream	12,000 ppm
Chandni Whitening Cream	8,790 ppm
Goree Beauty Cream	17,200 ppm
Sandal Whitening Beauty Cream	13,100 ppm
Monespa Express Peeling	5,030 ppm
Face Fresh Beauty Cream	18,500 ppm
Content current as of: 09/26/2019	

A 2019 ZMWG study targeted many of the high-mercury SLPs from the 2017-2018 study, as well as other high-mercury SLPs identified by governments or researchers. This time E-commerce platforms were primarily targeted, although a few products were bought in physical shops. Of the 166 samples analyzed in 2019, 93 SLPs (56%) were found to have mercury concentrations above 1 ppm. The results of the analysis of SLPs purchased on Amazon.com in the U.S. by MPP are presented in Annex II.

In 2022, FDA added additional high mercury SLPs to its list as shown in Table 2.^{lxiii}

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Table 2: Skin Products Found to Contain Mercury, FDA, 2022

Product name and image	Lab results - Mercury (Hg) content
CCM Special Cream Tumeric	8,088 ppm
CCM Perfect 365 White Cream	4,322 ppm
Be Be Special Cream CCM/Yellow	8,909 ppm
Be Be Special Cream	3,110 ppm
La Tia Mana Crema Limpiadora	5,432 ppm
Ling Zhi BB Whitening Cream	1,393 ppm
MSII Whitening Peeling	1,581 ppm
MSII Express Peeling	5,797 ppm
Collagen Plus - Vit E Cream, Night Cream	3,670 ppm
Aneeza Gold Beauty Face Cream	12,400 ppm
HIYADY Glutathione Cream White & Bright	15,900 ppm
Content current as of: 01/25/2023	

Aside from this posting, however, FDA did not appear to take further action on mercury-added SLPs other than issuing “import alerts” for specific products and posting public awareness notices and providing a form to report websites selling illegal SLPs among other products.^{lxiv}

Our March 2022 report^{lxv} tested SLPs offered by over 40 online platforms, bought in 17 countries by our partner NGOs, and confirmed yet again that high-mercury SLPs are widely available. Of the 271 SLPs tested, 129 were found to have mercury levels over 1 ppm. Our 2020-2022 investigation also included 13 months of periodic monitoring of E-commerce platforms in 15 countries to assess the ongoing availability of the high-mercury SLPs identified.

4.4 Prior assurances from Amazon

While Amazon has policies in place to restrict the sale of hazardous and illegal products, our past investigations and testing confirmed Amazon’s failure to adequately implement these policies. Amazon’s policies state: *“Products offered for sale on Amazon must comply with all laws and regulations and with Amazon’s policies. The sale of illegal, unsafe, or other restricted products listed on these pages ... is strictly prohibited.”*^{lxvi}

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During the 2019 court deposition related to Proposition 65 violations discussed earlier, David Kosnoff, Amazon’s Director of Worldwide Product Compliance Safety, confirmed that Amazon’s product compliance and safety team reviews the EU’s RAPEX regularly and takes action in response to its listings including, at times, in countries not directly targeted by the RAPEX announcement.

According to Mr. Kosnoff, Amazon’s Product Compliance and Safety Team consists of 47 people whose mission it is to “ensure the safety of products sold on Amazon sites worldwide...through taking actions based on customer reviews, regulatory notices, investigations that [they] will kick off on [their] own...” and that Amazon has “...been developing processes recently to screen global websites or the global Amazon sites for products that are recalled in individual markets.” Mr. Kosnoff also testified that Amazon knows that “skin lightening creams containing mercury” are “products” that the Food & Drug Administration has determined present an “unreasonable risk of injury or illness, or are otherwise unsafe,” which subjects skin lightening creams containing mercury to Amazon’s “restricted products rule.”^{lxvii}

Following publication of the 2019 ZMWG study, Amazon was asked to and removed the SLPs in question. The Wall Street Journal reported that Amazon.com Inc. had removed mercury-added skin lightening creams from its U.K. and U.S. websites.^{lxviii} In the WSJ article, Amazon UK stated: “All marketplace sellers must follow our selling guidelines and those who don’t will be subject to action, including potential removal of their account. The products in question are no longer available.”^{lxix}

Indicative of the lack of consistency, however, Amazon India claimed that responsibility for sales on its marketplace rests solely with the third-party seller:

The products offered for sale on the Marketplace are always owned and/or sold by the seller at any point of time (and not by Amazon.) Each and every seller owns the products and independently offers them for sale on the Marketplace in their own

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right...The sellers are themselves responsible for ensuring all compliance under applicable laws.”^{lxx}

Furthermore, a Reuters review in mid-2020 showed at least 19 listings of the high-mercury products on different country sites of seven e-commerce platforms, including Amazon. After Reuters raised the issue, Amazon removed most of the identified SLPs, or promised to do so.^{lxxi} However, Amazon subsequently continued to facilitate the marketing of unpermitted products on its websites.^{lxxii}

On May 6, 2021, Amazon wrote the U.S. Consumer Product Safety Commission (CPSC),^{lxxiii} asking that they consider instituting a product safety pledge for E-commerce websites similar to that established by the European Commission (EC) and Australia, in which Amazon participates. According to Amazon:

"This Pledge would establish a new standard that raises the bar on safety and will provide all customers a safer shopping experience. By joining this Pledge, companies are making a public commitment to CPSC, and American consumers, that they will work with the CPSC to ensure effective communication of safety hazards and issue prompt recalls of defective products."

Finally, in response to the June 2022 California Supreme Court ruling that consumers must be warned of the possible availability of SLPs with high mercury concentrations, Amazon once again affirmed that it has a policy in place for not allowing sales of skin care products that contain mercury. A spokesperson for Amazon said SLPs “have long since been removed” from the company website:

"Safety is a top priority at Amazon, and we want customers to shop with confidence in our stores. We require that all products comply with applicable laws and regulations, and we have proactive measures in place to prevent suspicious or noncompliant products from being listed and we monitor the products sold in our stores for product safety concerns.”^{lxxiv}

5 Methodology

During the summer and into the fall of 2022, MPP again purchased suspect SLPs from Amazon.com in coordination with the ongoing work of the ZMWG on skin-lightening products. In preparation for the study, an initial list of SLPs known to be potentially “high-mercury” SLPs was compiled from various online sources, followed by an intensive search of Amazon.com. Some of these SLPs had previously been identified by government websites, academic research and civil society. The U.S. websites included FDA, state and local governments such as the following:

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- The Minnesota Department of Health website warns state residents to stop using some types of skin lightening products, after testing revealed that they may contain dangerous levels of mercury.^{lxxv}



Examples of skin-lightening products that contain mercury, hydroquinone or steroids.

Image credit: Minnesota Department of Health

- The California Department of Public Health has tested products that may contain mercury^{lxxvi} and along with California counties posted results on their websites.^{lxxvii}
- The New York City Health Department website also warns residents of possible mercury poisoning from skin-lightening creams. In 2018 they warned residents about 10 SLPs.^{lxxviii}



- Due Beauty Cream made by Kreative Cosmetics (Pvt) Ltd.
- Sandal Whitening Beauty Cream made by MMC Cosmetics * - Pakistan
- Chandni Whitening Cream made by SJ Enterprises Pakistan
- Golden Pearl Beauty Cream made by Golden Pearl Cosmetics
- Face Fresh Beauty Cream made by Shaheen Cosmetics Pakistan
- Faiza No 1 Beauty Cream made by A.M. Cosmetics (Pak)
- Faiza Beauty Cream made by Poonia Brothers (Pak)
- Seven Herbal Ubtan Cream made by C.P.H.L.
- Stillman's Freckle Cream and Stillman's Skin Bleach Cream made in Pakistan under license from the Stillman Company Inc., USA
- Niuma Medicated Antiseptic Soap made by Niuma Belleza, Spain
- Niuma Lemon Medicated Germicidal Soap made by Niuma Belleza, Spain

The suspect SLPs were sent to Legend Technical Services Laboratory in St. Paul, Minnesota for testing. The mercury concentration of each product was determined by laboratory based Inductively Coupled Plasma Optical Emission Spectroscopy (ICP-OES) analysis.

Amidst the third-party sellers, one located on Long Island^{lxxix} advertised some of the suspect SLPs that the Minnesota, California and New York City^{lxxx} health departments and California counties warned consumers about as depicted in following image from their website:



6 Test results/analysis

Our findings confirm that high-mercury SLPs remain available from Amazon.com. As presented in Table 3, twenty-one (21) suspect SLPs were purchased from Amazon.com, and nineteen (19) of those were found to have mercury concentrations over 1 ppm, the legal limit. The levels of mercury detected by the lab ranged from 1.5 ppm to 8,500 ppm.

Table 3 - Mercury-based skin lighteners purchased from Amazon, 2022

Product name	Hg (ppm)	Country/producer	Product photo	Exemplars*	Hazard Alert
Nunn care	1500	Mexico/ Miligros Cosmetics		Nunn Care, 1 Ounce (Pack of 1) ASIN: B096TKM6GX	States of California, Minnesota
Kojie San	7.0	Philippines / Marketasia		Kojie San Dream White Anti-Aging Skin Care (Dream White Face Cream) ASIN: B008J3A9GA	Sacramento County, CA
Jalea Real Grisi	3.9	Mexico/ FACTOR INT'L. / GRISI HNOS.		GRISI Grisi Royal Jelly Cream, 3.8 ounces (Pack of 4) ASIN: B08J994BG3	Sacramento County, CA

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Clear N Smooth	6.6	USA/ Hawknad Specialty Products		Clear-n-smooth Plus Cream 4 Oz ASIN: B00927VD0S	
Crusader	16	Spain		CRUSADER Skin Lightening Cream Regular Formula 1.76 oz ASIN: B000142P1W	EU RAPEX
Glutinone	160	Korea		HIYADY Cream (Pink) Enriched with Hyaluron-glutathione extract ASIN: B07QYJ8DBY	State of Minnesota, US FDA
Promina	16	Thailand		3 X Promina Ginseng Pure Pearl Face Cream Removal Freckle & Acne Dark Spot ASIN: B009JCUGHW	State of Minnesota
African formula	9.7	Spain		African Formula Skin Tone Creme 1.76 oz. ASIN: B000142P1W	
Carotone	1.9	Côte d'Ivoire		Carotone B.S.C Cream ASIN: B0B3824MB3	EU RAPEX, US FDA
Faiza	7,000	Pakistan/ Poonia Brothers		fair n pink Faiza Beauty Cream (Pink, 50 g) ASIN : B081TBPC35	NYC Dept of Health; EU RAPEX
Faiza	7,400	Pakistan/ Poonia Brothers		fair n pink Faiza Beauty Cream (Pink, 50 g) ASIN: B081TBPC35	NYC Dept of Health/ EU RAPEX
Yoko Whitening	1.5	Thailand		YOKO Whitening Spa Salt For Armpit & Bikini Area 220g. White ASIN : B00VOUJWD6	State of Minnesota
Snow Lotus	19	Thailand		KOK Liang Snow Lotus Cream Fast Treatment Repair Damage Skin 50g Made in Thailand ASIN: B008DR051Q	State of California
San Ing Face Cream	7.8	Taiwan or China		Pearl Cream, San Ing Face Cream, Value 2 Pak (2 X 0.3 Oz) by scthkido ASIN: B018IVNLHQ	State of California
Dodo White Up	2.1	United Kingdom		Dodo Beauty Lightening Lotion ASIN : B01LXXFK8F	Ghana FDA

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Sakura	0.66	Thailand		Sakura White DJ White Gluta speed White UVA UVB SPF 50 PA ++ 15 g. Silk Sunscreen (1 box) ASIN : B07H8KC9RG	State of California, Sacramento County, CA
Immediat Claire	4.5	Ghana, Ghandour Cosmetics Ltd.,		Immediat Claire Maxi-Behuty Lightening Body Cream With Carrot Extract 250 ml - 8m4 ASIN : B09FHMMZ6K	
Nunn Care	6.8	Mexico/ Miligros Cosmetics		Nunn Care, 1 Ounce (Pack of 1) ASIN : B096TKM6GX	States of California, Minnesota
Faiza	8,400	Pakistan/ Poonia Brothers		fair n pink Faiza Beauty Cream (Pink, 50 g) ASIN: B081TBPC35	NYC Dept of Health/ EU RAPEX
Faiza	8,500	Pakistan/ Poonia Brothers		fair n pink Faiza Beauty Cream (Pink, 50 g) ASIN: B081TBPC35	NYC Dept of Health/ EU RAPEX
Dermaline	0.79	USA, Neovema LLC		Dermaline - Cocoa Butter Body Cream with Jojoba Oil, Collagen and Vitamin E 2 Oz. ASIN : B08W8MM5T5	
<p>*The listed exemplars are provided to assist in identification only using Amazon Standard Identification Numbers (ASIN). An ASIN is an internal, unique alphanumeric code that corresponds to products listed on the Amazon platform. A third-party seller obtains an ASIN by creating a new listing through a portal called “Seller Central.” Amazon does not prevent third-party sellers from selling the same SLP under multiple ASINs.</p>					

Mercury was not listed in the ingredient lists of any SLPs tested. Duplicate SLPs were purchased to “...account for the variability between units resulting from uneven distribution of mercury compounds within a batch or between batches as the literature on mercury testified.”^{lxxxix} According to experts, such testing would help to determine such variables as the amount of the substances added and the presence of a contaminant, such as mercury.^{lxxxii}

Shown below is an Amazon.com advertisement for “Fair n Pink Faiza Beauty Cream.”^{lxxxiii}

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Two of the “Faiza” SLPs purchased from Amazon arrived with unsealed lids, so two more “Faiza” products were purchased and lab tested to determine if the unsealed SLPs had emitted mercury vapors prior to being lab tested. The packaging in the photo below indicates that in 2013 the “Faiza” product had received awards in Pakistan and was “authenticated” by “Pakistani Standards.”^{lxxxiv}

However, Faiza Beauty Cream has been called a major health hazard by Pakistani Standards and Quality Control Authority (PSQCA) as they contain “mercury, hydroquinone, and steroids.”^{lxxxv} According to news reports, in 2018 PSQCA sent warning notices, which have been ignored by the M/s Poonia Brothers. Poonia Brothers maintains that the hazardous products are counterfeits, and on its website instructs consumers: “Do buy Faiza Beauty Cream with code 223190 from Poonia Brothers,”^{lxxxvi} and even warns of the side effects of the counterfeits.^{lxxxvii} However, testing of the cream in the photo below confirmed that the product with code 223190 in fact contained extremely high mercury concentrations.

For nearly a decade, Faiza Beauty Cream has been identified as hazardous due to high mercury levels by governments around the world, including the United Arab Emirates,^{lxxxviii} the United Kingdom,^{lxxxix} the EU RAPEX^{xc} and the New York City Health Department,^{xcii} among others. In addition, Faiza was the subject of a prior California court hearing involving Amazon. According to the court proceedings, David Kosnoff, Amazon’s Director of Worldwide Product Compliance Safety, said that he was aware of this brand being previously identified by the EU’s RAPEX in 2013 as containing high mercury levels and that Amazon would have been aware of the listing.^{xcii}

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After Amazon received notification in 2015 via the EU’s RAPEX of Faiza’s high mercury content, third-party seller “Freeway Life” sold 17 units of Faiza through Amazon.com without the Proposition 65 warning.^{xciii} In a subsequent court filing, Amazon stated that it had removed the Faiza product from its website in October 2015.^{xciv} Nevertheless, as shown in Table 3, Faiza products were again offered for sale by Amazon.com, they were purchased in the latter part of 2022, lab tested and found to contain mercury concentrations exceeding 7,000 ppm.

In addition, a screenshot of one of the four Faiza products purchased on Amazon is shown in the first image in Annex 3, without any evident warnings. However, in California, the same Faiza product did exhibit a Proposition 65 warning, as shown in the second screenshot.

7 Conclusions

All told, our studies and others clearly show that online platforms offer mercury-added SLPs to a vast and often unsuspecting consumer market, and are not deterred by regulations. Their lack of accountability, labelling and warnings make it difficult to detect and avoid hazardous products. Moreover, in cases where the third-party seller on the platform is located outside the country where the product is purchased, the online platform is typically the only option for a consumer seeking legal redress for injuries incurred from using an unsafe product. The same may be true for regulatory agencies enforcing consumer, health and safety laws, regulations and policies.

In effect, Amazon appears to have created a black market where SLPs contaminated with mercury are being sold. By actively inviting sellers across the globe to place products on the online marketplace without effective periodic monitoring to ensure those products are safe and lawful, this business model allows products to often bypass health and safety regulations and guidelines.^{xcv}

The health and safety risks allowed by online platforms have been well documented, and extend well beyond mercury-added SLPs. This lack of incentive for platforms to ensure product safety results in merely voluntary episodic efforts to remove illegal SLPs. Consequently, policymakers and the courts are increasingly challenging the legal framework where consumers are not well protected.

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MPP’s latest investigation of suspect SLPs offered for sale by Amazon confirmed yet again that high-mercury SLPs are still widely available, and that Amazon is still not sufficiently motivated to identify and take down illegal SLPs sold over its platform. Amazon and other E-platforms, could, by being more vigilant, by consulting government, academic and civil society websites, and by due diligence in enforcing their own policies, better protect consumers from the health risks associated with SLPs.

SLP sales that are prohibited in stores should also be prohibited online. The platforms may attract customers to their sites, profit from each sale, dictate the terms of the transactions, control the website, influence the price, and often distribute the products. Therefore, platforms should bear the legal responsibility for ensuring that products fully comply with health and safety laws.

With the 2020 CARES Act, there is additional regulatory authority for the US FDA to issue warning letters to Amazon to stop marketing SLPs known to contain over 1 ppm mercury. In addition, the recently passed 2022 Modernization of the Cosmetic Regulation Act provides FDA with more regulatory tools, including requiring manufacturers to report “serious adverse events” and cosmetics ingredients and if products are unsafe, to conduct mandatory recalls.^{xvii}

Given FDA’s recent activities to combat other risky SLPs, it would be a dereliction of duty were FDA not also to target illegal mercury added SLPs which, according to recent warnings from FDA, are placing consumers at serious risk from this dangerous neurotoxin. In addition, given the FY 2021 and 2022 appropriations of 5.7 million dollars,^{xviii} FDA has additional resources to not only commit to routine SLP testing, but to regularly post test results, place photos of illegal SLPs prominently on its website and draw further attention by issuing press releases on import alerts.

8 Recommendations

While recommendations included in earlier ZMWG reports should also be considered, this report specifically recommends the following:

- I. The Conference of the Parties should consider amending the Minamata Convention to ban SLP sales, and offering of sales of SLPs with mercury levels over 1 ppm.
- II. The US FDA should take steps to eliminate online sales of mercury-added SLPs, similar to recent actions it has taken to curtail online sales of certain SLPs containing hydroquinone.
- III. Any policies, agreements or settlements with E-commerce platforms shouldn’t be any weaker than what has been agreed to elsewhere (e.g., in Europe etc.)
- IV. Other recommendations for E-commerce platforms include the following:

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1. Third party sales of skin lightening products should be eliminated entirely if counterfeit marketing can't be prevented, since toxic skin lightening sales affects this entire category.
2. Develop a means to test and ensure compliance with mercury laws when marketing SLPs.
3. Commit to regularly monitor government websites and detention lists, the ZMWG database and others, and remove suspect SLPs.
4. Use filtering mechanisms aimed at preventing new listings offering the same items as those previously removed and implement a penalty point system for repeat offenders.
5. Sellers should be informed when products are taken down and their products flagged.
6. All safety concerns notified by consumers via customer service channels should automatically trigger an internal investigation and, where appropriate, the products should be removed.
7. Procedures should be implemented that allow consumers to signal product safety concerns directly, and when suspect SLPs are identified, platforms should respond with product removals within two days, reaction to notifications within five days, etc.
8. Measures should be taken to prevent banned SLPs from being searchable and/or purchasable again by consumers, even if the products are re-listed on the platform.
9. Platforms should commit to report regularly on measures taken to ensure effective communication of safety hazards and issue prompt recalls of defective products, as required by the European Product Safety Pledge.

Annex I

Mercury-added skin lighteners purchased by the Mercury Policy Project from Amazon.com, 2018

Product name	Hg content (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 U.S. seller.		https://www.amazon.com/Ginseng-Pearl-Latina-Smoother-Cream/dp/B01DL2O7H0/
Kim Whitening Pearl & Snow Lotus Cream	9,900	Sent from U.S. seller.		https://www.amazon.com/White-Whitening-Pearl-Lotus-Latinal-Smoother/dp/B00CMIZC88/
White Rose Whitening Cream	8,100	Thailand		https://www.amazon.com/White-Whitening-Reduce-Melasma-Blemishes-Fragrance/dp/B07217H65N
Kim Whitening Ginseng and Pearl Cream	2,100	Sent from U.S. seller		https://www.amazon.com/Ginseng-Pearl-Latina-Smoother-Cream/dp/B01DL2O7H0/ and https://www.amazon.com/White-Whitening-Ginseng-Latinal-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
Aneez Gold Beauty Cream	30,000	Made in India, Texas-based seller		https://www.amazon.com/Aneez-a-Gold-Beauty-Cream-Avocado/dp/B079FY4YZ7/

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Product name	Hg content (ppm)	Origin	Product photo	Similar product remains for sale in November 2018*
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/Stillmans-Skin-Bleach-Cream-Original/dp/B0716F667N/
Face Fresh	11,000	Made in Pakistan, Jamaica and U.S. 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 12 November 2018.

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

Annex II

Mercury-added skin lighteners purchased by the Mercury Policy Project from Amazon.com, 2019

Brand	Country of origin, according to the packaging	E-commerce platform	Mercury concentration, as determined by Cold Vapor Atomic Absorption Spectroscopy (ppm)
Kim Whitening Pearl and Snow Lotus Cream	Thailand	Amazon USA	1,600
Makako Soap	Italy	Amazon USA	0.04
POP Popular Facial Cream Whitening Acne Pimple	Thailand	Amazon USA	0.05
Goree Whitening Beauty Anti-ageing Spots Pimples Removing Cream	Pakistan	Amazon USA	25,000
Chandni Whitening Cream	Pakistan	Amazon USA	40,00
Whitening Ginseng and Pearl Cream	Thailand	Amazon USA	8,700
Whitening Ginseng and Pearl Cream	Thailand	Amazon USA	8,600
Chandni Whitening Cream	Pakistan	Amazon USA	22,000
Goree Whitening Beauty Anti-ageing Spots Pimples Removing Cream	Pakistan	Amazon USA	26,000
Kim Whitening Pearl and Snow Lotus Cream	Thailand	Amazon USA	13,000

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Annex III

Screen shots of Faiza Beauty Creams on Amazon.com

amazon prime Deliver to Michael Montpeller 05602 All fair and pink faiza 17 Jan. 2023 Hello, Michael Account & Lists Returns & Orders Cart

All Beauty Premium Beauty Makeup Skin Care Hair Care Fragrance Tools & Accessories Personal Care Oral Care Men's Grooming Professional Beauty Best Sellers New Arrivals

Perricone MD High Potency Classics Hyaluronic Intensive... \$87.00 prime

Beauty & Personal Care > Skin Care > Body > Moisturizers > Lotions

Purchased 3 times.
Last purchased Sep 10, 2022
View order Set reminder

fair n pink Faiza Beauty Cream (Pink, 50 g)
Brand: fair n pink
★★★★☆ 6 ratings

\$23.99 (\$13.33 / Ounce)

Earn 5% back every day at Amazon with your Prime Store Card.

Brand fair n pink
Item Form Cream
Unit Count 1.8 Ounce
Number of Items 1
Use for Face

About this item

- Faiza Poonia Herbal Beauty Cream (30 g)
- To remove pimples, freckles and blackness of the face. Faiza Beauty Cream is used for spotless, beautiful and white color face. Within few days of usage, you will feel the difference.
- Faiza Beauty Cream is used for spotless, beautiful and white color face
- Within few days of usage, you will feel the difference
- Faiza Beauty Cream refines the natural freshness and beauty of the skin

\$23.99 (\$13.33 / Ounce)

FREE delivery **January 23 - 25.** Details
Or fastest delivery **Friday, January 20.** Order within 15 hrs 19 mins. Details

Deliver to Michael - Spring Hill 34607

Only 19 left in stock - order soon.

Qty: 1

Add to Cart Buy Now

Secure transaction
Ships from A-TO-Z PRIME
Sold by A-TO-Z PRIME
Return policy: Eligible for Refund or Replacement
Add to List

prime try before you buy
1 item
Subtotal \$79.50
Total due today \$0.00
Try free for 7 days
Go to Cart
\$79.50 prime

All Beauty Premium Beauty Makeup Skin Care Hair Care Fragrance Tools & Accessories Personal Care Oral Care Men's Grooming

Beauty & Personal Care > Skin Care > Body > Moisturizers > Lotions

Purchased 2 times.
Last purchased Nov 15
View order

Proposition 65 Warning for California Consumers

WARNING: This product can expose you to chemicals including Mercury and mercury compounds which is known to the State of California to cause birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov

Beauty Cream (Pink, 50 g)
Brand: fair n pink
★★★★☆ 5 ratings

\$23.99 (\$13.33 / Ounce)

Earn 5% back on this purchase (worth \$1.20 when redeemed) with your Prime Store Card.

Brand Fair n pink
Item Cream
Form
Unit 1.8 Ounce
Count
Number 1
of

FREE delivery **November 18 - 22.** Details
Or fastest delivery **November 17 - 18.** Details

Deliver to Jessica - Berkeley 94710

Only 17 left in stock - order soon.

Qty: 1

Add to Cart Buy Now

Secure transaction
Ships from MAKN Z STORE

Endnotes

- ⁱ <https://www.zeromercury.org/mercury-added-skin-lightening-creams-campaign/>
- ⁱⁱ Ladizinski B, Mistry N, Kundu RV. Widespread use of toxic skin lightening compounds: medical and psychosocial aspects. *Dermatol Clin* 2011;29:111-23.
- ⁱⁱⁱ <https://www2.web.health.state.mn.us/communities/environment/skin/docs/testedprds.pdf>
- ^{iv} <https://www.fda.gov/consumers/consumer-updates/mercury-poisoning-linked-skin-products>
- ^v E-commerce in the times of COVID-19. OECD, 7 October 2020. https://read.oecd-ilibrary.org/view/?ref=137_137212-t0fjgnerdb&title=E-commerce-in-the-time-of-COVID-19
- ^{vi} <https://www.mercuryconvention.org/en/resources/minamata-convention-mercury-text-and-annexes>
- ^{vii} <https://apps.who.int/iris/bitstream/handle/10665/330015/WHO-CED-PHE-EPE-19.13-eng.pdf?sequence=1&isAllowed=y>
- ^{viii} <https://www.publichealth.com.ng/list-of-mercury-containing-soaps-and-creams/>
- ^{ix} <https://joinup.ec.europa.eu/collection/rapex>
- ^x [https://www.hsa.gov.sg/docs/default-source/hprg-cosmetics/annexes-of-the-asean-cosmetic-directive-\(updated-july-2019\).pdf](https://www.hsa.gov.sg/docs/default-source/hprg-cosmetics/annexes-of-the-asean-cosmetic-directive-(updated-july-2019).pdf); <https://asean.org/wp-content/uploads/2012/05/ASEAN-Guidelines-Limits-of-Contaminant-Cosmetics-.pdf>
- ^{xi} <https://www.zeromercury.org/wp-content/uploads/2019/11/Enforcement-measures-to-restrict-high-mercury-cosmetic-products-under-the-Minamata-Convention.pdf>
- ^{xii} <https://www.fda.gov/consumers/minority-health-and-health-equity/skin-facts-what-you-need-know-about-skin-lightening-products> ;<https://www.foley.com/en/insights/publications/2023/01/modernization-cosmetics-regulation-act-2022#:~:text=Under%20MoCRA%2C%20FDA%20is%20required,cosmetic%20products%20are%20not%20adulterated>
- ^{xiii} <https://www.cosmeticsandtoiletries.com/regulations/safety/news/22644655/mercurycontaminated-cosmetics-make-headlines-raise-consumer-alert>
- ^{xiv} Pub.L. 116–136
- ^{xv} <https://www.fda.gov/consumers/health-fraud-scams/skin-products-containing-mercury>
- ^{xvi} <https://www.mercurynews.com/2022/06/16/court-amazon-customers-can-sue-over-lack-of-toxic-warnings/>
- ^{xvii} Minn. Stat. § 116.92, subd. 8i; <http://legis.la.gov/Legis/Law.aspx?d=410536>
- ^{xviii} Letter from Rick Patraw, Manager, Sustainability & Environmental Assistance Section, Resource Management & Assistance Division, MPCA to Benjamin Langner, Corporate Counsel, Amazon, Inc., Nov.2, 2022
- ^{xix} <https://www.nysenate.gov/legislation/bills/2021/A8630/amendment/A>
- ^{xx} <http://webserver.rilin.state.ri.us/Statutes/TITLE23/23-24.9/23-24.9-5.HTM>
- ^{xxi} https://www.lawserver.com/law/state/connecticut/ct-laws/connecticut_statutes_22a-617
- ^{xxii} https://dtsc.ca.gov/2020/04/17/document-request/?wpf337186_14=https://dtsc.ca.gov/LawsRegsPolicies/Regs/upload/Oeara_regs_mercfsor.pdf
- ^{xxiii} Goeckermann WH (1922). Peculiar discoloration of skin. *Journal of the American Medical Association* 79, 605-607.; Aberer W (1991). Topical mercury should be banned – dangerously outmoded, but still popular. *Journal of the American Academy of Dermatology* 24, 1550-151; Boyd AS, Seger D, Vannucci S, Langley M, Abraham JL & King LE (2000). Mercury exposure and cutaneous disease. *Journal of the American Academy of Dermatology* 43, 81-90.
- ^{xxiv} <https://www.fda.gov/consumers/consumer-updates/mercury-poisoning-linked-skin-products>
- ^{xxv} USFDA. Laws & Regulations - Prohibited & Restricted Ingredients. USFDA-Center for Food Safety and Applied Nutrition; 2015 [updated 1/26/2015. Available from: <https://www.fda.gov/cosmetics/guidanceregulation/lawsregulations/ ucm127406.htm>
- ^{xxvi} Mercury in skin lightening products. Chemical Safety and Health Unit, World Health Organization, 3 November 2019. [Mercury in skin lightening products \(who.int\)](https://www.who.int/news-room/fact-sheets/detail/mercury-in-skin-lightening-products); Pollock S et al. (2021). The Dark Side of Skin Lightening: An International Collaboration and Review of a Public Health Issue Affecting Dermatology. *Int'l J. Women's Dermatology* 158, 159; Chen Z, Myers R, Wei T, Bind E, Kassim P, Wang G, Ji Y, Hong X, Caruso D, Bartell T, Gong Y, Strickland P, Navas-Acien A, Guallar E & Wang X (2014). Placental transfer and concentrations of cadmium, mercury, lead, and selenium in mothers, newborns, and young children. *Journal of exposure science & environmental epidemiology*, 24(5), 537–544. <https://doi.org/10.1038/jes.2014.26>; Dickenson CA, Woodruff TJ, Stotland NE, Dobraca D & Das R.

(2013). Elevated mercury levels in pregnant woman linked to skin cream from Mexico. American Journal Of Obstetrics and Gynecology, 209(2), e4–e5. <https://doi.org/10.1016/j.ajog.2013.05.030>

^{xxvii} Exposure to Mercury: a major public health concern, second edition: Preventing disease through healthy environments. Chemical Safety and Health Unit, World Health Organization, 8 April 2021:

<https://www.who.int/publications/i/item/9789240023567>

^{xxviii} <https://www.who.int/publications/i/item/WHO-CED-PHE-EPE-19.13>

^{xxix} Rakete S, Asenbauer E, Böhm S, Leiz S, Peters J, Nowak D & Böse-O'Reilly S (2021). Mercury poisoning of a 4-year-old child by indirect contact to a mercury-containing facial cream: A case report. SAGE Open Medical Case Reports 9, 1-5. <https://doi.org/10.1177/2050313X211025227>; Bender TJ (2012). Mercury exposure among household users and nonusers of skin-lightening creams produced in Mexico – California and Virginia 2010. Morbidity and Mortality Weekly Report 61, 33-38.

^{xxx} Copan L, Fowles J, Barreau T, & McGee N (2015). Mercury Toxicity and Contamination of Households from the Use of Skin Creams Adulterated with Mercurous Chloride (Calomel). International journal of environmental research and public health 12(9), 10943–10954. <https://doi.org/10.3390/ijerph120910943>; Davidson PW, Myers GJ, & Weiss B

(2004). Mercury exposure and child development outcomes. Pediatrics, 113(4 Suppl), 1023–1029; Ori MR, Larsen JB & Mazda Shirazi F (2018). Mercury poisoning in a toddler from home contamination due to skin-lightening cream.

Journal of Pediatrics, 314-317.

^{xxxi} <https://www.asyousow.org/press-releases/amazon-skin-lightening-creams>

^{xxxii} Haslam A (2021). U.S. Cosmetic Policy Reform: A Growing Need to Protect Communities of Color from Exposure to Toxic Chemicals. Master's Projects and Capstones, University of San Francisco, 1246.

<https://repository.usfca.edu/capstone/1246>

^{xxxiii} <https://www.publichealth.com.ng/list-of-mercury-containing-soaps-and-creams/>

^{xxxiv} <https://www.fda.gov/consumers/consumer-updates/mercury-poisoning-linked-skin-products>

^{xxxv} Federal Register, Vol. 38 No. 3, January 5, 1973, pgs. 853-854

^{xxxvi} https://www.accessdata.fda.gov/CMS/IA/importalert_137.html

^{xxxvii} Mercury Poisoning Linked to Skin Products (23 Nov 2021). <https://www.fda.gov/consumers/consumer-updates/mercury-poisoning-linked-skin-products>

^{xxxviii} Pub.L. 116-136

^{xxxix} <https://www.fda.gov/drugs/drug-safety-and-availability/fda-works-protect-consumers-potentially-harmful-otc-skin-lightening-products>; <https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/about-warning-and-close-out-letters>

^{xl} <https://www.fda.gov/drugs/drug-safety-and-availability/fda-works-protect-consumers-potentially-harmful-otc-skin-lightening-products>

^{xli} <https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/skin-ps-brands-628396-04132022>

^{xlii} <https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/skin-ps-brands-628396-04132022>

^{xliii} <https://www.prnewswire.com/news-releases/fda-issues-warning-letters-to-three-companies-for-selling-unapproved-new-drugs-for-mole-and-skin-tag-removal-301602622.html>

^{xliv} <https://www.prnewswire.com/news-releases/fda-issues-warning-letters-to-three-companies-for-selling-unapproved-new-drugs-for-mole-and-skin-tag-removal-301602622.html>

^{xliv} Mercury Poisoning Linked to Skin Products (23 Nov 2021). <https://www.fda.gov/consumers/consumer-updates/mercury-poisoning-linked-skin-products>

^{xlvi} <https://www.fda.gov/consumers/skin-facts-what-you-need-know-about-skin-lightening-products/skin-facts-resources>

^{xlvii} House Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, FY 21 bill report (p. 94)

^{xlviii} <https://mccollum.house.gov/media/press-releases/mccollum-applauds-new-fda-warning-about-harmful-skin-lightening-products>

^{xlix} <https://www.p65warnings.ca.gov/fact-sheets/mercury-and-mercury-compounds>

^l <https://www.asyousow.org/press-releases/amazon-sued-mercury-skin-lightening-creams>

^{li} https://dtsc.ca.gov/2020/04/17/document-request/?wpf337186_14=https://dtsc.ca.gov/LawsRegsPolicies/Regs/upload/Oeara_regs_mercfsor.pdf

^{lii} <https://www.mdpi.com/1660-4601/12/9/10943>

liii 2014 Complaint: <https://oag.ca.gov/system/files/prop65/complaints/2014-00463C3371.pdf>

liv [https://oehha.ca.gov/proposition-](https://oehha.ca.gov/proposition-65#:~:text=The%20proposition%20protects%20the%20state's,about%20exposures%20to%20such%20chemicals.)

[65#:~:text=The%20proposition%20protects%20the%20state's,about%20exposures%20to%20such%20chemicals.](https://oehha.ca.gov/proposition-65#:~:text=The%20proposition%20protects%20the%20state's,about%20exposures%20to%20such%20chemicals.) officially known as the Safe Drinking Water and Toxic Enforcement Act of 1986 and codified at Health & Safety Code, § 25249.5 *et seq.*)

lv Proposition 65 (is an initiative passed by the voters in 1986 that requires businesses to provide warnings for potential exposures to chemicals that are known carcinogens or that can cause reproductive harm. It imposes a warning requirement on any “person in the course of doing business” who “knowingly and intentionally expose[s] any individual” to one of the listed chemicals. <https://www.p65warnings.ca.gov/fact-sheets/mercury-and-mercury-compounds>

lvi (47 U.S.C. §§ 230(c)(1), 230(e)(3))

lvii [Lee v. Amazon.com, Inc.](https://www.courts.ca.gov/opinions.aspx?v=2227038), 2022 WL 736094 (Cal. App. Ct. March 11, 2022)

https://appellatecases.courtinfo.ca.gov/search/case/disposition.cfm?dist=1&doc_id=2297038&doc_no=A158275&request_token=NilwLSEmPkw8WyBdSSFNSEIIUDw6UVxfjiBeTz1SICAgCg%3D%3D

lviii <https://www.zeromercury.org/who-we-are/>

lix Email from: Verbeten, John E. (ORA) <John.Verbeten@fda.hhs.gov>To: Michael Bender

<mercurypolicy@aol.com>Sent: Thu, Sep 13, 2018 5:35 pm Subject: Import detention of skin products w/mercury

lx Email from Michael Bender, Director, Mercury Policy Project to John E. Verbeten, Director, Division of Import Operations, Office of Regulatory Affairs, U.S. Food and Drug Administration, Room 3109, Rockville, MD 20857, September 18, 2018

lxi <https://www1.nyc.gov/site/doh/health/health-topics/mercury-in-soaps-and-creams.page>;

<https://data.cityofnewyork.us/Health/Metal-Content-of-Consumer-Products-Tested-by-the-N/da9u-wz3r/data>;

[https://www1.nyc.gov/assets/doh/downloads/pdf/han/advisory/2018/advisory-6-skin-lightening-](https://www1.nyc.gov/assets/doh/downloads/pdf/han/advisory/2018/advisory-6-skin-lightening-creams.pdf)

[creams.pdf](https://www1.nyc.gov/assets/doh/downloads/pdf/han/advisory/2018/advisory-6-skin-lightening-creams.pdf); <https://www.weact.org/wp-content/uploads/2019/01/5.->

[Paromita Hore NYCDOHMH Skin Lightening Cream.pdf](https://www1.nyc.gov/assets/doh/downloads/pdf/han/advisory/2018/advisory-6-skin-lightening-creams.pdf)

lxii <https://www.fda.gov/consumers/health-fraud-scams/skin-products-containing-mercury>

lxiii <https://www.fda.gov/consumers/health-fraud-scams/skin-products-containing-mercury-and-or-hydroquinone>

lxiv <https://www.fda.gov/safety/report-problem-fda/reporting-unlawful-sales-medical-products-internet>

lxv <https://eeb.org/wp-content/uploads/2022/03/ZMWG-Skin-2022-Report-Final.pdf>

lxvii/lxvi https://sellercentral.amazon.es/help/hub/reference/external/201743940?ref=efph_201743940_cont_201190440_&locale=en-ES

lxvii Excerpts from Plaintiff As You Sow’s proposed decision against Amazon, Kosnoff Dep. 77:3-11; Jan 2019

lxviii Amazon, eBay Address Mercury-Laced Skin Creams: an investigation found that e-commerce companies were selling cosmetics with prohibited mercury levels. Dieter Holger, The Wall Street Journal, 27 November 2019.

<https://www.wsj.com/articles/amazon-ebay-address-mercury-laced-skin-creams-11574878756>

lxix Amazon, eBay Address Mercury-Laced Skin Creams: an investigation found that e-commerce companies were selling cosmetics with prohibited mercury levels. Dieter Holger, The Wall Street Journal, 27 November 2019.

<https://www.wsj.com/articles/amazon-ebay-address-mercury-laced-skin-creams-11574878756>

lxx Dark truth of skin whitening cream: Presence of Mercury in skin whitening creams, Toxics Link. November 2021. <http://toxicslink.org/docs/MERCURY%20CREAM%20REPORT.pdf>

lxxi Skin whitening creams remain online despite mercury findings. Martinne Geller, Reuters, 10 July 2020.

<https://www.reuters.com/article/us-health-whitening-focus/skin-whitening-creams-remain-online-despite-mercury-findings-idUSKBN24B2LG>

lxxii Skin whitening creams remain online despite mercury findings. Martinne Geller, Reuters, 10 July 2020.

<https://www.reuters.com/article/us-health-whitening-focus/skin-whitening-creams-remain-online-despite-mercury-findings-idUSKBN24B2LG>

lxxiii https://www.cpsc.gov/s3fspublic/CPSC%20Letter%20to%20Commissioners%20Signed.pdf?Nwg_nXRFJv8H0EHF4049u6QSmKqex3Kn

lxxiv <https://www.mercurynews.com/2022/06/16/court-amazon-customers-can-sue-over-lack-of-toxic-warnings/>

lxxv <https://www2.web.health.state.mn.us/communities/environment/skin/docs/testedprds.pdf>

lxxvi <https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/EHIB/CPE/Pages/CreamsTested4Mercury.aspx>

lxxvii <https://dhs.saccounty.gov/PUB/Pages/Mercury-in-Skin-Creams.aspx>;

<https://www.ramseycounty.us/residents/health-medical/healthy-homes/skin-lightening-products>

- ^{lxxviii} <https://www1.nyc.gov/site/doh/health/health-topics/mercury-in-soaps-and-creams.page>;
<https://data.cityofnewyork.us/Health/Metal-Content-of-Consumer-Products-Tested-by-the-N/da9u-wz3r/data>;
<https://www1.nyc.gov/assets/doh/downloads/pdf/han/advisory/2018/advisory-6-skin-lightening-creams.pdf>;
- ^{lxxix} <https://aleenacosmetics.com/>
- ^{lxxx} <https://www1.nyc.gov/assets/doh/downloads/pdf/han/advisory/2018/advisory-6-skin-lightening-creams.pdf>
- ^{lxxxi} Testimony of Dr. Patrick Sheehan, Amazon’s expert, Court of Appeal of the State of California First Appellate District, Division Two ruling, Lee vs Amazon.com, page 12, A158275, March 11, 2022
- ^{lxxxii} Court of Appeal of the State of California First Appellate District, Division Two ruling, Lee vs Amazon.com, A158275, page 21, March 11, 2022
- ^{lxxxiii} Mercury Policy Project screenshot, 27 January 2023
- ^{lxxxiv} <https://www.faizabeautycream.com/>
- ^{lxxxv} <https://www.incpak.com/health/faiza-beauty-cream-banned-in-pakistan/>
- ^{lxxxvi} <https://www.faizabeautycream.com/customer-alert-for-fake-products/>
- ^{lxxxvii} <https://www.faizabeautycream.com/blog/7-side-effects-of-fake-beauty-creams/>
- ^{lxxxviii} <https://www.thenationalnews.com/uae/health/uae-bans-skin-whitening-creams-containing-cancer-linked-ingredient-1.681035>
- ^{lxxxix} <https://pakistanijournal.com/faiza-beauty-cream-golden-pearl-banned-in-uk-for-lethal-ingredients/>
- ^{xc} <https://www.hpra.ie/docs/default-source/rapex-docs/cosmetics/weekly-rapex-notifications-for-cosmetics-published-in-september-2020.pdf?sfvrsn=0>
- ^{xci} <https://www1.nyc.gov/site/doh/health/health-topics/mercury-in-soaps-and-creams.page>
- ^{xcii} In January 2013, the European Commission, through RAPEX notified its member states and subscribers, including Amazon, that “Faiza No. 1 Beauty Cream” by “Poonia Brothers (Pak)” had been tested by the United Kingdom and contained 5,430 mg/kg of mercury. The RAPEX notification described the Faiza cream as “pink cardboard packaging containing whitening cream in a pink plastic pot with a purple lid.” A photograph accompanied the notification that matched this description, and RAPEX listed the country of origin for Faiza as Pakistan. Also in January 2013, RAPEX notified its members that a separate unit of “Faiza Beauty Cream” by “Poonia Brothers (Pak)” had been tested by a member state and contained 5,940 mg/kg of mercury.” A photograph accompanied the notification that matched this description, and RAPEX listed the country of origin as Pakistan. Court of Appeal of the State of California First Appellate District, Division Two ruling, Lee vs Amazon.com, A158275, March 11, 2022
- ^{xciii} Excerpts from Plaintiff As You Sow’s proposed decision against Amazon, Kosnoff Dep. 77:3-11; Jan 2019; (See Exhs. 98, 100, 180; see also Exh. 52, 122, Amazon’s sales spreadsheets.)
- ^{xciv} DEFENDANT AMAZON.COM, INC.’S OPPOSITION TO PLAINTIFF’S MOTION FOR A PRELIMINARY INJUNCTION, Case No. RG 14-738130, Page 8, August 16, 2016
- ^{xcv} <https://www.asyousow.org/press-releases/amazon-sued-mercury-skin-lightening-creams>
- ^{xcvi} <https://nypost.com/2023/01/26/ny-bans-cosmetics-with-deadly-mercury-amid-health-concerns/>
- ^{xcvii} <https://mccollum.house.gov/media/press-releases/mccollum-applauds-new-fda-warning-about-harmful-skin-lightening-products>