

Soft-filled toys must be safe for children of all ages also when covered with sequins.

The new toy trend, soft-filled toys partially or completely covered with sequins has come to the attention of EU market surveillance authorities. This document describes the application of the Toy Safety Directive 2009/48/EC (TSD) and the harmonised standard EN 71-1:2014+A1:2018 Safety of toys – Part 1: Mechanical and physical properties (EN 71-1), the reference of which has been published in the Official Journal of the EU, to soft-filled toys. It also expresses the views of the majority of members in the Administrative Cooperation (ADCO) group of the Expert Group on Toy Safety.

In article 3.29 of the TSD the definition of "intended for use by" gives the criteria for evaluating whether a particular toy is "intended for use by" a certain age group. The definition indicates that the decisive factor is what the parent or supervisor shall reasonably be able to assume about the stated age group by virtue of a toy's functions, dimensions and characteristics. This includes in particular the case of toys which are intended for use by children under 36 months.

In standard EN 71-1 the following example is given in clause 1 Scope: soft-filled toys with simple features intended for holding and cuddling are considered as toys intended for children under 36 months. In clause 3.61 of EN 71-1 the definition of a soft-filled toy is found: toy, clothed or unclothed, with soft body surfaces and filled with soft materials, readily allowing compression of the main part of the toy with the hand. CEN ISO/TR 8124-8 "Safety of toys - Part 8: Age determination guidelines" gives the first age at which it is appropriate for a child to play with *"Simple dolls and animals – soft-stuffed dolls and animals made of fabric or plush with or without clothes and fixed details which cannot be removed"*, and this starting age is from 2 months.

In conclusion it is widely accepted that soft-filled toys should be suitable for children of all ages.

A soft-filled toy that is partially or completely covered with sequins and still fulfilling the definition of a soft filled toy is considered as a toy intended for children under 36 months. A similar design is addressed by A.27 in EN 71-1 which states that soft-filled toys and toys with coverings from which pieces can be bitten or torn off (e.g. foam toys) should meet the requirements in 8.3 (torque test) and 8.4 (tension test) as required in 5.1 (toys intended for children under 36 months, general requirements).

It is prohibited to circumvent the small part requirements in Annex II, Part I, Point 4(d) of the TSD, by adding the age warning "Not suitable for children under 3 years" or the age warning symbol on a toy

(Annex V, Part B, Point 1 of the TSD) that is clearly intended for children under 3 years. This is laid down in Article 11 (1), third subparagraph of the TSD and is explained further in the corresponding part of the Explanatory Guidance document for the TSD

(http://ec.europa.eu/growth/sectors/toys/safety/guidance_en).

In conclusion, soft-filled toys with sequins must be safe for children of all ages.