

COSMETIC REPLICATION AND THE LAW: THE CLONE AS CONSUMER, COMMODITY, AND CRIME IN THE SUBSTANCE

Kumar Satyam¹

Abstract

This research examines a movie, The Substance (2024), as a cinematic case study to explore the intersection between consumer protection, biotechnology regulation, and legal philosophy. While being a fiction, it presents a credible nuance to analyse the regulatory challenges posed by emerging biotechnologies, which highlights a grim picture of a black market when combined with an exploitative beauty market. The movie exemplifies the open violation of consumers under Indian Law through misbranding, serious manufacture, and adulteration under the Drugs and Cosmetics Act, 1940, and misleading advertising under the Consumer Protection Act, 2019. This violation is easy to commit with the help of celebrity endorsement, where liability becomes ambiguous. Through this analysis, the project demonstrates that the film is not a mere futuristic fiction but a modern legal allegory depicting the failure of regulatory enforcement when illicit science converges with extreme social pressure. Further, the project critically assesses the act of reproductive cloning depicted in the film, contextualising it within India's regulatory frameworks, conventions, and international declarations based on UN guidelines. The research reveals a doctrinal vacuum, which poses questions on the morality of cloning and its medical condemnation. At last, the study explores the clone's legal status through an ethical and jurisprudential dilemma. This unresolved legal identity crisis symbolises the broader inadequacy of existing law to address rapidly advancing biotechnology and the commodification of the human body.

I. INTRODUCTION

Title: The Substance (2024)

Director: Coralie Fargeat

Cast: Demi Moore, Margaret Qualley, Dennis Quaid

Synopsis

Coralie Fargeat's 2024 body horror film, *The Substance*, is not merely a piece of cinematic entertainment; it functions as a critical, contemporary legal parable. The narrative follows Elisabeth Sparkle (Demi Moore),² a celebrated Hollywood icon who, upon being unceremoniously fired on her 50th birthday for being too old, turns to a black-market product simply called "The Substance." This product, delivered in a sleek, three-stage kit, promises to create a "younger, more beautiful, more perfect" version of herself. The process is one of grotesque cellular division: a new, "perfect" entity, "Sue" (Margaret Qualley), is "birthed" from Elisabeth's own back, leaving the original Elisabeth a comatose husk. The system requires a constant transfer of stabilizing fluid from Elisabeth to Sue and a temporal balance between the two consciousnesses. But this balance is quickly

¹ Author is a student at Maharashtra National Law University, Nagpur.

² Coralie Fargeat, *The Substance* (Working Title Films, Blacksmith, A Good Story and Mubi 2024).

corrupted by Sue's newfound success and Elisabeth's addiction to the validation she receives as Sue, leading to the neglect of the original body and a horrific, symbiotic decay that culminates in mutation and death.

"The Substance" is a perfect narrative device that functions as a *legal nexus*, forcing two historically distinct bodies of law to collide: 1. The Law of Products: The regulatory frameworks governing *what* can be manufactured, marketed, and sold to consumers.³

2. The Law of Persons: The complex bioethical and legal frameworks governing *how* human life can be created, controlled, or commodified.⁴

II. IDENTIFICATION OF CORE THEMES: FROM SCREEN TO SOCIETY

The legal analysis of "The Substance" is incomplete without first analysing the motive for its use. The law is breached not in a vacuum, but as a direct consequence of unbearable societal pressure. The film's inciting incident is the firing of Elisabeth Sparkle by her producer, Harvey (Dennis Quaid). His justification, "We need her young. We need her hot. We need her now", is a brutal summation of the systemic ageism that commodifies women's bodies. Elisabeth's firing on her 50th birthday is a "*Social Death*" that precedes her physical one, reinforcing the message that an aging woman has no value in her industry.

This cinematic portrayal reflects a well-documented psychological phenomenon: the "*Double Standard of Aging*". In society, and particularly in media, men often gain respect, gravitas, and are seen as more successful as they age, while women are marginalized and told their value lies primarily in their appearance. This pressure, fuelled relentlessly by the beauty industry's "*Anti-Aging*" narrative and media's underrepresentation of older women, creates a state of "Internalized Ageism". This psychological toll makes a consumer like Elisabeth desperate and, in legal terms, a vulnerable consumer. The demand for a product like "The Substance" is not born from vanity, but from a terror of erasure, creating a market that black-market science is eager to fill.⁵ The film's central mechanism the creation of "Sue" is not a simple mother/clone relationship. The film's internal logic, as noted by critics, suggests a "Jekyll and Hyde" schism, where the same consciousness is spread across two bodies that develop separate personalities and a mutual hatred. This dynamic is best understood as a metaphor for substance use disorder. Elisabeth, appalled by her aging original form, becomes addicted to the validation, success, and hedonism she experiences as "Sue". This framing is legally significant. It reframes Elisabeth's character from a high-concept criminal perpetrator (one who

³ Ayush Kulshresth and Rhythm Kataria, 'Product Liability Laws in India' (Manupatra Articles, 27 December 2021) <www.manupatra.com/article-details/Product-Liability-Laws-in-India> accessed 1 October 2025.

⁴ Vivek Bajaj, Sonakshi Sharma and Kaavya Raghavan, 'India: Product Liability' (AZB & Partners, 1 April 2019) <www.azbpartners.com/bank/india-product-liability/> accessed 1 October 2025.

⁵ Maddie Crozier, 'Coralie Fargeat's The Substance and Its Critique of Hollywood's Toxic Beauty Standards' (UCL Pimedia, 7 November 2024) <<https://uclpimedia.com/online/https://www.wallpapercom/art/the-substance-film-review>> accessed 1 October 2025.

engages in illegal human cloning) to a victim of a harmful, addictive, black-market product. This narrative structure serves as a modernization of Oscar Wilde's *The Picture of Dorian Gray*.⁶

In Wilde's novel, a portrait bears the cost of individual moral corruption. In *The Substance*, this concept is inverted and feminized. There is no portrait; Elisabeth's own original body becomes the canvas that absorbs the decay, accelerating into a "*deformed, hag-like hunchback*" as "Sue" refuses to switch back. This shift from an external painting to a woman's own flesh is a powerful systemic critique. It is not Elisabeth's soul that is corrupt, but the society that demands she sacrifice her physical self to maintain an impossible standard of beauty.⁷

III. LEGAL AND REGULATORY ANALYSIS

Part A: The "Harsh Reality" – Regulating the Beauty Industry in India

Legal autopsy of "*The Substance*" as a tangible product, analysing it under India's robust, albeit often circumvented, consumer protection laws.

1. The Illegality of the Product: The Drugs and Cosmetics Act, 1940 "*The Substance*" is marketed as a cosmetic procedure, but its biological mechanism places it squarely within the definition of a "drug" or "cosmetic" under Indian law. As a product sold on the market, it is illegal on multiple, overlapping grounds under Chapter IV of the Drugs and Cosmetics Act, 1940.

Application of Section 17C: "Misbranded Cosmetic" A cosmetic is deemed "misbranded" if "it is not labelled in the prescribed manner" or if its label "bears any statement which is false or misleading in any particular". "*The Substance*" is a black-market product, arriving with no manufacturer details, ingredient list, or statutory warnings, thus violating all prescribed labelling rules. Furthermore, its promise of a "perfect" you are demonstrably "*false or misleading*";⁸ as it omits the fatal side effects.⁹ **Application of Section 17D: "Spurious Cosmetic"** A cosmetic is "spurious" if it is "manufactured under a name which belongs to another cosmetic" or if its label "bears the name of an individual or a company... which... is fictitious or does not exist". The product is sold by an anonymous, untraceable entity, making it a "counterfeit or fake product designed to deceive customers" and, by definition, spurious.¹⁰

Application of Section 17E: "Adulterated Cosmetic" This is the most critical and graphic violation. A cosmetic is deemed "adulterated" if it "consists in whole or in part, of any filthy, putrid or decomposed substance" or, most relevantly, if it

⁶ Cy Alcala, 'The Substance (2024): A Multifaceted Analysis of Beauty, Identity, and Morality in Cinema' (Medium, 12 October 2024) <<https://medium.com/@cycalca7/the-substance-2024-a-multifaceted-analysis-of-beauty-identity-and-morality-in-cinema-db310aeaceea>> accessed 1 October 2025.

⁷ Winter Szarabajka, 'Granny? More Like Mommy: The Prevalence of Ageism in Beauty' (Hopkins School News, 24 April 2024) <www.hopkins.edu/news-detail?pk=1584647> accessed 1 October 2025.

⁸ The Drugs and Cosmetics Act 1940 (India).

⁹ ELTAdmin, 'Misbranded vs Spurious Cosmetics: Key Differences, Examples, and Penalties in India' (Cosmetics Regulatory, 22 September 2025) <<https://cosmeticsregulatory.com/blog/misbranded-vs-spurious-cosmetics-india/>> accessed 9 December 2025.

¹⁰ *ibid*

"contains any harmful or toxic substance which may render it injurious to health". The film's entire plot is a literal dramatization of this clause. The "Substance" is a toxic agent that causes Elisabeth's body to decay, rapidly age, and ultimately mutate into the "*Monstro Elisa sue*", a grotesque being that explodes into "*viscera*". This is the very definition of a product "injurious to health."

While the Act prescribes severe penalties for manufacturing or selling such products, including imprisonment for up to life and substantial fines, its enforcement mechanisms reveal a structural weakness. The Act is primarily a licensing and standards regime, built to regulate legitimate manufacturers through inspections and quality control.¹¹ It is inherently powerless against a product like "The Substance," which exists entirely on the black market. This highlights the practical limitation of regulatory law in the face of criminal enterprise.

2. The Deception of the Promise: The Consumer Protection Act, 2019

Where the Drugs and Cosmetics Act govern the product's *composition*, the Consumer Protection Act (CPA), 2019, governs its *marketing* and the *liability* for its failures.

- **Misleading Advertisements and the CCPA** The CPA, 2019, was enacted to modernize consumer protection, granting new powers to a Central Consumer Protection Authority (CCPA) to proactively investigate and penalize "*misleading advertisements*". The promise of "The Substance" is the platonic ideal of a misleading ad: an "*exaggerated claim*" that preys on a consumer's known vulnerabilities (in this case, ageism) and omits all material facts about its risks. The CCPA is empowered to impose penalties of up to 10 lakh rupees (and more for subsequent offenses) and ban such advertisements.¹²
- **IMA v. Union of India (Patanjali)** The 2024 *Patanjali* case is a watershed moment in Indian consumer law,¹³ demonstrating a new judicial intolerance for health-related misinformation. The Supreme Court's crackdown on Patanjali for "disseminating false and disparaging claims" against allopathy and its decision to initiate contempt proceedings for continued non-compliance signals a major shift. Courts are no longer content to allow "puffery"; they are demanding *scientific substantiation* for health and wellness claims.¹⁴ The marketing of "The Substance" would fail this new, heightened standard of veracity immediately.¹⁵
- **Celebrity Endorser Liability** The film's plot, where Elisabeth is fired and "Sue" is hired to replace her, is fundamentally a story of *celebrity endorsement*. "Sue" becomes the walking, talking advertisement for the product. This directly implicates the **Guidelines for Prevention of Misleading**

¹¹ Central Drugs Standard Control Organization, 'Guidance Document on Cosmetics'.

¹² Kavita Solanki and Naresh Singh, 'The Consumer Protection Act, 2019: A Shield Against False/Misleading Advertisements' (2025) 7(3) International Journal for Multidisciplinary Research 7.

¹³ Indian Medical Association v Union of India [2024] INSC 406.

¹⁴ Diwanshi Rohatgi and Tuhina Sinha, 'The Dark Side of Marketing: Unmasking Misleading Advertisements to Empower Indian Consumers' (2024) 5(2) Chanakya Law Review 36.

¹⁵ Indian Medical Association v Union of India [2024] INSC 406.

Advertisements, 2022.¹⁶ These guidelines, along with the *Patanjali* ruling, explicitly state that endorsers are "equally responsible" for misleading ads. They mandate that an endorser must perform "due diligence" to "actively verify and document" the veracity of the claims being made. An endorser can no longer claim ignorance; they must ask for regulatory approvals, safety data, and scientific substantiation. This creates a fascinating legal paradox within the film. "Sue" (the endorser) is incapable of performing due diligence because she *is* the product. Her very existence is the claim. However, if Elisabeth, as the original, had survived and endorsed the product, she would be unequivocally liable under Indian law. The *Patanjali* case and the CCPA guidelines mean that the celebrity-industrial complex, which the film satirizes, now carries tangible legal and financial risks for its participants.¹⁷

Part B: The "Prohibited Act" – Regulating Human Cloning

The analysis now shifts from "The Substance" as a *product* to the *procedure* it enables: the creation of a "better" human. This act is unequivocally defined in scientific and legal terms as *reproductive cloning* the creation of a whole, genetically identical human being.

1. The Indian Legal Position: A Firm but "Unenforceable" Prohibition

The primary document governing cloning in India is the **National Guidelines for Stem Cell Research (NGSCR) 2017**, issued by the Indian Council of Medical Research (ICMR) and the Department of Biotechnology (DBT).¹⁸

These guidelines are explicit. They categorize all research into "permissible," "restrictive," and "prohibited" areas. The "Prohibited" category unequivocally lists "human germline gene therapy and reproductive cloning". Therefore, the procedure Elisabeth undertakes in her apartment is *explicitly* banned by India's top medical research bodies.

However, a critical legal gap exists. As noted in legal analysis, the ICMR guidelines "*are not legally binding and are seen as unenforceable because of the large population and lack of specific criminal laws to act as a deterrent*". India has no single,¹⁹ overarching "Biotechnology Act" that assigns specific criminal penalties (like imprisonment) for the act of reproductive cloning. This legal vacuum is precisely the vulnerability that a real-world "Substance" would exploit.²⁰

2. Filling the Gap: The Surrogacy (Regulation) Act, 2021 as a Statutory Analogy

¹⁶ Diwanshi Rohatgi and Tuhina Sinha, 'A Bird's Eye View of the Consumer Protection Act, 2019 in Combating Misleading Advertisements' (2024) 4(6) International Journal for Multidisciplinary Research 142.

¹⁷ Central Consumer Protection Authority, 'Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements' (2022).

¹⁸ Indian Council of Medical Research and Department of Biotechnology, 'National Guidelines for Stem Cell Research' (October 2017).

¹⁹ Adv Rakesh Vishan and Swati Vishan, 'Human Cloning: Perspectives, Ethical Issues and Legal Implications' [2017] Bharati Law Review 70.

²⁰ Genetic Literacy Project, 'India: Germline / Embryonic – Global Gene Editing Regulation Tracker' <<https://crispr-gene-editing-regs-tracker.geneticliteracyproject.org/india-germline-embryonic/>> accessed 1 October 2025.

In the absence of a specific *Cloning Prohibition Act*, how would an Indian court respond to the creation of "Sue"? It would look for *legislative intent* in analogous areas of law.

The clearest analogy is **The Surrogacy (Regulation) Act, 2021**. This Act explicitly *bans* "commercial surrogacy" and imposes "stringent punishments" for the "sale of human embryos or gametes". The legislative and moral intent of this law is clear: to prevent the *commodification* of human reproduction and the exploitation of women's bodies.²¹

A court would apply the principles of the Surrogacy Act to the case of "Sue." It would reason that if Parliament has already criminalized the *commercialization of a womb* (surrogacy), it logically follows that the *outright manufacture and sale of a complete human being* (cloning) is also prohibited. The latter is a far more extreme act of human commodification, and the court would find no difficulty in extending the legal principle to cover it.

3. The International Consensus: A "Crime Against Human Dignity"

India's non-binding prohibition is supported by a near-universal *global consensus* that reproductive cloning is an affront to human rights and dignity.

- **UNESCO Universal Declaration on the Human Genome (1997):** This foundational document sets the global *moral* and *political* baseline²². Its Article 11 states that "Practices which are contrary to human dignity, such as reproductive cloning of human beings, shall not be permitted".²³
- **Council of Europe's Oviedo Convention (1998):** This (and its Additional Protocol) operationalizes the UNESCO principle into *binding regional law*. It explicitly bans "any intervention seeking to create a human being genetically identical to another".²⁴ This powerful international consensus reinforces the Indian position, making any attempt to legalize reproductive cloning politically untenable and cementing its status as a prohibited act.

IV. ETHICAL AND SOCIETAL IMPLICATIONS: THE RIGHTS OF THE CLONE

The previous section established the *illegality* of the product and the procedure. This section addresses the most profound and horrifying legal question raised by the film: If the procedure *succeeds* and "Sue" exists as a viable, conscious entity, *what is she at law?*

²¹ Zairu Nisha, 'Negotiating "Surrogate Mothering" and Women's Freedom' (2022) 14(3) Asian Bioethics Review 271.

²² Avishi Shukla, 'Human Cloning: Navigating Ethical Dilemmas and Legal Frameworks' (The Legal Journal on Technology, 12 October 2024) <www.thelegaljournalontechnology.com/post/human-cloning-navigating-ethical-dilemmas-and-legal-frameworks> accessed 9 December 2025.

²³ 'UNESCO's International Bioethics Committee Resumes Debate on Human Cloning' (UNESCO, 7 October 2025) <<https://www.unesco.org/en/articles/unescos-international-bioethics-committee-resumes-debate-human-cloning>> accessed 9 December 2025.

²⁴ Convention on the Rights of the Child (Council of Europe ETS No 157, opened for signature 25 January 1996, entered into force 1 July 2000).

1. The Legal Status of "Sue": Person, Property, or Product?

This question exposes a deep flaw in our legal architecture, which is built on a binary of "person" or "property."

- **The "Natural Person" Problem:** Legal theory and precedent almost universally tie the status of a "natural person" to the act of *being born from a womb*. "Sue" is not "born" in any legally recognizable sense; she is "birthed" from a slit in Elisabeth's back. She does not have the potential to develop from an embryo into a whole human organism; she is *created* as one.
- **The Horrifying Legal Conclusion:** A strict interpretation of current law would mean "Sue" *is not a natural person*. She is also not a "juridical person" (a legal fiction like a corporation). She is, therefore, a legal *nothing*. She exists in a legal void. In the absence of personhood, she would default to the status of *chattel* or *property*, belonging to her creator and genetic original, Elisabeth.
- **The Legal Paradox of the Climax:** This redefinition of "Sue's" status forces a terrifying re-evaluation of the film's climax.
- When Elisabeth, horrified at her own decay, attempts to inject Sue with the termination serum, this is *not* attempted murder. Legally, it is the *destruction of one's own property*.
- Conversely, when "Sue" (the property) beats Elisabeth (the natural person) to death to save herself, this *is* murder. However, it is a crime for which no one can be prosecuted. The *perpetrator* ("Sue") has no legal personhood. She cannot be arrested, charged, or tried. She possesses no *men's rea* (guilty mind) that the law can recognize.

2. Instrumentalism and the Kantian Failing

The film's plot is a perfect illustration of the primary *bioethical* objection to reproductive cloning: *instrumentalism*. This argument, rooted in Kantian philosophy, holds that it is a violation of human dignity to treat a person as a *means* to an end, rather than as an *end* in themselves.²⁵

"Sue" is the ultimate *"instrument"*. She is not created out of love or a desire for a child; she is *manufactured* for a single, selfish purpose: to reclaim Elisabeth's fame. She is a tool. The film literalizes this instrumental status: "Sue" is not an autonomous being. She is physically dependent on "*stabilizer fluid*" extracted from Elisabeth, making her less a person and more a "research product" or a parasite, created solely for the "benefit of others".²⁶

3. Autonomy and the "Right to an Open Future"

A second core ethical argument against cloning is that it denies the clone a "right to an open future" and a "right to a unique genetic identity". The clone's life is forever shadowed by the expectations and life of the "original".

²⁵ Leon R Kass (chair), *Human Cloning and Human Dignity: An Ethical Inquiry* (President's Council on Bioethics 2002) 350.

²⁶ Timothy Caulfield, 'Human Cloning: Laws, Human Dignity and the Poverty of the Policy-Making Dialogue' (2003) 4 BMC Medical Ethics 2.

The Substance dramatizes this violation perfectly. "Sue's" future is *literally* not open; it is *physically* constrained by Elisabeth's actions. When Elisabeth engages in "*unhealthy binge-eating*", "Sue's" "perfect" body presumably bears the cost. "Sue" can never be free. Her autonomy is a fiction, as her very existence is contingent on the survival of the "original" she grows to hate. This symbiotic, parasitic relationship is a graphic violation of the fundamental right to individual autonomy.

V. CRITICAL REFLECTION

This analysis reveals that the legal frameworks in India (and internationally) are *reactive*. The Drugs and Cosmetics Act, the Consumer Protection Act, and the ICMR Guidelines are all tools designed to investigate, regulate, and punish violations after they have occurred.

The film's satirical critique, however, is aimed at the *proactive* forces of culture. The "social death" threatened by Harvey, the "double standard of aging",²⁷ and the media's obsession with youth are presented as *more terrifying* to Elisabeth than the *physical death* and *legal risks* promised by "The Substance".²⁸

The law can ban a product, but it cannot ban the *desire* for that product, especially when that desire is manufactured and reinforced by an entire media and industrial ecosystem. The true horror of *The Substance* is not that the law fails, but that it is rendered *irrelevant*. The law is trying to stop "*bad products*" and "*bad science*", but it is utterly powerless to stop the *bad culture* that creates the billion-dollar demand for them.²⁹

VI. CONCLUSION

The Substance presents a narrative that is, at its core, a case of dual illegality, exposing profound gaps between law, culture, and bioethics.

First, "The Substance" as a *product* is unequivocally illegal under India's existing regulatory framework. It is simultaneously:

- **Misbranded** under Section 17C of the Drugs and Cosmetics Act, 1940, for its false and misleading claims.
- **Spurious** under Section 17D, as it is a counterfeit product sold by a fictitious entity.
- **Adulterated** under Section 17E, as it is a toxic substance that proves to be "injurious to health," leading to grotesque mutation and death. Its marketing is a "misleading advertisement" under the **Consumer Protection Act, 2019**, and

²⁷ HJ Coelho-Junior, R Calvani, A Picca, F Landi and E Marzetti, 'The Influence of Ageism on the Hallmarks of Aging: Where Age Stigma and Biology Collide' (2024) 90 Ageing Research Reviews 101999 <<https://doi.org/10.1016/j.arr.2024.101999>> accessed 9 December 2025.

²⁸ Kaytee Gillis, 'The Double Standard of Aging for Women' (Psychology Today, 22 November 2024) <<https://www.psychologytoday.com/us/blog/invisible-bruises/202411/the-double-standard-of-aging-for-women?eml>> accessed 9 December 2025.

²⁹ Ana Carolina Diehl, 'How the New Cult Movie The Substance Reflects Our Obsession with Beauty and Youth' (Istituto Marangoni, 13 November 2024) <<http://www.istitutomarangoni.com/en/maze35/community/how-the-movie-the-substance-reflects-our-obsession-with-beauty>> accessed 9 December 2025.

any celebrity who endorsed it (be it "Sue" or Elisabeth) would face severe liability under the new "due diligence" standards established by the CCPA Guidelines and the landmark *Patanjali* case. Second, "The Substance" as a *procedure* is a "prohibited" act of human reproductive cloning under India's **NGSCR 2017 Guidelines**. It violates a deeply held global consensus that such acts are "contrary to human dignity". While India's guidelines lack a specific *criminal* deterrent, this report argues that an Indian court would fill this gap by applying the clear anti-commodification principles of the **Surrogacy (Regulation) Act, 2021**, to prohibit the outright manufacture of a human being. Finally, and most critically, the film's horror culminates in a question of legal philosophy. The "clone" "Sue," having not been "born of a womb", would exist in a state of legal-philosophical terror: lacking "natural personhood," she would be mere *property* at law. She would have no rights, no agency, and no legal protection. Her murder of Elisabeth would be a crime without a criminal, and Elisabeth's attempt to kill her would be nothing more than the destruction of property. The film's final, haunting image Elisabeth's original face detaching from the gore, crawling to her Walk of Fame star, and dissolving into a puddle of blood, only to be "erased" by an industrial cleaner serves as the report's closing metaphor. She has been successfully reduced from a person, to a product, to, finally, *hazardous waste*. This is a final, commodified status that our current legal frameworks are unequipped to remedy, or even to recognize.