



COMMERCE COMMISSION

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Extremely high lead levels in toys prompt investigation and consumer alert

The Commerce Commission is investigating a number of toys sold in bargain variety stores following testing by the Ministry of Consumer Affairs which detected excessively high levels of lead.

As part of a regular targeted testing and surveillance programme the Ministry screened toys and children's cosmetics in retail stores for lead. Under a mandatory standard, children's toys must not contain more than 90 milligrams per kilogram (mg/kg) of lead at a migratable level. Toys containing more than 90 mg are banned under an Unsafe Goods Notice, which is enforced by the Commerce Commission via the Fair Trading Act.

The Ministry referred six products to the Commission last week, after laboratory testing identified migratable lead levels ranging from 105 mg/kg to 28,280 mg/kg. The toy at the highest end of the range is 314 times above the allowable level. The Commission has begun investigations as a matter of extreme urgency and is working towards a recall of the products.

“Because of the extreme results from this testing we are immediately alerting consumers who have bought these toys to their highly toxic content. Where child health is concerned we cannot afford to be complacent. No child should play with the toys that have been identified,” said Greg Allan, Commerce Commission Enforcement Manager.

“These products, while not targeted specifically at small children, would pose a significant health risk to a small child if they were to chew or suck on the toys. The migratable lead in some of the products is at alarmingly high levels. Parents and caregivers need to immediately remove these toys from the household,” said Mr Allan.

The products, the test results, and where they were purchased are listed below.

Product name	Lead level mg/kg	Where purchased
Kinder-Gartenegerate-set (gardening set)	Red paint 1,582	Dollar City, 12 Kitcher St, Waiuku
Combat Mission Gun	Yellow paint 28,280	Coin Save, 26 Queen St, Waiuku
Bakugan Battle Brawlers	Black & yellow paint 735	Coin Save, 26 Queen St, Waiuku
Team Quick Stunt Moto (3 bike pack)	Yellow paint 105	Fashion Leader, 245 Great South Rd, Papakura
Action Team Assault Rifle	Green paint 15,190	Golden House, 191 Great South Road, Papakura
Super Motivity Truck	Yellow paint 26,250	Bargain City, Shopping centre, Botany Downs

The Commission has yet to establish how widely the products have been distributed, and numbers sold. Photos of the products are available on the Commission’s website, so that consumers can check whether a product they have bought matches those identified. They can be viewed at

<http://www.comcom.govt.nz/product-photos>

Any parents or caregivers who are concerned that their children may have played with these toys can arrange for a simple blood test through their GP to see whether their child has ingested any lead and whether any treatment is required.

“If you have purchased these products you are entitled to a full refund from the store you bought from under the Consumer Guarantees Act. As they are low value items, if returning to the store for a refund is not a high priority, the toys should at the very least be thrown in the rubbish,” said Mr Allan.

The Commission's investigation under the Fair Trading Act into the importation and distribution of these banned goods will continue.

Background

Lead in toys An Unsafe Goods (Lead in children's toys) Indefinite Prohibition Notice was issued on 26 March 2009. Children's toys which contain lead in their accessible parts at a migratable level greater than 90mg/kg of toy material are declared to be unsafe goods and are prohibited from supply indefinitely.

Migratable lead Heavy metals are considered to be migratable where they are on the surface of the product and there is a possibility a child may ingest or absorb the metals from playing with or chewing on a toy.

Buying safe toys There is useful information on the Ministry of Consumer Affairs website on buying safe toys at <http://www.consumeraffairs.govt.nz/for-consumers/goods/product-safety/keeping-kids-safe/toy-safety>

Fair Trading Act Court penalties for breaching the Fair Trading Act can include fines of up to \$200,000 for a company and \$60,000 for an individual. Only the courts can decide if a representation has breached the Act.

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