

## PERU PROPOSES NEW TOY SAFETY REGULATION

In January 2009, the Peruvian government notified a proposal for a new regulation on toy safety. The new proposal prohibits and sanctions the manufacture, importation, distribution and marketing of toxic or hazardous toys and office supplies

On 12 January 2009, the Peruvian government notified a proposal 'Reglamento de la Ley N° 28376, Ley que prohíbe y sanciona la fabricación, importación, distribución y comercialización de juguetes y útiles de escritorio tóxicos o peligrosos' for a new regulation on toys with the aim to help and protect the health and safety of children as well as consumers in general <sup>1</sup>. Toys are defined as objects to create and entertain children and consumers in general <sup>2</sup>. The proposal sets limits for substances and regulates administrative procedures, control mechanisms and procedures for withdrawal of harmful products. Highlights on general and chemical requirements are summarised below and Table 1.

Manufactures or importers of toys must:

1. Avoid risks by considering the physical, mechanical and hygienic aspects of toys.
2. The accessible edges, ropes, cables, fasteners of toys and removable parts should be designed and constructed so that contact with them cause no risk.
3. Avoid the risk of suffocation by detachable parts that can be ingested.
4. Ensure that the toy meet the requirements with respect to its flammability
5. Ensure that the toy's chemical properties do not represent a health risk in case of accidental ingestion, inhalation or contact with skin, mucous membranes or the eyes.
6. Toys whose operation depends partially or completely on electricity, and are aimed at children for fun, should be designed and constructed so that its operation is safe and not endanger their children and environment, even when used by children without the supervision of an adult.

---

<sup>1</sup>: G/TBT/N/PER/22, Committee on Technical Barriers to Trade, World Trade Organisation, 12 January 2009.

Table 1 Proposed restricted substances in toys

Substance Category	Substance	Scope	Requirement
Aromatic Hydrocarbon	Creosote, creosote oil, Distillates (coal tar), naphthalene oils Creosote oil, naphthalene cut Distillates (coal tar), upper Anthracene oil Of coal tar acid, crude Creosote, wood Extract (residues coal), coal tar alkali at low temperature	Substance or preparation in toys, recreational facilities and outdoor furniture	Prohibited
Bromoacetate	Methyl, Ethyl, Propyl and Butyl	Jokes or tricks, or objects to be used as such (eg sneezing powder, stinking gums etc)	≤ 1.5 mL each
Heavy Metal	Arsenic	Toy	≤ 25 mg/kg
	Antimony	Toy	≤ 60 mg/kg
	Barium	Toy	≤ 1000 mg/kg
		Modelling Clay	≤ 250 mg/kg
	Cadmium	Products made from PVC, PU, LDPE, cellulose Acetate, cellulose butyl acetate and epoxy resins	≤ 0.01 %
		Toy	≤ 75 mg/kg
		Modelling Clay	≤ 50 mg/kg
	Chromium	Toy	≤ 60 mg/kg
		Modelling clay	≤ 25 mg/kg
	Lead	Toy	≤ 90 mg/kg
	Mercury	Toy	≤ 60 mg/kg
		Modelling clay	≤ 25 mg/kg
	Selenium	Toy	≤ 500 mg/kg
	Nickel and its compounds	Toys in direct contact and prolonged contact with skin	≤ 0.5 μg / cm <sup>2</sup> / week

Substance Category	Substance	Scope	Requirement
Phthalate	DEHP	Pacifiers and toys used in the mouth	≤ 3 %
	BBP	Softener in plastic	≤ 1 %
	DINP	Softener in plastic	≤ 43 %
	DBP	Softener in plastic	Not defined
	DIDP	Softener in plastic	Not defined
	DNOP	Softener in plastic	Not defined
Solvent	Benzene	Toy	≤ 5 mg/kg
	Toluene	Toy	≤ 170 mg per kg of toy
	Ammonium sulphide, Ammonium hydrogen sulphide, Ammonium polysulphide	Jokes or tricks, or objects to be used as such (eg sneezing powder, stinking gums etc)	≤ 1.5 mL each

## <sup>2</sup> ANNEX I

### LIST OF TOYS TO THE SCOPE OF REGULATION

According to Article 3 of the Regulations are:

- 1) 9503.00.10.00 Only cars and wheelchairs for puppets or dolls
- 2) 9503.00.29.00 dolls or dolls representing human beings, except those whose single textile material component, with or without stuffing.
- 3) 9503.00.30.00 reduced model and similar models, working or not Animated.
- 4) 9503.00.40.00 Only: puzzles with less than 500 pieces, for a minor.
- 5) 9503.00.91.00 Only: electric trains, including tracks (rails, signals and other accessories) for children.
- 6) 9503.00.92.00 Toys Construction: lace, various educational materials.
- 7) 9503.00.93.00 Toys representing animals or non-human, except those whose only component is a textile with or without stuffing.
- 8) 9503.00.94.00 Only: musical instruments and apparatus, including whistles color designs and decorations, for use by minors.
- 9) 9503.00.95.00 Other toys presented in sets or panoplies.
- 10) 9503.00.96.00 Other toys, motorized use of minors.
- 11) 9503.00.99.00 Other toys
- 12) 9506.62.00.00 Only: inflatable balls, designs and colors for use by minors, excluding regulations for sport.
- 13) 9506.69.00.00 Only: no balls, inflatable designs and colors to use under - age, excluding the regulations for sport.
- 14) 9505.90.00.00 Only: masks, decorations and designs for use by minors

The proposed date of adoption has yet to be determined and the proposed date of entry into force is 6 months after publication in the Official Journal *El Peruano*.

SGS will follow and inform interested parties as development on restricted substances and other international legislation occur.

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

## FOR ENQUIRIES:

Global Competences Support Centre: [gcsc@sgs.com](mailto:gcsc@sgs.com)  
HingWo Tsang +852 2774 7420 [Hingwo.tsang@sgs.com](mailto:Hingwo.tsang@sgs.com)

Asia – Hong Kong. Tel: +852 2334 4481 Fax: +852 2144 7001 [mktg.hk@sgs.com](mailto:mktg.hk@sgs.com)  
Australasia \_ Perth. Tel: +61 (0) 3 9790 3418 Fax: +61 (0) 3 9701 0988 [au.cts@sgs.com](mailto:au.cts@sgs.com)  
Europe – London —UK. Tel: +44(0) 20 8991 3410 Fax: +44 (0) 20 8991 3417 [gb.cts.sales@sgs.com](mailto:gb.cts.sales@sgs.com)  
Africa & Middle East – Turkey. Tel: +90 212 225 0024 Fax: +90 212 296 47 82 [sgs.turkey@sgs.com](mailto:sgs.turkey@sgs.com)  
Americas – USA. Tel: +1 973 575 5252 Fax: +1 973 575 1193 [Marketing.CTS.US@sgs.com](mailto:Marketing.CTS.US@sgs.com)

[www.sgs.com](http://www.sgs.com) Global Compétences Support Centre: [gcsc@sgs.com](mailto:gcsc@sgs.com)  
If you wish to unsubscribe to this technical bulletin, go here: [Unsubscribe](#)

© 2009 SGS. All rights reserved. This is a publication of SGS, except for 3<sup>rd</sup> parties' contents submitted or licensed for use by SGS. SGS neither endorses nor disapproves said 3<sup>rd</sup> parties contents. This publication is intended to provide technical information and shall not be considered an exhaustive treatment of any subject treated. It is strictly educational and does not replace any legal requirements or applicable regulations. It is not intended to constitute consulting or professional advice. The information contained herein is provided "as is" and SGS does not warrant that it will be error-free or will meet any particular criteria of performance or quality. Do not quote or refer any information herein without SGS's prior written consent.

WHEN YOU NEED TO BE SURE

SGS