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GUIDANCE DOCUMENT No. 12 ON THE APPLICATION OF THE DIRECTIVE ON THE SAFETY OF TOYS (88/378/EEC and 2009/48/EC)

Packaging

This document is a non binding document intended to provide guidelines in order to help Member States and stakeholders on the definition of packaging and make the distinction between toys and packaging. This document expresses the views of majority of members in the Expert Group on Toys Safety. The images appearing in the document constitute examples intended to facilitate the decision-making. They do not presuppose the conformity of the represented products.

Background

The Toy Safety Directives (TSD) 88/378/EC and 2009/48/EC contain no definition of packaging. However, 88/378/EEC - annex II. II. (e) and 2009/48/EC - annex II.I.4. (e), (f) and (g) state clear particular safety requirements on packaging of toys. The TSD contain separate general and particular requirements for toys.

The standard EN 71-1:2005+A9:2009 contains requirements for flexible plastic sheeting (clause 4.3), toy bags (clause 4.4) and packaging (clause 6). The standard contains the following definitions:

plastic sheeting: thin section plastic sheeting which is used as part of the toy or as part of the packaging;

packaging: material accompanying the toy when purchased but having no intended play function.

1. Packaging

Packaging is material accompanying the toy when purchased but having no intended play function.

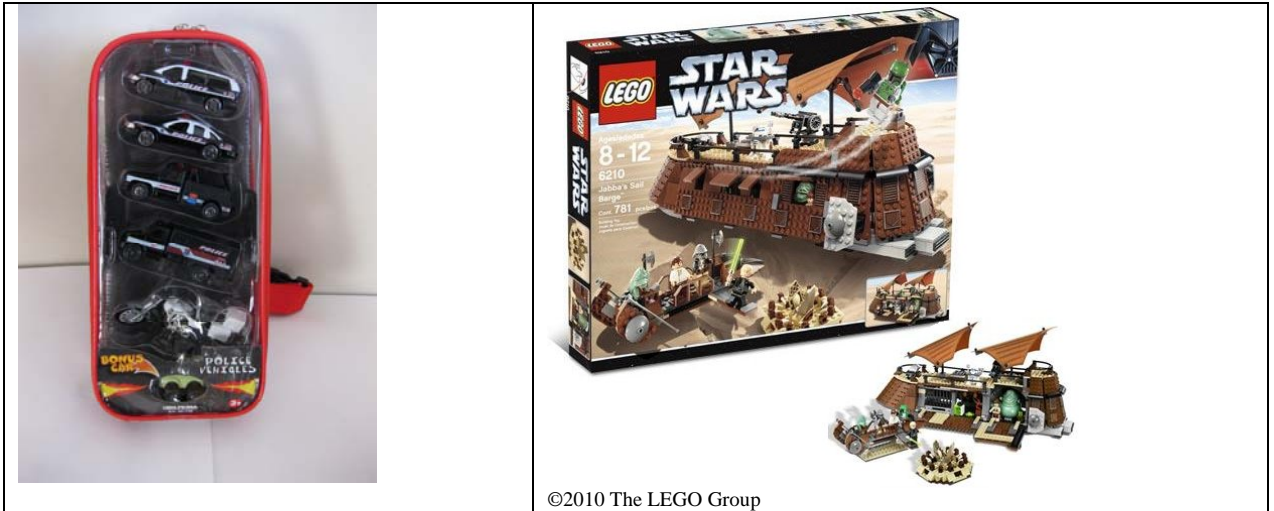
The packaging of many products these days can be re-used whether intended by the manufacturer or not. The packaging might be of a style that encourages it to be used as a

means of storing the toy, keeping it clean, transporting the toy and keeping the parts together. Some packaging can be used as background decoration to help display the toy in an appealing way. These are all attributes of “packaging” and nothing to do with play and toys.

If potential hazards exist with packaging that are not covered by the TSD, there is Community legislation that allows measures to be taken on unsafe packaging and that is the General Product Safety Directive (GPSD).

Pictures of packaging:





1.1. Plastic sheeting (in packaging)

Plastic sheeting is defined as thin section plastic sheeting which is used as part of the packaging.

Picture of plastic sheeting which is used as part of the packaging:



The plastic sheeting is used to wrap the clay in order to prevent it from contamination and drying out during transport and storage – it does not have an intended play function.

2. Toys

There is some packaging that has additional features adding play value or that become a product intended to be played with by children under 14 years of age. In such circumstances this packaging becomes (part of) a toy.

The outer boxes of board games commonly contains information on how to play the game and in this way would become an integral part of the toy.



the centre section is clear plastic and the toy can be filled with confectionery or chocolates



the body is clear plastic but containing decorations for the doll's hair



the toys can be played with in his exact form and so the packaging become an integral part of the toy

2.1. Plastic sheeting (in toys)

Plastic sheeting is defined as thin section plastic sheeting which is used as part of the toy. Examples of plastic sheeting which is used as part of toys can be found in plastic toy aprons, nurses badges, nurses caps, dolls diapers, glued on transparent plastic sheeting covering children's books, etc

2.2. Toy bags

Toy bags are not defined in the TSD nor in the standard EN 71-1, however they are different from packaging as they are not covered in clause 6 of the standard. A definition

might be a bag that is clearly intended for use in play, often having features that are designed to encourage the child to use the bag in play activities. The reference to *toy bag* in the standard may result in confusion and more and more *bags* (bags considered as packaging having no intended play function) being wrongly treated as “*toy bags*”. Toy bags have to comply with clause 4.4 of the standard, but also with other relevant clauses as these products are toys and not packaging. Bags that are packaging can be attractive to children because they are brightly coloured for example or have child appealing characteristics (Mickey Mouse decorations) but this is not enough to make them a toy bag. There has to remain a difference between a child appealing article like a decorated *bag* and a so-called *toy bag*.

Pictures of toy bags:

