



CONSUMER NEWS

SAN DIEGO CITY ATTORNEY'S OFFICE

TATTOO TABOO: A FRIGHTENING PERSPECTIVE ON THE WORLD OF BODY ART

October 2014

For most, October is not only the month of pumpkin spice lattes and cool fall breezes; it is the month of fright, scares, and everything ghoulish. Well, there's nothing more ghoulish than a tattoo gone bad. Yes, we are talking about the alarming reality of ink gone bad, a real horror story.

A bad tattoo may not only result in a permanent and unsightly imperfection on your skin, but it may also have serious and deadly health consequences. In this month's newsletter, we are discussing the world of body art: recent tattoo health concerns, laws that regulate the body art industry, and what consumers need to know about the business of tattoo art.

RECENT STORIES

In June 2014, two cases of bacterial infections involving Nontuberculous Mycobacterium (NTM) were reported in San Diego after recent tattoo procedures. In the first cases of NTM in San Diego, the County Department of Environmental Health and County Health & Human Services Agency collaborated to investigate the infections. NTM can be caused by contaminated ink, water used to dilute ink, and unsanitary needle use. Open wounds created by tattoo needles expose consumers to bacterial infection. NTM can cause red itchy bumps that become abscessed and require antibiotic treatment for weeks or even months. Persons with signs of

infection should seek medical attention and report any tattoo related infections.

In August 2014, the United States Food & Drug Administration (FDA) published a warning about tattoo ink contained in at-home tattoo kits and other tattoo products marketed by White & Blue Lion, Inc., a California company. These D.I.Y. tattoo kits were sold throughout the nation on popular online websites. White & Blue Lion, Inc. issued a recall in July 2014, stating that use of the products could contain bacteria and lead to sepsis, a widespread inflammation of infection in the blood that can be deadly. Through internal investigation, the FDA laboratory testing found the contamination.

Inks used for tattooing poses potential for bacterial infections because the inks are being injected beneath the skin. [Science World Report](#) states that an electrical tattoo machine punctures the skin with anywhere from 50-300 punctures per minute, placing the ink below the skin's surface. If an ink is contaminated, that bacteria can spread into the bloodstream. Symptoms of a blood infection include flu-like symptoms of fever, shaking, and sweating. Unsanitary needles also pose a potential threat of infection when reused. Reused needles pose the threat of spreading blood borne infections, including human immunodeficiency virus (HIV).

Do-it-yourself home tattoo kits are becoming increasingly more available to consumers. It has been reported that tattoo professionals are seeing more and more cases of botched and infected tattoos. These tattoos can most commonly lead to staph infections, hepatitis, and MRSA.

A [recent article](#) reported a study on a correlation between tattoo ink and cancer conducted by German dermatologists evaluating a case of a forty eight year old man who developed skin cancer after getting tattooed. The article concludes that the correlation may have been coincidental, but similar cases should be monitored for future patterns.

THE LAW

The business of tattoo art is a regulated industry, mostly controlled by State and County laws. The FDA has authority to regulate the inks associated with tattoos as a part of their authority to regulate cosmetics, however in the past they have not used this regulatory authority due to competing health concerns. Therefore, local laws primarily control the industry.

In San Diego County, the Department of Environmental Health ("DEH") and the Food & Housing Division ("FHD") are the enforcing agencies responsible for implementing the [County of San Diego Body Art Program](#) and the

Safe Body Art Act, a part of the California Health & Safety Code, which was enacted in 2011. Some of the rules of the Safe Body Art Act include the requirement that tattoo artists must register as a Body Art Practitioner (including a certification that they had the Hepatitis B vaccination) and tattoo facilities must obtain a Body Art Facility Environmental Health Permit (which requires a clean working environment, carefully labeled instruments, adequate lighting, separated decontamination areas, and sterilization resources).

Further, tattoo parlors are restricted from performing body art on anybody under the age of eighteen, pursuant to Penal Code section 653.

Consumers must also provide informed consent as a part of compliance with the Safe Body Art Act, verifying understanding of the procedures, the permanence of body art, and the post-procedure protocol. Similar to a doctor's office, consumers must provide a health questionnaire to determine if there are any risks of complications due to allergies, pregnancies, and infection. A violation of the Safe Body Art Act can result in an administrative fine ranging from \$25.00 to \$1,000.00.

While tattoo parlors have regulated sanitary conditions, home conditions are not equipped for similar sterilization. At home tattoo kits, like the one marketed by White & Blue Lion, Inc., create additional risk for infection because of uncontrolled environments. Risks associated with tattoos include allergic reactions, infection, granulomas (tissue inflammation), scarring, and overall dissatisfaction. Doctors have also seen rare cases where tattooed skin reacts to magnetic resonance imaging (MRI) by burning or swelling during MRI scans. Doctor's have also seen

interference with image quality of MRI scans from tattoos.

WHAT CONSUMERS NEED TO KNOW

There are several precautions that consumers can take to limit risks associated with tattoos. Among the recommendations are:

- (1) Verifying the tattoo artist is a registered Body Art Practitioner,
- (2) Examining ink bottles to determine whether they have been subject to the [FDA Recall](#),
- (3) Verifying the tattoo parlor has the proper health permit,
- (4) Evaluating the sanitation of the shop (looking for sealed sterilized instruments, sterilized water used to dilute inks, a sterilization machine, and use of gloves), and
- (5) Following protocol for tattoo after care by keeping the exposed area clean and free from infection.

Although California requires a heightened standard of sanitation, the FDA warns that even with the best sanitation conditions, there is always a risk of infection. So before you run out to get that tattoo or at home tattoo kit, consider the ghastly horror that could become of a tattoo gone bad.

**San Diego
City Attorney's Office
Consumer and Environmental
Protection Unit
(619) 533-5600**

Newsletter written by Shannon Wicks.

The information provided in this newsletter is intended to convey

general information and is not intended to be relied upon as legal advice.

.....

The San Diego City Attorney's Consumer & Environmental Protection Unit prosecutes criminal and civil violations of California's unfair competition and other consumer laws committed in the City of San Diego. The Unit maintains a Phone Hotline for consumers to report possible violations. You can reach the Hotline at **(619) 533-5600**.