

Clarins raw deal for Africa

by Edward Hammond

Harungana (*Harungana madagascariensis*) is a small tree native from Madagascar across Africa to Senegal. It has many traditional medicinal uses, including treatment of skin problems. Recently, harungana has become the headline ingredient in a line of very expensive skin creams sold by French luxury goods maker Clarins.

Clarins, which rhymes with “Clarence”, promises its customers “prestige skin care” and an “unforgettable brand experience”,¹ but is Clarins forgetting to comply with the access and benefit-sharing provisions of the Convention on Biological Diversity and its Nagoya Protocol? There is very strong evidence that it is.

In an affront to traditional medicine practitioners, Clarins has patented use of harungana on the skin and, underscoring dramatic economic disparities, the so-called “inventor” is a flashy French billionaire named Olivier Courtin, a medical doctor and one of Clarins’ two owners.

But there is no evidence of a benefit-sharing agreement between Clarins and the peoples and countries where harungana and medicinal knowledge about it come from, and analysis of published data on Clarins’ trade with Malagasy harungana producers reveals extremely inequitable sharing of benefits from this African biodiversity.

Clarins claims that it is a socially responsible company that practises fair trade. But according to a Clarins-funded non-governmental organization (NGO), its source of harungana in Madagascar is only paid about \$2 per kilogram – \$1 for dried harungana leaves themselves plus a “fair trade” premium of about another \$1.

The company buys about 500kg of leaves per year, a small amount that is turned into remarkably expensive products sold worldwide. Clarins’ harungana skin cream is a blend of 5% or less harungana leaf extract mixed with 95% or more of other, more com-

TWN THIRD WORLD NETWORK is a network of groups and individuals involved in bringing about a greater articulation of the needs, aspirations and rights of the people in the Third World and in promoting a fair distribution of world resources and forms of development which are humane and are in harmony with nature.

Address: 131, Jalan Macalister, 10400 Penang, MALAYSIA
E-mail: twn@twnetwork.org

Website: www.twn.my

Tel: 60-4-2266728/2266159

Fax: 60-4-2264505

mon ingredients. The creams are sold to wealthy consumers, often in tiny bottles of 30ml or less, and are priced as high as the equivalent of \$7,000 per kilogram – 11 to 12 times the price of the precious metal silver.

So who really benefits from this medicinal plant windfall? Malagasy, whose knowledge billionaires have appropriated and who are paid about \$2 per kilogram for “fair trade” in dried leaves? Or the private company that holds a patent and sells harungana skin cream for \$7,000 a kilogram?

Africa has provided the knowledge and materials, but it is getting a very raw deal from the French company in return. And, with remarkable disregard for economic reality, Clarins wants the world to think that its “fair trade” with Africa is an act of corporate generosity.

Pricey product based on traditional knowledge

“We have great respect for the local traditions, which teach us a great deal for what we put in our creams.”

– Christian Courtin, owner and CEO of Clarins²

Clarins identified harungana’s beneficial effect on the skin by studying African traditional knowledge.³ It does not merely admit this, it actively promotes the close link between its products and traditional knowledge, incorporating imagery of harungana’s “exotic” African origin and images of its traditional use in skin poultices into Clarins’ marketing materials, which also feature videos of European scientist-explorers in stylish adventure-khakis manoeuvring Land Rovers and examining traditional medicinal plants, while African drums beat in the background.⁴

Says the company:⁵

Harungana – A tree with powerful regenerating properties which encourages reforestation by colonizing barren soils in Madagascar and Africa. Since time immemorial it has been used by local communities for its many therapeutic benefits ...

In practice, Clarins buys dried harungana leaves from collectors in Joffreyville, a town in northern Madagascar. Assisting Clarins in Madagascar (and in Burkina Faso and projects in Central America) is a French ethnobotanist who heads an NGO named Jardins du Monde (JdM). With Clarins financing, JdM in turn oversees a Malagasy NGO that organizes Joffreyville residents to collect and dry harungana leaves.⁶

Wealthy African harungana harvesters are impossible to find, however, because in 2014, Joffreyville producers were paid only 3,000 ariary per kilogram of dried leaves, or about \$0.98. According to data published by JdM, Joffreyville’s harungana production is modest, totalling approximately 500kg of dried leaves per year.^{7 8} In 2014, sales totalled a meagre €484.17.⁹

In 2015, JdM signed contracts to market harungana that may have netted modestly more. The NGO reported that €1,530 was “paid back to the community” from harungana sales, its exact meaning unclear – this number may actually be the sum of sales from 2015 and preceding years. JdM also reports that certification of the harungana as “fair trade” by French certifier ECOCERT resulted in a total of €1,900 being paid to date into a fund to benefit residents of the town, who number about 5,000.¹⁰

While JdM’s figures are reported differently in different publications, they indicate a dried leaf price of about \$1 and, apparently, a “fair trade” premium of about the same. In 2014 and 2015 Clarins paid between €500 and €1,500 each year for harungana, plus the

premium that, in 2015, summed €1,900 (this JdM figure apparently referring to premium accumulated over more than one year's purchases).

Clarins' payments to Malagasy leaf collectors are thus quite small, but the shipments of roughly 500kg of leaves per year sent from Joffreyville generate big sales for the company.

Stark contrasts

"Total donated [sic] to the community in 2014 through the production of harungana ... €484.17 ... JdM manages and oversees an account with this fund."

– Jardins du Monde bulletin,
June 2015

Because Clarins is a private company, there is little public information on its financial results; however, its sales are estimated at \$2 billion per year.¹¹

A single-ounce (29.5ml) vial of Clarins' "super restorative" skin cream, marketed as "powered by harungana" and "delivering unrivalled anti-ageing power with Clarins' exclusive Harungana leaf", retails in the United States for the princely sum of \$136. In Japan, it is \$210 per 30ml, while in London the same bottle sells for a lesser but still eye-watering price of £80.¹²

The proportion of harungana contained in Clarins creams varies. Clarins' patent (described in detail later) cites products with between 0.01% and 10% harungana extract, with emphasis on those with 0.5% to 5%.¹³ As the extract contains glycerin in an unstated amount, the proportion of actual harungana matter in Clarins products cannot be precisely extrapolated, although it is clearly quite low.

What is unmistakable is that the "fair trade" benefit to harungana collectors in Joffreyville – about €1,900 as of 2015 – is tiny in comparison to Clarins' prices: €1,900 is equivalent to the cost of about a dozen little bottles manufactured using African knowledge and labour ... and bearing the Clarins logo.

Generously estimated, the Joffreyville collectors' entire annual benefit from harungana – the price of the leaves (€500-1,500) and fair trade premium (€1,900 or less) – would only buy about a dozen "anti-ageing" facial treatments at the Clarins Spa in Qatar¹⁴ at €244 each.

So the reality of the "fair trade" benefit to Joffreyville is that it amounts to about €0.38 for each of the town's approximately 5,000 residents, meaning it would take around 640 years for each of them to save up enough to pay for a Doha facial. But Joffreyville residents cannot save up, because the fair trade money is not directly paid to leaf collectors but rather held in an account controlled by a French NGO, which must approve expenditures.¹⁵

Yet Clarins' corporate communications declare:¹⁶

In 2014, Clarins created a rigorous supply chain that respects man and the environment in Madagascar: organic harungana extract, the key ingredient of Clarins Super Restorative range, is now the object of exemplary "from field to jar" traceability and follows the principles of fair trade ...

But the lion's share of profits from harungana goes to Clarins' owners, Christian and Olivier Courtin. (The Courtins sometimes append their company's name to their own, referring to themselves as the "Courtin-Clarins", a conceit equivalent to Bill Gates-Windows, Lakshmi Mittal-Arcelor or Elon Musk-Tesla.)

**“THE PERFECT UNION OF SCIENCE AND NATURE” ...
OR A PERFECTLY AWFUL RIP-OFF?**

Clarins says it is dedicated to fair trade but has patented traditional African knowledge as a French billionaire’s “invention”. The 0.5-ounce (14.8ml) bottle of “total eye concentrate” pictured below contains a tiny dollop (<1ml) of harungana leaf extract for which Clarins paid Malagasy a few cents at best. The bottle is sold for \$84. Africa’s knowledge and resources “power” the product, but Africa’s share of the proceeds is perhaps a few thousandths of one percent of the retail price. Would anybody really call that “fair”?



CLARINS

NEW INNOVATION

Total Eye Concentrate
Youthful looking eyes are in sight.

Powered by organic Harungana—the replenishing plant from Madagascar—this all-in-one anti-aging treatment delivers a visible “lift” with every use.

[SHOP NOW](#)

The pretence of a helping hand

Although Clarins is principally a purveyor of pricey products to ageing princesses, it also has pretensions to higher values than vanity. Clarins claims that it is not merely a makeup maker but “an organization committed to responsible development practices and giving back to struggling populations throughout the world”.¹⁷

At a glance, it may appear that Clarins engages in responsible business practices such

as using “fair trade” certified ingredients and making donations to fund the drilling of water wells and construction of simple schools in Africa. And recently, with the help of its NGO JdM, Clarins has expanded its social responsibility claims beyond Africa to include projects in Central America.

But closer examination of the company’s social responsibility claims reveals dubious situations beyond the laughable assertion that its harungana trade is “fair”.

For example, in Burkina Faso, Clarins provides food aid – bags of fortified wheat flour – in some rural towns where it also buys plant materials for cosmetics. Like the harungana trade in Madagascar, the Burkinabe food aid programme is managed by JdM, oddly stepping outside its stated purpose of promoting use of medicinal plants.

While Clarins presents its food aid in Burkina Faso as an indication of generosity, in rural communities where the company sources products have a high incidence of childhood malnutrition and are reliant on donated food, it raises questions about how fair Clarins' trade really is in those areas,¹⁸ especially in view of the paltry benefit of the Clarins arrangement in Madagascar.

Clarins also awards individuals for “original initiatives in sustainable development”. But the awardees have strong connections to the Courtin brothers or weak connections to sustainable development, or both.

Three European men have been the recipients of the Clarins award: a French ethnobotanist, a French racing sailboat captain with a side-interest in novel materials to make surfboards and boat parts, and the Swiss pilot of a solar-powered airplane.

The French ethnobotanist is the same who runs JdM, and he is frequently featured in Clarins' promotional materials as a “discoverer” of medicinal plants. Clearly, the ethnobotanist has a complex relationship with Clarins that goes well beyond philanthropy. It includes procuring knowledge and materials for Clarins, and managing Clarins' payments to Malagasy communities. These relationships, which involve corporate financial interests, significantly complicate the sanctity of the botanist's award for promoting medicinal plant use.

Yachts and sailboats are publicly avowed personal interests of Olivier and Christian Courtin, as noted in interviews with magazines aimed at the wealthy conspicuous consumer, and biodegradable surfboards are difficult to

term a major new “responsible development practice”. Likewise, while solar technology has development relevance, it's impossible to construe giving euros to a Swiss airplane pilot as “giving back to struggling populations throughout the world”.

Clarins is also associated with “FEED”, a food aid programme led by Lauren Bush, an American fashion designer and the granddaughter and niece of the former US Presidents Bush. Here again, Clarins' “social responsibility” is mixed up with conspicuous consumption and lacks genuine sustainability goals: FEED sells pricey tote bags and donates proceeds to UNICEF, the World Food Programme and others in order to purchase and distribute food. FEED counts its success not by measures of empowerment, sustainability or self-sufficiency but rather by the number of meals it says it has donated.

Neither FEED nor any other Clarins programmes that could be identified constitute proper arrangements for access and benefit-sharing for genetic resources and traditional knowledge, as set forward in the Convention on Biological Diversity and its Nagoya Protocol – which both France and Madagascar have ratified.

Olivier Courtin “invents” African traditional knowledge

Clarins' patent on harungana (FR2993178) was issued in France in September 2015 and is pending in the rest of Europe, Japan, South Korea and China. Although corresponding applications have yet to be published elsewhere, it is fair to assume that North American and other applications are likely to appear in the near future.

The “inventor” is Olivier Courtin.

The patent makes very broad claims over the African plant, claiming its use for a wide number of applications, most of them associated with the inevitable process of ageing,

but including more ambiguous phenomena such as “thin” and “dull” skin. The patent claims begin:¹⁹

- 1) Use of a cosmetic composition comprising an extract of *Harungana madagascariensis* to promote collagen synthesis.
- 2) Use of a cosmetic composition comprising an extract of *Harungana madagascariensis* to protect the skin proteins of glycation.
- 3) Use of a cosmetic composition comprising an extract of *Harungana madagascariensis* to delay, to fight against, to treat or reduce the ageing of the skin and/or the appearance of skin ageing signs.
- 4) Use according to claim 3, wherein the skin ageing signs are selected from lines, wrinkles, sagging, loss of skin elasticity fibres, withered skin, a thin skin, and a skin dull and/or dull.

Notably, Clarins’ claims are not limited to a specific harungana extract or a particular compound, and do not even specify a leaf extract, for example (and not bark, roots, etc.). Instead, they envelop any harungana extract. Thus, where the patent is valid, it appears that no competitor can market a harungana product to “promote collagen synthesis”, “protect skin proteins”, or to treat or reduce ageing or the appearance of ageing, etc.

Clarins’ broad claims on any harungana extract belie company claims that it has a sophisticated research programme to identify active molecules in the plant, such as this:²⁰

The objective for Clarins today is to understand the active ingredients in harungana that have enabled generations to benefit from its apparently magical effects by imposing the strictest scientific analysis, screening, and performance controls.

Of course any patent on compounds from harungana in applications used by Africans for generations, is *prima facie* predatory on traditional knowledge, but Clarins does not even do what it claims it does. The patent does not identify any “active ingredients” from the plant; rather, it just claims “an extract”.

Thickly documented traditional use on the skin

Clarins effectively concedes that its patent is misappropriation, as it uses images of Malagasy women preparing ground harungana leaf poultices to treat cuts and wounds in its promotional videos,²¹ states that traditional knowledge “teach[es] us a great deal for what we put in our creams”, and touts that many generations of Africans have benefited from harungana’s “apparently magical effects.”

While Clarins skewers the novelty of its alleged invention in its own promotional videos and other materials, a review of publications is also informative:

Literally hundreds of scientific studies have mentioned and, in many cases, more closely examined traditional medicinal use of harungana in countries across tropical Africa. A variety of preparations for internal and external use are documented.

Published citations on the benefits of harungana for the skin date at least to the early 1880s, when the *Antananarivo Annual and Madagascar Magazine* noted that “leaves of the Harungana are pounded and used as poultices” to treat skin itching.²²

Drug Plants of Africa, published in 1949, noted the use of harungana as a wound dressing, for scabies, and puerperal infections.²³

A 1961 work, *Woody Plants of Ghana*, assembled numerous instances of traditional medicinal use of harungana on the skin to treat:²⁴

- itching, skin diseases, leprosy spots and circumcision wounds, in Liberia and Sierra Leone;
- inflamed ganglia (masses of nerve cells), by the Bété people of Cote d’Ivoire;
- onchocerciasis, by the Igbo people of Nigeria;
- wounds, by the Yoruba people of Nigeria and Benin;

- itch and “dry scurvy”,²⁵ in “French Equatorial Africa” (modern Gabon, Congo (Brazzaville), Cameroon, Central African Republic and Chad).

In 1982 New York Botanical Garden researchers, citing a 1950 study in Liberia, noted the use of harungana to treat ringworm.²⁶

Kew Gardens, in a compendium published in 1985, further identified use on the skin to treat miliaria (“prickly heat”), scabies and other skin diseases in Sudan, and to treat mouth ulcers in Tanzania.²⁷

Thus, in addition to Clarins’ own admissions of reliance on traditional knowledge, there is weighty evidence in Western scientific literature to document African medicinal use of harungana preparations, including crushed leaves, to treat skin conditions, including applications similar to those claimed by Clarins. Clarins’ patent claims are neither novel nor the legitimate intellectual property of a French company.

It also appears that Clarins’ patent lawyers hope that patent offices do not scrutinize the company’s own statements. The patent application is coy about harungana’s traditional use, merely stating, “The plant is currently used as a yellow dye and for therapeutic purposes, in particular as an antibacterial and anti-inflammatory.”²⁸ Other traditional uses, of which Clarins is undoubtedly aware, are not mentioned. Clarins certainly could be interpreted as being misleading in its patent application by not revealing the extent of its knowledge and conscious appropriation of African traditional medicine.

Nor does Clarins even present any elaborate or novel method of preparing harungana extract. In the example given, leaves are merely boiled in water. Glycerin is then added, and the resulting extract used in products.

A dramatically unfair trade

“Naturally we want a clean and healthy agriculture, for it provides wealth for the people who do it.”

– Christian Courtin, owner and CEO of Clarins²⁹

The different realities of “wealth” for Clarins’ owner, one of France’s richest men, set against the picaresque income of the Malagasy who harvests and dries harungana leaves could hardly be more striking. One summers in the Mediterranean on a yacht, while the other aspires to fix a broken water tower or to build a public bathroom, under the watchful supervision of JdM.³⁰ One has traditional knowledge of harungana’s beneficial effects on the skin, the other claims that knowledge as a company invention.

The two are bound together by a business deal which is allegedly “fair trade”, and is certified as such, but which in reality is anything but fair.

Fair trade and compliance with the Convention on Biological Diversity and its Nagoya Protocol are two different things, and the case of harungana shows very clearly that the former does not suffice for the latter. No information could be found indicating that Clarins has complied with access and benefit-sharing (ABS) obligations, but it appears possible that ABS obligations in this case could be used to achieve justice.

A fairer trade would emerge by recognizing that Africa has the right to far more than a small premium on top of a market price for leaves, but rather the sovereign right to its genetic resources, and that its people have the right to determine if and how their traditional knowledge is used. That certainly includes protection against a company misappropriating that knowledge and understating its reliance on traditional medicine in its patent application.

Edward Hammond directs Prickly Research (www.pricklyresearch.com), a research and writing consultancy based in Austin, Texas, USA. He has worked on biodiversity and infectious disease issues since 1994. From 1999 to 2008 Hammond directed the Sunshine Project, an international non-governmental organization specializing in biological weapons control. Hammond was Programme Officer for the Rural Advancement Foundation International (now the ETC Group) from 1995 to 1999. He holds MS and MA degrees from the University of Texas at Austin, where he was an Inter-American Foundation Masters Fellow.

Endnotes

1. Clarins. 2016. Work to make a difference with Groupe Clarins (web page). URL: <http://www.clarinsusacareers.com/>
2. Clarins. 2013. Partnerships – Responsible Beauty (video). URL: http://www.youtube.com/watch?v=4gzxWptYF_s
3. Clarins. 2014. The quest for Harungana – Nature serving Science (video). URL: http://www.youtube.com/watch?v=a_P5Q7d239w
4. Ibid.
5. Clarins. 2016. Harungana (web page). URL: http://int.clarins.com/en/research-development-active-ingredients/harungana_madagascariensis.html
6. Jardins du Monde. 2014. *Bulb'Thym*. No. 53. May. URL: <http://www.jardinsdumonde.org/wp-content/uploads/2016/06/bulbthym53.pdf>
7. Ibid.
8. Jardins du Monde. 2015. *Bulb'Thym*. No. 57. June. URL: <http://www.jardinsdumonde.org/wp-content/uploads/2016/06/bulbthym57.pdf>
9. Ibid.
10. Jardins du Monde. 2016. *Bulb'Thym*. No. 61. May. URL: <http://www.jardinsdumonde.org/wp-content/uploads/2016/07/160530-BT-HD1-valid%C3%A9-L%C3%A9na-1.pdf>
11. Deloitte. 2016. *Global Powers of Luxury Goods 2016*. URL: <http://www2.deloitte.com/content/dam/Deloitte/global/Documents/Consumer-Business/gx-cip-gplg-2016.pdf>
12. Prices from the Clarins websites for the respective countries.
13. These parameters are stated in Clarins' international patent claims on harungana skin cream (WO2014009874), discussed later in this report.
14. See: <https://www.kempinski.com/en/doha/marsa-malaz-kempinski-the-pearl-doha/luxury-spa/massages-and-treatments/>
15. Jardins du Monde. 2016. *Bulb'Thym*. No. 61. May.
16. Clarins. 2014. *Responsible Beauty*. p. 14. URL: <http://www.groupeclarins.com/sites/clarins/files/uploads/files/ResponsibleBeauty2014-Eng.pdf>
17. Clarins. 2016. Work to make a difference with Groupe Clarins.
18. Clarins. 2013. Partnerships – Responsible Beauty.
19. Here the text of Clarins' international patent application (WO2014009874) is used.
20. Clarins. 2014. The quest for Harungana – Nature serving Science.
21. Ibid.
22. *Antananarivo Annual and Madagascar Magazine*. c. 1882. LMS Press. Antananarivo. Reprinted 1896 by the London Missionary Society, p. 62.
23. Githens TS. 1949. *Drug Plants of Africa*. University of Pennsylvania Press, pp. 59 and 91.
24. Irvine FR. 1961. *Woody Plants of Ghana*. Oxford University Press, pp. 140-41.
25. An antiquated term, “dry scurvy” here apparently refers to scurf, meaning flaky or crusty deposits on the skin, such as dandruff (and not the disease called scurvy that results from vitamin C deficiency).
26. von Reis S and FJ Lipp. 1982. *New Plant Sources for Drugs and Foods from the New York Botanical Garden Herbarium*. Harvard University Press, p. 187.
27. Burkhill HM. 1985. *Useful Plants of West Tropical Africa*. v2. Royal Botanic Gardens, Kew.
28. Text from WO2014009874.
29. Clarins. 2013. Partnerships – Responsible Beauty.
30. Jardins du Monde. 2016. *Bulb'Thym*. No. 61. May.