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Industry Guide to Health Canada's Safety Requirements for Children's Toys and Related Products, 2012



Canada

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Introduction

This document provides information about the safety requirements that apply under the *Toys Regulations* to children's toys and related products manufactured, advertised, imported or sold in Canada.

This document may be updated from time to time. For the most recent version, consult **Reports and Publications** (www.hc-sc.gc.ca/cps-spc/pubs/indust/index-eng.php).

This document is an unofficial summary of Health Canada's safety requirements for children's toys under the *Toys Regulations*. It is not intended to substitute for, supersede or limit the requirements under the applicable legislation. In case of any discrepancy between this summary and the legislation, the legislation will prevail. For further information, contact one of the Health Canada Consumer Product Safety Offices listed at the end of this document.

Legislation

Canada Consumer Product Safety Act

The *Canada Consumer Product Safety Act* (CCPSA), which has replaced Part I and Schedule I to the *Hazardous Products Act* (HPA), addresses dangers to human health or safety posed by consumer products in Canada.

Any person who manufactures, imports, advertises, sells or tests a consumer product must comply with all applicable requirements of the CCPSA and its regulations. For example, the Act sets out requirements for preparing and maintaining documents and for mandatory incident reporting (see below for further details). Regulations under the Act set out product-specific requirements, such as performance-based standards, test methods and labelling.

Schedule 1 of the CCPSA lists consumer products to which the CCPSA does not apply. Examples of these products are explosives, cosmetics, drugs, natural health products, food, medical devices and ammunition. These products are addressed by other legislation.

Health Canada's Consumer Product Safety Directorate works closely with partners and stakeholders in administering the CCPSA to help protect Canadians from product-related hazards and to promote the safe use of consumer products.

In addition to the product-specific requirements noted in this document, it is prohibited to manufacture, import, advertise or sell any consumer product that is a "danger to human health or safety" as defined in the CCPSA (see paragraphs 7(a) and 8(a)).

Any person who manufactures, imports or sells a consumer product for commercial purposes **must** inform Health Canada and, if applicable, the person from whom they received the product, of any incidents related to the product (see section 14 of the CCPSA and *Guidance on Mandatory Incident Reporting under the Canada Consumer Product Safety Act – Section 14 Duties in the Event of an Incident*).

Furthermore, the CCPSA requires any person who manufactures, imports, advertises, sells or tests a consumer product for commercial purposes to prepare and maintain certain documents. Good record keeping practices aid in the retrieval of information and help ensure that appropriate documents are available when required for supply chain analysis (see section 13 of the CCPSA and *Guidance on Preparing and Maintaining Documents under the Canada Consumer Product Safety Act – Section 13*).

Compliance and enforcement actions taken by Health Canada, with respect to non-compliance with the requirements of the CCPSA or its regulations, may include: seeking voluntary commitments to product correction by industry, negotiation with industry for the voluntary removal of these products from the market, seizure, orders for recall or other measures, administrative monetary penalties and referral for prosecution.

Safety requirements for toys

There are several regulations under the *Canada Consumer Product Safety Act* (CCPSA) that address specific hazards with children's toys. The main regulation, however, is the *Toys Regulations*. The *Toys Regulations* address a wide range of mechanical, flammability, toxicological, electrical, thermal and other hazards associated with children's toys. Other regulations, such as those listed below, may also apply to a specific toy, depending on the toy's design, construction, contents and, in some cases, how it is marketed.

- *Asbestos Products Regulations*
- *Consumer Products Containing Lead (Contact with Mouth) Regulations*
- *Glazed Ceramics and Glassware Regulations*
- *Hazardous Products (Tents) Regulations*
- *Phthalates Regulations*
- *Science Education Sets Regulations*
- *Surface Coating Materials Regulations*
- *Textile Flammability Regulations*

Under the CCPSA there are also several prohibitions that could apply to certain toys. Schedule 2 of the CCPSA lists specific products that are prohibited from being manufactured, imported, advertised or sold. This list identifies the following, among others, as prohibited products:

- certain teethingers for babies
- certain kite strings and kites
- certain lawn darts
- jequirity beans

For a complete list of prohibited consumer products, please refer to Schedule 2 of the CCPSA.

Definition of a toy

The *Toys Regulations* define a toy as: **“a product that is intended for use by a child in learning or play.”** Health Canada's policy is to interpret the term toy as applying to toys intended for use by children under 14 years of age, unless a younger age is prescribed within a requirement. This interpretation is consistent with several international toy safety standards¹ where the product scope, with respect to age use, is identified as intended for children under the age of 14 years.

The following sections highlight several of the requirements for toys by providing a simple description of the hazard and the associated requirement. For full details of the mandatory safety requirements, please consult the Act and its regulations (see “Information resources” at the end of this guide).

Section 1 of the
Toys Regulations

¹ Toy Safety Standards:
- ISO 8124-1 *Safety of toys – Part 1: Safety aspects related to mechanical and physical properties*
- EN71-1 *Safety of toys – Part 1: Mechanical and physical properties*
- ASTM F963 *Standard Consumer Safety Specification for Toy Safety*

Mechanical hazards

Many of the safety requirements of the *Toys Regulations* address mechanical hazards. Several of these requirements state that a hazard must not be exposed with reasonably foreseeable use of a toy by a child.

Standardized tests for reasonably foreseeable use have been developed—drop test and push/pull test procedures—as outlined in the Health Canada Product Safety Laboratory Method M01.1: *Test Procedures to Determine the Mechanical Hazards of Toys – Reasonably Foreseeable Use*.

The drop and push/pull test procedures are utilized as standardized tests that attempt to expose a toy to conditions of reasonably foreseeable use by a child. However, depending on the design, construction and contents of a toy, a child playing with it may be exposed to hazards that are not revealed through these standard tests. It is the responsibility of industry members to ensure that a toy does not present hazards when it is used in a reasonably foreseeable way and to recognize that children will not necessarily interact with a toy in the same manner as an adult.

In order to verify the safety of a toy, it may be appropriate to conduct other tests and/or to complete “use and abuse” testing as prescribed by other recognized toy safety standards. Some examples of other standardized “use and abuse” tests include: flexure, torque, compression and seam strength tests.

Drop test procedure

The Product Safety Laboratory Method M01.1 drop test procedure states that a toy be dropped four times onto a tile-covered concrete floor. Each drop is conducted with the toy in a different orientation. The orientations chosen are those considered as most likely to cause damage during the drop. A toy is dropped from a height of 1.37 metres (4.5 feet) if it is likely to be used by a child under three years of age. It is dropped from a height of 0.91 metres (3 feet) if it is likely to be used by a child of three years of age or older. Following each drop the toy is inspected for applicable safety hazards such as detached small components, sharp points and sharp edges.

Push/pull test procedure

The Product Safety Laboratory Method M01.1 push/pull test procedure specifies that a push or pull force of 44.5 newtons (10 pound-force) be gradually applied over a 5-second period and then maintained for 10 seconds. The procedure is completed on any part of a toy that is likely to become detached or damaged by the application of such a force. Following each push or pull the toy is inspected for relevant safety hazards such as detached small components, sharp points and sharp edges. More severe push/pull tests are mandatory in two instances:

- for the eyes and noses of dolls, plush and other soft toys, a load of 9 kilograms (20 pounds) is suspended from the eye or nose for 5 minutes (see the “Other mechanical hazards” section on page 6 of this guide)
- for rattles a push/pull force of 50 newtons (11.2 pound-force) is applied (see the “Rattles” section on page 8 of this guide)

Section 31 of the
Toys Regulations

Paragraph 40(c) of the
Toys Regulations

Certain requirements for toys for children of all ages

A number of safety requirements related to mechanical hazards are specific to a toy that is or is likely to be used by a child under three years of age, while other requirements apply to all toys, regardless of their age classification. The following are some examples of mechanical safety requirements that all toys must meet, regardless of the age of child who is likely to use the toy.

Suffocation hazards

- Flexible film bags used for toy packaging that are 356 millimetres (14 inches) or larger in opening circumference must bear a suffocation hazard warning, in both official languages (English and French).

Section 4 of the
Toys Regulations

PLASTIC BAGS CAN BE DANGEROUS. TO AVOID DANGER OF SUFFOCATION,
KEEP THIS BAG AWAY FROM BABIES AND CHILDREN.

LES SACS DE PLASTIQUE PEUVENT ÊTRE DANGEREUX. POUR ÉVITER LE
DANGER DE SUFFOCATION, NE LAISSEZ PAS CE SAC À LA PORTÉE DES
BÉBÉS NI DES ENFANTS.

- Such bags must also be made of film that is at least 0.019 millimetres (0.75 mil) thick. For example, the film for common dry-cleaning bags (approximately 0.017 millimetres (0.67 mil) thick) is too thin for use as a toy product bag if the opening circumference is 356 millimetres (14 inches) or larger.
- Any toy that is large enough for a child to enter or be placed inside and that can be closed by a lid or door, such as a toy box, must have ventilation holes or openings of sufficient size on two or more sides in order to prevent suffocation. Therefore, any plastic, rubber or similar air-tight storage bin that is large enough to enclose a child cannot be promoted for toy storage. Additional safety information on toy storage products is provided in the “Toy storage boxes and bins” section on page 15 of this guide.

Section 4 of the
Toys Regulations

Section 17 of the
Toys Regulations

Strangulation hazards

• Yo-yo type balls

To minimize strangulation hazards with yo-yo type balls and similar products, their cords must not stretch to 500 millimetres or more in length.

Section 42 of the
Toys Regulations

- In accordance with international standards, it is Health Canada’s policy that toys where the ball end weighs less than 20 grams are not considered “yo-yo type balls and similar products.”

• Elastics

An elastic designed for attaching a toy across a baby carriage, crib or playpen must not stretch beyond 750 millimetres (30 inches) or it must not extend more than 75% of its relaxed length.

Section 41 of the
Toys Regulations

Sharpness and puncture hazards

- Toys containing metal parts must be constructed so that there are no exposed sharp metal edges.
- Toys containing an embedded wire frame or structure must have the wire ends covered or turned in, such that no sharp points can become exposed with reasonably foreseeable use.
- Plastic toys and plastic parts of toys must not break with reasonably foreseeable use to expose sharp edges.
- All fasteners used to make toys, such as nails, staples, bolts and screws, must be securely and properly attached so that they do not expose a child to a hazard.
- Stuffing material in dolls, plush toys and soft toys must be free from hard and sharp matter.
- Projectile toys capable of causing puncture wounds, such as arrows and gun darts, must have the leading ends covered with protective tips that cannot be detached by a pulling force of 44.5 newtons (10 pound-force).
- Wooden toys must be smoothly finished.

Section 8 of the
Toys Regulations

Section 9 of the
Toys Regulations

Section 10 of the
Toys Regulations

Section 13 of the
Toys Regulations

Paragraph 29(b) of the
Toys Regulations

Section 16 of the
Toys Regulations

Section 11 of the
Toys Regulations

Hearing damage hazards

In order to help protect children’s hearing when they play with toys, toys must not make or emit noise exceeding 100 decibels when measured at the distance the toy would ordinarily be from the ear of the child who is using it.

Section 19 of the
Toys Regulations

Health Canada Product Safety Laboratory *Test Method to Determine the Noise Level of Toys* (Method M04) is used to assess toys for compliance with this requirement. The method specifies ordinary use distances for several different groups of toys (for example, toy phones, handheld toys and tabletop/floor toys). The method also specifies that the maximal sound pressure level emitted by a toy be measured using the “Fast” or “F” time weighting and the “A” frequency weighting, over a minimum five second sound generation period.

Other mechanical hazards

- Toys with folding mechanisms, such as a child’s folding chair, must have a safety stop or locking device which prevents unintentional collapse. Children have had their fingertips amputated when folding chairs collapsed unexpectedly.
- Toys with a winding key or spring-wound driving mechanism must be constructed to prevent finger injury.
- Stationary toys designed to hold the weight of a child must stand level and firm when used in order to reduce fall hazards.
- In order to help eliminate choking, ingestion and inhalation hazards from loose eyes and noses on dolls, plush toys and soft toys, any eye or nose that is 32 millimetres (1.25 inches) or less in its greatest dimension must be securely attached. Where such a component can be grasped, it is tested by freely suspending a 9 kilogram (20 pound) weight from it for a period of 5 minutes. This requirement does not apply to eyes or noses made entirely of felt or other soft textile fibre material. The Product Safety Laboratory Method M01.2 *Test Procedures to Determine the Mechanical Hazards of Toys – Reasonably Foreseeable Use of Dolls and Plush Toys* is applied for mechanical testing of dolls, plush toys and soft toys.

Section 14 of the
Toys Regulations

Section 15 of the
Toys Regulations

Section 18 of the
Toys Regulations

Section 31 of the
Toys Regulations

Certain requirements specific to toys for children under three years of age

The *Toys: Age Classification Guidelines* are available from Health Canada’s Consumer Product Safety Directorate or a Regional Product Safety Office to assist businesses in identifying toys that are likely to be used by a child under three years of age.

Toys with small components

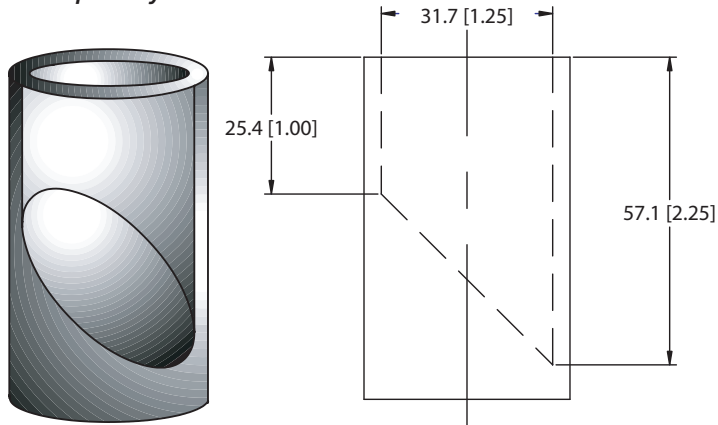
Since young children often put things in their mouths, small objects in a child’s environment present choking, ingestion and inhalation hazards. The *Toys Regulations* aim to help protect young children from small component hazards in toys. The Regulations require that any toy that is or is likely to be used by a child under three years of age must not have a small separable component or have a small component that can detach from the toy with reasonably foreseeable use (see the “Drop test procedure” and the “Push/pull test procedure” sections on page 5 of this guide).

Section 7 of the
Toys Regulations

If a separable or detachable toy component can be totally enclosed in the small parts cylinder, as illustrated, using a force of 4.45 newtons (1 pound force) or less, then the toy does not meet the requirement. The small component requirement does not apply to toys or toy components that are made entirely of soft textile fibre material (for example, cotton doll socks).

Schedule 1 of the
Toys Regulations

Small parts cylinder



Notes:

- not to scale
- dimensions in millimetres
- parenthesized dimensions in inches and for information only

Note that if a toy is age labelled for children three years or older, but is likely to be used by a child under three years of age, then the small component requirement of the legislation applies.

Small components are serious choking, ingestion and inhalation hazards for young children. Examples of some types of toys that Health Canada has taken action on because of small components include:

- simple puzzles with small pieces—make sure that none of the pieces fit into the small parts cylinder
- simple puzzles with small pegs for grasping—make sure that the pegs are securely attached and will not pull or break off
- simple cars and trucks—make sure that the small wheels and tires do not separate from the vehicle
- dolls, plush toys and soft toys with small attachments (for example, eyes, nose, decorations)—make sure that small attachments cannot be pulled off when exposed to the appropriate force
- bath toys and squeeze toys with squeakers—make sure that small squeakers and reeds cannot be pulled out of the toy
- rattles and other infant toys made of brittle plastic—these toys can easily break when dropped and release small or sharp components
- toys with battery compartments that are not securely closed—make sure that small batteries will not be accessible or released when the toy is dropped or pushed and pulled

Plant seeds—pellets for making noise

A toy intended for use by a child under three years of age must not contain plant seeds as pellets for making noise. For example, a wooden rattle containing plant seeds is not allowed. Plant seeds include, but are not limited to: barley, corn kernels, oat seeds, rice, lavender seeds, and flax seeds. Further restrictions on the use of plant seeds in toys are described in the “Plant seeds—stuffing material” section on page 12 of this guide.

Section 35 of the
Toys Regulations

Rattles

A rattle is a toy that is intended for an infant to hold in their hand and is intended to make noise when it is shaken. A rattle, in addition to meeting all other applicable safety requirements under the *Toys Regulations*, must be constructed such that no part of it can fit all the way through the opening of the rattle impaction test gauge. This requirement helps protect an infant from taking part of a rattle into their mouth and having it lodge in the back of their throat obstructing breathing. Careful examination of the size and shape of all rattles is required, with special attention to key shaped rattles and animal shaped rattles (for example, those with long ears or feet).

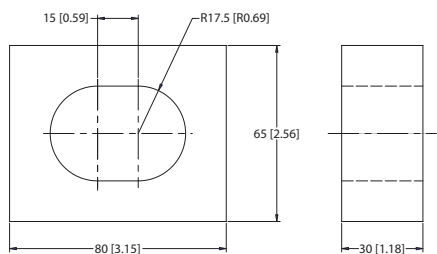
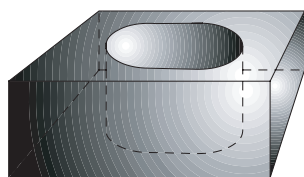
Paragraph 40(b) of the
Toys Regulations

This requirement also applies to any part of the rattle that can be removed with a force of 50 newtons (11.2 pound force) or a torque of less than 1 newton metre (8.85 inch pounds). The Health Canada Product Safety Laboratory *Test Method for Rattles* (Method M05) is used to assess rattles for compliance with this requirement.

Paragraph 40(c) of the
Toys Regulations

Rattle impaction test gauge

Schedule 8 of the
Toys Regulations



Notes:

- not to scale
- dimensions in millimetres
- parenthesized dimensions in inches and for information only

Pull and push toys

All pull and push toys with shaft-like handles of 10 millimetres (0.375 inches) in diameter or less, in addition to meeting all other applicable safety requirements, must have a protective tip attached to the end of the handle. The protective attachment is required to prevent puncture wounds and must be held in place with enough strength to withstand a pulling force of 44.5 newtons (10 pound force).

Section 37 of the
Toys Regulations

Flammability hazards

Dolls, plush toys and soft toys

Stringent flammability requirements are in place for all textile materials used for the outer covering of dolls, plush toys and soft toys, including their clothing, as well as for the hair on these types of toys. The purpose of these requirements is to help protect children from burn injuries by prohibiting the use of materials that ignite rapidly and burn rapidly.

A doll, plush toy or soft toy fails the requirements of the *Toys Regulations* if samples of its outer fabric, held at an angle of 45 degrees, ignite within 1 second of contact with a flame and the flame travels a distance of 127 millimetres (5 inches) in 7 seconds or less. A different test is employed if the exposed surface of the doll, plush toy or soft toy is made of yarn. Additionally, a doll, plush toy or soft toy fails the requirement if it has hair or a mane that ignites within 1 second of contact with a flame and does not self-extinguish within 2 seconds after the flame is removed. There are several conditions and exceptions for these flammability requirements, please refer to the *Toys Regulations* for complete details. The Health Canada Product Safety Laboratory *Test Method for the Flammability of Toys (Dolls, Plush Toys and Soft Toys)* (Method F02) is used to assess compliance with these requirements.

Sections 32, 33 and 34
of the *Toys Regulations*

Children's play tents

Children's play tents, in addition to meeting all applicable toy safety requirements, must meet the requirements of the *Hazardous Products (Tents) Regulations* under the *Canada Consumer Product Safety Act* (CCPSA), which address flammability hazards and include performance and labelling requirements.

Other textile products for children

Flammability requirements are also in place for other textile products for children. Details of the requirements for textile products in general, such as children's daywear, costumes and bedding can be found in the *Textile Flammability Regulations* under the CCPSA. Further requirements for children's sleepwear can be found in the *Children's Sleepwear Regulations* under the CCPSA.

Toxicological hazards

- To minimize exposure to known harmful chemicals, accessible toxic substances must not be used in toys or they must be restricted to limited amounts based on known toxicity parameters.
- Substances that are excessively corrosive, excessively irritant or excessively strong sensitizers are not permitted for use in toys if they can come in contact with the skin.
- The *Toys Regulations* require that all finger paints be water-based.

Section 25 and
Schedule 2 of the
Toys Regulations

Section 26 and
Schedule 3 of the
Toys Regulations

Section 39 of the
Toys Regulations

Specific toxic substances

The *Toys Regulations* prohibit the following toys.

- Toys that have a surface coating material² applied to them that contains any of the following substances:
 - total lead in excess of 90 mg/kg
 - a compound of antimony, arsenic, cadmium, selenium or barium if more than 0.1% of the compound dissolves in 5% hydrochloric acid after being stirred for 10 minutes at 20°C
 - a compound of mercury³
- Toys that contain carbon tetrachloride, methyl alcohol, petroleum distillate, benzene, turpentine, boric acid or ethyl ether (specific conditions apply, please see the *Toys Regulations* for complete details).
- Balloon blowing kits that contain any aromatic, aliphatic or other organic solvent.

Section 23 of the
Toys Regulations

Section 22 of the
Toys Regulations

Section 24 of the
Toys Regulations

Asbestos Products Regulations

The *Asbestos Products Regulations* under the CCPSA prohibit toys that contain any type of asbestos where the asbestos can be separated from the product (for example, play sand containing asbestos).

Consumer Products Containing Lead (Contact with Mouth) Regulations

The *Consumer Products Containing Lead (Contact with Mouth) Regulations* under the CCPSA set a total lead limit of not more than 90 mg of lead per kg of product (90 mg/kg) for the accessible parts of the following two categories of consumer products (also referred to as “Group 1” in Health Canada’s “Lead Risk Reduction Strategy for Consumer Products”):

- products intended for use in play or learning by children under three years of age
- products, other than kitchen utensils, that are brought into contact with the user’s mouth in the course of normal use. Some examples include:
 - sport mouthpieces
 - drinking straws
 - toys for children three years of age or older that are brought to the mouth during normal use, such as a toy harmonica
 - children’s crayons, chalk, modelling clays and similar products as they are considered to be products that are brought into contact with the user’s mouth in the course of normal use

The 90 mg/kg total lead limit under the *Consumer Products Containing Lead (Contact with Mouth) Regulations* applies to accessible product components, defined as “any part of a consumer product containing lead that may be touched, licked, mouthed, or swallowed in the course of the reasonably foreseeable use of the product.” There are certain product exceptions for the 90 mg/kg total lead limit, please refer to the regulations for complete details.

2 A surface coating material applied to a toy includes, but is not limited to, paints and varnishes. Health Canada also considers a sticker or a decal applied to a toy during manufacturing as a surface coating material.

3 The *Surface Coating Materials Regulations* under the *Canada Consumer Product Safety Act* (CCPSA) limit the concentration of total mercury present in a surface coating material to no more than 10 mg/kg. It is Health Canada policy to employ this 10 mg/kg limit as an enforcement limit for surface coatings materials on toys.

Surface Coating Materials Regulations

The *Surface Coating Materials Regulations* under the CCPSA limit total lead to not more than 90 mg/kg and total mercury to not more than 10 mg/kg in surface coating materials. These limits aim to effectively prohibit the intentional addition of lead and mercury in surface coating materials, and serve to help protect children from toxicity associated with lead and mercury exposure. The *Surface Coating Materials Regulations* apply to a variety of surface coating materials of all forms (for example, liquid, aerosol, dried pellets, gel, wax and powder), including those for use by children for the purposes of arts, crafts, hobbies, etc.

Phthalates Regulations

The *Phthalates Regulations* under the CCPSA restrict the allowable concentrations of each of di(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP) and benzyl butyl phthalate (BBP) to not more than 1,000 mg/kg (0.1%) in the soft vinyl of toys and in the soft vinyl of child care articles:⁴

In addition, the allowable concentrations of each of diisononyl phthalate (DINP), diisodecyl phthalate (DIDP) and di-n-octyl phthalate (DNOP) must not exceed 1,000 mg/kg (0.1%) in the soft vinyl of toys and in the soft vinyl of child care articles where the soft vinyl can, in a reasonably foreseeable manner, be placed in the mouth of a child under four years of age.

- The “under four years of age” qualification does not refer to the age classification of the toy. The DINP, DIDP and DNOP limit applies to all soft vinyl parts of a toy, regardless of the age of child it is intended to be used by, as long as the part can, in a reasonably foreseeable manner, be placed in the mouth of a child under four years of age.
- To identify a part of a toy that can be placed in the mouth of a child under four years of age it must be a part that can be brought to a child’s mouth and kept there so that it can be sucked or chewed and it must have one of its dimensions less than 5 cm. If the part of a toy is inflatable, its dimensions are determined in its deflated state.

Science Education Sets Regulations

The *Science Education Sets Regulations* under the CCPSA are in place to help reduce potential hazards associated with the use and mixture of chemicals provided in these sets. The Regulations also help protect against the cultivation of pathogenic micro-organisms. The Regulations apply to a variety of science education sets that are intended for use by older children, including chemistry, biology, microscopy and environmental sets.

The Regulations help minimize the risks of: the possible ingestion of, or skin contact with, toxic or corrosive chemicals; the mixing of strongly reactive chemicals which could produce violent reactions; and the cultivation of pathogenic micro-organisms. The labelling of chemicals, as required by the Regulations, advises the user of the hazards associated with the chemicals and the need for taking precautions when they are used.

⁴ A child care article is defined as “a product that is intended to facilitate the relaxation, sleep, hygiene, feeding, sucking or teething of a child under four years of age.”

Microbiological hazards

Products for babies, including teething rings, pacifiers, and baby bottle nipples that are put in the mouth when used and have a filling that contains a living micro-organism are prohibited (see item 4 of Schedule 2 to the *Canada Consumer Product Safety Act* [CCPSA]). This prohibition aims to help protect infants from illness and injury should the filling become accessible to them. Health Canada employs the current official edition of the United States Pharmacopeia (USP) Sterility Test (currently, USP, General Chapter <71>) to assess compliance with this prohibition.

Electrical hazards

- Electric toys must meet the requirements as set out in Canadian Standards Association Standard C22.2 No. 149-1972 (reaffirmed in 2009), entitled *Electrically Operated Toys*.
- A toy that is an electric wood-burning tool must also meet all applicable requirements as set out in Canadian Standards Association Standard C22.2 No. 122-M1989 (reaffirmed in 2009), entitled *Hand-Held Electrically Heated Tools*. These requirements are in place to help minimize the potential for injury due to electrocution, burn and shock.

Section 5 of the
Toys Regulations

Section 6 of the
Toys Regulations

Thermal hazards

- Toy steam engine boilers must be equipped with an appropriate safety valve and they must be able to withstand pressures of at least three times the operating pressure of the boiler in order to protect against accidental rupturing.
- Non-electric toys (for example, battery operated toys) that have a surface, part or contents which may become hot with use must meet the applicable temperature limit and labelling requirement set out in the Canadian Standards Association Standard C22.2 No. 149-1972 (reaffirmed in 2009), entitled *Electrically Operated Toys*. For example, if a toy has carrying handles, the temperature of the handles cannot exceed 40°C. These requirements are in place to help protect against burn injuries.

Section 38 of the
Toys Regulations

Section 20 of the
Toys Regulations

Plant seeds—stuffing material

A toy, regardless of the age of child it is intended to be used by, must not contain plant seeds as stuffing material. Plant seeds include, but are not limited to: barley, corn kernels, oat seeds, rice, lavender seeds and flax seeds. This requirement protects children from a number of hazards, including: toxicity, aspiration, impaction and infestation. Further restrictions on the use of plant seeds in toys are described in the “Plant seeds—pellets for making noise” section on page 7 of this guide.

Section 36 of the
Toys Regulations

Other legislation for children's products

Furniture and other articles for children

According to the *Surface Coating Materials Regulations* under the *Canada Consumer Product Safety Act* (CCPSA), furniture and other articles for children (such as, but not limited to, baby gates, baby bottles, pacifiers, children's lunch boxes and fasteners on children's clothing), must not have a surface coating material that contains more than 90 mg/kg total lead. The lead content restrictions in the *Consumer Products Containing Lead (Contact with Mouth) Regulations* under the CCPSA apply to the accessible parts of certain children's products (for example, baby bottle nipples).

Pencils and artists' brushes

According to the *Surface Coating Materials Regulations*, pencils and artists' brushes must not have a surface coating material that contains more than 90 mg/kg total lead. This requirement applies whether or not the pencils or artists' brushes are intended for children.

Jewellery

Different requirements under the CCPSA apply depending on whether a consumer product is considered children's toy jewellery or children's jewellery. The distinction between children's toy jewellery and children's jewellery is described below.

Toy jewellery

Toy jewellery is subject to all requirements for toys under the CCPSA. Toy jewellery includes items intended for limited play-time use such as in dress-up play and role play, as well as items that have a toy feature such as a necklace with an attached soap bubble vial and wand. It also includes jewellery that is intended to be worn by a toy, but that is clearly not intended to be worn by a child.

Children's jewellery

Children's jewellery is jewellery that is manufactured, sized, decorated, packaged, advertised or sold in a manner that appeals primarily to children under 15 years of age but does not include merit badges, medals for achievement or other similar objects normally worn only occasionally. Children's jewellery is subject to the safety requirements specified in the *Children's Jewellery Regulations* under the CCPSA. For the purpose of the Regulations, jewellery is understood to be an ornamental item intended for regular wear on the body or on clothing or clothing accessories.

Section 1 of the
*Children's Jewellery
Regulations*

The *Children's Jewellery Regulations* prohibit the import, advertising or sale in Canada of children's jewellery if the jewellery contains more than 600 mg/kg total lead or more than 90 mg/kg migratable lead. Both the total and the migratable limits must be complied with. The limits are applied to underlying material of a children's jewellery component that has a protective or decorative surface coating. The underlying material is considered similarly hazardous because a child could suck or chew the coating off and gain access to it. These lead content limits also apply to children's jewellery components, such as beads, which are sold separately or in jewellery-making kits for children.

Section 3 of the
*Children's Jewellery
Regulations*

Cadmium in children's jewellery

Children's jewellery containing high levels of cadmium may pose a health risk to children who ingest the substance through sucking or swallowing the jewellery. In October 2010, Health Canada issued a request that industry immediately stop the production, importation and sale of children's jewellery made with the intentional use of cadmium or cadmium-containing materials. In July 2011, Health Canada published a *Proposed Guideline for Cadmium in Children's Jewellery* document on its website, asking for stakeholder comments on the proposed allowable level of 130 mg/kg total cadmium. The Guideline can be found online at: www.hc-sc.gc.ca/cps-spc/legislation/consultation/_2011cadmium/draft-ebauche-eng.php

Cosmetics

Children's cosmetic items, such as perfume, lipstick, makeup, nail polish, shaving cream, Halloween makeup, face paint and similar items are regulated by Health Canada under the *Cosmetic Regulations* of the *Food and Drugs Act*. Where a toy is included with a cosmetic item, for example, a bath toy embedded in a bath soap, the toy component is subject to all applicable requirements for toys under the CCPSA.

Considerations and recommendations

The *Toys Regulations* and other regulations under the *Canada Consumer Product Safety Act* (CCPSA) do not address all known hazards with toys. Industry members, such as manufacturers, importers, distributors and retailers, are ultimately responsible for the safety of the toys that they produce or sell. The following sections describe Health Canada's recommendations to industry members regarding some hazards not addressed by the *Toys Regulations* or other regulations under the CCPSA.

Latex balloons

A number of deaths have resulted from children choking on uninflated latex balloons or fragments of broken latex balloons. In order to inform consumers of this hazard, industry members are urged to apply an appropriate warning, such as the one which follows, in both official languages (English and French), to all packages of latex balloons.

WARNING!

CHOKING HAZARD—Children under 8 years can choke or suffocate on uninflated or broken balloons. Adult supervision required. Keep uninflated balloons away from children. Discard broken balloons at once.

MISE EN GARDE!

DANGER D'ÉTOUFFEMENT – Les enfants de moins de 8 ans peuvent s'étouffer ou suffoquer avec des ballons non gonflés ou éclatés. La surveillance doit être assurée par un adulte. Tenir les ballons non gonflés à l'écart des enfants. Jeter immédiatement les ballons éclatés.

Toys with magnets

Small powerful magnets and small toy pieces containing powerful magnets pose a recognized health hazard to children. Since 2005 there have been many cases of children requiring emergency surgical treatment to remove swallowed magnets and/or magnetic toy pieces from their intestines. If a child swallows more than one magnet over a short period of time, the magnets can attract one another while travelling through the intestines. When this happens, the magnets can twist the intestines and create a blockage or they can slowly tear through the intestinal walls. The results can be very serious and even fatal.

The hazard is relevant for young children who commonly mouth objects, but is also relevant for older children since many of the cases have involved children between the ages of 3 and 14 years. As a result of toy manufacturer's awareness of this hazard, most magnetic toys are now designed and constructed in such a way that they do not release small magnets and the magnetic toy pieces are large and not easily swallowed.

Health Canada recommends that magnetic toys using powerful magnets never contain loose magnets or magnetic toy pieces that are small enough to be swallowed. Health Canada does not consider a warning on a toy package sufficient to protect children from this serious hazard.

Toy storage boxes and bins

Lid

A toy storage box or bin with a heavy lid that can fall freely poses dangerous strangulation and impact hazards to a child. This type of toy box design should never be used. Alternatives include a toy box without a lid, or one with a hinged lid designed to stay open in any position and under force.

Ventilation

Ventilation requirements are defined for any toy that is large enough for a child to enter into and that can be closed by a lid or door, such as a toy box. These requirements are described in the "Suffocation hazards" section on page 5 of this guide.

Toys with cords

Cords or straps on toys in the form of loops or straight lengths pose a strangulation hazard especially to infants and young children. The hazard is present when a loop is large enough to fit over a child's head, or when a straight length of cord is long enough to wrap around a child's neck.

Health Canada recommends that cords or straps on toys be avoided or of minimal length in toys intended for young children. The cords of yo-yo type balls and similar products must not stretch to 500 mm or more in length (see the "Strangulation hazards" section on page 5 of this guide).

Bean bag chairs

The small foam pellets or beads used as filling in bean bag chairs are easily inhaled by young children and they present a suffocation hazard. Health Canada recommends that these types of chairs have secure closures that do not allow young children to gain access to the pellets or beads.

Toy labelling

While the *Toys Regulations* do not require that toys be labelled for age appropriateness or that they bear warning labels for choking hazards, such labelling is strongly encouraged. Appropriate age labels and valid choking hazard warnings provide valuable safety information to consumers when they purchase toys.

Health Canada recommends that a choking hazard warning in both official languages (English and French) be placed on a toy, its package or its instructions for use. Such a warning is appropriate and recommended when the toy, or any of its removable components, can fit entirely into the small parts cylinder (referred to page 7) and the toy is intended for children who are at least three years of age but under six years of age.

Note that regardless of the age label on the toy, any toy considered by Health Canada as one that is or is likely to be used by a child under three years of age is subject to the strictest toy safety requirements: it must not be a small component, have a separable small component or release one with reasonably foreseeable use. The *Toys: Age Classification Guidelines* are available to assist industry members in identifying toys that are likely to be used by a child under three years of age.

Labelling requirements

Labelling requirements for toys and related products include:

- the labelling of flexible film bags for suffocation hazards (see “Suffocation hazards” on page 5)
- the safety labelling of children’s play tents as detailed in the *Hazardous Products (Tents) Regulations*
- the safety labelling of electric toys as detailed in the applicable CSA standards (see “Electrical hazards” on page 12)
- the safety labelling of chemicals as detailed in the *Science Education Sets Regulations*
- the French-language packaging and labelling requirements for consumer products sold in the province of Quebec (see “Certain additional legislation applicable to toys” on page 17)
- the provincial labelling requirements for stuffed toys (see “Certain additional legislation applicable to toys” on page 17)
- the federal labelling requirements for pre-packaged consumer products (see “Certain additional legislation applicable to toys” on page 17)

Toy testing

It is the responsibility of industry members to ensure compliance of a toy product with Canadian toy safety legislation. Testing a toy against the requirements of the *Toys Regulations* and other applicable regulations under the *Canada Consumer Product Safety Act* (CCPSA) is a means of verifying compliance with these requirements. While not mandated, such testing should be performed by industry members or a laboratory prior to marketing a toy in Canada. When using the services of a private testing laboratory, industry members should verify that the laboratory: has a quality system in place (often verified through third party accreditation to ISO/IEC 17025), is familiar with Canadian toy safety requirements and test methods, and can test to these requirements.

In Canada, provincial and territorial legislation requires that electric toys must bear a compliance certification mark from a certification body accredited by the Standards Council of Canada. The certification mark indicates that the toy has been tested and meets all relevant requirements under the *Canadian Electrical Code*.

For information on Health Canada's test methods, visit the Consumer Product Safety section of the Health Canada website at: www.healthcanada.gc.ca/cps and select the "Product Safety Testing" link. For more information on toy testing laboratories, contact the Regional Consumer Product Safety Office nearest you (see "Contact information—Health Canada Consumer Product Safety Offices" on page 20 of this guide).

The consequences of non-compliance

When a toy is found to be non-compliant with one or more of the requirements under the *Canada Consumer Product Safety Act* (CCPSA), Health Canada Inspectors will take appropriate action with the establishment responsible for the toy. Compliance and enforcement actions may range from a voluntary stop of the sale of a toy to prosecution and/or a consumer recall of the toy, depending on the level of risk and other factors involved in a particular case.

The CCPSA provides the authority for Health Canada to order that a consumer product recall be completed; however, when appropriate, voluntary compliance is sought prior to escalating to mandatory actions.

Certain additional legislation applicable to toys

Additional legislation may apply to toys. Industry members are advised to consult with relevant provincial, territorial and other legislation. The following highlights some such legislative requirements.

All packaged toys must meet the requirements of the *Consumer Packaging and Labelling Act* and the *Consumer Packaging and Labelling Regulations*. This legislation:

- requires that pre-packaged consumer products bear accurate and meaningful labelling information to help consumers make informed purchasing decisions
- prohibits false or misleading representations
- sets out specifications for mandatory label information, such as the product name, net quantity and dealer identity

This legislation is administered and enforced by Canada's Competition Bureau. For information regarding consumer packaging and labelling, visit Canada's Competition Bureau website at: www.cb-bc.gc.ca

Toys sold in the province of Quebec

For toys sold in the Province of Quebec, certain language requirements for inscriptions on products, operation of products, and their packaging, instructions, etc. may be applicable under the authority of the *Charter of the French Language* (*Charte de la langue française*). Details concerning these and other Quebec requirements can be obtained by contacting the Office québécois de la langue française at: info@oqlf.gouv.qc.ca or by visiting: www.oqlf.gouv.qc.ca

Upholstered and stuffed articles

Specific regulations for upholstered and stuffed articles, including stuffed toys, are in place in the provinces of Manitoba, Ontario and Quebec. These regulations set requirements for the quality of materials used as stuffing, as well as how the stuffing contents and the manufacturer's registration number are identified on a specific disclosure label.

In Ontario, the *Technical Standards and Safety Act* (2000) and associated *Upholstered and Stuffed Articles, Ontario Regulation 218/01* are administered and enforced by the Technical Standards and Safety Authority. For more information, visit www.tssa.org and select the "Upholstered and Stuffed Articles" tab.

Information resources

NOTICE: For further information, contact a Health Canada Consumer Product Safety Office (refer to the list at the end of this document) or visit the following:

Canada Consumer Product Safety Act

www.laws-lois.justice.gc.ca/eng/acts/C-1.68/index.html

Toys Regulations

www.laws-lois.justice.gc.ca/eng/regulations/SOR-2011-17/index.html

Phthalates Regulations

www.laws-lois.justice.gc.ca/eng/regulations/SOR-2010-298/index.html

Consumer Products Containing Lead (Contact with Mouth) Regulations

www.laws-lois.justice.gc.ca/eng/regulations/SOR-2010-273/index.html

Surface Coating Materials Regulations

www.laws-lois.justice.gc.ca/eng/regulations/SOR-2005-109/FullText.html

Asbestos Products Regulations

www.laws-lois.justice.gc.ca/eng/regulations/SOR-2007-260/FullText.html

Hazardous Products (Tents) Regulations

www.lois-laws.justice.gc.ca/eng/regulations/SOR-90-245/index.html

Children's Jewellery Regulations

www.laws-lois.justice.gc.ca/eng/regulations/SOR-2011-19/index.html

Science Education Sets Regulations

www.lois-laws.justice.gc.ca/eng/regulations/C.R.C.,_c._934/index.html

Food and Drugs Act

www.laws-lois.justice.gc.ca/eng/acts/F%2D27/

Cosmetic Regulations

www.laws-lois.justice.gc.ca/eng/regulations/C.R.C.,_c._869/index.html

Consumer Packaging and Labelling Act

www.laws-lois.justice.gc.ca/eng/acts/C-38/

Charter of the French Language (Charte de la langue française)

www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/C_11/C11_A.html

Upholstered and Stuffed Articles, Ontario Regulation 218/01

www.tssa.org/regulated/upholstered/upholsteredSafety01.asp

Consumer Product Safety (CPS)

www.healthcanada.gc.ca/cps

Reports and Publications for Industry and Professionals

www.hc-sc.gc.ca/cps-spc/pubs/indust/index-eng.php

To find out more about the *Canada Consumer Product Safety Act*

www.healthcanada.gc.ca/ProductSafety

Canada Consumer Product Safety Act Quick Reference Guide

www.hc-sc.gc.ca/cps-spc/pubs/indust/ccpsa_ref-lcspc/index-eng.php

To subscribe for email updates about the *Canada Consumer Product Safety Act*

www.hc-sc.gc.ca/cps-spc/legislation/acts-lois/ccpsa-lcspc/_subscribe-abonnement/index-eng.php

Guidance on Mandatory Incident Reporting under the Canada Consumer Product Safety Act – Section 14 Duties in the Event of an Incident

www.hc-sc.gc.ca/cps-spc/pubs/indust/2011ccpsa_incident-lcspc/index-eng.php

Report an Incident Involving a Consumer Product

www.healthcanada.gc.ca/reportaproduct

Guidance on Preparing and Maintaining Documents under the Canada Consumer Product Safety Act (CCPSA) – Section 13

www.hc-sc.gc.ca/cps-spc/legislation/pol/doc_13-eng.php

Contact information—Health Canada Consumer Product Safety Offices

REGIONAL CONSUMER PRODUCT SAFETY OFFICES	LOCATIONS IN THE UNITED STATES THAT THESE OFFICES SERVE	OTHER CONTINENTS THAT THESE OFFICES SERVE
<p>British Columbia Regional Product Safety Office Suite 400 4595 Canada Way Burnaby, British Columbia V5G 1J9 Phone: 604-666-5003 Fax: 604-666-5988 Bby.Prodsafe@hc-sc.gc.ca</p>	<p>Alaska California Hawaii Nevada Oregon Washington</p>	<p>Asia</p>
<p>ALBERTA, YUKON, NORTHWEST TERRITORIES AND NUNAVUT</p>		
<p>Edmonton Regional Product Safety Office c/o Suite 730, Canada Place 9700 Jasper Avenue Edmonton, Alberta T5J 4C3 Phone: 780-495-2626 Fax: 780-495-2624 Alberta.Prodsafe@hc-sc.gc.ca</p>	<p>Arizona Colorado Connecticut Idaho Maine Massachusetts Montana New Hampshire New Mexico New Jersey Ohio Pennsylvania Rhode Island Utah Vermont Wyoming</p>	<p>Africa Australia New Zealand Pacific Islands</p>
<p>Calgary Regional Product Safety Office Room 674, Harry Hays Building 220–4th Avenue South East Calgary, Alberta T2G 4X3 Phone: 403-292-4677 Fax: 403-221-3422 Alberta.Prodsafe@hc-sc.gc.ca</p>		

REGIONAL CONSUMER PRODUCT SAFETY OFFICES	LOCATIONS IN THE UNITED STATES THAT THESE OFFICES SERVE	OTHER CONTINENTS THAT THESE OFFICES SERVE
<p>Saskatchewan Regional Product Safety Office Room 412 101–22nd Street East Saskatoon, Saskatchewan S7K 0E1 Phone: 306-975-4502 Fax: 306-975-6040 Sk.Prodsafe@hc-sc.gc.ca</p>	<p>Arkansas Illinois Indiana Iowa Kansas Louisiana Michigan Minnesota Missouri Nebraska New York North Dakota Oklahoma South Dakota Texas Wisconsin</p>	<p>Central America Bermuda Caribbean South America</p>
<p>Manitoba Regional Product Safety Office 510 Lagimodiere Boulevard Winnipeg, Manitoba R2J 3Y1 Phone: 204-983-5490 Fax: 204-984-0461 Mb.Prodsafe@hc-sc.gc.ca</p>		
ONTARIO		
<p>Toronto Regional Product Safety Office 2301 Midland Avenue Toronto, Ontario M1P 4R7 Phone: 416-973-1748 Fax: 416-973-1746 Tor.Prodsafe@hc-sc.gc.ca</p>		
<p>Hamilton Regional Product Safety Office 55 Bay Street North, 9th Floor Hamilton, Ontario L8R 3P7 Phone: 905-572-2845 Fax: 905-572-4581 Tor.Prodsafe@hc-sc.gc.ca</p>		

**REGIONAL CONSUMER PRODUCT
SAFETY OFFICES**

**LOCATIONS IN THE UNITED STATES
THAT THESE OFFICES SERVE**

**OTHER CONTINENTS
THAT THESE OFFICES SERVE**

QUEBEC

Longueuil

Regional Product Safety Office
1001 St-Laurent Street West
Longueuil, Quebec
J4K 1C7
Phone: 514-283-5488
Fax: 450-928-4066
Quebec.Prod@hc-sc.gc.ca

Quebec

Regional Product Safety Office
902-1550 D'Estimauville Avenue
Quebec, Quebec
G1J 0C5
Phone: 418-648-4327
Fax: 418-649-6536
Quebec.Prod@hc-sc.gc.ca

ATLANTIC PROVINCES

Nova Scotia

Regional Product Safety Office
Suite 1625
1505 Barrington Street
Halifax, Nova Scotia
B3J 3Y6
Phone: 902-426-8300
Fax: 902-426-6676
Atlantic.Prodsafe@hc-sc.gc.ca

**New Brunswick and
Prince Edward Island**

Regional Product Safety Office
10 Highfield Street, 1st Floor
Moncton, New Brunswick
E1C 9V5
Phone: 506-851-4525
Fax: 506-855-6568
Atlantic.Prodsafe@hc-sc.gc.ca

Newfoundland

Regional Product Safety Office
10 Barters Hill, 3rd Floor
St. John's, Newfoundland
A1C 6M1
Phone: 709-772-4050
Fax: 709-772-5945
Atlantic.Prodsafe@hc-sc.gc.ca

National Capital Region

Consumer Product Safety Directorate
269 Laurier Avenue West
A.L.: 4909C
Ottawa, Ontario
K1A 0K9

Alabama
Delaware
District of Columbia
Florida
Georgia
Kentucky
Maryland
Mississippi
North Carolina
South Carolina
Tennessee
Virginia
West Virginia
Europe