

A Reminder about Lead in Toys

On the run up to Christmas this year, the Ministry of Consumer Affairs has undertaken a series of screening tests for toys and other products aimed at children. This letter is aimed at reminding businesses engaged in the sale or supply of toys in New Zealand in relation to their legal obligations around toy safety.

The project was aimed at testing for the presence of the following heavy metals in toys – antimony, arsenic, barium, cadmium, chromium, lead, mercury and selenium. Of these metals only lead has a maximum permitted legal limit of 90mg/kg. The maximum levels for the other metals are at this stage voluntary.

The maximum level for lead is set out in Unsafe Goods (Lead in children's toys) Indefinite Prohibition Notice 2009 – the notice makes permanent the legal requirement that children's toys which contain lead in their accessible parts at a migration level greater than 90 mg/kg of toy material are declared to be unsafe goods and are prohibited from supply indefinitely.

The tests featured an initial screen test and over 350 separate products were screen tested using X Ray Fluorescent (XRF) test equipment. Based on these results 41 products which gave high readings were sent for in-depth laboratory testing in accordance with the requirements of the AS/NZS 8124 Standard – Safety of toys Part 3 Migration of certain elements. Six products were found to contain levels of migratable lead in excess of the legal requirements and these cases are now subject to investigation by the Commerce Commission.

This letter is a reminder that if you want to import, sell or supply goods into New Zealand, they must comply with the required Standards. It is your responsibility to ensure that you are aware of any relevant regulations. In the case of toys the relevant standard is AS/NZS 8124. Only the migratable lead and 'small parts' elements of the Standard are mandatory at present. The other provisions of the standard do however offer guidance on the safety of other features and aspects of toys.

In essence, the legal onus is squarely on suppliers to supply safe goods. The best way of showing that a product is safe is by testing that it complies with the relevant product safety standard and carrying a certificate of compliance from a laboratory which is accredited to carry out testing to that standard.

As mentioned above at present New Zealand only has a maximum mandatory limit for lead in toys. Consideration is being given to extending this to cover the seven other heavy metals that feature in the AS/NZS 8124 Toy Standard. This would bring New Zealand into line with other jurisdictions such as Australia and the US. As part of the review process, the Ministry would seek the views of stakeholders and this would afford you the opportunity for comment.

If you need any further information on the legal requirements you can in the first instance refer to the Ministry's website – www.consumeraffairs.govt.nz.