

Toys & Children Products

Australia re-imposes new permanent ban on miniature motorbikes

The Australian Competition and Consumer Commission (ACCC) conducted a review of the scope of the permanent ban on miniature motorbikes (monkey bikes) with unsafe design features which had entered into force on 11 February 2011. The ACCC found that the permanent ban unintentionally included both miniature motorbikes with low powered electric motors as well as those with high powered internal combustion engines. Following a risk assessment, it was concluded that there was no justification for the ban to apply to electric powered miniature motorbikes.

SUMMARY OF THE PERMANENT BAN

On 16 August 2011, the Commonwealth Minister revoked the existing permanent ban

for miniature motorbikes with unsafe design features and re-imposed a new permanent ban which came into effect on 20 August 2011¹. The new permanent ban applies to miniature motorbikes powered by internal combustion engine only.

Miniature motorbikes that are powered by internal combustion engine (also known as Mini Bikes, Pocket Bikes or Monkey Bikes) and not certified under the 'Road Vehicle Certification System' are banned unless they comply with the requirements on the following safety features:

1. A self-closing throttle;
2. Effective brakes;
3. Adequate footpegs;
4. Effective steering;
5. Supplemental engine stop.

Non-compliant goods may be subject to compulsory recall.

HAZARDS

Miniature motorbikes are replicas of popular motorcycles scaled down to about half the size. Powerful miniature motorbikes have internal combustion engines and can reach speeds up to 80 kilometres per hour and can have weak structures or mechanical flaws that can lead to serious injury or death to the rider. ■

¹ See the full Consumer Protection Notice of the revoked and re-imposed permanent ban at <http://www.comlaw.gov.au/Details/F2011L01702>. For a full list of banned products (permanent bans and interim bans) in Australia, see <http://www.productsafety.gov.au/content/index.phtml/itemId/970715>

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New York bans TCEP in children's products

The state of New York, U.S. recently passed a bill banning TCEP (Tris (2-chloroethyl) phosphate), a flame retardant, in Child Care Products for children under three years of age¹. Such products may include car seats, strollers, nursing pillows, crib mattresses, toys, and other baby products.

The new law listed in Environmental Conservation Laws of New York Article 37 Title 7 prohibits the sale of any child care products intended for use by a child three years of age or younger containing TCEP.

¹ See Article 37 Title 7 of the Environmental Conservation Laws of New York in full at <http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=@PLENV0A37T7+&LIST=LAW+&ROWSER=BROWSER+&TOKEN=46081829+&TARGET=VIEW>

The ban takes effect on 1 December 2013. However, it is not applicable to resale products.

Another flame retardant, TRIS (Tris (2,3-dibromopropyl) phosphate), has also been banned in children's garments by the Consumer Product Safety Commission (CPSC) since 1977². TRIS-treated children's garments are considered hazardous to human health and should not be sold in the United States. ■

² See the official news release by the CPSC on TRIS at <http://www.cpsc.gov/cpscpub/prerel/prhtml/77/7719.htm>



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REACH restriction on organotin continues

The EU's restriction on organostannic ("organotin") compounds under REACH Annex XVII will enter into its second phase on 1 January 2012 for dibutyltin (DBT) and dioctyltin (DOT).

The restriction on organotin compounds under REACH Annex XVII was originally limited to anti-fouling paints on ships. However, on 1 April 2010, Regulation (EU) 276/2010 extended the scope of the restriction to include various types of organotin compounds in consumer articles¹.

The new restrictions are divided into three phases; starting with Phase One, where all tri-substituted organotin compounds are restricted to $\leq 0.1\%$ by weight of tin in all articles for general public or professional use. This restriction has been in force since 1 July 2010.

¹ See Regulation (EU) No 276/2010 in full at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:086:0007:0012:EN:PDF>



Phase Two will restrict two di-substituted organotin compounds: dibutyltin (DBT) and dioctyltin (DOT), and it will enter into force from 1 January 2012. While the DOT restriction applies only to a limited list of products that include, among others, clothing, footwear and childcare articles, the DBT restriction applies

to all mixtures and articles supplied to the general public, except for a small group of products that will be restricted in Phase Three from 1 January 2015.

The details of the three phases of the restrictions are summarised in Table A. ■

Table A: Three phases of restrictions on organotin

Effective Date	Organotin Compound	Scope	Limit
1 July 2010	All tri-substituted organotin, e.g. tributyltin (TBT) and triphenyltin (TPT)	All Articles (for the general public or professional use)	$\leq 0.1\%$ by weight of tin, in the article or part thereof
1 January 2012	Dioctyltin (DOT)	The following articles for supply to, or use by, the general public: <ul style="list-style-type: none"> ■ textile articles intended to come into contact with skin ■ gloves ■ footwear or part of footwear intended to come into contact with skin ■ wall and floor coverings ■ childcare articles ■ female hygiene products ■ nappies ■ two-component room temperature vulcanisation moulding kits (RTV-2 moulding kits) 	$\leq 0.1\%$ by weight of tin in the article (or mixture), or part thereof
	Dibutyltin (DBT)	All mixtures & articles supplied to the general public, except those listed below.*	
1 January 2015	Dibutyltin (DBT)	The following mixtures and articles for supply to the general public: <ul style="list-style-type: none"> ■ one-component and two-component room temperature vulcanisation sealants (RTV-1 and RTV-2 sealants) and adhesives ■ paints and coatings containing DBT compounds as catalysts when applied on articles ■ soft polyvinyl chloride (PVC) profiles whether by themselves or coextruded with hard PVC ■ fabrics coated with PVC containing DBT compounds as stabilisers when intended for outdoor applications ■ outdoor rainwater pipes, gutters and fittings, as well as covering material for roofing and façades 	$\leq 0.1\%$ by weight of tin in the article or the mixture, or part thereof

* Restrictions on dibutyltin (DBT) compounds do not apply to materials and articles intended to come into contact with food, as regulated under Regulation (EC) No 1935/2004.

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Illinois amends warning statement for lead in children's products



The Lead Poisoning Prevention Act imposes several requirements on the use of lead, including the use of lead-bearing substances in buildings and products, the sale of children's products containing lead-bearing substances, and warning statement for products containing lead.

On 26 August 2011, a bill¹ was signed into law in the state of Illinois amending the warning statement requirements in the Lead

¹ See Illinois Bill - SB 1943 as it was enrolled at <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=097-0612>

Poisoning Prevention Act (410 ILCS 45/6)². The amendment takes effect on 1 January 2012 and is summarised below:

■ Definitions

Adding and/or clarifying the definitions of "Body piercing jewelry", "Child care article", "Jewelry" and "Toy containing paint".

■ Warning Statement for Children's Products:

A children's product that contains more than 40ppm, but less than federal limit (as regulated by the CPSIA), of lead in any component parts shall have the following warning statement on the product itself or on the immediate container:

**"WARNING: CONTAINS LEAD.
MAY BE HARMFUL IF EATEN
OR CHEWED. COMPLIES WITH
FEDERAL STANDARDS."**

This warning statement is not required if the component part of concern is inaccessible as defined by the Consumer Product Safety Commission (CPSC) or exempt from the CPSIA's third-party testing

² View the Lead Poisoning Prevention Act (410 ILCS 45/6) in full at <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1523&ChapterID=35>

requirement³. Products and/or component parts that are exempted from this third-party testing requirement in the CPSIA are:

- Ordinary books and ordinary paper-based printed materials (does not include books with non-paper-based components, books with inherent play value or books for children under 3); and
- Metal Component Parts of Bicycles of which Lead Content testing was stayed till 31 December 2011 by the CPSC.

■ Warning Statement for Other Products:

Only editorial changes were made to this section. The warning statement required for general products containing more than 600ppm Lead Content or 90ppm Lead in paint remains the same:

**"WARNING: CONTAINS
LEAD. MAY BE HARMFUL
IF EATEN OR CHEWED.
MAY GENERATE DUST
CONTAINING LEAD. KEEP OUT
OF THE REACH OF CHILDREN."**

³ Read the full text of H.R. 2715 amending CPSIA as approved by Congress <http://www.gpo.gov/fdsys/pkg/BILLS-112hr2715enr/pdf/BILLS-112hr2715enr.pdf>

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