

Compliance with consumer product safety standards is mandatory. All suppliers, including manufacturers, importers, distributors, hirers and retailers of toys must ensure their toys comply with the mandatory requirements. This applies equally to suppliers of toys for sale or as a give-away or prize, such as a bonus with a meal or in a cereal box or bag of sweets. Consumers also have a responsibility to purchase safe products and to use them in a safe manner.

South Australian Safety Regulations on toys for children under three years of age complement the Commonwealth's Consumer Product Safety Standard.

Further information about the *Trade Standards Act 1979* can be obtained by contacting the Office of Consumer and Business Affairs, or purchasing a copy of the *Trade Standards Act 1979* from Information SA. A copy of the Australian Standard AS/NZS can be purchased from the Standards Association of Australia. Contact details for these agencies are on the back of this brochure.

Toys for Children

...under 3 years of age

Safety Standard

A mandatory standard relating to toys for children under the age of three was introduced to protect them from the inhalation and choking dangers posed by small toys or small parts that may be produced during the course of play.

The mandatory standard applies to all toys for children under three years of age. This includes toys that are suitable for a wide age group. For example, if a toy is suitable for a child under five years or between the ages of two and six years, the toy must comply with the mandatory standard.

The mandatory standard is based on Australian Standard AS 1647-1992 'Children's Toys (Safety requirements) Part 2: Constructional Requirements' published by Standards Australia. To aid compliance, suppliers of children's toys are advised to read the Australian Standard AS 1647.2-1992.

Toys for children under three years of age are defined as toys manufactured, designed, labelled or marketed as playthings eg. rattles and dummies. Labelling a toy 'not suitable for children under three years' does not exclude it from compliance with the mandatory standard. Unless exempted, any toy reasonably regarded as suitable for a child under three years must comply with the standard.

The Australian Competition and Consumer Commission has produced two publications to assist suppliers in assessing the suitability of a toy for a particular age group. The publications 'Manufacturers Abbreviated Guide For Age-Labeling Toys: Matching Toy Characteristics to Children's Ages' and 'Guidelines for Relating Children's Ages to Toy Characteristics' may be particularly useful for manufacturers and importers.

Independent advice is recommended to properly establish age suitability.

Exclusions

The following items are examples of products excluded from compliance with the standard:

- balloons;
- marbles;
- books;
- crayons;
- chalk;
- pencils and pens;
- paints;
- paint brushes;
- clay;
- plasticine and playdough;
- flotation aid toys;
- bicycles with a wheelbase greater than 640 mm;
- toys that are made wholly from highly porous material (for example cheesecloth);
- playground equipment for parks, schools and domestic use and goods supplied wholly or partially unassembled, provided that the goods are constructed correctly according to the instructions; and
- foam toys provided they are labelled with the following warning:

WARNING
NOT SUITABLE FOR CHILDREN UNDER
3 YEARS AS FOAM PIECES MAY BREAK OFF
AND CAUSE A CHOKING HAZARD.

The warning must be in red upper case lettering on a white background. The word 'WARNING' must be no less than 5 mm high and the remaining lettering no less than 2.5 mm high. The warning must be legible and conspicuously displayed on the toy or, if the toy is displayed in a package at the point of retail sale, on the package.

Requirements

The mandatory standard requires that toys for children under three years be free of any small parts that may pose an ingestion or inhalation hazard. As a general guide, anything smaller than a table tennis ball or that fits into a 35 mm film canister would fail the 'small part' test.

A toy therefore must not:

- be a small part in its own right;
- contain small detachable components; or
- break into small pieces during use or reasonably foreseeable abuse.

The mandatory standard does not regard toy components made from the following as ingestion or inhalation hazards:

- highly porous fabric components of a toy, such as pom-poms; fibre filling material, such as polyester monofilament; or
- components or parts consisting of paper fabric, yarn, fuzz, fluff, elastic or string.

Descriptive Age Labelling

Suppliers should be aware that descriptive age labelling is not required under the mandatory standard. However, this form of labelling may be useful in providing information about the safety risks if the toy is used outside the recommended age group. For example, a toy that contains small figurines or parts that require assembly may bear a label advising that it has small parts and it is not suitable for children under three years due to a potential choking or ingestion hazard.

Important Information

Supplier/Retailer Responsibilities

Suppliers and retailers must provide safe products and should always seek professional advice to ensure their products comply with the mandatory safety requirements.

Suppliers should contribute to the safety of consumers by:

- incorporating safety into product design;
- implementing a quality assurance program;
- complying with standards (as a minimum);
- providing clear instructions for proper use;
- identifying foreseeable misuse and providing warnings against it;
- identifying hazards associated with the product and providing warnings;
- implementing feedback systems;
- developing product recall plans and procedures; and
- responding quickly to safety concerns.

Product Liability

Section 26 of the Trade Standards Act 1979 contains product liability provisions. Under these provisions, consumers are able to seek compensation or damages for personal injury or other loss caused by dangerous goods or services that do not comply with the appropriate safety standard.

Compliance Checks

Standards Officers from the Office of Consumer and Business Affairs conduct random checks of retail and wholesale premises throughout South Australia. They check to ensure compliance and investigate allegations of hazardous goods for sale or distribution.

Supplying goods that do not comply with a mandatory standard is an offence under the Trade Standards Act 1979 and may result in fines of up to \$10,000.

Note: The information provided on this sheet is of a general nature only and should not be regarded as a substitute for professional advice and/or reference to the appropriate legislations.

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Further Information

If you want more information on the requirements of the Trade Standards Act 1979, please contact the Office of Consumer and Business Affairs at the above addresses, or purchase a copy of the Trade Standards Act 1979 and Regulations from Service SA, 101 Grenfell St, Adelaide, SA, 5000, telephone 13 23 24.

A copy of the relevant Australian Standard AS/NZS may be purchased from the Standards Association of Australia on free call 1300 654 646 or website www.standards.org.au



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Toys for
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