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Industry Guide to Canadian Requirements for Children's Jewellery



Canada 

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Preface

The intent of this document is to:

- provide information about the legislation in Canada that applies to consumer products that are, or are likely to be, a danger to the health or safety of the public
- explain how this legislation applies to the lead content of children's jewellery
- explain how children's jewellery is defined
- specify the analytical methods for children's jewellery

This guide provides information regarding Canadian safety legislation for children's jewellery products. It conveys basic information on the legislation, as well as information on which consumer products fall within the scope of the legislation. This is not a comprehensive review of the legislation. For complete details, please refer to the official legislation (see "Links to Documents and Resources" near the end of this guide).

Legislation

The Consumer Product Safety Directorate (CPSD) of Health Canada works closely with partners and stakeholders to protect consumers, including children, from consumer product-related hazards, and to promote the safe use of consumer products. The *Hazardous Products Act* prohibits or regulates the advertising, importation, and sale of a variety of consumer products that are or are likely to be a danger to the health or safety of the public. CPSD monitors the Canadian marketplace and takes action against consumer products that are or are likely to be a danger to the health and safety of the public.

Industry has the responsibility to ensure that all consumer products they market in Canada comply with the *Hazardous Products Act*. Enforcement actions by Health Canada's Product Safety Officers against noncompliant products range from negotiation with industry for voluntary removal of affected products from the market to seizure of affected products and/or prosecution under the *Hazardous Products Act*. Any person or company that advertises, sells or imports noncompliant products whose use results in property damage, injury or death may also face civil penalties.

Item 42 of Part I of Schedule I to the *Hazardous Products Act*¹ prohibits the importation, advertisement or sale in Canada of children's jewellery items which contain more than 600 mg/kg total lead and 90 mg/kg migratable lead².

The wording of Item 42, which came into effect on April 2, 2008, is:

- 42.** Jewellery that is produced, sized, decorated, packaged, advertised or sold in a manner that appeals primarily to a child under 15 years of age — except merit badges, medals for achievement or other similar objects normally worn only occasionally — and that contains more than 600 mg/kg of total lead and more than 90 mg/kg of migratable lead, when tested using practices that are in accordance with the principles set out in the Organisation for Economic Co-operation and Development's document entitled *OECD Principles of Good Laboratory Practice*, Number 1 of the *OECD Series on Principles of Good Laboratory Practice and Compliance Monitoring*, ENV/MC/CHEM(98)17, the English version of which is dated January 21, 1998 and the French version of which is dated March 6, 1998.

¹ Item 42 replaces the *Children's Jewellery Regulations*, which came into effect under the *Hazardous Products Act* on June 1, 2005 and were repealed on April 2, 2008. This change does not affect the lead content limits for jewellery intended for children under 15 years of age, or the way in which the limits are enforced.

² Migratable lead is the amount of lead which is released from a product when it is brought into contact with a liquid solvent.

Both the total lead limit **and** the migratable lead limit must be met.

The lead content limits of Item 42 apply to all accessible components of children's jewellery items, whether metallic or non-metallic, including glass and crystal components. An item is considered compliant only if **all** accessible components meet the 600 mg/kg total lead **and** the 90 mg/kg migratable lead limits.

A component is considered accessible if it is exposed to direct contact with the hands or mouth or if there is potential for the component to become exposed under reasonably foreseeable handling by a child. Jewellery components such as beads, chains, and clasps, which are sold separately, either individually or in kits, rather than as a finished jewellery item, must meet the requirements of Item 42.

Many jewellery items are covered with a decorative or protective coating. The material under the coating is considered accessible for the purposes of Item 42, since such coatings are easily removed if the item is sucked or chewed, or through normal wear and tear.

Item 42 does not restrict the lead content of jewellery intended for adults or children aged 15 years or older. However, industry is encouraged to avoid the use of lead in all jewellery items.

Background

Lead is a toxic heavy metal. It affects the nervous system and is especially harmful to children. Even small amounts of lead in the body can cause learning and behavioural problems in children. At high levels of exposure, lead can cause seizures, coma, and death. Since lead builds up in the body, ongoing exposure to even very small amounts of lead can result in large amounts of lead being present in the body.

Lead is often used in making costume jewellery because it is inexpensive and easily molded. There is no risk of lead exposure from just wearing lead-containing jewellery, but if the jewellery is chewed, sucked, or swallowed, there is a high risk of harmful health effects or even death. Young children have a natural habit of putting items into their mouths and lead has a sweetish taste which encourages children to chew or suck on lead-containing jewellery.

Several cases of lead poisoning in children have been linked to lead-containing children's jewellery. In 2006 a child from the United States died of lead poisoning after swallowing a children's charm with a high lead content.

Definition of Jewellery

For purposes of Item 42, an item of jewellery is defined as any decorative item intended for regular wear on the body or on clothing or clothing accessories. This definition includes some items which might not ordinarily be described as jewellery, such as zipper pulls and shoelace charms.

Functional items like watches and hair clips, and functional components of clothing and accessories, such as buttons and belt buckles, are not classified as jewellery, **unless** they are designed or marketed in a way which clearly indicates that their primary purpose is decorative. However, components of clothing fasteners and hair ornaments which are purely ornamental, such as charms and beads, are subject to the lead content limits of Item 42.

Under Item 42 of Part I of Schedule I to the *Hazardous Products Act*, the import, advertisement or sale in Canada of any children's article which has paint or other surface coating material that contains more than 600 mg/kg total lead is prohibited. This prohibition includes all components of children's hair accessories, buttons, belts, and other similar items.

Definition of Children's Jewellery

Children's jewellery is defined as "jewellery that is produced, sized, decorated, packaged, advertised or sold in a manner that appeals primarily to a child under 15 years of age."

For the purposes of Item 42, jewellery items shall be considered as intended for children under 15 years of age if:

1. The jewellery item is advertised, sold or distributed in conjunction with, as an attachment to, or packaged together with another product intended for use by a child or for use by an adult in caring for or entertaining a child. Examples would include:
 - Jewellery items sold together with a child's dress
 - Jewellery items attached to a book, video game or DVD aimed at children under 15 years of age

A jewellery item worn by a doll or plush toy would normally be classified as a toy, rather than as children's jewellery, unless the jewellery item was clearly intended primarily for wear by a child. Components classified as toys must meet all applicable requirements under the *Hazardous Products (Toys) Regulations*.

2. The jewellery item is advertised or displayed in conjunction with another product intended primarily for use by a child or in caring for a child. Examples include:
 - Jewellery distributed with a child's high chair or stroller
3. The jewellery item is advertised in conjunction with or as a part of television, video, radio or other programming aimed primarily at children under 15 years or in printed material targeted primarily at children under 15 years. Examples include:
 - "Prizes" distributed inside cereal boxes or other packaged foods
 - Advertisements aired during or immediately before or after a television show which is primarily targeted at a child audience
4. The design of the jewellery item, or of one or more of its components, gives the item "play value", making it likely that the item will be perceived or used as a play item. Examples include:
 - A necklace with a flashing light

Any toy components must meet all applicable requirements under the *Hazardous Products (Toys) Regulations*. If the design of a product or product component clearly indicates that it could be used either as a toy or for regular wear as a jewellery item, the product or product component must meet the requirements for both jewellery *and* toys.

5. The jewellery item is distributed, displayed or sold at an entertainment, educational, or sporting event which is marketed towards or likely to be attended by children under 15 years of age.
6. The jewellery design includes figures, logos, or designs which are primarily associated with consumer products aimed at children. Examples would include:
 - Characters from movies marketed for children
 - Characters from public information programs marketed toward children
 - Characters associated with video games marketed toward children
7. The jewellery item is sold, advertised or displayed on premises³ which market exclusively or mainly children's products, or in a section of a store or other premises where other children's items are sold, advertised or displayed.

³ For the purposes of enforcing Item 42, 'premises' are considered to include vehicles, kiosks, street stands, and any other place where or from which jewellery items are displayed, advertised, distributed or sold.

8. The jewellery item is sold or distributed through premises³ or under circumstances which would result in the presence of large numbers of children or in which children are the primary marketed target. Examples include:
- Schools or daycare centres
 - Cinemas screening children's or family rated movies
 - Trade shows for products intended for use by children or for adults in caring for children
9. The jewellery item is labelled and/or packaged in a way which would appeal primarily to children or which would suggest that the consumer product is intended primarily for children. Examples include:
- Packaging which includes illustrations of logos or characters associated primarily with children's products
 - Packaging which includes images of children
 - Labelling which includes the word "kid's", "for children", or similar.
 - Packaging which includes text or images intended to or likely to appeal mainly to children

10. The size and/or design of the jewellery item make it unlikely that an adult would regularly wear it. Examples include:
 - Ring with band too small to fit an average adult finger.
11. The jewellery item is sold in a vending machine.
12. The jewellery is labelled or advertised as being for suitable for loot bags or similar containers, to be distributed at parties or other events.
13. The price and/or quality of the jewellery item are low enough to make it unlikely that an adult would be given the item or choose it for themselves.

This list is not intended to be all-inclusive. In cases of doubt, jewellery items will be assessed on a case-by-case basis.

For assistance on classifying specific jewellery items, please contact the nearest Consumer Product Safety Office of Health Canada.

Examples of Children's Jewellery

Item

Rationale for Classification

Teddy bear ring with mood stone



- › Teddy bear design appeals primarily to a child
- › Small size of ring band

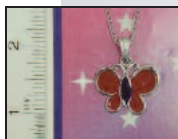
Birthstone ring



- › Very low cost
- › Small size of band
- › Displayed with other children's items

(This item would not be classified as children's jewellery based on the design alone.)

Butterfly pendant



- › Design
- › Packaging
- › Very low cost
- › Displayed with other children's jewellery items

Pendant on cord



- › Item sold in a vending machine

Metallic charms on plastic wristbands



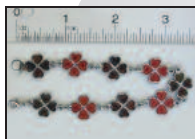
- › Design appeals primarily to a child
- › Very low cost
- › Small size

Examples of Children's Jewellery

Item

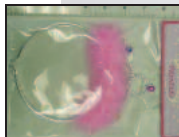
Rationale for Classification

Mood stone bracelet



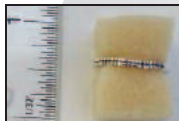
- › Novelty item (a trinket)
- › Displayed with other children's items

Headband with feathers and tiara



- › Design appeals primarily to a child
- › Product intended for play
- › Low cost and quality

Set of toe rings



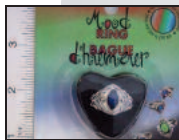
- › Very small size; could be worn as child's finger ring

Bracelet with apple and heart charms



- › Packaging child-appealing (decorated with fairies and angels)
- › Displayed in children's section
- › Low price and quality

Mood ring



- › Novelty products
- › Displayed with other children's products
- › Low price and quality

Examples of Children's Jewellery

Item

Rationale for Classification

Animal brooch



- › Design appeals primarily to a child

Turtle pendant
sold for use in
jewellery- making
classes



- › Lower age limit for jewellery-making class was 12 years

'Canada' pendant
necklace



- › Displayed with other children's items
- › Very low cost and quality

Hairclips



- › Design appeals primarily to children
- › Packaging appeals primarily to children and includes the words 'Kids Club'

(Note: only the ornamental components of the hairclips — bunny face, ladybug, etc — are subject to Item 42.)

Analytic Methods for Determining Lead in Children's Jewellery

Health Canada does not specify or recommend any particular analytical methods to test jewellery for lead content. However, any methods used to test the lead content of jewellery for the purpose of assessing compliance with Item 42 must comply with *OECD Principles of Good Laboratory Practice*, Number 1 of the *OECD Series on Principles of Good Laboratory Practice and Compliance Monitoring*, ENV/MC/CHEM(98)17. Any digestion methods, as well as any analytical instruments, that allow the determination of total and migratable content in jewellery items are acceptable provided that control-certified materials and standards are used to monitor the quality of the results.

The test methods used by Health Canada to determine total and migratable lead in jewellery may be found at: www.hc-sc.gc.ca/cps-spc/prod-test-essai/method-chem-chim-eng.php

CO2.4. Determination of Total Lead in Metallic Consumer Products

CO8. Determination of Migratable Lead in Consumer Products Which Pose a Hazard from Ingestion.

Many jewellery items are covered with a protective or decorative coating. Any surface coating material which can be removed by scraping must be tested separately from the underlying material.

Links to Documents and Resources

Hazardous Products Act: <http://laws.justice.gc.ca/en/H-3/>

Item 42: <http://laws.justice.gc.ca/en/H-3/page-3.html>

Publication for Consumer Education: www.hc-sc.gc.ca/cps-spc/child-enfant/access/jewel-bij-eng.php

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