

SAFEGUARDS

SGS CONSUMER TESTING SERVICES

HARDLINES, SOFTLINES, ELECTRICAL & ELECTRONIC

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CPSIA UPDATES: 24 POLICY STATEMENT ON TRACKING LABELS FOR CHILDREN'S PRODUCTS

As a prelude to the formal guidance on implementation of the tracking label requirement that is set to go into effect on August 14, 2009 under CPSIA, the Consumer Product Safety Commission (CPSC) issued a policy statement on July 20, 2009.

CPSIA Section 103 requires tracking labels for children's products (intended for use by children 12 and younger). The new law will require companies to place certain information on all children's products and their packaging in order to enable manufacturers and consumers to more readily ascertain dates and place of manufacture and as appropriate production batch, run or lot number of the products. The purpose of this requirement is to establish means for tracing back manufacturing information for children's products in order to identify, isolate, and recall products that pose a safety concern.

The Commission does not think that a prescriptive "one-size-fits-all" is practical or even intended in the statute given the broad diversity of the children's products that are subject to permanent marking. The manufacturers will be responsible for making a reasonable judgment about what information can be marked on their product and packaging, given their type of business and product. The commission expressed its intent to apply the same pragmatism to its enforcement policy when reviewing a specific product's markings and assess it along with the practices of peer manufacturers for similar products.

Below is a summary of the Commission's interpretation of the Statute:

- **Format:** There is currently no specific format. The CPSC expects companies to use their best judgment to develop markings based on the type of business and product. The CPSC may at some point develop a uniform marking requirement. The information does not necessarily need to be on a single label/location (i.e., the requirement can be satisfied by information



contained on several permanent labels). The marks should be visible and legible and should allow the manufacturer/importer to determine the specific source of each product.

- Required information must be “Marked” or “Ascertainable”: The label(s) may contain either the specific required information or a code or numbering system. If a code is used, the information must be ultimately ascertainable by both the manufacturer/importer and consumer (i.e., the name of the manufacturer/importer/private labeler must be identified on the product so a consumer can contact them directly to obtain the required information as represented by the code on the product).
- Permanence: The label(s) should remain on the product during its useful life. A mark on disposable packaging need only be permanent to the extent it is durable enough to reach the consumer. The Commission cited the current ASTM standard on cribs as reference guidance on permanency of labels. The CPSC expects that in most instances, both the packaging and the product will be marked, where practicable. For products that are meant to stay with or be contained in their original packaging, the packaging would be considered part of the “product.”
- Marking of Packaging only in lieu of product: The Commission acknowledged that under certain circumstances it may not be feasible to place permanent marks on both product and packaging. Such cases may include small products, or when application of a physical mark may impair the product, or a product with multiple pieces stored in a box (e.g. board games, playing cards). The Commission recognizes in certain instances a practical, acceptable solution may be that the packaging is the only marked item.
- Marking of Sets: For items to be sold as sets/pairs and that function only as sets/pairs, only one item of the set, or an integral part of the set would need to be marked (e.g., shoes).
- Location of Production: The name of the country and the city and state (or administrative region, as appropriate) must be marked or ascertainable. The manufacturer/importer would still be responsible for identifying the specific source of the product in the event of a recall or inquiry from the CPSC.
- Date of Production: The date of production must be marked or ascertainable. This can be a date range if the product is made over a period of time. The date of manufacture is the date of assembly or placement into one package.



- Cohort Information: Manufacturers/Importers are expected to have a reasonable means to distinguish products made from different factories, made with different components, at different times or have other material differences that make the product non-identical from previous products.

SGS will follow up and inform interested parties as developments on CPSIA and other legislation occur.

Throughout our global network of laboratories, we are able to provide a range of services, including analytical testing and consultancy for lead, phthalates and other restricted substances in a comprehensive range of children’s products and other consumer products for the US and worldwide markets. Please do not hesitate to contact us for further information.

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