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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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<http://help.senate.gov>

March 14, 2019

Mr. Ron Marshall
Chief Executive Officer
Claire's Stores, Inc.
3 S.W. 129th Avenue
Pembroke Pines, FL 33027

Dear Mr. Marshall:

I am writing to request information related to the Food and Drug Administration's (FDA) deeply concerning announcement last week that it had confirmed the presence of asbestos in certain Claire's cosmetics products. Claire's removed the cosmetics that tested positive for asbestos, and any remaining talc-based products, from its shelves, and it has now recalled the three products that tested positive for asbestos. I am writing to understand more about the possible sources of asbestos contamination, and the process and procedures Claire's takes to assess the safety of its products before they reach customers. Claire's top priority should be ensuring the safety of its products, especially as a retailer that primarily sells products to teenagers and children.

Claire's customers are mainly teens, tweens, and children, and the company serves approximately 900 million female customers across the globe.¹ In 2017, through routine testing of cosmetic products, FDA became aware of asbestos contamination in some of Claire's products.² In December 2017, Claire's removed eight cosmetics products from its stores, but did not issue a product recall. FDA conducted additional testing of the products they initially identified as contaminated, and confirmed the presence of asbestos in three Claire's cosmetics products: Claire's Eye Shadows – Batch No/Lot No: 08/17; Claire's Compact Powder – Batch No/Lot No: 07/15; and Claire's Contour Palette – Batch No/Lot No: 04/17. On March 5, 2019, FDA announced it had requested that Claire's recall these three products, and the agency issued a safety alert warning customers not to use the products.³ On March 12, 2019, Claire's announced a voluntary recall of the three cosmetics products.⁴

¹ <http://www.clairestores.com/company-profile/company-overview>

² <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm632736.htm>

³ <https://www.fda.gov/Cosmetics/ComplianceEnforcement/RecallsAlerts/ucm632681.htm>

⁴

https://www.fda.gov/Safety/Recalls/ucm633237.htm?utm_campaign=Claire%E2%80%99s%20Stores%2C%20Inc.%2C%20Announces%20Voluntary%20Recall%20of%20Three%20Make-Up%20Products&utm

The federal government, as well as the World Health Organization, have made clear that there is no safe level of asbestos exposure, and that small levels of exposure can result in cancer.⁵ Following a report from Reuters that Johnson & Johnson raw talc and finished powders have tested positive for asbestos, I wrote to the company to request more information about the safety of its products, and how it presented any testing and safety material to regulators and consumers.⁶ FDA's announcement that three of Claire's cosmetic products contain asbestos raises similar questions about the source of asbestos contamination and concerns about the safety of its products. To that end, please provide the following documents and information by no later than March 29, 2019:

1. All documentation from internal testing, testing conducted for Claire's by outside consultants, or testing conducted for Claire's by testing entities that identified asbestos in any form of talc in Claire's products.
2. All communications with FDA regarding the safety of Claire's cosmetics products, dating from 2014 to present, including:
 - a. A copy of the adverse events reports submitted to FDA associated with Claire's Eye Shadows – Batch No/Lot No: 08/17, Claire's Compact Powder – Batch No/Lot No: 07/15, and Claire's Contour Palette – Batch No/Lot No: 04/17
 - b. The number of adverse event reports submitted to FDA associated with any other product that contains talc.
3. A detailed description of the development and testing processes undertaken by Claire's before cosmetics products containing talc become available for public sale, including:
 - a. The percent of all products sold by Claire's that are tested for asbestos or other contaminants.
 - b. The specific testing methodology used by Claire's to confirm the absence of asbestos contamination in its products.
4. Information on the sources of talc contained in Claire's products, including:
 - a. A list of the manufacturers of talc used in Claire's products, including both raw talc and finished products.
 - b. The source of talc contained in Claire's Eye Shadows – Batch No/Lot No: 08/17, Claire's Compact Powder – Batch No/Lot No: 07/15, and Claire's Contour Palette – Batch No/Lot No: 04/17.
 - c. All communications with talc manufacturers related to the safety of the talc supplied for Claire's cosmetics products, dating from 2014 to present.

Thank you in advance for your attention to this matter. If you have any questions, or would like to further discuss compliance with this request, please contact Elizabeth Letter or Carly Rush with Senator Murray's HELP Committee Staff at 202-224-0767.

⁵ https://www.niehs.nih.gov/health/materials/asbestos_508.pdf;

https://www.who.int/occupational_health/publications/draft.WHO.policy.paper.on.asbestos.related.diseases.pdf

⁶ Letter from Senator Patty Murray, Ranking Member, Senate HELP Committee, to Mr. Alex Gorsky, Chairman of the Board and Chief Executive Officer, Johnson & Johnson (Jan. 28, 2019).

Sincerely,

A handwritten signature in blue ink that reads "Patty Murray". The signature is written in a cursive style with a large, stylized "P" and "M".

Patty Murray
United States Senator
Ranking Member, Senate Committee on
Health, Education, Labor, and Pensions

cc: The Honorable Lamar Alexander
United States Senator
Chairman, Senate Committee on
Health, Education, Labor, and Pensions