

Product Responsibility
Best Practices

SUBJECT		LAST UPDATE
Executive Desk Toys		November 20, 2015
APPLIES TO	FOCUS ON	
<ul style="list-style-type: none">• Suppliers• Distributors	Age grade factors related to executive desk toys and appropriate definitions	
QUICK LINKS		
<ul style="list-style-type: none">• PPAI Corporate Responsibility: www.ppai.org/inside-ppai/corporate-responsibility/• UL: industries.ul.com/premiums-promotional-and-licensed-goods• Consumer Product Safety Commission: www.cpsc.gov		
Available For Purchase: PPAI Sourcing And Compliance Manual: www.ppai.org/shop/product-safety		

Italic grey text indicates a hyperlink listed in the Online Resources section of this document.

Background

Determining the category of a product is not always easy, and it is especially a challenge in the promotional products industry where the end user is not always known at the time of manufacture. Often, promotional products that are intended for use by adults and are given out at trade shows and in workplaces end up in the hands of children.

Simplified Definitions

Children's Product. A children's product is designed or intended primarily for use by children 12 years of age or younger.

Children's Toy. A toy is designed or intended by the manufacturer for a child 12 years of age or younger for use by the child when the child plays.

Determining Whether An Executive Desk Toy Is A Children's Product Or Toy

Most executive desk toys are NOT intended *primarily* for use by a child age 12 or younger, however it is important to consider a number of factors when making that evaluation:

- **Size and Shape.** How large is the product?
Can a child hold and use the item properly?
- **Materials Used.** Some materials are considered more suitable for children than others. Soft plastic, foam, plush materials and wood are more

appropriate for young children than metal, glass or ceramic.

- **Cause and Effect.** How a product functions for the user often determines its suitability for an adult or a child. A significant amount of play value may increase the appeal for the product to a child, while a product that lacks any moving parts or sounds or any other play value for a child is more likely to be considered a general use item geared toward an adult.
- **Number of Parts.** An item with numerous small parts is typically geared toward adults while an item with fewer, larger parts could be used by children.
- **Motor Skills Required.** Consider what level of fine and gross motor skills are needed to properly use the product. Fine motor skills pertain to the ability to control the hands and fingers, including hand/eye coordination. Gross motor skills apply to the large muscle coordination necessary for using a product.
- **Classic Products.** A number of classic products are distributed as promotional products. Classic products are those that have appeal across multiple generations. Adults may remember using them as kids, and if they used them as children, they are more likely to give them to their children to use. These would in all likelihood be considered children's products, depending on other determining factors.

- **Color.** Children are attracted to bright, contrasting colors. As children get older, they prefer more realistic colors. This does not mean you can't use bright colors with your adult product. Color is just another factor to consider.
- **Sensory Elements.** Material elements to consider include lights, sounds, texture, smell, and taste. The sensory aspect relates to materials, and this factor can be a challenge especially for items such as stress balls.
- **Realism.** Cartoonish details pertain to the visual presentation of a product. The level of maturity, cognitive ability and motor skills are considered for the child/adult determination.
- **Licensing or Theme.** The appeal of the licensed product varies depending on the source or the theme of the license. This can be particularly difficult for distributors and suppliers in the promotional products industry to determine, as it is often not known what logo or theme will be used until someone places an order.

Product Regulations

Children's products must comply with the following federal regulations:

- CPSIA Lead Content
- CPSIA Lead in Paint
- CPSIA Tracking Labels
- Mandatory Third-Party Testing

There are also a growing numbers of states with laws and regulations that are often not in sync with each other.

Children's products that are classified as toys must additionally comply with:

- *ASTM F963-11*
- *CPSIA phthalates*

Noteworthy State Regulations

There are a number of state regulations that must be addressed for general use as well as children's products:

- **Illinois Lead Poisoning Prevention Act.** Effective January 2010, this is a labeling law.

Adult Items

If the surface coating or substrate material of adult items exceeds 600 ppm, the warning label is required. The warning statement looks like this:

"WARNING: CONTAINS LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. MAY GENERATE DUST CONTAINING LEAD"

Children's Items

This law applies a limit of 40 ppm lead in the surface coatings and the painted decoration used on toys, children's jewelry, and child-care articles. It also applies the 40 ppm limit to the substrate materials of children's jewelry and child-care articles. If the lead content exceeds 40 ppm, the warning label is required.

The product must still comply with the federal limit.

- **California Proposition 65.** This legislation (a.k.a. Safe Drinking Water and Toxic Enforcement Act of 1986) intends to protect citizens from chemicals known to cause cancer, birth defects, or other reproductive harm. The list of chemicals covered has grown to more than 900 chemicals, and more continue to be added.

Prop 65 is essentially a labeling law. If a product contains an excessive amount of any chemicals on the list, a warning statement is required to alert the consumer of its presence so they can then make an informed purchasing decision.

"WARNING: This product contains chemicals known to the State of California to cause cancer and birth defects or other reproductive harm."

- **Mercury in Batteries.** The Mercury Containing Battery Management Act is a federal law that limits mercury in batteries to 25 mg/cell. Some state

legislation also further restricts mercury, particularly in batteries and battery-operated novelties, which includes some executive desk toys.

States with current restrictions include *California, Connecticut, Illinois, Maine, Michigan, New Hampshire, Ohio, Oregon* and *Texas*.

- **Small Magnets.** Many promotional executive desk toys include small magnetic components. To address unreasonable risks of serious injury associated with these magnet sets, the *Consumer Product Safety Commission* has issued a notice of proposed rulemaking, *16 CFR 1240*.

The proposed rule would prohibit magnet sets that contain a magnet that fits within the CPSC's small parts cylinder. Magnets from that set would be required to have a flux index of 50 or less, or they would be prohibited

The magnet sets covered by the proposed rule are comprised of numerous identical, spherical or cube-shaped magnets approximately 3 to 6 millimeters in size. They are often referred to as "magnet balls" or "rare earth magnets." Although many have been pulled from the market because of their danger, they may still be marketed as adult desk toys, "puzzles of the future," stress relievers, science kits and educational tools.

Online Resources:

PPAI Determining Children's Products Best Practices:

www.ppai.org/inside-ppai/corporate-responsibility/product-responsibility/Documents/PR-BP-Determining-Childrens-Products.pdf

PPAI Promotional Products TurboTest: www.ppai.org/inside-ppai/corporate-responsibility/product-responsibility/Pages/TurboTest.aspx

PPAI State Regulations Guide: www.ppai.org/inside-ppai/corporate-responsibility/product-responsibility/Documents/PR-Guide-State-Regulations-Chart.pdf

CPSC Age Determination Guidelines: www.cpsc.gov/PageFiles/113962/adg.pdf

CPSC FAQs: Children's Products: <http://www.cpsc.gov/en/Business--Manufacturing/Business-Education/childrens-products/>

CPSC Recalls: www.recalls.gov/

UL: ul.com/newsroom/featured/consumer-safety/

California Proposition 65: www.oehha.ca.gov

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