

Queensland Family and Child Commission

Submission

To: Australian Competition and Consumer Commission (ACCC) Date: 04 April 2017

Topic: Review of mandatory safety standards for children's toys

Queensland Family and Child Commission

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Submission summary:

The Queensland Family and Child Commission (QFCC) is pleased to provide a submission to the ACCC regarding the review of the mandatory safety standards for children's toys. The QFCC is responsible for maintaining a register of all child deaths in Queensland and undertaking activities intended to reduce the likelihood of child deaths.

Submission recommendations:

In relation to the mandatory safety standards for children's toys, the QFCC recommends:

- Supporting the ACCC's compliance approaches detailed in options 3 and 3a. While QFCC supports a principles-based approach (as set out in option 3a), we note that an Australian equivalent to the General Product Safety Directive would provide an additional safety net.
- Clear warning labels for toys containing button batteries and toys with small parts and projectile toys.
- Warning labels be placed on the toys as well as the packaging.
- Safety standards be extended to any toys and novelty items that contain button or coin cell batteries.
- Teething necklaces and jewellery not be exempt from the mandatory safety standards.
- Clear warning labels be present on swimming and flotation aids, particularly around need for children to be continuously supervised when using these products.

The QFCC also notes that baby slings pose a safety hazard to babies and infants and are not covered by safety standards in Australia. QFCC recommends introducing mandatory safety standards for baby slings in line with the approach taken in the United States.

The QFCC's submission focusses on standards that address risks to children that may result in fatalities. This includes standards in relation to toys with small parts, projectile toys, toys containing button batteries, teething jewellery and flotation aids. The Appendix provides information from the Queensland Child Death Register on deaths of children from threats to breathing and pool drowning, as well as data from the Queensland Injury Surveillance Unit on numbers of children admitted to emergency departments for ingesting foreign bodies such as toys, magnets or batteries.

Policy options for mandatory safety standards

Recommendation

The QFCC supports the compliance approaches detailed in options 3 and 3a. While QFCC supports a principles-based approach as set out in option 3a, we note that an Australian equivalent to the General Product Safety Directive would provide an additional safety net for this approach.

The QFCC supports the compliance approaches set out in options 3 or 3a of the consultation paper. These allow compliance with relevant Australian or International safety standards. In particular we support the use of the principles-based less prescriptive mandatory standard as outlined in option 3a. The QFCC supports the principles-based approach as it incorporates both national and international safety standards, and would allow the Australian approach to align with international approaches.

However, the QFCC notes that Australia has no equivalent to the General Product Safety Directive which underpins the European standard. The purpose of the General Product Safety Directive is to ensure that only safe products are made available to the market and complements the specific product safety legislation. The QFCC submits that a General Product Safety Directive equivalent would be required as a safety net if the principles-based approach as set out in option 3a were to be implemented.

Projectile toys and toys with small parts

Recommendation

The QFCC submits that the requirement for a warning label on projectile toys warning against the hazards of aiming the toys at the face and eyes should continue to be mandated. This should extend to a warning label on toys with small parts, outlining the choking hazards these types of toys present.

The warning labels should be on the toys themselves as well as the packaging.

The QFCC supports the recommendation that a warning label on projectile toys, about the hazards of aiming the toys at the face and eyes, continue to be mandated. While there have been no deaths from projectile toys in Queensland, toys of this nature place children at risk of injury, particularly if the toys are fired at close range.

The requirement for mandatory warning labels should extend to include toys with small parts. It is important they have a clear label that details the choking risks these toys pose to young children.

The QFCC also submits that where possible the warning labels should be placed on the toys themselves as opposed to just on the packaging, where practical to do so.

Toys containing button or coin cell batteries

Recommendation

The QFCC supports mandating a warning label on toys containing button or coin cell batteries to draw attention to the hazards they pose to young children. The QFCC also recommends that this warning label should be on the toys themselves as well as the packaging.

The QFCC is concerned about all toys and novelty items containing button batteries, not just those intended for young children, and would support extending safety standards to these products regarding the accessibility of the battery compartments and warning labels.

The QFCC supports the proposal that toys containing button or coin cell batteries have a clear warning label which draws attention to the risks that these batteries pose to young children. This is particularly important as toys that contain button batteries pose a significant risk of injury or death to young children if they are swallowed, and there is a relatively short timeframe available for intervention.

QFCC further recommends the warning labels need to be on the toys themselves as well as the external packaging. Warning labels on the external packaging only are unlikely to highlight the risks these products pose to children after the toy has been opened.

In addition to this, it is important to highlight the fact that there are a number of novelty items that have come on the market which contain button or coin cell batteries which do not fall within the scope of the toy safety standards as they are not classified as children's toys, although they would be subject to electrical safety standards. Many of these items are therefore not safe for children but may be given to children to use or play with while unsupervised. It is important that battery compartments are secure and the products come with clear warning labels indicating they contain button or coin cell batteries.

Teething necklaces

Recommendation

Teething necklaces and teething jewellery pose a serious choking hazard for infants. The products should not be exempt from the mandatory safety standards as they intended for use with young children.

To date there have been no deaths of children using teething necklaces or teething jewellery, however, these products could pose a choking or strangulation hazard for infants. Teething necklaces, particularly those made of beads covered in crochet or other fabrics pose a serious choking hazard to infants, as the parts of the beads or the beads themselves could become detached while the necklace is being used. Queensland Child Death Register data indicates that children aged under 2 years are the most at risk of choking-related deaths (see Appendix 1). It is children in this age group that are most likely to use teething jewellery and necklaces.

The QFCC does not support an exemption for adult teething jewellery from the mandatory safety standards relating to children's toys. It is acknowledged that adult teething jewellery come with clear safety messages confirming that the necklaces are intended for adults to wear, and that children should not be allowed to play with these unsupervised. However, while teething necklaces

are not toys, they are intended for use with young children and are therefore products which children are being given access to and may be given to play with. This may result in the children being left unsupervised with the teething jewellery.

Amber teething necklaces are different from adult teething jewellery as they are intended to be worn by children. The necklaces come with clear warning labels outlining the hazards that these products pose to young children. In particular, it is recommended: that amber teething necklaces are only worn while children are being supervised, that the necklaces be removed whenever children are being left alone, and that children should not be placed to sleep while wearing the teething necklaces. However, the Queensland Child Death Register records two deaths in the last three years where children were placed to sleep while wearing beaded amber teething necklaces. While the necklaces did not directly contribute to the cause of death in either of these cases, it illustrates that despite clear warning labels, carers may not always remove teething jewellery from young children when they are placed to sleep or left unsupervised for periods of time.

The QFCC is concerned about teething necklaces and teething jewellery, and submits that these products need to comply with the mandatory safety standards relating to children's toys as they must be safe for children to use in the event of unsupervised use. There is also a clear need for warning labels highlighting the risk of strangulation or choking related deaths that these products pose.

Swimming and flotation aids

Recommendation

The QFCC supports a principles-based warning on flotation and aquatic toys highlighting the need for continuous adult supervision.

In relation to the specific issues raised around flotation devices and toys, the QFCC supports the ACCC's proposal to mandate an indelible and legible warning labels. However we emphasise the need for children under the age of five to be constantly supervised when in or around water, even if they are wearing a swimming and flotation aid. A flotation device should not be considered as a replacement for continuous supervision.

Product hazards for children not covered by safety standards – baby slings

Recommendation

The QFCC recommends that the US mandatory safety standard for baby slings be adopted in Australia.

In January 2017 the Consumer Product Safety Commission in the United States approved a mandatory safety standard for baby slings to prevent deaths and injuries to infants and young children.¹

The QFCC supports the approach contained in the US safety standard, and submits that the standard should be adopted in Australia as no safety standards currently exist in relation to baby slings.

¹ United States Consumer Product Safety Commission. 2017. "CPSC Approves New Federal Safety Standard for Infant Sling Carriers." <https://www.cpsc.gov/content/cpsc-approves-new-federal-safety-standard-for-infant-sling-carriers>.

There have been two deaths of infants in slings in Queensland since 2009. These two cases illustrate a need for permanent warning labels on correct use and positioning of a baby in a sling and checks necessary to prevent suffocation.

The safety standard adopted by the United States incorporates most recent international approaches, particularly in relation to the need for clear labelling. The improved safety standard mandates permanent warning labels which include pictures showing the correct position of a child in the sling, warn against the suffocation hazard posed by slings as well as the potential for children to fall out of slings, and reminds parents to regularly check the sling to ensure no parts are broken before it is used.

The US standard also includes a number of additional warnings. Specifically the fact that slings should not be used for children under 4 months of age; children should not be placed in a curled position within a sling, particularly where their chin is bent towards their chest; the infant's face should be visible at all times when they are in the sling, and parents should ensure the infants' face is clear from both the sling and the mother's body after they have been fed while in the sling; and the importance of continuously checking on the infant while they are in the sling.

The QFCC submits that these clear warning messages around the safe use of infant slings should be incorporated into an Australian safety standard.

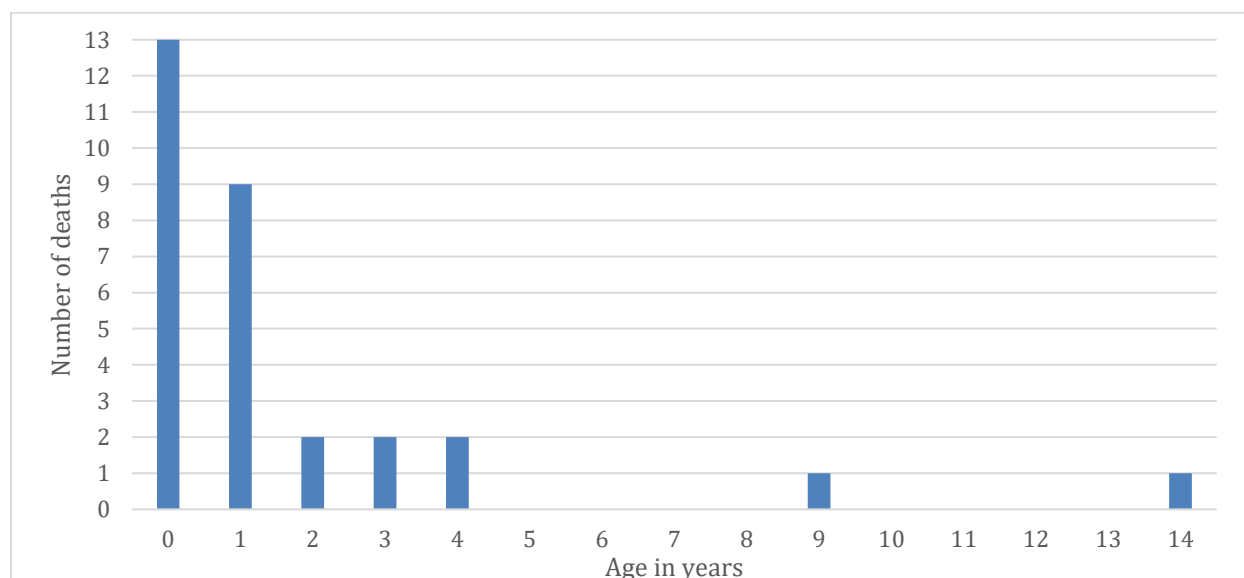
Appendix 1 – Queensland Child Death Register and injury data

Child deaths from threats to breathing 2004 to 2016

Information in the Queensland child death register indicates that there have been 30 deaths caused by threats to breathing since January 2004. Twenty-eight of these deaths have involved children under the age of 5 (see Figure 1).

Of these 30 deaths, 10 involved inhalation or aspiration of gastric contents, 7 involved choking on food. Children’s toys have been involved in 4 of the deaths, while the remaining 9 deaths were caused by other threats to breathing. In the 4 deaths which involved children’s toys, the children swallowed things like: button batteries, beads, balloons, and magnets. Further, all 4 of these deaths involved children under the age of 5 years. It should be noted that while choking incidents involving non-food items are less frequent, they are more likely to have fatal consequences.²

Figure 1: Number of deaths caused by threats to breathing by age, Queensland 2004– 2016 (n = 30)



Source: Queensland Child Death Register (2004–2016)

Injuries from children’s toys resulting in choking or threats to breathing

Data from the Queensland Injury Surveillance Unit (QISU) indicates that in 2015 there were a total of 331 children aged 0–12 years who were admitted to emergency departments for ingesting foreign bodies such as toys, jewellery, batteries and magnets.^{3,4} Two thirds of the cases related to children aged 0–3 years (218 or 66%). In the 331 cases, the types of objects children ingested were:

- toys, 34%
- jewellery, 33%
- batteries, 30%
- magnets, 4%

² Hockey, Richard and Elizabeth Miles. 2002. “Asphyxia in young children.” *Queensland Injury and Surveillance Unit Injury Bulletin* 74:1-4.

³ Queensland Injury Surveillance Unit. 2017. “Injuries from children’s toys resulting in choking or threats to breathing.” Unpublished response to data request.

⁴ The QISU data is collected from 17 hospitals from across Queensland. It should be noted not all of the injuries covered by this data were severe enough to require a hospital admission.

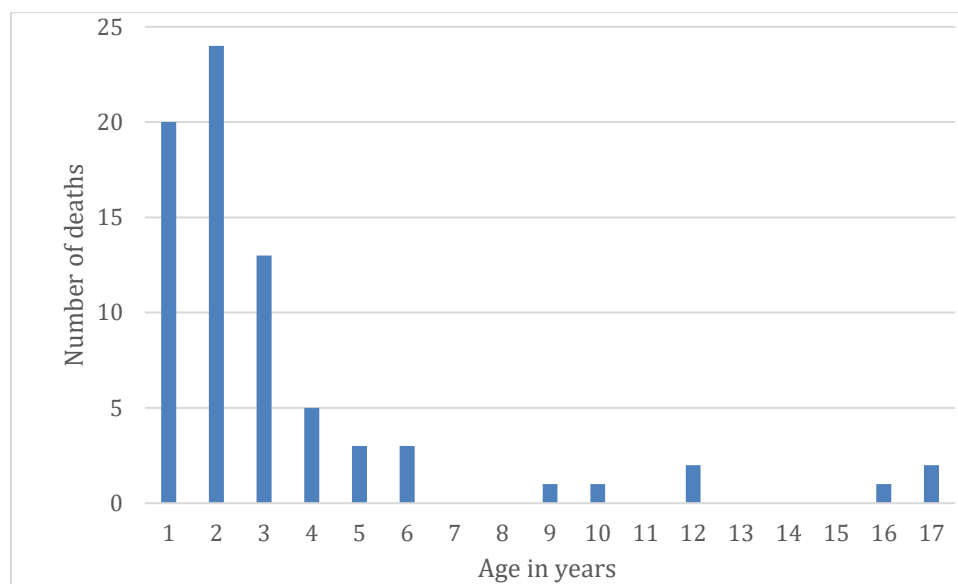
Child drowning deaths in swimming pools from 2004 to 2016

The Queensland Child Death Register records 189 pool drowning deaths between 2004 and 2016. Out of these 189 deaths, 75 involved pool drowning, and 63 of these related to children aged 1–4 (see Figure 2). Thirty-two out of the 75 cases involved children who were known to be in or around water at the time of the drowning incident. None of these deaths involved the use of a flotation aid.

As indicated in Figure 2, the majority of children who drowned were aged 1–2 years and none of the children were aged under one year.

Of the 32 cases where the children were known to be in or around water at the time of the drowning incident, 30 of these involved children aged 1-4, and occurred during a lapse in adult supervision. Continuous adult supervision of children aged between one and four years who are in, on, or around water is one of the most effective ways to prevent children from drowning.

Figure 2: Swimming pool drowning deaths of children by age, Queensland, 2004–2016 ($n = 75$)



Source: Queensland Child Death Register (2004–2016)