Public Action Letter to Amazon

November 15 2018

Mr. Jeffrey Bezos, Chief Executive Officer
Amazon.com, Inc.
410 Terry Ave. North
Seattle, WA 98109-5210
jeff@amazon.com

RE: NGO Platform on Toxic Trade in Illegal Mercury-Laden Cosmetics via the Internet

Dear Mr. Bezos:

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

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

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

Such levels of mercury make these products eligible to be classified under the federal U.S. Food, Drug and Cosmetic Act as “adulterated” and therefore illegal (21 U.S.C. § 361; 21 C.F.R. § 700.13). What’s more, failure to disclose the presence of mercury makes these products “misbranded” and therefore illegal.5 A number of other jurisdictions, including the Europe Union, New York City, Singapore, the Philippines, United Arab Emirates, etc. have made similar determinations, along with several U.S. states. Illinois and Minnesota statutes
prohibit the sale of cosmetics that contain intentionally added mercury.\textsuperscript{6} Connecticut, Louisiana, and Rhode Island statutes prohibit the sale of formulated products containing more than 10 ppm (LA and RI)\textsuperscript{7} or 250 ppm (CT) mercury.\textsuperscript{8} In addition, the Minamata Convention on Mercury entered into force in August 2017 and bans the manufacture, import, or export of cosmetics in 2021 with mercury content above 1 ppm.\textsuperscript{9}

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

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

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

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

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

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

Therefore, our demand is that Amazon:

(1) monitor government notifications and regulations worldwide and apply its restricted products policy to the listing of cosmetics found by regulatory agencies to be over 1 ppm mercury and pledge to update their restricted products list on a regular basis; and
(2) add skin lightening cream products to its list of categories requiring approval before sale and require that sellers provide documentation verifying that the products do not contain mercury, that all labeling is in English, and that the products are otherwise compliant with all applicable FDA regulations.

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

Sincerely,

Lissett van Vliet  
Breast Cancer Prevention Partners  
San Francisco, CA

Jane Williams  
California Communities Against Toxics  
Rosamond, CA

Janet Nudelman  
Campaign for Safe Cosmetics  
San Francisco, CA

Caroline Cox  
Center for Environmental Health  
Oakland, CA

Robert Kennedy, Jr.  
Children’s Health Defense  
Peachtree City, GA

Lynn Thorp  
Clean Water Action  
Washington, DC

Amber Meyer Smith  
Clean Wisconsin  
Madison, WI

Mark A. Mitchell  
Commission on Environmental Health  
National Medical Association  
Hartford, CT

Sharon E. Lewis  
Connecticut Coalition for Environmental Justice  
Hartford, CT

Rebecca Meuninck  
Ecology Center  
Ann Arbor, MI

Scott Faber  
Environmental Working Group  
Washington, DC

Charlotte Brody  
Healthy Babies Bright Futures  
Charlottesville, VA

Michael Bender  
Mercury Policy Project  
Montpelier, VT
Winnie Ye
National Institute for Reproductive Health
New York City, NY

Pam Nixon
People Concerned for Chemical Safety
Charleston, WV

Sonya Lunder,
Sierra Club - Gender, Equity & Environment Program
Washington, DC

Amira Adawe
The Beautywell Project
Saint Paul, MN

Robin Schneider
Texas Campaign for the Environment & TCE Fund
Austin TX

Lubna Ahmed
WE ACT for Environmental Justice
New York City, NY, US

Jamie McConnell
Women’s Voices for the Earth
Missoula, Montana, US

Marissa Chan
Black Women for Wellness
Los Angeles, CA, US

International Supporters

Nsama Musonda Kears
World Wide Care for Nature
Mansa, Luapula Province, Zambia

Nimpamya Enock
Action Coalition on Climate Change
Kampala, Uganda

Dominique Bally KPOKRO,
African Center for Environmental Health
Abidjan, Côte d’Ivoire

Haji Rehani
AGENDA for Environment & Responsible Development
Dar es Salaam, Tanzania

Dr Najoua Bouraoui
Apeddub Bizerte
Tunisia

Dr. Elena Manvelyan
Armenian Women for Health and Healthy Environment (AWHHE)
Yerevan, Armenia

Hassan Sohn
APROMAC Environment Protection Association
Cianorte, State of Parana, Brazil

Jeffer Castelo Branco
Association to Combat Pollution
Santos - SP – Brasil

Krishna Zaki,
BaliFokus/Nexus3 Foundation
Bali, Indonesia

Atty. Richard Gutierrez and Reynaldo San Juan, Jr.
BAN Toxics, Inc.
Quezon City, Philippines

Michael Musenga
Children's Environmental Health Foundation
Livingstone, Zambia

Ram Charitra Sah
CEPHED
Kathmandu, Nepal
Lien To
Center for Creative Initiatives in Health and Population (CCCHIP)
Hanoi, Vietnam

Penchom Sae Tang
Ecological Alert and Recovery – Thailand (EARTH)
Bangkok, Thailand

Siddika Sultana
Environment and Social Development Organization (ESDO)
Dhaka, Bangladesh

Elena Lymberidi-Settimo
European Environmental Bureau
Belgium, Brussels

Solomon Kusi Ampofo
Friends of the Nation
Sekondi-Takoradi, Ghana

Rico Euripidou
groundWork - Friends of the Earth
South Africa
Pietermaritzburg, South Africa

Dr. Naji Kodeih
IndyACT- Lebano
InnoDev - Lebanon
Beirut, Lebanon

Napoleon Frank
Lawyers Environmental Action Team (LEAT)
Dar es salaam, Tanzania

Dillip Pattanaik
Executive Director, OSVSWA
National Coordinator, National Alliance for Mercury Free Dentistry
Bhubaneswar, Odisha, India

Kamese N. Geoffrey
National Association of Professional Environmentalists (NAPE)
Kampala, Uganda

Hemsing Hurynag
Pesticide Action Network of Mauritius
Mauritius

Twebaze Paul
Pro-biodiversity Conservationists in Uganda (PROBICOU)

Mailes Zulu Muke
SEPA ZAMBIA
Zambezi North, Western Province, Zambia

Lars Hylander,
SLU, Swedish University of Agricultural Sciences
Uppsala, Sweden

Leslie Adogame
SRADev Nigeria
Lagos, Nigeria

Ann-Marie Lidmark
Tandvårdsskadeförbundet
Stockholm, Sweden

Andreas Prevodnik
Swedish Society Nature Conservation
Stockholm, Sweden

Zuleica Nycz
TOXISPHERA Environmental Health Association
Curitiba, State of Parana, Brazil

Charles Brown, Esq.
World Alliance for Mercury-Free Dentistry
Washington, DC US
<table>
<thead>
<tr>
<th>Product Name</th>
<th>Hg Levels (ppm)</th>
<th>Origin</th>
<th>Product Photo</th>
<th>Similar product remains for sale in November 2018*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chandni Whitening Cream</td>
<td>11,000</td>
<td>Made in Pakistan, sent from Vietnam Seller</td>
<td><img src="https://www.amazon.com/Chandni-Whitening-Cream/dp/B074MGGMF/" alt="Image" /></td>
<td></td>
</tr>
<tr>
<td>Goree Beauty Cream</td>
<td>18,000</td>
<td>Sent from Sri Lankan Seller</td>
<td><img src="https://www.amazon.com/Goree-Spot-Removing-Beauty-Cream/dp/B07GXLH65L/" alt="Image" /></td>
<td></td>
</tr>
<tr>
<td>Goree Day and Night Whitening Cream</td>
<td>19,000</td>
<td>Sent from Sri Lankan Seller</td>
<td><img src="https://www.amazon.com/Night-Whitening-Beauty-Cream-Effects/dp/B071F5W3Q6" alt="Image" /></td>
<td></td>
</tr>
<tr>
<td>Kim Whitening Ginseng and Pearl Cream</td>
<td>3,500</td>
<td>Sent from US Seller.</td>
<td><img src="https://www.amazon.com/Ginseng-Pearl-Latina-Smoother-Cream/dp/B01DL2O7H0/" alt="Image" /></td>
<td></td>
</tr>
<tr>
<td>Kim Whitening Pearl &amp; Snow Lotus Cream</td>
<td>9,900</td>
<td>Sent from US Seller.</td>
<td><img src="https://www.amazon.com/Whitening-Pearl-Lotus-Latinal-Smoother/dp/B00CMIZC88/" alt="Image" /></td>
<td></td>
</tr>
<tr>
<td>White Rose Whitening Cream</td>
<td>8,100</td>
<td>Thailand</td>
<td><img src="https://www.amazon.com/Whitening-Reduce-Melasma-Blemishes-Fragrance/dp/B0" alt="Image" /></td>
<td></td>
</tr>
<tr>
<td>Product Name</td>
<td>Price</td>
<td>Origin/Shipping Details</td>
<td>URL</td>
<td></td>
</tr>
<tr>
<td>------------------------------------</td>
<td>-------</td>
<td>----------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Sandal Whitening Beauty Cream</td>
<td>11,000</td>
<td>Made in Pakistan, listed China, also UK Seller</td>
<td><a href="https://www.amazon.com/100-original-Sandal-Whitening-Beauty/dp/B079RSXFT1">https://www.amazon.com/100-original-Sandal-Whitening-Beauty/dp/B079RSXFT1</a></td>
<td></td>
</tr>
<tr>
<td>Parley Cream</td>
<td>17,000</td>
<td>Made in Pakistan</td>
<td><a href="https://www.amazon.com/Parley-Nomarks-Anti-marks-Extracts-Whitening/dp/B018R7RBZ4">https://www.amazon.com/Parley-Nomarks-Anti-marks-Extracts-Whitening/dp/B018R7RBZ4</a></td>
<td></td>
</tr>
<tr>
<td>Sandal Whitening Beauty Cream</td>
<td>12,000</td>
<td>Made in Pakistan, listed China, UK Seller</td>
<td><a href="https://www.amazon.com/100-original-Sandal-Whitening-Beauty/dp/B079RSXFT1">https://www.amazon.com/100-original-Sandal-Whitening-Beauty/dp/B079RSXFT1</a></td>
<td></td>
</tr>
<tr>
<td>Product</td>
<td>Quantity</td>
<td>Seller</td>
<td>URL</td>
<td></td>
</tr>
<tr>
<td>--------------------------</td>
<td>----------</td>
<td>---------------------------------------------</td>
<td>------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Stillman’s Skin Bleach</td>
<td>7.5</td>
<td>India Seller</td>
<td><a href="https://www.amazon.com/Stillman-s-Skin-Bleach-Cream-Original/dp/B0716F667N/">https://www.amazon.com/Stillman-s-Skin-Bleach-Cream-Original/dp/B0716F667N/</a></td>
<td></td>
</tr>
<tr>
<td>Cream</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Face Fresh</td>
<td>11,000</td>
<td>Made in Pakistan, Jamaica and US Sellers</td>
<td><a href="https://www.amazon.com/FFBC-FACE-FRESH-WHITENING-BEAUTY/dp/B07FJWW4BM/">https://www.amazon.com/FFBC-FACE-FRESH-WHITENING-BEAUTY/dp/B07FJWW4BM/</a></td>
<td></td>
</tr>
</tbody>
</table>

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

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

References:

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


5 1 C.F.R. §§ 700.13(d)(1), 701.2, 701.3.

6 410 Ill. Comp. Stat. Ann. 46/22; Minn. Stat. § 116.92, subd. 8i.


9 Minimata Convention

10 FDA, Mercury Poisoning Linked to Skin Products (July 26, 2016).
https://www.fda.gov/ForConsumers/ConsumerUpdates/ucm294849.htm

11 FDA, Mercury Poisoning Linked to Skin Products
https://www.fda.gov/ForConsumers/ConsumerUpdates/ucm294849.htm

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

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

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

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

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

Brunei Darussalan, Ministry of Health, Two types of products found adulterated, see:

United Arab Emirates, Ministry of Health and Prevention, Health Alert, 2018/7/22, Goree Beauty Cream with Lycopene, see:
https://www.haad.ae/HAAD/LinkClick.aspx?fileticket=uDnLzoMemj8%3D&tabid=565

14 Amazon Restricted Products List, 2018,
https://sellercentral.amazon.com/gp/help/external/200164330

15 Amazon, Category, product and listing restrictions, 2018,
https://sellercentral.amazon.com/gp/help/external/200301050