A Comparative Legal Perspective on Cosmetic Testing on Animals in India and Canada

Ms. Aditi Pateriya

Assistant Professor, School of Law, UPES Ph.D. Student (Batch 2022), Rajiv Gandhi National University of Law, Patiala

DOI: https://doi.org/10.51584/IJRIAS.2026.11060130

Received: 11 June 2026; Accepted: 16 June 2026; Published: 01 July 2026

ABSTRACT

The testing of cosmetic products on animals has been a long-standing debate as its head on conflict between the issue of animal welfare, consumer safety and scientific temper. Animals have long borne the burden of ensuring human safety while the cosmetic industry globally generates billions of dollars of revenue annually. This paper examines the legislative and administrative frameworks governing cosmetic testing on animals in two countries- India and Canada, that have both taken significant steps to restrict such testing, yet differ substantially in their regulatory architecture, administrative mechanisms, and the depth of their commitments to animal protection.

Studying the legislative framework, administrative guidelines, government reports, this work deals with the comparative analysis of working infrastructure of India and Canada. This paper traces the relevant statutory provisions of both the countries and the approach of the government in embedding the ban on cosmetic testing of products on animals. It examines the data on use of animals in such testing methods and identifies the loopholes. The paper further compares the legislative and administrative structures on lines of similarity and divergence between the two countries. The paper concludes with observations on the effectiveness of current frameworks and a set of recommendations aimed at strengthening animal protection in the cosmetics sector globally. This research is particularly timely as Canada's ban on cosmetic animal testing came into force only in December 2023, making the comparative experience of India, which has maintained a prohibition since 2014, especially instructive. Together, these two countries offer a window into the possibilities and challenges of regulatory reform in a sector where science, commerce, and ethics remain in constant tension.

Keywrods: Animal sentience, Cosmetic testing, India, Canada, Challenges

INTRODUCTION

There is something deeply uncomfortable about the way in which the cosmetics industry has, for most of the 20th century, made animals the silent casualties of human vanity. The way in which the Draize eye test is being conducted on rabbits presents a heinous picture of animal cruelty, which ultimately becomes the root cause and purpose of animal rights movement worldwide. In the wake of securing safety to humans as consumers for the cosmetic products they use, there is series of tests to which animals are being subjected such as skin sensitisation studies, acute toxicity tests, and repeated dose toxicity studies that involve mice, guinea pigs, rats. For a long period of time, animal rights philosophers, scholars and advocates have been fighting for the ethical and moral lens to the consequences of such tests on animals. But it has to be explicitly stated that governments worldwide have taken a long time for creating adequate legal standards or restrictions. In 2013, the European Union was one of the first conglomeration to introduce a comprehensive ban on cosmetic animal testing. One of the recent countries being Canada, in 2023 imposed a similar ban on cosmetic testing of products on animals. However, even in countries where such ban has existed for a long period of time, there is sufficient evidence showcasing continuous reliance on traditional methods of testing of products on animals. The situation has become much more complex with exemptions and transitional provisions, making the laws far more obsolete.

ISSN No. 2454-6194 | DOI: 10.51584/IJRIAS |Volume XI Issue VI June 2026

In India, the primary legislation for penalising and regulating cruelty towards animals is the Prevention of Cruelty to Animals Act, 1960 (PCA). This Act establishes a statutory duty for persons in-charge of animals to take all reasonable measures to prevent infliction of any unnecessary pain or suffering (Section-3, Prevention of Cruelty to Animals Act, 1960). This provision not only casts a duty on owners/caretakers/person in-charge but also provides a right for animals to be protected from any unnecessary acts of cruelty. The conduction of testing of cosmetic products on animals, comes under the garb of this statutory duty and right, especially when these cosmetic products do not fall under the category of life-saving drug or vaccine. In Canada, apart from the Food and Drugs Act, 1985, the Canadian Council on Animal Care (CCAC) holds the primary responsibility of setting up ethical standards and measures regulating the acre and use of animals for research, teaching and testing purposes. It mandates that only when it is absolutely necessary for validating evidence-based standards of ethical care, should animals be used for testing purposes (Canadian Council on Animal Care [CCAC], 1993).

This paper does not approach this area of research from a position of detached neutrality. The use of animals for cosmetic testing of products designed not to treat disease or save lives, but to alter appearance, represents a particularly difficult instance of the use of sentient creatures for human benefit. At the centre of this discourse is the conflict between the safety mandates and standards designed to protect the customers from hazardous cosmetic products, and the ever-evolving international consensus on animal sentience, the ability of animals to experience pain and pleasure. Lately, in many countries like U.S.A., the United Kingdom and the European Union, there has been a gradual adoption of alternatives to testing on animals of cosmetic products, preferable called as New Approach Methodologies (NAMs). These methodologies include *in vitro* cell-based tests, *ex vivo* tests on tissue from deceased animals or humans, *in chemico* analytical tests, and *in silico* computer-based modelling. These methodologies derive the conceptual foundation from the 3Rs framework by W.M.S. Russell and R.L. Burch in their 1959, introducing the concept of- Replacement, Reduction, and Refinement (Russell & Burch, 1959). Currently, Russell and Burch's 3Rs framework has become the internationally accepted touchstone for discussions of animal use in science. The 3Rs approach stands for- Replacement refers to methods that avoid using animals entirely, Reduction involves strategies to minimise the number of animals used, and Refinement involves modifications to experimental procedures to reduce pain, suffering, or distress. Both India and Canada have incorporated the 3Rs into their regulatory frameworks, though in different ways and to different degrees.

This paper brings the historical discourse on '3Rs approach' back into contemporary focus, as a non-animal alternative wherever possible to reduce the number of animals being used for testing and alleviate pain and distress caused to them. This paper attempts to present the legal and factual landscape as fully and fairly as it can, recognising that the alternative methods to animal testing require careful attention to issues of scientific validity, regulatory confidence, and international harmonisation. There is a need for transitioning from the 'minimum suffering' approach to practices focussing on 'complete replacement' by opting New Approach Methodologies (NAMs) (Taylor, 2019).

The structure of this paper begins with providing an overview of what cosmetic testing on animals involves, and why it has historically been considered necessary. The next part examines the legislative and administrative framework in India and Canada. The paper further deals with the available data on animal use in both the countries and offers a comparative analysis of the legal and practical nuances. This paper concludes with the author's observations and recommendations to overcome this pain inflicting unnecessary testing of products on animals.

Research Objectives

- To examine and study the scope of the recent amendments to the Food and Drugs Act, 1985 of Canada in comparison with the Breeding of and Experiments on Animals (Control and Supervision) Rules, 2006.

- To assess and analyse the distinctions between the administrative and functional framework of the authorities in India and Canada.

ISSN No. 2454-6194 | DOI: 10.51584/IJRIAS |Volume XI Issue VI June 2026

Research Questions

- How do the recent amendments to the Canadian Food and Drugs Act, 1985 compare with India's regulatory framework governing use of animals for testing, particularly Breeding of and Experiments on Animals (Control and Supervision) Rules, 2006, in regulating cosmetic testing on animals?
- What are the key differences between the administrative and functional frameworks of the authorities responsible for regulating animal testing in India and Canada?
- To what extent have India and Canada implemented the 3Rs principles in cosmetic testing.

LITERATURE REVIEW

The deliberation on the growing tension between the animal rights protagonists fighting animal rights and the scientific need for testing and marking products has been going on for a substantial period of time. There is sufficient literature to reflect on the varied arguments from both the ends. In 1981, as Newman (1989) points out the most significant and initial movement on animal rights, which gained momentum due to conflicts with the scientific community. The protests and demonstrations were organised against the mass usage of animals for research and testing. This article delves into the possibility and dilemma of achieving a middle ground for the resolution of this conflict. Fischer (2009) points the major developments that followed the 7th Amendment to the EU Cosmetics Directive regarding the implementation of bans on testing on animals while maintaining the rights of industries to develop cosmetic ingredients and products. This work highlights the existing challenges that existed to strike a balance between phasing out usage of animals in testing and the industrial requirements. Fischer (2015) further highlights the gradual developments from the Cosmetics Directive to EU Cosmetic Regulation. Zurlo (2012) marks significant developments in other countries while elaborating on the history of toxicity testing of products on animals. This work also points out the necessity for phasing out the traditional methods of testing of products on animals and preferring more reliable testing methods. Archibald (2018) critically mentions innovative approaches to testing laying down the failure of previous animal testing models in predicting human behaviour and reactions in response to drugs. He further applauds the major advancements in science and technology, that have led in coming up of new non-animal testing tools that are superior for human safety, predict human reactions more accurately as compared to animal-based testing models which have been a barrier to progress in medical field.

Cosmetic Testing on Animals

Before examining the frameworks regulating animal testing, it is pertinent to understand the meaning of the term 'cosmetic' to determines the scope of any prohibition on testing. Under the EU Cosmetics Regulation 2009, which has been influential globally, a cosmetic product is defined as '*any substance or mixture intended to be placed in contact with the external parts of the human body (epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity with a view exclusively or mainly to cleaning them, perfuming them, changing their appearance, protecting them, keeping them in good condition or correcting body odours.'* (Cosmetic Regulations, 2009) However, in India the definition is provided under Section-3(aaa) of the Drugs and Cosmetics Act, 1940, as *'any article intended to be rubbed, poured, sprinkled or sprayed on, or introduced into, or otherwise applied to, the human body or any part thereof for cleansing, beautifying, promoting attractiveness or altering the appearance, and includes any article intended for use as a component of cosmetic.'* (Drugs and Cosmetics Act, 1940) The Food and Drugs Act, 1985 in Canada similarly encompasses products applied to the body for purposes of cleansing, improving, or altering appearance.

The practice of using animals for testing products developed in the 20th century from a broader perspective of pre-clinical safety testing of products. According to Barthe et al. (2021), there are two purposes/stages of testing being followed in many countries, that are-

- Preliminary safety testing: This is conducted at the stage of formulation to assess whether the ingredients or finished products cause acute toxicity, skin irritation, eye irritation, or sensitisation.

ISSN No. 2454-6194 | DOI: 10.51584/IJRIAS |Volume XI Issue VI June 2026

- Efficacy testing: This is conducted to verify that a product delivers its promised benefit and results.

Generally, there are varied nature of tests being conducted on animals for cosmetics product testing such as skin sensitization, dermal toxicity tests, repeated dose toxicity tests and Draize eye test being the most hazardous one.

India: Legislative Framework

India's approach to regulating cosmetic testing on animals is distributed across multiple legislative and administrative instruments. The main legislation is the Drugs and Cosmetics Act, 1940 and the recent ones being the Cosmetic Rules, 2020. The Prevention of Cruelty to Animals Act, 1960, also provides the provisions governing the experimentation on animals in institutional settings while the Breeding of and Experiments on Animals (Control and Supervision) Rules, 1998 were enacted under the Act to implement it. One of the aftermath of the legislation and the rules is that both of them create administrative coordination challenges in practicality.

The Drugs and Cosmetics Act, 1940

This is the principal legislation governing the manufacture, import, sale, and distribution of drugs and cosmetics in India. The Act confers regulatory authority on both Central and State level authorities. Under the Act, the Central Drugs Standard Control Organisation (CDSCO) functions as the central authority for discharging regulatory functions. The Drugs Controller General of India (DCGI), functioning as the Central Licensing Authority, grants Import Registration Certificates and regulates the import of cosmetics into India. Manufacture, on the other hand, is regulated through a State-level licensing system.

The Cosmetic Rules, 2020

The Cosmetic Rules, 2020 represent a significant consolidation and modernisation of the regulatory framework for cosmetics in India. With respect to the restriction on testing of cosmetic products on animals, the Rule 18(4) provides a clear prohibition on the import of cosmetics tested on animals' post 2014 (Cosmetic Rules, 2020). This is a significant provision because it closes a potential loophole that could have allowed foreign brands to conduct animal testing abroad and still sell in India. The cut-off date of 12 November 2014 marks India's entry into the global conversation about cruelty-free cosmetics. In addition to this, Rule 39(7) goes further by applying the restriction on domestic manufacture as well by stating '*no person shall use any animal for testing of cosmetics* (Cosmetic Rules, 2020).' These rules also require specific undertakings from manufacturers and importers stating that no cosmetic manufactured or imported shall have been tested on animals. This creates a self-certification mechanism that, while dependent on honesty and enforcement, creates a clear legal obligation.

The Prevention of Cruelty to Animals Act, 1960

The Prevention of Cruelty to Animals (PCA) Act, 1960 is the primary animal welfare statute. While it does not deal with cosmetic testing specifically, it provides the constitutional foundation for the Committee for Control and Supervision of Experiments on Animals (CCSEA), the body that oversees all animal experimentation in India. Section-14 of the PCA Act permits the performance of experiments on animals for the purpose of advancement of biological or medical knowledge, subject to conditions that minimise pain and suffering. The animal welfare provisions apply to all animals used in experiments, including those used for cosmetic testing that may still be occurring in violation of the 2020 Rules.

India: Administrative Framework

Central Drugs Standard Control Organisation (CDSCO)

This is the apex regulatory body for drugs and cosmetics in India. Under the Drugs and Cosmetics Act, it has powers of inspection, licensing, and enforcement. However, for cosmetics, much of the day-to-day regulatory work is delegated to the State licensing authorities.

ISSN No. 2454-6194 | DOI: 10.51584/IJRIAS |Volume XI Issue VI June 2026

Committee for Control and Supervision of Experiments on Animals (CCSEA)

This is a statutory committee constituted under the PCA Act, 1960. It falls under the Department of Animal Husbandry and Dairying, Ministry of Fisheries, Animal Husbandry and Dairying. The CCSEA is duty bound to take all such measures as may be necessary to ensure that animals are not subjected to unnecessary pain or suffering before, during or after performance of experiments on them. The CCSEA's functions include the registration of establishments that conduct animal experimentation or breed animals for this purpose, approval of animal house facilities, permission for conducting experiments involving the use of animals, and action against establishments in case of violation. The Committee also runs training programmes for its nominees and supports conferences and workshops on animal ethics. The Committee has enacted the Experiments on Animals (Control and Supervision) Rules, 1998 to regulate the experimentation on animals in India. These rules were drafted and were published in the Gazette of India on December 15, 1998, and since then have been amended in 2001 and 2006. The rules aim to ensure that experiments conducted on animals are conducted in a humane manner and in accordance with the Prevention of Cruelty to Animals Act, 1960.

Institutional Animal Ethics Committees (IAEC)

Under the Experiments on Animals (Control and Supervision) Rules, 1998, every establishment engaged in animal-based research or testing must constitute an Institutional Animal Ethics Committee (IAEC). The composition of this committee should consist of a biological scientist, two scientists from different biological disciplines, a veterinarian involved in the care of animal, the scientist in charge of animals facility of the establishment concerned, a scientist from outside the institute, a non-scientific socially aware member and a representative or nominee of the CCSEA (Experiments on Animals (Control and Supervision) Rules, 1998). The multi-disciplinary composition of the IAEC with its explicit inclusion of an outsider and a socially aware member reflects an attempt to embed civil society perspectives into the institutional review process. Whether this translates into meaningful oversight in practice is a question that warrants empirical attention.

Bureau of Indian Standards (BIS)

The Bureau of Indian Standards Act, 1986 establishes the BIS as a statutory body responsible for formulating national standards and operating product certification schemes. In the context of cosmetics, the BIS plays an important role in laying down quality and safety standards that manufacturers must comply with. The alignment between BIS standards and the CDSCO's regulatory framework shapes the practical environment within which the prohibition on animal testing operates.

The Experiments on Animals (Control and Supervision) Rules, 1998, as amended in 2006, have incorporated the 3Rs framework explicitly by adding a significant condition as, 'animals lowest on the phylogenetic scale which may give scientifically valid results should be first considered for any experimental procedure and the experiment should be designed using minimum number of animals to give statistically valid results at 95% degree of confidence: Provided that replacement alternatives not involving experiments on animals should be given due and full consideration and sound justification must be provided in case alternatives, though available, are not used (Experiments on Animals (Control and Supervision) Rules, 1998, as amended 2006).' The reference to the 'phylogenetic scale' reflects a scientifically informed approach to animal protection that prioritises the use of less sentient species. The guidelines note that anything higher than invertebrates in terms of sentience requires regulation, meaning that rats, mice, birds, and farm animals are all subject to regulatory oversight when used in experiments.

Canada: Legislative Framework

Canada's regulatory framework for cosmetic testing on animals underwent a landmark transformation in December 2023, when prohibitions introduced through the Food and Drugs Act, 1985 came into force. These prohibitions covered both the conduct of animal testing for cosmetic purposes and the sale of cosmetics whose safety cannot be established without relying on animal testing data. This reflected a comprehensive legislative intervention that positions Canada among the more progressive jurisdictions globally on this issue. This approach is notable for its combination of a statutory prohibition with carefully crafted exceptions designed to

ISSN No. 2454-6194 | DOI: 10.51584/IJRIAS |Volume XI Issue VI June 2026

avoid disrupting legitimate scientific activity while creating no new incentives for animal testing. The administrative infrastructure is anchored in the role of the federal department of Health Canada and the Canadian Council on Animal Care (CCAC).

The Food and Drugs Act, 1985

This Act was amended in 2023 to incorporate Sections 16.1 and 16.2, which provide the primary statutory basis for Canada's cosmetic animal testing ban. The Section 16.1 addresses the sale of cosmetics by stating that 'no person shall sell a cosmetic unless the person can establish the safety of the cosmetic without relying on data derived from a test conducted on an animal that could cause pain, suffering or injury, whether physical or mental, to the animal (Food and Drugs Act, 1985).' The threshold trigger 'could cause pain, suffering or injury, whether physical or mental' is broad and reflects an appreciation of the psychological as well as physical dimensions of animal suffering. The Section 16.2 addresses the conduct of testing itself by stating that 'no person shall conduct a test on an animal that could cause pain, suffering or injury, whether physical or mental, to the animal if the purpose of the test is to meet, with respect to a cosmetic, a requirement under a provision of this Act or the regulations or to meet a requirement that relates to the safety of cosmetics under the law that applies in a foreign state (Food and Drugs Act, 1985).' The inclusion of testing 'to meet a requirement that relates to the safety of cosmetics under the law that applies in a foreign state' is particularly significant as it prevents Canadian companies from conducting animal testing in Canada on behalf of foreign regulatory requirements, a potential loophole that other jurisdictions have sometimes left open. However, the provision further provides certain exceptions that permit the continued testing on animals in certain circumstances. The circumstances and the exceptions are as follows-

- Industry may use animal testing data published by the government of Canada only when the testing of product on animals was conducted for a chemical ingredient under some chemicals management programs. Such animal testing data can be used by industry to substantiate the safety of their cosmetic products (Section 16.1(2)(a), Food and Drugs Act, 1985).

- Publicly available animal testing data which is not sponsored by any manufacturer or seller can be used, however the scope of 'publicly available' is broad encompassing academic journals, scientific reviews, and digital publications (Section 16.1(2)(b), Food and Drugs Act, 1985).

- Animal testing data can be used by industries for mixed-use ingredients provided that they can justify that such ingredient has a non-cosmetic use. Alos, mixed0use ingredients are those products that are used for varied purposes including cosmetics, pharmaceuticals and other purposes. (Section-16.1(2)(c), Food and Drugs Act, 1985).

- For animal testing data recorded before December 2023, there is an exception on the assumption that all such ingredients were tested on animals, and the scientific information generated form such ingredients cannot be disregarded. (Section-16.1(2)(d), Food and Drugs Act, 1985).

- The use of all the cosmetic products launched before the ban should be continued on condition that reliance on such products should be based on pre-existing animal testing data. (Section-16.1(2)(e), Food and Drugs Act, 1985).

These exceptions aim to strike a balance between the objective of reducing reliance on animal testing and supporting innovation by not restricting the use of existing information, and do not create incentives to conduct new animal testing for the purposes of selling a cosmetic product in Canada.

Canada: Administrative Framework

Health Canada

It is the primary federal authority responsible for the administration of the Food and Drugs Act, 1985. It consists of the Minister of Health, acting through inspectors and government analysts. This department

ISSN No. 2454-6194 | DOI: 10.51584/IJRIAS |Volume XI Issue VI June 2026

primarily reviews and monitors the establishments and institutions engaged in the manufacture, import, and sale of cosmetics. This department also has responsibility for developing and disseminating guidance on the application of the 2023 ban, including guidance on what constitutes acceptable evidence of safety that does not rely on animal testing.

Canadian Council on Animal Care (CCAC)

It is the national body responsible for supervising and monitoring scientific activities based on animal testing. It was established in 1968 and operates through a rigorous process of assessment and certification, supported by the development of standards for the ethical care and use of animals in science. The CCAC is financed primarily by the Canadian Institutes of Health Research (CIHR) and the Natural Sciences and Engineering Research Council of Canada (NSERC), with additional contributions from annual program participation fees. Its governance reflects a broad coalition of scientific and animal welfare perspectives, with member organisations drawing from both communities.

Animal Care Committees (ACCs)

At the institutional level, the CCAC mandates that every establishment conducting animal-based research has to establish an Animal Care Committee (ACC). The composition and functioning of ACCs are almost similar to India's Institutional Animal Ethics Committees. In addition to this, the ACCs may form sub-committees for protocol review, which should include at least one scientist, one veterinarian, one community representative, one institutional member who does not use animals, one technical staff representative, and the ACC coordinator. Institutional ACCs must be accountable directly to the senior administrator responsible for animal care at the institution.

Guide to Care and Use of Experimental Animals

This is an authoritative document of the CCAC that provides detailed guidance on best practices for the care and use of animals in science. In fact, this Guide incorporates and refers to the 3Rs framework as one of its approaches in ensuring ethical care and use of animals. The Guide establishes categories of invasiveness for experimental procedures, such as-

- **Category A:** Experiments on most invertebrates or live isolates.
- **Category B:** Experiments causing little or no discomfort or stress.
- **Category C**: Experiments causing minor stress or pain of short duration.
- **Category D:** Experiments causing moderate to severe distress or discomfort.
- **Category E:** Procedures causing severe pain near, at, or above the pain tolerance threshold of unanaesthetised conscious animals

This classification system serves as the basis for the level of oversight that a particular protocol receives from the ACC.

Statistics on Animals used in Cosmetic Testing

One of the most significant challenges in this area of research is the paucity of reliable, disaggregated data specifically on animals used for cosmetic testing. Most government reporting on animal use in science either aggregates cosmetic testing within broader categories of regulatory testing or does not separate it out at all. This makes it difficult to assess the precise scale of cosmetic animal testing in either India or Canada, and harder still to measure the impact of the legislative bans that have been introduced. In its Annual Report, the CCAC compiles data from all institutions participating in its certification programme and publishes aggregate figures on animals used by species and purpose category. According to the CCAC Annual Report for 2022, the following picture emerges:

ISSN No. 2454-6194 | DOI: 10.51584/IJRIAS |Volume XI Issue VI June 2026

Species Category	Number of Animals (2022)	Primary Use Context
Mice	Largest category (majority)	Research, toxicology, regulatory testing
Rats	Second largest category	Safety/toxicity, regulatory testing
Fish	Significant presence	Environmental testing, research
Rabbits	Notable proportion	Eye/skin irritation testing (historically)
Non-human Primates	Small but significant category	Highly regulated, limited contexts

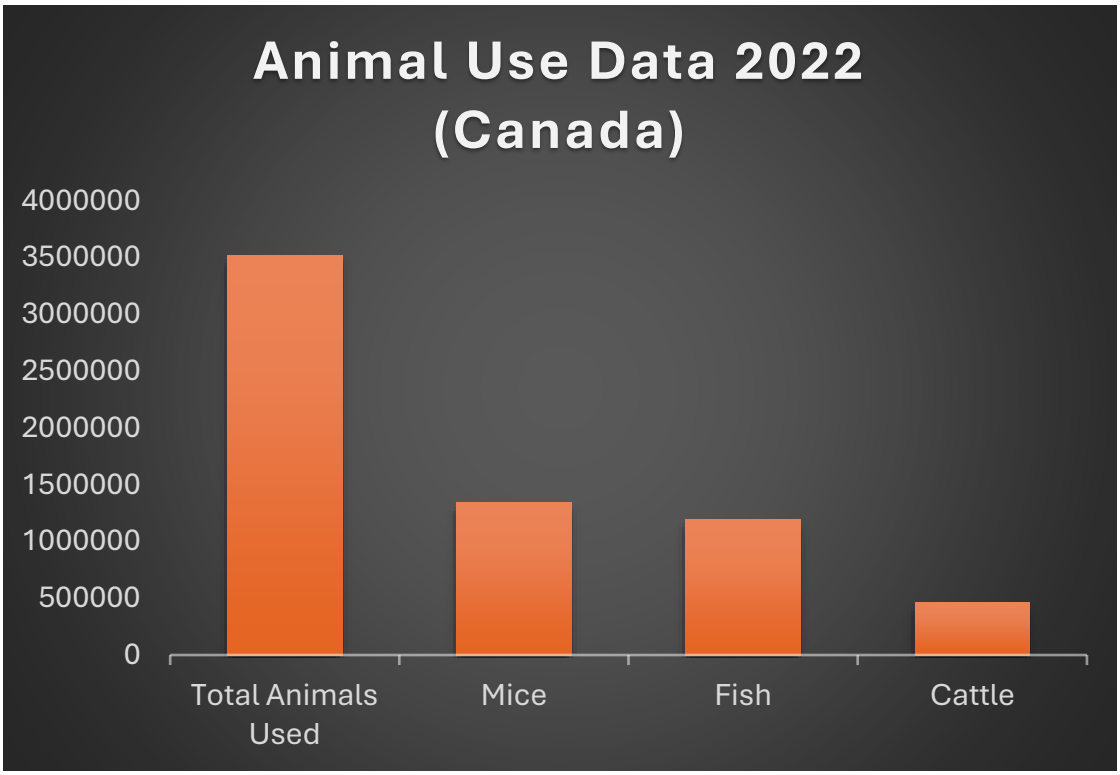

Table and Chart: Animal Use in Canadian Science, CCAC Annual Report, 2022

It is important to note that the data mentioned in the report of CCAC does not isolate cosmetic-specific testing from broader regulatory or toxicological testing. After the December 2023 ban, the 2022 report is the most recent available and hence not yet highlights the effect of the ban. However, future reporting cycles will be critical in assessing whether the ban has produced a measurable reduction in animal use within the institutions subject to CCAC oversight.

India does not have an equivalent to the comprehensive annual reporting system of CCAC. The CCSEA registers establishments and is empowered to inspect them, but there is no publicly available, comprehensive annual report on the number of animals used in experiments in India, disaggregated by purpose. This is a significant gap in the regulatory framework. What limited data exists suggests that rodents particularly mice and rats account for the overwhelming majority of animals used in Indian research and testing contexts, consistent with global trends. The CCSEA's own guidelines acknowledge the scale of animal use across biological research, pharmaceutical testing, and regulatory testing more broadly. The absence of robust public data on animal use in India is not merely an administrative failing, but it has real consequences for accountability. Without any transparent data, it is impossible to assess compliance with the prohibition on cosmetic animal testing, identify industries or regions where violations may be occurring, or measure progress over time. This stands in contrast to Canada's more developed reporting infrastructure.

ISSN No. 2454-6194 | DOI: 10.51584/IJRIAS |Volume XI Issue VI June 2026

Comparative Analysis of India and Canada

Parameter	India	Canada
Primary statute	Drugs and Cosmetics Act, 1940, Cosmetic Rules, 2020	Food and Drugs Act, 1985 (as amended 2023)
Ban on cosmetic animal testing	Yes (since 2014)	Yes (since 2023)
Testing ban scope	Covers import and domestic manufacture	Covers both conduct of tests and reliance on data from new testing
Exceptions	Limited and undertaking-based system	Six structured exceptions with specific eligibility criteria
Apex regulatory body	CDSCO and State Licensing Authorities (Manufacture)	Health Canada (Minister of Health)
Animal welfare oversight body	Committee on Control and Supervision of Experiments on Animals (CCSEA)	Canadian Council on Animal Care (CCAC)
Institutional-level oversight	Institutional Animal Ethics Committee (IAEC)	Animal Care Committee (ACC)
3Rs incorporation	Yes (Breeding of and Experiments on Animals Rules 1998) (amended 2006)	Yes (CCAC Guide to Care and Use of Experimental Animals)
Annual reporting on animal use	No comprehensive public annual report	Yes (CCAC Annual Reports)
Financing of oversight body	Government funded (Ministry)	CIHR + NSERC + participant fees (independent but publicly funded)
Foreign-state testing restriction	Yes (import ban covers testing anywhere post-2014)	Yes (covers testing to meet foreign requirements)

- The ban on animal testing for cosmetic products in India predates Canada's by nearly a decade as India introduced its import ban in November 2014, making it one of the earlier jurisdictions outside Europe to do so, while Canada effected its ban in December 2023. This time gap is significant for majorly two reasons, firstly India had a longer time to develop its administrative infrastructure and enforcement mechanisms and secondly, the challenges faced by India during implementation served as lessons for Canada. In terms of genesis, India's ban emerged from a convergence of animal welfare advocacy and alignment with international trade norms, particularly with the EU. Moreover, Canada's ban emerged from a legislative process that involved Health Canada's regulatory reform agenda, industry consultation, and increasing public awareness of the issue.

- The legislative framework of Canada is more elaborative and comprehensive than India, specifically with respect to exceptions. The exceptions provided in the Food and Drugs Act, 1985 have certain circumstances and specific eligibility criteria. In addition to this, the exceptions are well defined and have a clear rationale behind them. On the contrary, the framework in India is dependent on the option of Undertaking provided in the Second Schedule to the Cosmetic Rules, 2020. It is a kind of a self-certification process creating legal obligations but vague and less detailed for complex matters. This difference in specificity has practical implications. Canadian manufacturers and importers have clearer guidance on when they can and cannot rely on animal testing data, reducing the risk of inadvertent non-

ISSN No. 2454-6194 | DOI: 10.51584/IJRIAS |Volume XI Issue VI June 2026

compliance. In India, the framework is less granular, which may create uncertainty for industry actors, particularly in relation to ingredients with both cosmetic and pharmaceutical applications.

- The major point of difference between the countries is in the area of data reporting. Canada has a well-established public reporting system via the Annual Reporting system of CCAC and hence it is able to maintain accessible public record of animals used by institutions to conduct testing of products. But India has no such similar record or reporting system. This reflects the fundamental difference towards creating transparency around animal used for scientific purposes and should not be treated as a mere technical omission. Without comprehensive data, it is impossible to determine the efficacy and level of enforcement of prohibition on cosmetic animal testing in India. It becomes impossible to identify whether the number of animals used in regulatory testing has increased or decreased over time, thereby restricting the analysis of growth or improvement. However, for Canada, at least some baseline report is there to assess the progress.

- The CCAC in Canada operates as an independent body, funded through federal research granting agencies and participant fees, with governance drawn from both scientific and animal welfare communities. The CCSEA in India is a statutory authority functioning as a committee of a government ministry, raising questions about the degree of its operational independence from executive policy priorities. This is not to suggest that the CCSEA is ineffective, but structural independence is generally regarded as a marker of regulatory quality in comparative administrative law.

- The animal welfare reforms in both the countries provide for community or civil society representation in institutional-level committees. However, in Canada, the CCAC governance structure explicitly draws member organisations from the animal welfare community as well as the scientific community, ensuring that animal welfare perspectives are represented at the national standard-setting level and not just at the institutional level. But in India, the CCSEA has a more government-centric governance structure, with less formal provision for animal welfare organisations at the national level.

Observations and Suggestions

- The legislative prohibitions in both India and Canada are genuinely significant milestones. They signal a societal consensus that cosmetic products unlike pharmaceuticals do not justify the infliction of pain and suffering on animals to establish their safety. However, a prohibition in the text of a statute is not the same as a prohibition in practice. The effectiveness of both bans depends critically on enforcement infrastructure, the capacity to detect violations, investigate complaints, and impose meaningful penalties. In India in particular, where the regulatory and administrative architecture is complex, fragmented across central and state levels, and underpinned by self-certification rather than active monitoring, there is a real risk that the prohibition exists more on paper than in reality. Canada should put in place a dedicated monitoring mechanism to assess compliance with the ban. This should include a process for receiving and investigating complaints, a system for auditing the self-declarations made by cosmetics manufacturers and importers, and a commitment to public reporting on enforcement activity.

- The absence of a comprehensive, publicly available data on animal use in India and the limitation of availability of data in Canada to CCAC-certified institutions represents a significant accountability gap. It is not possible to assess the real-world impact of either country's prohibition without knowing the baseline from which they started and tracking changes over time. India should prioritise the establishment of a mandatory, public annual reporting system for animal use in science, modelled on the CCAC Annual Report in Canada or the UK’s Home Office Annual Statistics of Scientific Procedures on Living Animals. The CCSEA should be empowered and funded to collect disaggregated data from all registered establishments and to publish this data in a format that allows year-on-year comparison.

- The structured approach to exceptions as found in Canada holds superiority in terms of regulatory clarity over the self-certification practice followed in India. Considering the ongoing developments in

ISSN No. 2454-6194 | DOI: 10.51584/IJRIAS |Volume XI Issue VI June 2026

the pharmaceuticals sector, practices of mixed-use ingredients, exceptions will be inevitable. Hence, the language, definition and limitations of such exception should be clear and precise. If the language of exceptions is vague, it will invite more loopholes. India should develop detailed guidance through a consultative process involving industry, civil society, and scientific experts, and should be reviewed periodically as scientific and regulatory norms evolve.

- It is pertinent to note that both the countries have been facing the pressure imposed by the global cosmetics market, thereby the requirements of conducting testing of products on animals for quality check and to meet foreign regulatory compliances. Hence, it was the need of the hour for both the countries to impose ban on importing of such products. This paves way for all the other nations to come forward and adopt similar provisions so as to develop and curate a uniform approach. Also, it will create opportunity for countries to take steps for adopting new methods as alternatives to such testing practices at the international level.

- The initiatives to adopt NAMs as an alternative to animal testing will require substantial investment in research and regulatory science. In any country, to inculcate new practices and alternatives is a gradual process. The new practices and methods need to be developed, validated and accepted by regulators before they can finally replace testing on animals. It is a long-drawn process for achieving regulatory acceptance of new methods involving- development, validation, formal testing, regulatory acceptance, and deletion of the animal test. Each stage requires resources and coordination.

- Both India and Canada should significantly increase their investment in the development and regulatory acceptance of NAMs. This investment should be directed not only at research institutions but also at the regulatory bodies that will ultimately need to accept these methods as valid bases for safety assessments. The global nature of the cosmetics market means that the effectiveness of national bans is ultimately constrained by international regulatory norms. Both India and Canada should actively engage with international bodies including the Organisation for Economic Co-operation and Development (OECD), which publishes internationally accepted test guidelines, and WHO to advocate for the global acceptance of alternatives and for the harmonisation of regulatory requirements in ways that reduce the need for animal testing. Bilateral and multilateral agreements that include mutual recognition of cruelty-free safety assessments would be particularly valuable.

CONCLUSION

The story of cosmetic animal testing regulation in India and Canada is, in one sense, a story of progress. Both countries have moved from a default position of permitting animal testing for cosmetics to one of prohibition, a shift that reflects growing scientific confidence in alternatives and growing societal intolerance of animal suffering in the service of human vanity. That progress deserves to be acknowledged. But progress is not the same as completion. Both frameworks have gaps as both countries face the structural challenge of operating in a global market where harmonisation of standards is incomplete and where the most conservative regulatory requirements of the largest markets continue to influence corporate behaviour worldwide.

At the same time, there is much that each country can learn from the other. India’s decade of experience with the ban on cosmetic animal testing including whatever lessons have been learned about compliance, enforcement, and the development of alternatives is a resource that Canada would do well to draw on. Canada’s more developed reporting infrastructure, its structured approach to exceptions, and its institutionally independent animal welfare oversight body represent models that India should aspire to emulate.

The animal at the centre of this story does not understand the legislative framework that governs its treatment. It simply experiences what is done to it. The test of these frameworks is ultimately not whether they satisfy a lawyer's reading of the statute, but whether fewer animals suffer as a result of their existence. On that test, both India and Canada still have work to do.

REFERENCES

1. Archibald, K. (2018). Animal research is an ethical issue for humans as well as for animals. Journal of Animal Ethics, 8(1), 1–11. https://doi.org/10.5406/janimalethics.8.1.0001.
2. Breeding of and Experiments on Animals (Control and Supervision) Rules, 1998 (as amended 2001 and 2006), G.S.R. 107(E) (India). Ministry of Environment & Forests. https://envfor.nic.in/legis/awl/awl2.html.
3. Bureau of Indian Standards Act, No. 63 of 1986 (India). https://www.indiacode.nic.in/handle/123456789/2154
4. Canadian Council on Animal Care. (1993). Guide to the care and use of experimental animals (Vol. 1, 2nd ed.). https://ccac.ca/en/standards/guidelines/guide-to-the-care-and-use-of-experimental-animals-vol-1.html.
5. Canadian Council on Animal Care. (2022). CCAC annual report 2022. https://ccac.ca/en/about/annual-reports.html.
6. Committee for the Purpose of Control and Supervision of Experiments on Animals. (n.d.). CCSEA guidelines on the regulation of scientific experiments on animals. Ministry of Environment & Forests, Animal Welfare Division. https://envfor.nic.in/legis/awl/awl2.html.
7. Cosmetic Rules, 2020, G.S.R. 862(E) (India). https://cdsco.gov.in/opencms/opencms/en/Cosmetics/.
8. Drugs and Cosmetics Act, No. 23 of 1940 (India). https://www.indiacode.nic.in/handle/123456789/2409.
9. Fischer, K. (2009). Testing bans and marketing bans under the cosmetics directive: How to find a balance between the protection of animal welfare and the right to develop and market cosmetic ingredients. European Food and Feed Law Review, 4(3), 172–184.
10. Fischer, K. (2015). Animal testing and marketing bans of the EU cosmetics legislation. European Journal of Risk Regulation, 6(4), 613–621.
11. Flecknell, P. A. (1987). Laboratory animal anaesthesia: An introduction for research workers and technicians. Academic Press.
12. Food and Drugs Act, R.S.C. 1985, c. F-27 (Canada). https://laws-lois.justice.gc.ca/eng/acts/F-27/FullText.html.
13. Health Canada. (2023). Guidance document: Animal testing ban on cosmetics. Government of Canada. https://www.canada.ca/en/health-canada/services/cosmetics/animal-testing-ban/guidance-document.html.
14. Newman, A. (1989). Research versus animal rights: Is there a middle ground? American Scientist, 77(2), 135–137.
15. Prevention of Cruelty to Animals Act, No. 59 of 1960 (India). https://www.indiacode.nic.in/bitstream/123456789/11237/1/the_prevention_of_cruelty_to_animals_act,1960.pdf
16. Russell, W. M. S., & Burch, R. L. (1959). The principles of humane experimental technique. Methuen.
17. Taylor, K. (2019). Recent developments in alternatives to animal testing. In K. Herrmann & K. J. Jayne (Eds.), Animal experimentation: Working towards a paradigm change (Chapter 24). Brill. https://doi.org/10.1163/9789004391192_025.
18. Thew, M. (2012). Cruelty-free labelling. In A. Linzey (Ed.), The global guide to animal protection (pp. 285–287). University of Illinois Press.
19. Zurlo, J. (2012). No animals harmed: Toward a paradigm shift in toxicity testing. Hastings Center Report, 42(6), S23–S26. https://doi.org/10.1002/hast.104.
20. Barthe, M., Bavoux, C., Finot, F., Mouche, I., Cuceu-Petrenci, C., Forreryd, A., Chérouvrier Hansson, A., Johansson, H., Lemkine, G. F., Thénot, J.-P., & Osman-Ponchet, H. (2021). Safety testing of cosmetic products: Overview of established methods and new approach methodologies (NAMs). Cosmetics, 8(2), 50. https://doi.org/10.3390/cosmetics8020050.