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**ANEC/BEUC Fact sheet**  
**Specific requirements for warnings should be introduced**

→ Background

Warnings and labels are increasingly used as substitutes for requiring a manufacturer to put safe toys on the market. Warnings and labels should only be complementary to strict safety measures and should not preclude the manufacturer from an obligation to ensure that the toy does not present and avoidable risk or hazard to the user or third parties.

→ Our proposals for amendments

**CHAPTER III**  
**CONFORMITY OF THE TOY**

*Article 9*  
*Essential safety requirements*

2. Toys shall not jeopardize the safety or health of users or third parties when they are used as intended or in a foreseeable way, bearing in mind behaviour of children.

The ability of the users and where appropriate their supervisors shall be taken into account, in particular, in the case of toys which, by virtue of their functions, dimensions and characteristics, are intended for use by children of under 36 months.

Labels on toys **and/or** on their packaging and the instructions for use which accompany them must draw the attention of users or their supervisors to the inherent hazards **of the toys** and **the related** risks involved in using the toys and to the ways of avoiding them.

*Justification:*

*It does not always make sense to consumers when a warning only indicates which parts of a toy may cause harm or that the toy contains a specific chemical. For example, it is not clear to consumers that the warning "small balls" suggests that the toy presents a risk of choking.*

*Warnings should therefore provide users with clear information on both the inherent harms/hazards and the related risks involved in using a toy.*

#### *Article 10*

#### *Warnings*

1. Where appropriate for safe use, warnings made for the purposes of Article 9 (2) shall specify appropriate user limitations, in accordance with Part A of Annex V.

As regards the categories of toys listed in Part B of Annex V, the warnings set out therein should be used.

2. The manufacturer shall mark the warnings in **an accurate, clearly visible, and easily legible manner, so that they are conspicuously displayed** on the toy, on an affixed label or on the **consumer** packaging and, if appropriate, on the instructions for use which accompany the toy. Small toys that are sold without packaging shall have appropriate warnings affixed to them.

Warnings specifying the minimum and maximum ages for users shall be visible, legible and conspicuously displayed **on the packaging of toys** and at the point of sale.

**Warnings which are necessary for choosing a toy that is safe in connection to the intended use or user must be indelibly and conspicuously displayed on the toy itself or/and on the packaging in such a way that the consumer can read the information before purchase. This provision applies to the warnings in Annex V Part B.**

*Justification:*

*It is imperative for the consumer not to find out that a toy is unsafe for a child after having opened the packaging at home. If this occurs, consumers might not take the toy away from the child and return it to the point of sale. Consumers should therefore be able to see and understand the warnings before purchase, in order to assess the hazard related to the toy they want to buy and to decide whether the toy is suitable for the child from a safety point of view.*

**Warnings that should be remembered every time the toy is used, or a long time after the toy has been purchased, in order to avoid unsafe use or misuse, shall be permanently marked on both the toy and its packaging. This applies to the warnings in points 2, 5 and 6 of Annex V Part B.**

*Justification:*

*In some cases, consumers need to be reminded of the warning every time a toy is used or a long time after the toy is bought, in order to avoid related risks. E.g. on an inflatable mattress that shall not be used in salted water (sea), it is crucial to have this warning permanently marked; the same applies to a toy that needs to be taken away from the child when he/she exceeds a certain limit f age.*

**Warnings that should be remembered every time the toy is used, or a long time after the toy has been purchased, in order to avoid unsafe use or misuse, shall be permanently marked on both the toy and its packaging. This applies to the warnings in points 2, 5 and 6 of Annex V Part B.**

*Justification:*

*This is important in order to make it clear to consumers that the information relates to safety.*

The Commission shall prepare guidelines concerning the way the warnings should be presented. These guidelines shall be drawn up together with the various stakeholders and Member States authorities taking into account developments of scientific and technical knowledge.

*Justification:*

*In the Explanatory Memorandum of the Commission's proposal, point 3.1.2, it is foreseen that the Commission will prepare guidelines on the presentation of warnings together with stakeholders. This provision should be reintroduced in the legal text as there is a need for some clarification concerning the presentation of warnings and the size and clarity of symbols and text. These guidelines could help defining specific labelling conditions. In this context, CEN Guide 11 on product information should be taken into account, as well as CEN TR 13387, a technical report on child care articles.*

## **ANNEX V** **WARNINGS** **(Article 10)**

### **PART B – SPECIFIC WARNINGS AND INDICATIONS OF PRECAUTIONS TO BE TAKEN WHEN USING CERTAIN CATEGORIES OF TOYS**

#### **3. Functional toys**

“Functional toy” means a toy which performs and is used in the same way as a product, appliance or installation intended for use by adults, and may be a scale model of such a product, appliance or installation.

Functional toys or their packaging shall bear the marking 'Warning: to be used under the direct supervision of an adult'.

In addition, these toys shall be accompanied by directions giving working instructions as well as the precautions to be taken by the user, with the warning that failure to take these precautions would expose the user to the hazards - to be specified - normally associated with the appliance or product of which the toy is a scale model or an imitation. It shall also be indicated that the toy must be kept out of the reach of **very young children**.

*Remark from ANEC/BEUC: the age range of “very young children” needs to be specified in order to avoid misinterpretation of the legal text.*

#### **4. Toys containing inherently dangerous substances or preparations. Chemical toys**

Without prejudice to the application of the provisions laid down in Community directives on the classification, packaging and labelling of dangerous substances or preparations, the instructions for use of toys containing inherently dangerous substances or preparations shall bear a warning of the dangerous nature of these substances or preparations and an indication of the precautions to be taken by the user in order to avoid hazards associated with them, which shall be specified concisely according to the type of toy. The first aid to be given in the event of serious accidents

resulting from the use of this type of toy shall also be mentioned. It shall also be stated that the toys must be kept out of reach of **very young children**.

*Remark from ANEC/BEUC: the age range of “very young children” needs to be specified in order to avoid misinterpretation of the legal text.*

In addition to the instructions provided for in the previous subparagraph, chemical toys shall bear the following marking on their packaging:

‘Warning: Not suitable for children under (1) years. For use under adult supervision’.

In particular, the following are regarded as chemical toys: chemistry sets, plastic embedding sets, miniature workshops for ceramics, enamelling or photography and similar toys which lead to a chemical reaction or similar substance alteration during use.

## **5. Skates, roller skates, inline skates, skateboards, scooters and toy bicycles for children**

If these toys are offered for sale as toys they shall bear the following markings:

‘Warning: protective equipment should be worn. Not to be used **on public roads or public pathways or on the pavement of these. Not be used by children with a weight of more than 20 kg**’.

Moreover, the instructions for use shall contain a reminder that the toy must be used with caution, since it requires great skill, so as to avoid falls or collisions causing injury to the user and third parties. Some indication shall also be given as to recommended protective equipment (helmets, gloves, knee-pads, elbow-pads, etc.).

## **7. Toys in food**

Toys contained in food or co-mingled with food shall contain the warning: “Adult supervision recommended”.

**Food products containing toys must bear the following warning, irrespective of the age of the child: “Warning: contains a toy”, or, in case the toy is packed in a hazardous container: “Warning, contains a toy and a container – choking hazard. Remove these items before giving the product to the child”**

*Justification:*

*Some products indicate that there is a “surprise inside”, without mentioning if this surprise is edible or not. In such case, a child could confuse e.g. a little ball (inedible/toy) with a chewing gum shaped like a ball (edible). See also ANEC/BEUC fact sheet on toys in food.*

## **8. Imitations of protective masks and helmets**

Imitations of protective masks and helmets shall contain the warning: ‘Warning: this toy does not provide protection.’

END.