

Submission May 2021

Sunscreen (Product Safety Standard) Bill

Mandatory regulation under section 29 of the Fair-Trading Act 1986 prescribing a product safety standard for sunscreen products.

The Cancer Society of New Zealand is a non-profit organisation that is committed to reducing cancer inequities and the incidence and impact of cancer in Aotearoa. We work across the cancer continuum with a focus on prevention, supportive care and funding of cancer research. The Cancer Society welcomes the opportunity to provide comments on the Sunscreen (Product Safety Standard) Bill.

This submission reflects the collective views of the Cancer Society, based on its perspective working in health promotion and sunscreen supply.

Recommendation

More regulation of sunscreen products is needed in NZ. Given this, the Cancer Society supports the Sunscreen (Product Safety) Bill as a stop gap measure. Ultimately, sunscreen should be regulated under the Therapeutic Products Regime/ Medicine Amendment Bill (currently under review) so that it is subject to stringent oversight, as proposed for other Therapeutic products.

Submission

Although skin cancer is largely preventable, it is Aotearoa/New Zealand's most common cancer. Every year around 500 New Zealanders die from skin cancer and over 90,000 new cases of skin cancers are diagnosed (1, 2). Along with the personal cost, substantial public healthcare resources are consumed in managing skin cancer each year(3). Sunscreen is one method of protection used to reduce the risk of skin cancers caused by excessive exposure to UV radiation (4). New Zealanders should be able to trust the efficacy of the sunscreen product they purchase to provide adequate sun protection. This is not currently the case in NZ where there is a wide range of sunscreens available on the market, each with different formulation and ingredients and no requirement to comply with the existing Australian-NZ Standard or to have the product tested.

Sunscreens in NZ are currently categorised as cosmetic products, even though they clearly meet the therapeutic purpose of preventing skin damage and skin cancers. While there is some consumer protection under the Consumer Guarantees Act and Fair Trading Act, more protection is justified.

The Cancer Society is calling for sunscreen to be regulated under the Therapeutic Products Regulatory Regime to ensure products meet all therapeutic regulatory requirements for labelling, efficacy, safety, and quality, and are accompanied by good information about their use. Therapeutic regulation of sunscreen is presented as an action in the Government's NZ Cancer Plan 2019 – 2029 and this would bring us in to alignment with the Australian Regulatory Regime.

The AS/NZ Sunscreen Products Standard (AS/NZS 2604) should be used by the appropriate therapeutic regulatory agency to approve sunscreen properties in each product, including broad spectrum (UVB and UVA) protection and water resistance. Only products that comply with this Standard and are tested in accordance with the regulatory regime should be available in NZ. Sunscreen testing should be carried out in laboratories registered by the regulatory agency and results made publicly available. Sunscreen products are also better placed under health regulations rather than consumer fair trading regulations, as the therapeutics regime is designed to be flexible enough to ensure effective control over health technologies.

We recommend that the Australian process for regulating sunscreen should be used as a model for NZ (5). All primary sunscreens in Australia must comply with the Australian/NZ Standard (AS/NZS 2604: 2012), use pre-approved ingredients and good manufacturing practice. Companies must provide evidence to the Australian Therapeutic Goods Administration (TGA) that their product has been tested by a registered TGA laboratory and complies with the Standard, including determination of the sun protection factor (SPF) value. The TGA conducts regular reviews and random testing to ensure compliance.

Regulating sunscreen as a therapeutic good would have no material price impact. Leading brands of sunscreen in Aotearoa, such as the Cancer Society, already meet the TGA Standard and manufacture as per the Australian regulatory approach. If a therapeutic goods requirement was introduced, there may be some impact on NZ manufactured sunscreen in order to meet the joint therapeutic manufacturing standards. This is an acceptable trade-off for quality control and consumer confidence.

Thank you for the opportunity to present this submission.

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