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Hardlines, Toys & children's products

Australia announces permanent ban on small, high powered magnets



A permanent ban on small, high powered magnets was announced recently by the Australian Competition and Consumer Council (ACCC) and has come into effect on November 15, 2012. This permanent ban follows the interim ban on similar magnets approved by the Commonwealth Minister in early August. The magnets, which are used in certain novelty items marketed to adults, can cause serious injury or death if swallowed or inhaled by children.

The permanent ban applies to magnets that:

- are loose or separable;
- are supplied as aggregated masses or in multiples of two or more;

- are small enough to fit into the small parts cylinder used in the mandatory standard for toys for children up to and including 36 months of age (AS/NZS ISO 8124.1:2010);
- have a magnetic flux equal to or greater than 50 kG²mm² under clause 5.31 of AS/NZS ISO 8124.1:2010; and
- are marketed by the supplier as, or supplied for use as any of the following:
 1. a toy, game or puzzle (including but not limited to an adult desk toy, an educational toy or game, a toy, game or puzzle for mental stimulation or stress relief);
 2. a construction or modelling kit; or
 3. jewellery to be worn in or around the mouth or nose

This ban is intended to have a narrow focus by only banning small high powered magnets which are marketed or supplied for use as toys or for one of the other specified uses. It does not ban small high powered magnets:

- used for industrial, commercial or scientific applications;
- which are components in household electronic goods; or
- being used in educational institutions for teaching purposes.

Anyone in the business must not sell these products and must remove them from sale, including online sales. A supplier who fails to comply with a ban may be found guilty of a criminal offence. The maximum fine is \$220,000 for an individual or \$1.1 million for a body corporate. Civil penalties for the same amounts also apply. This is an offence of strict liability, which means a court does not have to consider the person's intentions before finding them guilty.

¹ Consumer Protection Notice of the permanent ban on small, high powered magnets: <http://www.comlaw.gov.au/Details/F2012L02171>

² Full list of banned products regulated by the ACCC: <http://www.productsafety.gov.au/content/index.phtml/itemId/970715>

Food, health & beauty

Stricter requirements for food contact ceramics proposed in EU

A new draft Regulation published by the EU Commission pertains to Regulation (EC) No 1935/2004 and would repeal [Directive 84/500/EC](#)¹ and its amendment [Directive 2005/31/EC](#)² on food contact ceramics. The proposed Regulation would increase the scope and requirements for food contact ceramics, with reduced permissible limits for the transfer of lead and cadmium.

The [draft Regulation](#)³ concerns articles made of ceramic materials that may be enamelled or glazed, and may be decorated. A written declaration of compliance would be required at all marketing stages under the new proposal, which also establishes three categories for food contact ceramics. Table A compares the proposed draft Regulation compared with Directive 84/500/EC and its amendment Directive 2005/31/EC.



Table A: Comparison between Directive 84/500/EEC and the new draft regulation

| Items | Directive 84/500/EEC | New Draft Regulation |
|---|---|--|
| Category 1 | Limits | |
| 1. Articles or materials which cannot be filled | Lead: 0.8 mg/dm ² | Lead: 2.0 ug/dm ² (0.002 mg/dm ²) |
| 2. Articles which can be filled, the internal depth of which, measured from the lowest point to the horizontal plane passing through the upper rim, does not exceed 25 mm | Cadmium: 0.07 mg/dm ² | Cadmium: 1.0 ug/dm ² (0.001 mg/dm ²) |
| Category 2 | Limits | |
| All other articles that can be filled and do not fall under category I or III. | Lead: 4.0 mg/L Cadmium: 0.3 mg/ | Lead: 4.0 mg/L Cadmium: 0.3 mg/ |
| Category 3 | Limits | |
| 1. Cooking utensils | Lead: 1.5 mg/L | Lead: 3.8 ug/L(0.0038 mg/L) |
| 2. Packaging and storage vessels having a capacity of more than 3 litres | Cadmium: 0.1 mg/L | Cadmium: 1.9 ug/L(0.0019 mg/L) |
| Rim | Limits | |
| Direct contact with mouth (further information is to be determined by EU Commission) | Not regulated | To be determined |
| Test condition | 22°C for 24 hours in 4% acetic acid | 22°C for 24 hours in 4% acetic acid |
| Test method (Category 1 to 3) | 84/500/EEC and amendment 2005/31/EC EU Directives | Draft Regulation (further information is to be determined by EU Commission) |
| Test method (Rim) | Not Regulated | Draft Regulation (To be determined by EU Commission based on ISO 6486) |
| Date of Entry into force | 1984 | 20th day following the publication in the Official Journal of the European Union |

¹Council Directive of 15 October 1984 on the approximation of the laws of the Member States relating to ceramic articles intended to come into contact with foodstuffs: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1984:277:0012:0016:EN:PDF>

² Directive 2005/31/EC: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:110:0036:0039:en:PDF>

³ Draft Regulation on ceramic materials and articles intended to come in contact with food: <http://www.tzslo.si/pic/pdf/zivila/First%20draft%20legislative%20text%20ceramics%20Regulation.pdf>

Hardlines

Standard listing content of harmful elements in adornment proposed

The General Administration of Quality, Inspection and Quarantine and the Standardisation Administration of the People's Republic of China have published a proposed standard, GB 28480-2012, which specifies the categories and limits the quantity of harmful elements in adornment. Proposed by China's National Light Industry Council, the standard's scope applies to all types of non-precious jewellery and ornaments, including those used by children, and indoor decorations except for gems and natural/artificial jadestones. The major harmful elements referred to in the standard are nickel, arsenic, cadmium, chromium, lead, mercury, antimony, barium and selenium.

The standard defines the acceptable rate for nickel release for post-assembly products inserted into ears and other parts of the body as less than 0.2 $\mu\text{g}/\text{cm}^2/\text{week}$ while the acceptable release rate for ornaments and jewellery that come into direct and prolonged contact with the skin such as earrings, necklaces, rings, watch straps and bracelets is set at less than 0.5 $\mu\text{g}/\text{cm}^2/\text{week}$.

Any coating or plating on ornaments or jewellery should also be sufficient to ensure the nickel release rate does not exceed 0.5 $\mu\text{g}/\text{cm}^2/\text{week}$ for at least two years of normal use.

The standard specifies the maximum content limit of harmful elements for jewellery (see Table 1) and the maximum content limit of soluble elements in jewellery worn by children aged 14 and less (see Table 2). It also lists the method for determining the rate of nickel release according to GB/T 19719 and GB/T 28485 and approved methods for determining the total and soluble content of other harmful elements in jewellery according to GB/T 28020, GB/T 28021 and GB/T 28019. References were made to previous standards for jewellery and adornments.

GB/T 19719 Jewellery – Determination of the release of nickel – Method of spectrometry
 GB/T 28019 Adornment – Determination of chromium (VI) – 1,5-Diphenylcarbohydrazide spectrophotometric method
 GB/T 28020 Adornment – Determination of baneful elements – X-ray fluorescence spectrometric method
 GB/T 28021 Adornment – Determination of baneful elements – Method of spectrometry
 GB/T 28485 Coated adornment – Detection of nickel release – Method for simulation of wear and corrosion

Table 1: Maximum limitation for total content of baneful elements in adornments

| Elements | Arsenic As | Chromium(VI) Cr | Mercury Hg | Lead Pb | Cadmium Cd |
|---|------------|-----------------|------------|---------|------------|
| Maximum Limitation W_{max} mg/kg | 1000 | 1000 | 1000 | 1000 | 100 |

b) For children jewellery: the total content of Lead (Pb) shall be less than or equal to 300mg/kg; total contents of other baneful elements should meet the requirement in 4.2.1 a); the contents of soluble elements should be less than or equal to the correspondent maximum limitation listed in Table 2.

Table 2: Maximum limitation for content of soluble baneful elements in children jewellery

| Elements | Antimony Sb | Arsenic As | Barium Ba | Cadmium Cd | Chromium Cr | Lead Pb | Mercury Hg | Selenium Se |
|----------------------------|-------------|------------|-----------|------------|-------------|---------|------------|-------------|
| Maximum Limitation (mg/kg) | 60 | 25 | 1000 | 75 | 60 | 90 | 60 | 500 |

4.2.2 Adornment made from other materials shall follow its relevant national standard. e.g. the adornment made from textile shall follow the textile safety requirement of baneful elements limitation.

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