

Joint Market Surveillance Action on Child-Resistant Lighters and Novelty Lighters Inventory of novelty lighters

Introduction

This inventory has been prepared and discussed in the joint action on cigarette lighters. It is based on information collected by the Commission and Member States. Its purpose is to guide Member State authorities in their evaluation whether a lighter is considered to be a novelty lighter. The information in this inventory supplements the information given in the note “Inventory of lighter designs that are considered not to be novelty lighters.”

The examples in the inventory have been discussed by the participants in the core group for lighters. The inventory presents the conclusion from these discussions, which must be as the opinions of the individuals in the core group and not those of the Member States or the organisations represented in the core group.

The conclusions should be taken as general and indicative. A Member State authority is not bound by the information in this inventory when evaluating whether a specific lighter is a novelty lighter or not. Neither can a Member State authority argue that a lighter is to be considered to be a novelty lighter because it appears in this inventory. The arguments must always be based on the decision, which is the legally binding text.

The inventory also presents a number of designs that can not immediately be assessed to be novelty lighter or the opposite from photos etc. Instead a thorough examination may be necessary in each specific case. Thus, a producer should be aware that such products could be considered to be novelty lighters depending upon their specific appearance.

Please note that the inventory is not exhaustive.

Definition

A novelty lighter is according to EN 13869:2002 “Lighters – Child-resistance for lighters – Safety requirements and test methods” defined as a “flame-producing product commonly used by consumers to ignite cigarettes, cigars and pipes, including any holder which can be incorporated later or any attachment which can be fixed later, that resembles by any means to another object commonly recognised as appealing to or intended for use by children younger than 51 months, or has entertaining audio effect or animated effects. A novelty lighter can operate on any fuel, including butanes or liquid fuel. This includes, but is not limited to, lighters or holders that are clearly intended to hold lighters, the shape of which resembles cartoon characters, toys, guns, watches, telephones, musical instruments, vehicles, human body or parts of the human body,

animals, food or beverages, or that play musical notes, or have flashing lights or moving objects or other entertaining features. This excludes lighters that are printed or decorated with logos, labels, decals, artwork or heat shrinkable sleeves.”

Member States have agreed to take a restrictive approach to novelty lighters.

Suggestions for updates

The most recent version of this document will be on the public part of the WebEx website.




The inventory will evolve during the joined action as information is collected and the participants agree on new designs being novelty lighters. During this process updates of the document will be uploaded to WebEx.

If you have suggestions for updates, please mail them to Torben Rahbek (tr@torbenrahbek.dk).



Inventory of lighter designs that are considered to be novelty lighters

No.	Category	Photos	Remark
1.	Vehicles and parts of vehicles (Cars, trucks, bicycles, motorbikes, trains, etc.)		Core group meeting March 29 th : The 40 feet container is considered to be a novelty lighter because it looks like toys used by children when playing with model railways.
2.	Food & Drink (Fruits, cans, sweets, ice creams, etc.)		Core group meeting March 29 th : Cans are considered to be novelty lighters no matter if the lighter resembles a beer can or a soft drink can because it looks like toys for a doll house.

No.	Category	Photos	Remark
3.	Musical Instruments		
4.	Guns & Weapons (Guns, pistols, granates, rockets, etc.)		<p>Core group meeting March 29th: Size matters. Big lighters are in general not considered as cigarette lighters which means that they fall outside the scope of the decision.</p>
5.	Tools, Furniture & Household Appliances		

No.	Category	Photos	Remark
6.	Buildings		
7.	Telephones & Electronics		
8.	Toys		<p>Note that the airplane, the penguin and the frogs could also be considered under points 1, 9 and 9 respectively.</p>

No.	Category	Photos	Remark
9.	Animals		<p>(The shark is more than 100 mm long, but it is foreseen that it is intended for igniting cigarettes. Therefore it is a cigarette lighter and thus a novelty lighter.)</p>
10.	Seasonal & Cartoon Characters		<p>Santa Claus, fairies, Halloween, cartoon characters, etc.</p>

No.	Category	Photos	Remark
11.	Sports Equipment, Garments, Buckles and Jewellery		
12.	Body Parts		Busts, torsos, limbs, etc.

<p>13. Lighters with entertaining features (Flashing lights, sound, moveable parts, etc.)</p>	 <p>(The skull in the gas tank is “free-floating”)</p> <p>Lighters that project pictures irrespectively of the motive.</p>	<p>Core group meeting March 29th: Such lighters are considered as a novelty lighters even if the entertaining effects are “locked” by a CR mechanism so a child can not switch it on. The argument is that the lighter is still attractive to children because they have seen the entertaining effect when an adult has used it.</p> <p>(Note that the monkeys, the ship and the skull might also be considered under points 8, 1 or 11 respectively.)</p>
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Lighters with attachments



The lighter is considered to be a novelty lighter if the attachment has “entertaining features”.

Inventory of “grey-zone” products

In each case, the producer has to argue why the product in case is not a lighter and what purpose the flame then serves to avoid that the product is considered as a novelty lighter.

No.	Name	Photos	Remark
1.	Statues, artwork		
2.	Replica or scale models of weapon	 <p style="text-align: center;"> <--> 36 cm <--> 31 cm </p>	Small models are always novelty lighters.

No.	Name	Photos	Remark
3.	Ornamented table lighters		The ornamenting must not meet the criteria in the definition of novelty lighters.
4.	Products with an integral lighter (Clocks, tools, torch lights.)	 	The appearance of the lighter must not meet the criteria in the definition of novelty lighters.
5.	Lighters with attached jewellery		Lighters with attachments that resemble jewellery for children are considered to be novelty lighters.