

Consumer Affairs Victoria

Product Safety Factsheet

Toys for children under three Safety regulations for traders

October 2003

For children under three years of age, toys and parts of toys that are small enough to swallow can be dangerous. This is because children in this age group have not developed the reflexes to cough out small items.

Need more information?

Call Consumer Affairs Victoria Helpline on 1300 55 81 81.

Quick Tip

If a toy part can fit inside a 35mm film canister, it can choke a child under three years of age.

The regulations

The *Consumer Affairs (Product Safety) (Children's Toys) Regulations 1998* require that toys intended for children under three years of age must not have small parts that can pose an ingestion or inhalation hazard.

Generally speaking, any object smaller than a table tennis ball, or one that fits in a 35mm film canister, is considered to be an ingestion or inhalation hazard. Small toys, or parts of toys that detach easily, or toys that break easily, are dangerous and must be kept away from children under three years of age.

The Regulations are based on certain clauses and appendices in the Australian Standard AS 1647-1992 Children's toys (safety requirements) Part 2:

Constructional requirements, published by Standards Australia on 14 September 1992 and amended by Amendment No.1, published on 5 March 1995. For compliance purposes, suppliers are advised to read the Australian Standard AS 1647.2-1992.

How are toys defined?

Toys are defined as playthings that are manufactured, designed, labelled or marketed. Any toy that is reasonably regarded as being suitable for children under 3 years of age must comply with the regulations. Therefore labelling a toy 'not suitable for children under 3 years' does not exempt it from complying with the regulations.

The Australian Standard AS 1647.1 - 1990 Children's toys (safety requirements) Part 1: General requirements contains Guidelines For Age Grading, including the types of toys considered appropriate for children under three years of age.

Toys covered by the regulations

The following objects are defined as toys in the regulations:

- rattles
- dummies
- toy dummies
- games
- musical chime toys
- teethingers
- jacks-in-the box
- squeeze toys
- stuffed, plush, flocked animals and other figures
- toys to be attached to crib, stroller, playpen or baby carriage
- ride-on and sit-on toys
- pull and push toys
- puzzles
- pounding toys
- dolls
- blocks and stacking toys
- toy cars, trucks and other vehicles
- toys for use in a bath tub, wading pools and sand
- rocking, spring and stick horses and other figures.

Exclusions

The following objects are excluded from the regulations:

- balloons
- marbles
- vinyl records
- books
- writing materials including crayons, chalk, pencils and pens
- modelling materials including clay, plasticine and playdough
- bicycles with a wheelbase of not less than 640mm
- flotation aid toys
- toys made wholly from highly porous material (for example cheesecloth)
- playground equipment for parks, schools and domestic use, including swings, see-saws, slides, agility apparatus, climbing, swinging, rotating and rocking apparatus, cubby houses, sand pits, apparatus for use in sand, sliding poles and ladders
- toys supplied wholly or partially unassembled, provided they are constructed correctly according to the instructions

- foam toys, provided they are labelled with the following warning on the toy or the packaging:

WARNING: NOT SUITABLE FOR CHILDREN UNDER 3 YEARS AS FOAM PIECES MAY BREAK OFF AND CAUSE A CHOKING HAZARD

The words must be clearly legible, in upper case, in red letters on a white background. The word WARNING must not be less than 5 mm high and the other words must not be less than 2.5mm high.

Useful contacts

For exact details regarding the regulations it is recommended that the regulations be read in full.

The regulations can be purchased from Information Victoria, 356 Collins Street, Melbourne and can be viewed in detail at the Internet address:

www.dms.dpc.vic.gov.au.

At this site select 'Victorian Statute Book' and then select '1998 Statutory Rules'.

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Further reading

Consumer Affairs Victoria has a range of Product Safety related factsheets:

- Baby walker safety
- Bunk bed safety
- Children and water - keeping them safe
- Curtain and blind cords
- Laser pointers
- Pram and stroller safety
- Supplying safe cots - facts for traders
- Toughened glass
- Toy safety checklist
- Toys for children under three

More information

Information on Product Safety is available from:

**Consumer Affairs Victoria
Victorian Consumer &
Business Centre**

113 Exhibition Street

Melbourne 3000

Telephone: 1300 55 81 81

Website www.consumer.vic.gov.au



Consumer Affairs
Victoria

The information contained in this fact sheet is of a general nature only and should not be regarded as a substitute for a reference to the legislation or professional advice.
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