

# The Ethical Issues of Animal Testing in Cosmetics Industry

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## To cite this article:

Yue Wang, Yuan Zhao, Fuhui Song. The Ethical Issues of Animal Testing in Cosmetics Industry. *Humanities and Social Sciences*. Vol. 8, No. 4, 2020, pp. 112-116. doi: 10.11648/j.hss.20200804.12

**Received:** July 15, 2020; **Accepted:** July 27, 2020; **Published:** July 30, 2020

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**Abstract:** Animal testing in the cosmetics industry have always been a controversial topic, which plays a vital role in the development and safety of cosmetics, but at the same time it seriously violates the survival rights of experimental animals. This study is a dialectical analysis of the business theme from two very different perspectives of thought: Utilitarian and Kantian. Utilitarianism advocates the pursuit of maximum happiness. Happiness involves not only those involved in the act but also everyone affected by it. Animals experimented in the cosmetics industry suffered great pain and did not get happiness, which means that the cosmetics industry goes against the morality of utilitarianism. Therefore, animal experiments conducted by the cosmetics industry are unethical. Kantian is very different from the utilitarianism in that Kantian believes that whatever the outcome, at least some actions are right or wrong. In this case, animal testing is justified in the cosmetics industry, mainly because it helps protect consumers of these products from the unknown consequences of their use. From a Kantian point of view, animal testing in the cosmetics industry is moral and beneficial. Based on the above two arguments, it is concluded that animal experiment is an indispensable link in the cosmetics industry. At the same time, relevant practitioners should respect the survival rights of experimental animals and conduct animal experiments with scientific and humane procedures to minimize the harm to experimental animals.

**Keywords:** Animal Testing, Utilitarian, Kantian, Cosmetic, Fair Trade

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## 1. Introduction

California became the first U.S. state to ban animal testing in the cosmetics industry. News of the ban came earlier this month, after the California State Assembly passed Bill SB 1249. The bill was passed by an 80 – 0 unanimous vote [1], therefore, declaring the use of animals testing in the cosmetic industry illegal. However, these remains are relatively controversial subject. A research conducted by Davis [2] on the “hidden costs of sexier lipstick”, the author noted that the use of animals in scientific experiments long been forbidden by animal rights activists, especially considering that most animal experiments are simply for the benefit of the human race. Davis [2] bases his argument on David Hume’s notion of animals being “endowed with thought and reason as well as men” and Jeremy Bentham’s notion that the “the question is not, can they reason? Or can they talk? But can they

suffer?” However, while most of these arguments seem persuasive and may even prevent companies from experimenting on animals, new arguments have emerged on similar issues in the 21st century. The argument as to whether animal testing should be permitted for cosmetic products is argued from both the Utilitarian and Kantian perspectives. In order to get contradicting views and provide critical argument on both proposing and opposing sides, this paper considered the Kantian maxim “protects the human race”, a concept which has been largely implemented in the cosmetic industry.

The Federal Food, Drug and Cosmetic Act has largely prohibited the sale adulterated and mislabeled cosmetics, but fails to consider whether animal tests should be conducted to ensure the safety of cosmetics to human beings [3]. In countries such as China, the government requires all cosmetic products that have been imported into the country

to be tested on animals. China is also known to test other products that have been shelved on their supermarkets on animals to ensure their safety. Both the Federal Food, Drug and Cosmetic Act and the Chinese government present a rather contradicting position when it comes to the use of animals in the cosmetic industry. The controversy, however, becomes much clearer when viewing this argument from two broad philosophical concepts: Utilitarian and Kantian.

### **1.1. Utilitarian Perspective**

Utilitarianism has emerged as perhaps one of the widely learned and most influential ethical theories. Just like other consequentialism theories, the core idea behind utilitarianism is the effect of an action [4]. Advocates of utilitarian theory believe that the final results will determine the effect on an action. If the end results are good, the action will be regarded as something that is good. However, if the end results are bad, then the action is also regarded as bad. Based on important philosophers such as Jeremy Bentham and John Stuart Mills, utilitarian theory regards the purpose of morality as something which helps make life better by increasing good things like happiness and pleasure and decreasing bad things such as unhappiness and pain [4]. Utilitarians are of the idea that true morality is based on its contribution to both human and non-human beings.

A clear argument of how animal testing contradicts with the utilitarian perspective has been provided by Orlans *et al.* [5]. Bentham clearly noted that lack of the traits making for human personhood does not imply lack of moral standing or status, mainly because the capacity to pain is itself sufficient for conferring at least some sufficient moral standing [4]. Bentham's argument is grounded to animals themselves, and not their owners. The philosopher clearly notes that human beings have duties to animals not to cause them suffering and pain [4]. Bentham clearly noted that human race duties to animals are independent of any of the duties they have to the owners of the animals.

Bentham's claims have enjoyed plausibility in today's business world, especially with animal rights activists. Animal activists do not consider moral claims regarding animals as anything to do with the obligations of their owners or with the intelligence, personality and self-consciousness of animals. It is rather aspects such as suffering, pain and the overall welfare of the animals, and not self-awareness or rationality that provides many human rights activists the reasons to fight and prohibit the use of animals in chemical and biochemical tests, for instance, the use of rabbits in the cosmetic industry and raising of chicken for the market [4]. An investigation conducted by 2 Australian sociologists on the attitude of 302 undergraduate students to various use of animals helped prove the extent to which utilitarianism is influencing the minds of consumers in today's business industry [6]. Results obtained from the study show strong (87% of respondents) and moderate (75% of respondents) disapproval of cosmetic tests, such as eye irritancy on mice, monkeys and dogs [6]. Painful tests should not be applied in nonmedical experiments that involved the use of animals.

### **1.2. Kantian Perspective (Protect the Human Race)**

Kantian perspective, which originates from the theory of Emmanuel Kant, departs significantly from utilitarianism [7]. Kantian theory has been dubbed as a deontological theory because it is based on the belief that some features more than or in addition to consequences make an action obligatory. Kantians are of the view that the wrongness or rightness of "at least some actions can be determined no matter what the consequences are" [5]. Kantians, therefore, if using animals in the cosmetic industry to test products is morally wrong, then it is "categorically wrong" and the action will not be right even if a significant number of people are deprived of the economic or great pleasure of benefiting from this action [7]. Kantian theory does not regard utility and self-interest as primary aspects.

Advocates of this theory are more concerned about the agent's actions moral worth, which are largely dependent on the moral acceptability of the rule the person is acting. An action, in this perspective, will be considered to be ethical only when it is performed by an agent that possesses good will [8]. A person, on the other hand, is perceived as having good will if the moral obligations of his/her actions based on rule that is universally valid, is the action's sole motive. In this case, therefore, if testing of animals for cosmetic products is regarded as moral and universally valid, then Kantians will regard it a moral action. Similarly, if the action is based on good will, then the action will be considered moral. This arguably led to the establishment of the maxim "protect the human race" which arguably contradicts with the notion of utilitarian. While Bentham considering the need to put animals at the basis of his argument, Kant based his argument on human beings and used both categorical imperative and moral law to make his claims.

One of the most memorable quotes made by Kant is "unlike objects and animals, humans are never to be used merely as a means to another's ends" [5]. On the contrary, Kant considered animals as "human instruments" and should be regarded as so. This means that animals can be used as means to an end. In regards to this perspective, animals are viewed by Kantians as having instrumental or reduced value mainly because their status is only subhuman animals [9]. This clearly indicates that animals should only be valued exclusively or in regards to how valuable they are to human beings. Kantians will, therefore, argue that animals are valuable to the cosmetic industry because they help determine the safety of products before they are unleashed to the market. Kantians are also of the view that human beings are not directly but indirectly obligated to animals. Killing of animals that have failed to perform their duties in cosmetic product tests does not fail cosmetic companies in their duties to the animals, because the animals have no ability to judge [9]. However such an action will be considered inhuman and damaging to humanity, which is the man's duty towards mankind. Being cruel to animals, according to Kantians will make a person cruel to other people, but not because this action violates human obligation to animals.

## 2. Business Argument

Understanding both Utilitarian and Kantian perspectives in terms of how they are implemented in the business world is very important. An important concept to note is that, the cosmetic industry, which is largely dominated by only a few multinational companies that emerged in the 20th century, is affected by both utilitarian and Kantian perspectives.

### 2.1. Employing Utilitarian Theory in the Cosmetic Industry

#### 2.1.1. The Ethical Consumer

European Union (EU) has already introduced a ban on animals being used to test cosmetic products such as shampoo, toothpaste and women make-up [10]. Despite EU's efforts, animals continue being used to test cosmetic products. This has given rise to ethical consumers who are arguably distancing themselves from product that have been tested on animals. Ethical consumers, according to Sheehan and Lee [11], are trying to bridge the gap their morals and practices by practicing that has been termed as ethical consumption. This means that ethical consumers will only purchase products and use services that have been produced in an ethical way. Arguments presented by ethical consumers are based on utilitarian theory, and consider the need for products being produced by most of today's companies to consider all aspects that have been deemed immoral or unethical in business.

An important ethical consumption argument presented by Brennan [12] considers how ethical a woman's makeup bag is. Brennan [12] argues that while most cosmetic brands have rated their products as being free from chemicals that harm the environment, and perhaps have not been tested on animals, there are very high chances that these brands might be lying. The author, however, noted that the need to declare cosmetic products as fitting for the environment and have not been tested from animals is to attract ethical consumers. In areas such as North America and Europe, ethical consumerism is attracting the attention of many companies [13]. The concept has become very popular, with many cosmetic brands adopting labels, which identifies with ethical consumerism. Ethical consumerism also helps promote corporate social responsibility (CSR) of companies considering the fact that it forces companies to adopt business activities that are ethical. The concept of CSR is well aligned with utilitarianism because it requires companies to take care of the environments they are operating in. Idowu et al. [14] argue that since CSR demands considering the interests of stakeholders, utilitarian rationality seems coherent with social responsibility of corporations. This involves considering stakeholder's interests which in the cosmetic industry is to refrain from using animals to test cosmetic products.

#### 2.1.2. The Case of Fair Trade

Consumers are slowly beginning to consumer products, which are associated with some form of fair trade organization. This involves products which bare marks that shows they have been sources and traded without the harm of

the environment or entities in it. While fair trade is most associated with the food and clothing industry, it is slowly taking its place in the cosmetic industry, according to Armstrong [15]. The Fair Trade Labeling Organization (FLO) and other certification systems have established standards which must be followed by all cosmetic companies before they products can be regarded as ethically developed [15]. A research conducted in Australia by Human Research Australia [16] has identified the "Be Cruel-Free Australia" campaign, which has partnered with Human Society International and Human Research Australia as one way in which cosmetics companies in the country are forced to stop testing their products on animals. Companies which follow standards developed by these organizations and help promote the Be Cruel-Free Campaign are provided with a fair trade mark, which notifies consumers that the brand does not test its products on animals.

Peter Singer, a Utilitarian philosopher provides a clear argument which shows why cosmetic companies ought to embrace fair trade. The philosopher considered companies such as Marks & Spencer, which converted their entire company to producing fair trade products, arguing that this change helped increase the amount of revenues the companies acquire in their relative markets. Singer [17] consider the need for cosmetic companies to follow the ethical practices of companies operating the clothing and food industries in order to attract many customers. Products that are marked with fair trade symbols are well recognized by consumers in today's business world who are slowly becoming concerned about the wellbeing of the environment. The rationality behind developing fair trade cosmetics is that consumers are will be willing to pay more for these products because they reflect priorities that are ethical [17].

### 2.2. Employing Kantian Theory in the Cosmetic Industry

While most Utilitarian arguments in the business environment are based on business practices that are ethical not only to human being, but also to animals, there are reservations which are mostly associated with advocates of Kantian theory. When considering animal testing in the cosmetic industry, Kantians are mostly concerned with what the duty of the companies producing these products is. Categorical imperative was identified by Kant as a concept people need to consider when conducting business activities.

Kant noted that human needs categorical imperatives of morality for reasoning [18]. In a study to investigate how organizations implemented categorical imperative in their business activities, Agbude et al. [19] noted that companies are not charitable or philanthropic institutions. Companies should be regarded as tools or grounds that have been organized to serve a specific purpose which cannot be overemphasized or disregarded without harming individuals or the society [19]. This means that, while companies are developed to serve the good of mankind, the reserve is likely to be the case if business is not properly regulated by moral and legal laws. It is also imperative to consider the fact that, Kantians consider the highest good as the good will. In most

cases, good will for companies is to increase their profits, pay employees well and take care of consumer needs.

Categorical Imperative argument has become relevant in business practices to a point that it is being used to identify loopholes in a capitalist economy to other welfare detriment [19]. This concept is also operating within ethics purview in order to enhance the happiness of stakeholders, business executives and even the consumers whose survival is based on the existence of the company. According to Kant, human being struggle when it comes to considering something as being ethical or moral because they are not being purely rational [20]. The nature of human beings is mostly affected by passion, sentiments, emotions and inclinations. Reason, on the other hand, seems to intervene by informing man what need to be done. The moral law in that regard is associated with practical reasoning [21]. Kant also noted that only rational beings are capable of acting in accordance with the outset of laws [21].

In regards to the cosmetic industry, Kantians are likely to argue that the good will of the company is acquiring significant amounts of profits, but not at the expense of the company's stakeholders, competitors, workers and consumers. Testing of cosmetic products on animals is not regarded as an immoral or unethical business practice but rather a rational one. This is especially considering the fact that Kantians identify animals as "subhuman", and also the fact that human beings have no direct duty towards animals. In regards to Kantian ethics, testing cosmetic products on animals is rational because companies ought to consider the safety of their products before they can make them available to their consumers. Safer products help maintain the company's the company's reputation towards its customers. While concepts such as fair trade and ethical consumers are concerned about the wellbeing of animals, Kantians consider animals as species, which were created to help human beings in their endeavors.

Williams [22] supports this claim by arguing that testing of cosmetic products on animals benefit consumers of these products because it shows the contribution that animals have made in the production of these products. It is also imperative to consider the fact that animals have always being used in scientific tests, something which has since been regarded as universal law. Even though, the use of animals to test cosmetic products has not been declared universally as a law, countries such as China have this claim possible. This means that, most cosmetic companies operating in China will consider experimenting on animals a practice which is morally correct because the government is also doing it. The cosmetic industry seems to consider this law and, therefore, does not see anything unethical when it comes to companies testing their cosmetic products on animals. In most companies' perspective, the practice is rational because other companies are also practicing it, and there is no universal law that states otherwise.

### 3. Conclusion

There are no winners in the debate over whether cosmetics should be tested on animals. Especially considering that both

the objection and the argument for this argument are based on two crucial theoretical areas. On the one hand, the scientific nature of animal experiments and the benefits they bring to human health cannot be denied; on the other hand, the negative effects brought by animal experiments should also be paid attention to. Opponents of this view are based on the utilitarian theory, which takes into account the fundamental rights of animals and promotes the well-being of all concerned. As living individuals, animals should enjoy freedom and the right to live. It is inevitable that the animals in cosmetics experiment will suffer physical and psychological damage during the experiment. Then animal experiments should follow the scientific procedures, give experimental animals the welfare treatment they deserve, and minimize the harm to them, instead of abusing and abusing animals. Proponents of utilitarianism advocate moral consumerism, corporate social responsibility, fair trade and other aspects of development to strengthen ethical business practices. Supporters of this argument base their argument on Kant's theory, their argument on reasoning. The idea, they argue, is to reinforce the good will of companies that can generate profits without harming consumers, stakeholders and employees. In this case, animals are seen as entities, created to play a role in human society. Therefore, animal experiments in the cosmetics industry should be viewed dialectically and scientifically, not only to see the benefits brought by animal experiments to stakeholders, but also to consider the rights they should enjoy as living beings. With the development of human civilization and the increasing demand for cosmetics, animal experiments in the cosmetics industry cannot be cancelled. Therefore, the protection of the rights of experimental animals and the welfare of experimental animals should be paid more attention to.

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