

## **International Mercury Treaty Enabling Activities Program (IMEAP)**

Following the signing of the Minamata Convention on Mercury (the ‘mercury treaty’) in 2013 and the release of the IPEN Minamata Declaration on Toxic Metals, IPEN expanded its Mercury-Free Campaign and developed a broad program of treaty-enabling activities to be implemented in conjunction with IPEN Participating Organizations (POs). The International Mercury Treaty Enabling Activities Program (IMEAP) is geared toward raising awareness about the mercury treaty while generating data on key thematic elements of mercury pollution to help enable countries to implement the Minamata Convention.

IPEN launched IMEAP in early 2014 and continues to mobilise resources for IPEN POs to conduct activities that support implementation of the mercury treaty<sup>1</sup>.

The key objectives of the IPEN IMEAP are:

1. *Preparing for Treaty Ratification & Implementation:* Creating synergies between NGOs in developing countries with ongoing UN agency or government-led mercury activities and NGO priority-setting.
2. *Enabling Activities to Prepare Countries for Treaty Ratification & Implementation:* Support to NGOs to carry out national and thematic mercury treaty activities.
3. *Communication of Issues Related to Mercury and Treaty Ratification & Implementation:* Global dissemination of project results & south-south collaboration.

The following project forms part of the overall IMEAP activities and contributes to the greater global understanding of mercury pollution issues while providing information that may contribute to Minamata Initial Assessments (MIA) and raise public awareness in preparation for early ratification of the Minamata Convention on Mercury.

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## **IPEN Mercury Treaty Enabling project: Philippines**

Name of the NGO: EcoWaste Coalition

Date: 13 February 2015 (IMEAP: 2014 Phase)

Title of project: "Market Investigation on the Illegal Importation of Mercury-Containing Skin-Whitening Creams in the Philippines"

### **Summary**

The EcoWaste Coalition, an environmental watchdog group promoting chemical safety and zero waste, conducted a market investigation between November 2014 and February 2015 to determine the availability of mercury-containing skin whitening products, particularly facial creams, in the Philippines. EcoWaste Coalition procured 355 samples of skin whitening creams from various retailers in 50 cities across the archipelago and had them analyzed for mercury content using a portable X-Ray Fluorescence (XRF) device. Based on the screening conducted, 316 of the 355 samples (89%) were found to contain mercury many orders of magnitude higher than the 1 part per million (ppm) limit for mercury in cosmetics under the ASEAN Cosmetics Directive. This project has generated expanded data on mercury in skin whitening products to demonstrate the scope and gravity of the problem. The EcoWaste Coalition has been using the findings to campaign for more effective measures to halt illegal traffic and trade of mercury-added cosmetics in the market in the Philippines and the ASEAN. In addition, this study serves to raise public awareness on the health and environmental issues associated with the consumption and disposal of such mercury-added products. This project is relevant to Articles 4,10,11,18 and 30 of the Mercury Treaty.

### **Describe the specific products related to the activity:**

The EcoWaste Coalition procured and analyzed skin-whitening cosmetics, particularly imported facial creams, that are unlawfully traded in the Philippines without the required market authorization issued by the Food and Drugs Administration (FDA). The study did not include branded skin whitening products duly registered with the FDA and sold in legitimate business establishments. The study did not include skin-whitening products currently sold online.

The focus on gathering data on the trade of mercury added products (cosmetics), their mercury content and their potential health and environmental impacts generated useful information related to Articles 4, 10, 11,18, and 30 of the Minamata Convention on Mercury.

### **Summarise the toxic effects of the mercury contained in these products:**

Mercury, a toxic chemical often found in illegally traded skin-whitening products in the Philippines, inhibits the production of melanin pigment leading to a "fairer" skin tone in the short term, but may cause serious injury to the skin, the kidneys and other organs in the long term. According to the World Health Organization (WHO)-published "Mercury in Skin Lightening Products" fact sheet, "the main adverse effect of the inorganic mercury contained in skin lightening soaps and creams is kidney damage." Furthermore, "mercury in skin lightening

products may also cause skin rashes, skin discoloration and scarring, as well as a reduction in the skin's resistance to bacterial and fungal infections." WHO lists "anxiety, depression or psychosis and peripheral neuropathy" as other effects of exposure to mercury in skin whitening products.

**Explain how consumers are exposed to mercury in these products:**

Mercury is melanotoxic, or toxic to pigment cells, and is easily absorbed by the skin, causing toxic dermatologic effects. A report by the International Programme on Chemical Safety (IPCS) on inorganic mercury, the form of mercury used in cosmetics, says that "mercury compounds can penetrate the human skin," and when "mercury-containing skin-lightening soaps and creams are left on the skin overnight... the possibility of substantial mercury exposure exists both via the skin and through inhalation." Users of mercury-containing skin whitening cosmetics may experience skin discoloration, rashes and scarring and reduced skin's resistance to bacterial and fungal infections, while repeated applications can cause damage to the brain, the nervous system and the kidneys. Even non-users can be exposed to mercury in skin-whitening cosmetics. The California Department of Public Health has warned that "creams that contain mercury can be dangerous for anyone living in the home where they are used," explaining that "the mercury spreads from the hands of anyone using the cream to other things they touch (and) then gets into the air and anyone in the home can breathe it."

**Note the extent of product sales:**

As confirmed by the market investigation conducted, the illegal trade of smuggled cosmetics containing mercury is disturbingly widespread throughout the country. The contraband cosmetics, many of which are already banned by the government, were found on sale in 50 cities across the country. The bustling cities of Baguio in Northern Luzon, Binan and Imus in Southern Tagalog, Cebu in the Visayas, Cagayan de Oro, General Santos and Zamboanga in Mindanao, and Manila in the National Capital Region may be considered as major trading hubs given the wide variety of mercury-laced skin-whitening cosmetics available in these places. The samples were purchased from 55 herbal supplement stalls often operating inside shopping malls, 47 general merchandise shops offering mostly cheap imported dry goods, 33 Chinese drug stores, 17 beauty product stores selling cosmetics for personal or professional use, 7 informal street or market vendors, and 5 regular pharmacies.

**Characterize the consumer groups who purchase the products:**

Skin-whitening cosmetics are particularly popular among young and middle-aged women from all strata who seek to obtain fairer skin complexion. Consumers with greater purchasing power and who are better informed of their rights to safe and quality products tend to patronize branded skin whitening products with market authorization from the FDA and sold in legitimate retail outlets. FDA-authorized cosmetics have undergone the required registration procedures and passed good manufacturing practices consistent with the ASEAN Cosmetics Directive and applicable national laws. However, consumers with lesser financial means and who are less able to exercise their rights as consumers often buy contraband cosmetics, which are generally cheaper and often sold in places where ordinary consumers shop.

**Define the manufacturers and distributors of these products:**

Mercury-laden skin whitening products in store shelves are illegal imports from mainland China, Hong Kong and Taiwan, as well as from Indonesia, Pakistan and Thailand. Most of these contraband goods carry insufficient product labelling information. Oftentimes, information pertaining to the manufacturers is provided in non-English language with no translation. As these products are smuggled into the country's ports, the names and contact details of local distributors are not properly provided.

**Describe how the mercury bearing waste from the product is handled:**

Small jars containing the mercury-added facial creams are usually thrown into regular waste bins after use. There is no clear-cut information available as to how the confiscated cosmetics are destroyed and disposed of by the authorities.

**Specify the information (or level of information) that is available to consumers about the mercury in the product and its hazards:**

None of the 316 mercury-containing samples had mercury indicated as an ingredient, nor provided any warning about mercury content.

**Outline what form of regulation (if any) applies to this product and its mercury content including provisions for phase-out:**

As a member state of the Association of Southeast Asian Nations (ASEAN), the Philippines follows the regional bloc's policy on heavy metals in cosmetics with 1 ppm for mercury, 5 ppm for arsenic and 20 ppm for lead as the limits for post-market surveillance using the ASEAN Cosmetic Method (ACMTHA05). In the Philippines, "the manufacture, importation, selling or offering for sale of cosmetics products without FDA approval or found to contain harmful or toxic substances is in direct violation of Republic Act No. 9711, otherwise known as the FDA Act of 2009, and Republic Act No. 7394, otherwise known as the Consumer Act of the Philippines." Article IV of the Minamata Convention on Mercury provides for the phase-out of cosmetics, including skin-lightening creams, with mercury above 1 ppm by 2020. The Philippine government has signed the treaty and is currently undertaking a UNITAR project that will produce a dossier to facilitate early ratification by the authorities.

**Specify similar products that are available on the market, including safer alternatives:**

Other similar products available in the local market include: skin-whitening lotion, skin-whitening mask, skin-whitening spray and skin-whitening soap. Cosmetics that have secured the required market authorization from the FDA are presumed not containing mercury above the threshold limit and are safer to use. According to the FDA, "notified cosmetic products have the following written in English: a) product name, b) ingredients, c) net content, d) instruction on the use of the products, e) batch number, f) special precautions if any, and g) country of manufacture/importer." However, the EcoWaste Coalition is of the view that natural skin complexion is perfectly beautiful and see no essential need to lighten one's skin tone.

**Project Outcomes:**



### **Impact on Target Groups:**

The EcoWaste Coalition has released the report “Beauty and the Risk: A Civil Society Investigation on the Prevalence of Mercury-Laden Skin-Whitening Creams in 50 Cities in the Philippines,” and has actively disseminated the results to target groups.

### **Impact on target policies:**

At the national level, the EcoWaste Coalition has submitted actual samples of 26 new brands of mercury-laden skin whitening cosmetics to the FDA for confirmatory laboratory analysis. The FDA will require some time to perform the laboratory analysis and to issue a relevant advisory banning the illegal goods.

At the local level, the EcoWaste Coalition will provide concerned local city governments with an ordinance template banning the illegal trade of mercury-containing skin-whitening cosmetics (please see attached).

### **Outreach to Stakeholders:**

The EcoWaste Coalition has so far undertaken the following efforts to reach out to priority stakeholders with the end view of advancing current relationships through cooperative actions.

1. Request for appointment to discuss study recommendations and explore further collaboration sent to FDA on 10 February 2015.
2. Request for appointment to discuss study recommendations and explore further collaboration also sent to the Philippine Dermatological Society (PDS) on 10 February 2015. The PDS has responded, inviting the EcoWaste team to their monthly board meeting on 19 March 2015.
3. Results of the study presented at the “Public Consultation on the EMB-UNITAR Project on the Ratification and Early Implementation of the Minamata Convention on Mercury in the Philippines” on 12 February 2015. The consultation was organized by the mercury treaty focal point.
4. Letters sent to concerned local government executives in Mindanao informing them about the results of the investigation and requesting for law enforcement action.

**Deliverables, outputs and/or products:** List the types of outputs from the activity, including reports, brochures or other information/education/communication materials.

1. Report: “Beauty and the Risk: A Civil Society Investigation on the Prevalence of Mercury-Laden Skin-Whitening Creams in 50 Cities in the Philippines” (please see attached)

2. “Template for a City Ordinance Banning and Penalizing the Sale of Mercury-Laden Skin-Whitening Cosmetics” (please see attached)

3. Press releases

<http://ecowastecoalition.blogspot.com/2015/02/beauty-pageant-features-toxic-beauties.html>

<http://ecowastecoalition.blogspot.com/2015/02/ecowaste-coalition-tells-consumers-to.html>  
<http://ecowastecoalition.blogspot.com/2015/02/12-mindanao-mayors-urged-to-clamp-down.html>  
<http://ecowastecoalition.blogspot.com/2015/02/cebu-city-government-urged-to-stop.html>  
<http://ecowastecoalition.blogspot.com/2015/03/doctors-and-environmentalists-back.html>  
<http://ecowastecoalition.blogspot.com/2015/03/women-warned-toxic-skin-whitening.html>

4. Campaign Endorsements by Target Groups; Joint statement with the Philippine Dermatological Society adopted.

<http://www.pds.org.ph/wp-content/uploads/2015/04/Final-Joint-Ecowaste-PDS-Statement-on-Mercury-19Mar15.pdf>.

5. Campaign Poster (this was undertaken in coordination with the SSNC-assisted Project Project of the EcoWaste Coalition).

**Communication Efforts:** Describe efforts to communicate this activity to the media and/or general public. Please include media coverage and/or photos or visuals.

Links to various articles and photos related to the report launch:

**1. Articles: Mercury-Laden Skin Whitening Products**

<http://lifestyle.inquirer.net/184333/banned-beauty-products-still-being-sold-ecowaste>

<http://www.malaya.com.ph/business-news/opinion/white-skin-still-ugly>

<http://www.mb.com.ph/skin-whitening-products-yield-toxic-levels-of-mercury/>

<http://www.gmanetwork.com/news/story/432747/news/nation/group-finds-mercury-in-more-than-300-skin-products>

<http://www.pna.gov.ph/index.php?idn=1&sid=&nid=1&rid=734247>

<http://allpinoynews.com/group-finds-mercury-in-more-than-300-skin-products/>

"Toxic cosmetics still on the market," People's Journal

<http://www.philstar.com/cebu-news/2015/02/15/1423979/group-asks-city-govt-monitor-sale-products-mercury>

<http://www.pna.gov.ph/index.php?idn=&nid=7&rid=735655>

<http://mindanaotimes.net/mindanao-lgu-execs-asked-to-clamp-down-on-toxic-cosmetics/>

<http://www.mindanaodailynews.com/12-mindanao-mayors-asked-to-clamp-down-on-illegal-trade-of-mercury-laced-cosmetics/>

<http://davaotoday.com/main/todays-news-to-go/group-alerts-mindanao-mayors-on-beauty-products-with-toxic-mercury/>

<http://www.pna.gov.ph/index.php?idn=2&sid=&nid=2&rid=736010>

<http://mindanaotimes.net/editorial-risking-health-for-fairer-skin/>

<http://mindanaotimes.net/editorial-mercury-in-skin-whitening-products/>

<http://www.bicolstandard.com/2015/03/women-warned-vs-toxic-skin-whitening.html#ixzz3VT249YRd>

<http://www.visayandailystar.com/2015/March/21/opinion.htm>

<http://opinion.inquirer.net/83579/mercury-laden-cosmetics-still-being-dumped-in-ph#ixzz3VPWz2FmT>

<http://www.mb.com.ph/dermatologists-back-drive-vs-mercury-laden-cosmetics/>

“Toxic Cosmetics Bad for Health and Environment,” People’s Journal Tonight, 1 April 2015

## **2. Photos: Miss Poison Cosmetics**

<http://manilastandardtoday.com/2015/02/13/heavy-metal-ensemble/>

<http://manilastandardtoday.com/print-edition/friday-print-edition-02-13-2015/>

<http://www.remate.ph/2015/02/mercury-is-poison/>

<http://www.gettyimages.de/detail/nachrichtenfoto/the-ecowaste-coalition-stages-a-mock-beauty-pageant-to-nachrichtenfoto/463232448>

<http://www.gettyimages.dk/detail/news-photo/the-ecowaste-coalition-stages-a-mock-beauty-pageant-to-news-photo/463232438>

<http://www.gettyimages.co.uk/detail/news-photo/the-ecowaste-coalition-stages-a-mock-beauty-pageant-to-news-photo/463232454>

<http://www.gettyimages.co.uk/detail/news-photo/the-ecowaste-coalition-stages-a-mock-beauty-pageant-to-news-photo/463232446>

<http://www.gettyimages.co.uk/detail/news-photo/the-ecowaste-coalition-stages-a-mock-beauty-pageant-to-news-photo/463232440>

Business Mirror

Pilipino Mirror

### **3. TV Coverage**

Channels 2, 5, Net25 (Pambansang Almusal), UNTV, Zoe TV

### **4. Radio Coverage:**

DZBB, DZRH, DZXL, Radio Agila, Radio Veritas

### **Outline your Communication with National or Local Authorities:**

The EcoWaste Coalition has so far communicated the study results to two key government agencies: the FDA, and the Department of Environment and Natural Resources – Environmental Management Bureau (DENR-EMB), the country’s focal point for the Minamata Convention on Mercury. For the FDA, the first step was to officially inform the agency about the study and the findings through a letter sent on 10 February 2015. The second step will be to discuss the findings through a face-to-face meeting as requested. For the DENR-EMB, the EcoWaste Coalition asked for a speaking time at the public consultation organized by the agency on 12 February 2015. The public consultation, which is part of the UNITAR-assisted project for the “Ratification and Early Implementation of the Minamata Convention on Mercury,” was attended by about 35 people representing the public and the private sectors. The EcoWaste Coalition presented a powerpoint presentation, which was well received (please see attached). In addition, the EcoWaste Coalition has so far written to 12 city mayors in Mindanao alerting them about the unimpeded sale of the banned mercury-laden skin-whitening cosmetics in their respective jurisdictions.

### **The Minamata Convention focal point for the Philippines**

Atty. Jonas Leones  
OIC-Director  
Department of Environment and Natural Resources – Environmental Management Bureau  
(DENR-EMB)

### **NGO Recommendations for next steps:**

The study has put forward a long list of recommendations for the consumers, the business and industry and the government (please see below). The EcoWaste Coalition will see to it that such recommendations are popularized and implemented through the following steps:

1. Regular communication and dialogue with the FDA, the regulatory agency in charge of cosmetics.
2. Dialogue and collaboration with the Philippine Dermatological Society, a professional organization under the Philippine Medical Association.
3. Continuing public outreach through the mass media.
4. Resources permitting, the launch of “Brown is Beautiful” campaign.

5. Sharing of the “Beauty and the Risk” report to NGOs/CSO in Southeast Asia and regulatory bodies.

List of Recommendations as Contained in the “Beauty and the Risk” Report:

***I. FOR THE CONSUMERS:***

1. Take pride in our natural skin complexion. There is beauty and dignity in our “kayumangging kaligatan,” so refrain from using skin bleaching, lightening or whitening products, particularly contraband cosmetics that have not gone through formal notification or registration with the FDA and not guaranteed safe from mercury, hydroquinone and other harmful substances.
2. Support policies requiring the disclosure of chemical content as a condition for sale of cosmetic products by not patronizing items that do not provide such vital information.
3. Insist on your right to product information, including the ingredients comprising a product. Carefully read the product label and reject products with zero or incomplete label or with non-English labelling information unless English translation is also provided.
4. Stop using skin-whitening products with mercury content and consult a medical professional for advice.
5. Support the joint advocacy by the Department of Health and the Philippine Dermatological Society “to uplift the health status of Filipinos through patient education and early skin disease detection and prevention by proper dermatologic care<sup>viii</sup>.”

***II. FOR BUSINESS AND THE INDUSTRY***

1. Manufacturers should adhere to the Philippine and ASEAN policy on mercury in cosmetics, and importers, distributors and retailers should only offer compliant FDA-notified cosmetics.
2. Manufacturers should actively generate and disclose the chemical ingredients of skin-whitening products and other cosmetics as a condition for sale in the Philippines.
3. Chinese medicine stores, general merchandise retailers and beauty and herbal supplement shops should stop selling illegal imports such as skin-whitening creams containing mercury and abide by the law.
4. Online shopping sites should not sell skin-whitening products and other cosmetics not duly approved by the FDA, and protect e-shoppers from the illegal sale of dangerous cosmetics laden with mercury and other undisclosed hazards.

***III. FOR THE GOVERNMENT***

***a. For the FDA***

1. The FDA should continue putting out timely health and recall advisories to alert consumers against mercury exposure from non-compliant skin-whitening products.

2. The FDA should improve the content and delivery of its health and recall advisories. Such advisories should not only bear the names of the products being recalled but also provide photographs of packaging, and levels of mercury detected, for the information of the public. Advisories should specify the law/s being violated and the corresponding fines and penalties for violators. Advisories should also emphasize that reselling or any attempt to resell is not allowed. Recall orders issued by the US Consumer Product Safety Commission, for example, contain a warning that reads: "It is illegal to resell or attempt to resell a recalled consumer product." Advisories, as stated in the UNEP's Module on Mercury in Products and Wastes, should warn:

- a) of the potential for mercury poisoning and the ramifications of continued use;
- b) not to use skin lightening products containing mercury or any of its form; and
- c) not to use products which do not list ingredients or whose ingredients are in a foreign language they cannot understand.

3. The FDA should consider advertising banned products with accompanying photos in at least one broadsheet and two tabloids of national circulation to ensure that the consumers and vendors alike are duly informed.

4. The FDA should maximize the use of conventional broadcast and print media as well as new media (e.g., Facebook, Twitter and other social networking tools) to ensure that the message reaches through the target sector/s, particularly cosmetics consumers and vendors.

5. The FDA should consider issuing a more in-depth Health Alert that will provide information about the hazards of mercury in cosmetics, signs and symptoms of mercury poisoning, medical remedies, disposal of mercury-containing products, etc.

6. The FDA should publish popular information material (e.g., a simplified, illustrated version of the Health Alert) that will inform consumers about the health and environmental risks posed by mercury-containing cosmetics.

7. The FDA, with support from the civil society and the media, should seek out and encourage victims of mercury exposure from skin-whitening products to voluntarily come forward and tell their stories in appropriate venues.

8. The FDA, in collaboration with the Department of Health, should designate a "No Mercury in Cosmetics" awareness-raising day or any appropriate event to raise public interest and alertness about this toxic health threat.

9. The FDA should provide a hotline that concerned citizens, including vendors and consumers, can contact to obtain information or clarification about cosmetics in commerce.

10. The FDA should enhance the current level of cooperation with the Bureau of Customs towards a more stringent control to prevent the entry of contraband cosmetics such as mercury-laced skin-whitening creams.

11. The FDA, together with local government and police authorities and consumer protection advocates, should conduct constant law enforcement activities, including on-

the-spot confiscation of contraband items and preventive closure of business establishments, to rid the market of dangerous cosmetics, and to demonstrate the government's conviction to enforce the law and uphold the public interest.

12. The FDA, in collaboration with the Department of Environment and Natural Resources, should ensure the environmentally sound management of seized mercury-containing cosmetics and not just landfilled or incinerated. The FDA should provide locations where mercury-laden cosmetics can be returned for safe storage and disposal.

13. The FDA should forge Memoranda of Agreement (MOAs) with the management of shopping malls to secure their cooperation in preventing the distribution and sale of banned cosmetics by shop owners in their premises. Resources permitting, the FDA should set up satellite offices in major commercial hubs such as in Divisoria, Manila to facilitate the enforcement of its regulations and the provision of necessary assistance to consumers.

14. The FDA should initiate agreements with FDAs or equivalent regulatory bodies in other jurisdictions suspected as sources of imported mercury-laced cosmetics such as China, Hong Kong, Taiwan, etc. to prevent the export of such tainted goods to the Philippines.

15. The government should secure the cooperation of the ASEAN member states in developing a rapid alert system for dangerous non-food products such as cosmetics to guide consumers, vendors and regulators and protect the public health and the environment.

***b. For Local Government Units (LGUs)***

1. Local officials and lawmakers should actively promote and support the promulgation of city or municipal ordinances prohibiting the importation, distribution, sale and use of mercury-containing cosmetics, including the imposition of hefty fines and penalties for violators.

2. Local government and police authorities should assist the FDA in the enforcement of relevant regulations in their areas of jurisdiction

**RELEVANT PHOTOS:**





**HEAVY METAL ENSEMBLE:** EcoWaste Coalition staged a mock “Miss Poison Cosmetics” beauty pageant on February 12, 2015 to draw public attention on the danger of using mercury-containing skin-whitening products.



**DANGEROUS:** Samples of skin-whitening cosmetics with mercury content above the regulatory limit of 1 part per million (ppm)





**DIRTY DOZEN:** Top 12 samples of skin-whitening products with mercury content ranging from 11,900 ppm to 96,100 ppm, way above the 1 ppm limit under the ASEAN Cosmetics Directive.