

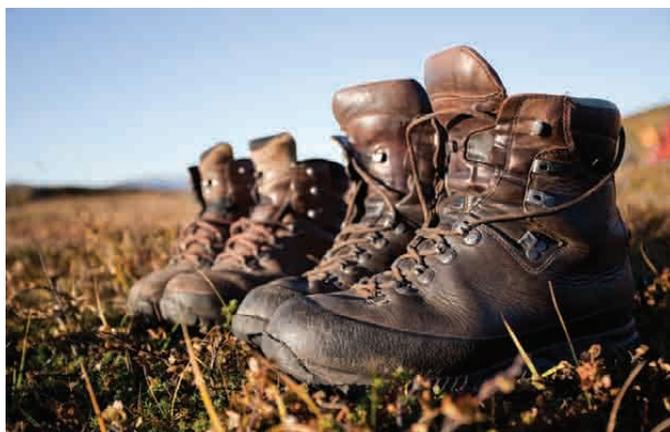


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Softlines

Notice on Footwear Package Marking of Mandatory National Standard GB 28011-2011 Shanks for Footwear



The mandatory national standard GB 28011-2011 Shanks for Footwear¹ has come into effect on 1 August 2012. With the implementation of this standard, any footwear products with shanks in China are to be clearly marked with the words "Mandatory National Standard GB 28011-2011 Shanks for Footwear" in addition to the specific product standards on the inner package (box) of the footwear product. This does not apply for goods without shanks.

Footwear manufacturers whose products are found non-compliant with the mandatory standards will be prohibited from import, production and distribution within the People's Republic of China.

¹ For more information on the standard, refer to <http://ftc.cfc.cn/info.php?id=505> (only available in Chinese)

Hardlines, Toys & children's products

Australia announces immediate interim ban on small high powered magnets

High-powered magnets are small metal balls, with diameters of 5 mm. They are generally for use by adults to create patterns and build shapes. They can even be arranged into different sizes and shapes. If any person ingests more than one of these magnets, they can be attracted to each other across the wall of the intestine or other digestive tissue which may cause blockage, perforation, blood poisoning and even death.

In July 2012, Queensland Office of Fair Trading (OFT) had issued a consumer safety warning¹ on novelty product containing high-powered magnets. OFT had serious concerns about the sale of "deadly" magnets as adult novelty items and urged consumers to think twice before buying these types of items. As reported by hospitals, there had been many

cases of children swallowing the magnets caused serious injury or even death during these years. The Australian Competition and Consumer Council (ACCC) has initiated a process to ban those powerful magnets. Magnet-containing products like "BuckyBalls", "Neocubes" and "Neodymium sphere magnets" will be removed from the shelves and will not be sold on the market.

On 22 August 2012, the ACCC published a draft notice^{2,3} on permanent ban on small and high-powered magnets. Suppliers or manufacturers of these products are invited to contact the ACCC to request a conference on the proposed ban within the next 15 days. While the Commonwealth

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is moving to a permanent ban, state and territory consumer regulatory agencies are now taking urgent action.

Towards the end of August 2012, 6 state and territory regulators together have placed an immediate interim ban on unsafe product with high-powered magnets Australian Capital Territory (ACT)⁴. Governments included are:

- New South Wales (NSW)⁵
- South Australia (SA)⁶
- Tasmania (TAS)⁷
- Victoria (VIC)⁸
- West Australia (WA)⁹

The scope of the ban on small, separable or loose permanent magnets that:

- i. are supplied as aggregated masses or in multiples of two or more;
- ii. are intended or marketed by the manufacturer primarily as a manipulative or construction desk toy or as jewellery;
- iii. have a magnetic flux index of greater than 50 kg²mm²; and
- iv. are supplied or contained more than one magnet that fits within the small parts cylinder as defined in ISO 8124-1:2009.

The ban does not apply to magnets supplied:

- i. as parts for manufacture into other goods or for the repair of other goods;
- ii. for scientific research; or
- iii. as industrial, medical or therapeutic goods.

The interim ban will be revoked after the relative permanent ban being approved by the ACCC.



¹ Refer to the Queensland warning statement here: http://www.fairtrading.qld.gov.au/AboutUs/Magnets_warning.pdf

² Refer to the ACCC Press Release here: <http://www.productsafety.gov.au/content/index.php?id=995860>

³ Refer to the ACCC proposed permanent ban notice here: <http://www.productsafety.gov.au/content/item.php?itemId=995862&nodeId=40d9dce253a60141bfec0210c5212232&fn=CPN%20No%20of%202012%20-%20Proposed%20Permanent%20Ban%20on%20Small%20High%20Powered%20Magnets.pdf>

⁴ Refer to the Australian Capital Territory ban notification: <http://www.legislation.act.gov.au/ni/2012-449/default.asp>

⁵ Refer to the New South Wales Press Release here: http://www.fairtrading.nsw.gov.au/About_us/News_and_events/Media_releases/2012_media_releases/20120823_interim_ban_small_novelty_magnet_products.html?DCSext.ref=HomePageClick:ScamandAlerts

⁶ Refer to the South Australia interim ban notice here: http://www.cbs.sa.gov.au/NBNR/_layout/pdf/interim-ban-notice-magnet.pdf

⁷ Refer to the Tasmania interim ban notice here: http://www.consumer.tas.gov.au/_data/assets/pdf_file/0008/207629/Interim_ban_magnets.pdf

⁸ Refer to the Victoria interim ban notice here: <http://www.consumer.vic.gov.au/library/publications/businesses/fair-trading/interim-ban-order-small-powerful-magnets-pdf.pdf>

⁹ Refer to the West Australia Press Release here: http://www.commerce.wa.gov.au/Corporate/Media/statements/2012/August/Dangerous_magnets_banned_after.html

Hardlines, Softlines, Toys & children's products

CPSC publishes new safety standard for play yards

On September 20, 2011, Consumer Product Safety Commission (CPSC) had published a notice of proposed rulemaking (NPR)¹ for play yards. The rule is based on the voluntary standard ASTM F406-11 Standard Consumer Safety *Specification for Non-Full-Size Baby Cribs / Play Yards* with modifications. In the proposed rule, CPSC had indicated the sections of ASTM F406 that should apply to play yards and excluded the provisions of ASTM F406 that apply to non-full-size cribs. American Society for Testing and Materials (ASTM) had approved and published a new edition of ASTM F406-12a on May 1, 2012, containing these modifications suggested by CPSC.

On August 29, 2012, CPSC has published the final rule² on new mandatory federal safety standard for play yards which is designated in 16 CFR 1221. The final rules will incorporate the ASTM F406-12a standard with some modifications. See details of the rule as follows:

- **Product:**

Play yard is defined as a framed enclosure that includes a floor and has mesh or fabric sided panels primarily intended to provide a play or sleeping environment for children. It may fold for storage or travel. They are intended to provide a play or sleeping environment for

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children who are less than 35 inches tall and cannot climb out of the play yard.

■ **Scope:**

This rule applies to all play yards manufactured or imported on or after the effective date.

■ **Requirement:**

1. Each play yard must comply with all applicable provisions of ASTM F406-12a, except for the following sections which do not apply to play yards:

- a. **Section 5.17** – the requirements for mattresses in rigid-sided products;
- b. **Section 5.19** – the provision to prevent mis-assembly in non-full-size cribs;
- c. **Section 5.20** – the record keeping requirements for non-full-size cribs;
- d. **Section 6** – the performance requirements for rigid-sided products;
- e. **Sections 8.1 through 8.10.5** – the test methods for rigid-sided products;
- f. **Section 10.1.1.1** – instructional literature requirements for non-full-size cribs.

2. For play yards having a separate mattress that is not permanently fixed in place, they must comply with the **warning labeling requirements under section 9.4.2.10:**

“Use only mattress/pad provided by manufacturer.”

■ **Effective Date:**

February 28, 2013 (6 months from the date of publication in the Federal Register)

¹ Read more on the notice of proposed rulemaking for play yards: <http://www.cpsc.gov/businfo/frnotices/fr11/playyardNPRcomm.pdf>

² Read more on the final rule for play yards: <http://www.gpo.gov/fdsys/pkg/FR-2012-08-29/pdf/2012-21168.pdf>

Your regional Consumer Products contacts worldwide

Asia Pacific

TÜV SÜD Asia Pacific
3 Science Park Drive
#04-01, The Franklin
Singapore 118223
+65 6427 4751
info@tuv-sud.sg

Americas

TÜV SÜD America
10 Centennial Drive
Peabody, MA 01960
USA
+1 800 888 0123
info@tuvam.com

Western Europe

TÜV SÜD Product Service GmbH
Ridlerstr. 65
80339 Munich
Germany
+49 180 332 42 42
productservice@tuev-sued.de

Central & Eastern Europe

TÜV SÜD Central Eastern Europe s.r.o.
Novodvorská 994/138
142 21 Praha 4
Czech Republic
+420 239 046 800
info@tuv-sud.cz

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