



Hygiene & Textile Toys. Toys Safety Directive 2009/48/EC Annex II, Part V, Point 2.

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LEGAL NOTICE

This document contains guidance only.

It is intended to explain obligations and how to fulfil them. However readers are reminded that the text of the original regulation, directive or standard is the only authentic legal reference and that the information in this document does not constitute legal advice.

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1. Introduction

Article 18 of the new Toy Safety Directive 2009/48/EC introduces the concept of hygiene as part of a toys safety assessment:

“Manufacturers shall, before placing a toy on the market, carry out an analysis of the chemical, physical, mechanical, electrical, flammability, hygiene and radioactivity hazards that the toy may present, as well as an assessment of the potential exposure to such hazards.”

Annex II gives particular safety requirements and part V is related to hygiene:

1. ***“Toys must be designed and manufactured in such a way as to meet hygiene and cleanliness requirements in order to avoid any risk of infection, sickness or contamination.”***
2. ***“A toy intended for use by children under 36 months must be designed and manufactured in such a way that it can be cleaned. A textile toy shall, to this end, be washable, except if it contains a mechanism that may be damaged if soak washed. The toy shall fulfill the safety requirements also after having been cleaned in accordance with this point and the manufacturer’s instructions.”***

This document gives guidance on point 2 of the Annex relating to textile toys intended for children under 36 months.

2. Overview

The Directive specifies that a textile toy intended for children under 36 months must be washable (unless it contains a mechanism that may be damaged by soak washing) and still comply with the Essential Safety Requirements after washing.

The Directive does not specify any cleaning instructions. Manufacturers should consider the most appropriate cleaning instructions for the toy.

This document is intended to give guidance to manufacturers on specifying cleaning instructions for textile toys.

It also details the washing approach as part of compliance testing and in the absence of any set standard (or manufacturers’ instructions) provides parameters for wash testing.

3. Textile Toys for Children Under 36 Months

“**Textile toys**” are defined by the current Commission guidance document* as:

“Toys entirely made of textile with exception for materials inside the toy and minor features or decorations sewed/adhered to the outside (e.g. eyes and nose).”

The Directive states that textile toys for children under 36 months should be washable except if it contains a mechanism that may be damaged if soak washed.

No specific additional requirement is made for textile toys only suitable for children over 36 months.

“**Mechanism**” is defined by the current Commission guidance document* as:

“A component or multiple interconnected components that are designed to deliver at least one additional function to the textile toy such as light, sound, retention of form, movement....”

No test parameters for a soak wash are given. However the Commission guidance document states:

“Soak washing means immersing the toy in water or other liquid; this handling does not necessarily imply machine washing, it can be hand wash.”

The Directive also states that the toy must meet the safety requirements (article 18) after having been cleaned as required by the Directive **and** the manufacturer’s instructions.

* http://ec.europa.eu/enterprise/sectors/toys/documents/guidance/index_en.htm

4. Textile Toys for Children Under 36 Months: Manufacturers Cleaning Instructions

EN71-1, section 5 contains an informative note which duplicates the text of Directive 2009/48/EC.

In addition, it also states: “The manufacturer should, if applicable, provide instructions on how the toy has to be cleaned.”

It must be stressed however that the provision of cleaning instructions is neither a requirement of the Directive nor EN71-1 and so any cleaning instruction given is at the discretion of the manufacturer.

Nevertheless it is recommended that all textile toys intended for children under 36 months be accompanied by or labelled with cleaning instructions.

If cleaning instructions are provided the specified method must not jeopardise compliance to the essential safety requirements after application.

The specified cleaning instructions must also be effective in order to avoid any risk of infection, sickness or contamination.

Examples of manufacturers cleaning instructions:

Example 1

“Surface wash”

(Important note: This section is contentious and should be read in conjunction with Annex I which outlines the concern with the use of the term “surface wash” and explains the background and rationale behind the following guidance. Companies are advised to consider taking further legal advice before making marking decisions.)

There may be good reason a manufacturer may choose to only specify a surface wash. For example; repeated soak washing may cause visual damage to specialised materials such as velvet or lace (note that visual cosmetic damage that does not create a safety issue does not contravene the Directive). Labeling such an item as “soak washable” could promote complaint from consumers about the visual damage caused.

Surface wash instructions do not contravene the wording of the Directive - textile toys must be safe after a soak wash AND washing using the manufacturers’ instruction. In other words; regardless of the surface clean instruction given, the toy must still meet the essential safety requirements after a soak wash (unless the toy contains a mechanism that would be damaged by soaking).

The Directive requires that the toy be safe after an effective *minimum standard* of a soak wash in case the manufacturers’ instructions are disregarded.

Example 2

“Hand wash”

Hand wash is considered to be a soak wash within the meaning of the Directive.

Example 3

“Machine wash”

If considered appropriate by the manufacturer machine cleaning instructions can be specified. Machine wash protocols are varied and the manufacturer should ensure that the toy can withstand the protocols used. It is therefore recommended that manufacturers supply detailed wash instructions (e.g. temperature, detergent/conditioner use, wash cycle, drying cycle) if they decide to label the toy as suitable for machine cleaning.

Washing symbols are available to use from BS EN ISO 3758. It should be noted that these symbols relate directly to wash protocols in BS EN ISO 6330 so if symbols are used then the manufacturer must ensure the toy meets the safety requirements after having been washed in accordance with the referenced wash protocol.

Manufacturers may want to ensure any washing specified does not damage consumers other textile items being washed at the same time i.e. by colourfast testing or specifying that the item should be washed separately.

As machine washing is a type of “soak washing” a toy that can undergo machine washing and still meet the essential safety requirements would satisfy this aspect of the Directive.

5. Textile Toys for Children Under 36 Months: Washing as Part of Compliance Testing

If the manufacturer details a cleaning instruction which does not include immersion the toy must still meet the Essential Safety Requirements of the Directive after at least a soak wash (unless the toy contains a mechanism that would be damaged by a soak wash).

I.E. the Toy should still conform to EN71-1, EN71-2, EN71-3 etc., after at least a soak wash.

The following table illustrates how the Directive requirements apply to toys with differing cleaning instructions:

Examples of manufacturers cleaning instructions:	The toy must meet the essential safety requirements of the Directive after performing:
No instruction	Soak wash (unless toy contains mechanism that would be damaged)
"Surface wash only"	
"Soak wash only" *	Soak wash
"Hand wash only" *	Soak wash
Machine wash *	Machine wash

(*Note: It is assumed that if the manufacturer provides these wash instructions then the toy has no mechanism that would be damaged by a soak wash)

There is no recognised international standard for a "soak wash".

Manufacturers may wish to detail a suitable soak wash in their instructions accompanying the toy. The soak wash must include immersion. In this case the manufacturers' instructions should be followed when conducting the soak wash.

In the absence of manufacturers instructions and a recognised standard soak wash, BS EN ISO 6330:2001 provides a simulated hand wash cycle which can be referenced as a suitable soak wash.

Where Manufacturers have detailed a machine wash in their instructions these instructions should be followed.

In the absence of manufacturers' suitable machine wash instructions (e.g. the instructions may just state "Machine washable" without any temperature or drying details) BS EN ISO 6330:2001 can be referenced with the following guidelines: Reference detergent 2. Wash cycle 6A. Tumble dry.

To demonstrate compliance at least 3 wash cycles according to the above protocols should be completed on one toy after which the toy must continue to meet the Essential Safety Requirements of the Directive.

Annex I - “Surface wash” Labelling

Within this guidance document the BTHA has tried to interpret the meaning of the Directive by referencing as close as possible the exact text.

However, since the publication of the Directive the Eu Commission has expressed concern over the use of the instruction “surface wash” for textile toys intended for children under 36 months believing this to be contradictory to the meaning of the Directive and a way to circumnavigate the requirements.

This Annex aims to explain why the BTHA believe the statement is *not* a contradiction to the TSD and why the safety requirements *cannot* be circumvented.

Contradiction to the TSD.

The TSD only requires that the textile toy should be safe after a soak wash.

There is no requirement for wash instructions to be given.

However, if the manufacturer does choose to include a cleaning instruction and label the toy as “Surface wash” then this is considered to be the manufacturer’s instruction.

This can not be in contradiction to the TSD because they are two separate considerations:

i) The manufacturer’s choice of instruction to give to consumers (which has no requirement in the TSD)

AND

ii) The toy must be safe after a soak wash (requirement in the TSD).

A manufacturer chooses to apply wash instructions. He may choose to apply “machine wash” or “surface wash” or in fact no wash instruction at all. In each case the manufacturer can not contradict the TSD as there is simply no requirement for an instruction within the TSD.

Circumventing the requirements

Circumventing the requirements of the TSD by labelling is not possible.

As explained above, cleaning instructions are separate from the requirement of safety.

The toy must be safe after the soak wash irrespective of the instructions given.

The TSD is explicit on this point:

“The toy shall fulfil the safety requirements also after having been cleaned in accordance with this point (soak wash) and the manufacturer’s instructions”

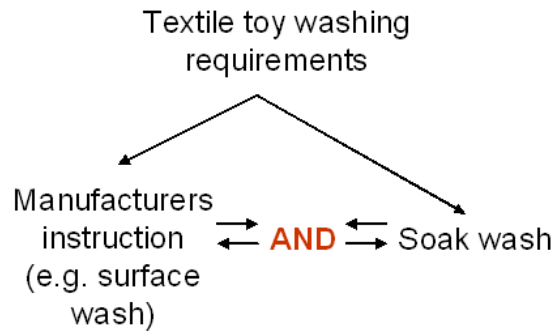
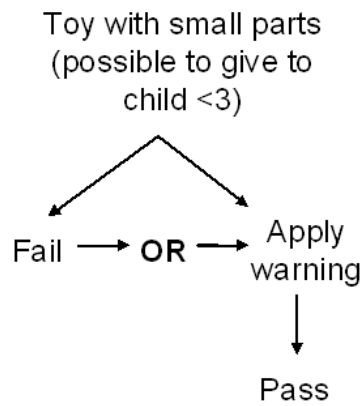
The word “and” is critical because it clarifies that BOTH the soak wash AND the manufacturers instructions are to be considered. It is not possible to circumvent the requirement by labelling because any labelling is separate from the requirement.

Similarities have been drawn to the ability of being able to circumvent the small parts requirement by labelling.

However, this requirement is either the warning or no small parts - either one of these factors is applied.

For washing; both factors will be applied.

The following decision trees illustrate how the small parts requirement can be circumvented whilst the soak washing requirement cannot:



Continuing use of “Surface Wash”

The term “surface wash” is widely used by the industry with no evidence to date of any issue. As explained above the BTHA does not believe it contravenes the Directive nor can it be used to circumnavigate requirements.

However, due to the difference in opinion expressed the BTHA would recommend that manufacturers consider alternatives to the term “surface wash” when developing new artwork.