

## **Current Trends in providing the Toys Security and Consumer Protection**

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### **Abstract**

The goods and services market is not in equilibrium. This affects continuously the consumers under multiple aspects: economic, educational, health insurance and security, and so on. Not even the toys market outlets or the toys trading market aren't trouble free.

Because publications in the toys consumer protection field are seldom (legislation is the starting point in analyzing this area), the checks carried out at national level which showed the marketed toys insecurity and the abuses of the economic agents in this sector determined us to analyze the degree in which people knows the toy-related injuries and the danger to which they expose their own children when purchasing dangerous toys. That's why a quantitative research was conducted, using the method of questionnaire, distributed through the Romanian consumers, with the aim to check the empirically awareness and the seriousness with which they relate the risks concerning the toys consume.

**Keywords:** Consumer protection, toys security, security standards, toys risk, consumer behavior

### **Introduction**

The world we live in is constantly changing. The rhythms of the contemporary development cause relentlessly problems, conflicts and dramas aimed both, the production process as well as the exchange/consumption of goods and services. Regarding the second aspect, it should be noted that the market of goods and services are not in equilibrium. This always affects consumers under multiple aspects: economic, educational, health and safety etc.

Based on the foregoing, consumer protection - as an important side of social protection - aims to promote relentlessly the interests of consumers, building awareness regarding the rights they have, but also regarding the dangers posed by certain categories of consumption goods and services (Csorba, 1999).

After year 1989, by increasing the complexity of the Romanian society and through a stronger contact of the population of Romania with the realities of the Western civilization, the exigencies of the consumers have started to grow; they became more and more aware of the fact that with the broadening of the market have also increased the risks that could affect their health, safety and integrity.

In this context, "consumer protection" started to develop, nowadays becoming a science in its own right, covering all the areas of the economic activity: both, the protection of goods and services consumers. For the present study is of concern the toys consumer protection.

Because specialized work in the area of toys consumer protection are rare (the legislation was the starting point in analyzing this domain), checks carried out at national level which showed the marketed toys insecurity and the abuses of the economic operators in that sector determined us to analyze the degree in which people are aware of the dangers to which they expose their children when acquiring non-compliant or dangerous toys. For this purpose we developed a survey questionnaire which was implemented within the Romanian consumers, to test their awareness and their seriousness concerning the risks involved by using toys (Csorba, 2010).

### **Toys and the legislation in force**

Community legislation in the area of consumer protection and in the field of products security is extremely large. As a result, the safety of toys offered to consumers is a field which can't be neglected, even more because the users are children (Patriche, 1998).

Distinction must be drawn between regulations and voluntary safety standards. The EU Council Directive 2009/48/EC refer on the safety of toys, as well as the EU Council Directive 88/378/EEC of 3 May 1988 regarding the approximation of the laws of the Member States concerning the safety of toys. Directive 87/357/EEC relates to dangerous imitations, and Directive 93/68/EEC has brought amendments to Directive 88/378/EEC, establishing the rules for the affixing and use of the CE conformity marking. Safety of toys Directive lays down essential requirements which toys must meet during manufacture and before putting them on the market. These requirements relate to physical, mechanical properties, to flammability, chemical properties, electrical properties, hygiene and radioactivity. This directive aims to cover all types of risks they might pose. All the toys that are sold on the EU market must meet the requirements of the above mentioned directives and can be traded without having to submit to legal local checks, as long as they officially possess the CE conformity marking. (Dinu, 2006)

Harmonized European standards were drawn up on the basis of the essential requirements by the European standardization organizations. These standards shall be notified by the Official Journal of the European Union; thus, any toy manufactured in accordance with the harmonized standards is deemed to satisfy the essential requirements of the European Single Market. Some of the toys safety standards existing at the international level include: ISO 8124-1:2000 Safety aspects relating to mechanical and physical properties; ISO 8124 – 2: 1994 Flammability etc. In the European Union, translating these standards means: EN 71 -1:2011 Safety of toys - Part 1: Mechanical and physical properties; EN 71 – 2:2011- Part 2: Flammability; EN 71 -3: 2013 - Part 3: Migration of certain elements; EN 62115: 2005 Safety of electric toys.

In our country, to ensure the user's safety, were developed two Government Decisions: no. 396/2003 and no.710/1999, both regarding the safety of toys.

We can't assume that all the existing articles in trade and intended to be used by children are toys. The existing law defines the toy as: "any product or material clearly designed to be used in play for children under 14 years". But not all the products which may be bought in stores for children's are toys.

From the perspective of the toy safety Directive, some products are not considered to be toys, like, for example: Christmas decorations; sports equipment; aquatic equipment for use in deepwater; hand-crafted popular dolls; decorative dolls and other similar articles for adult collectors; „professional” toys installed in public places (shopping centers, malls etc.); puzzles with more than 500 pieces or without picture; compressed air guns; fireworks; bicycles designed for sport or transport on public roads; video games that can be connected to a video screen operating at 24 volts; children's jewelry and so on.

#### **Ensuring the safety of toys on age categories**

To ensure the health and integrity of the consumers, the regulations use the age of the children as the main criteria for the classification of toys and the risks they pose. In this context, we distinguish:

##### ***Toys for children from 0 to 3 years***

In the case of this age we are talking about the brightly colored and noise makers' figurines that can be hung from the cradle, at a low height, enough to be touched with hands or legs. Also, there are all sorts of other relatively simple toys which, given their unusual form, remove noises through movement, rolling and touch.

**Dangers:** Textile toys, especially the ones with hair and fluff, but also the toys with removable parts and components, may present an additional threat for children up to 3 years. The kids tend to taste everything. If component parts of toys are easily removable having also a small size, or if hair or fluff rips easily, there is a danger of injury, drowning or suffocation. That's why, consumers should not abandon plastic packaging near children; even if they are equipped with safety vents the risk of suffocation is huge.

Another danger comes from some filler used in the figurine type toys. On the market we can find many toys filled with shavings, bran, sharps, that sucked by the kids can cause drowning, suffocation and poisoning.

***Toys for children over 3 years***

They will be handed only by the children according to certain age groups, taking into account the degree of their psychic, intellectually and physically development, but also the characteristics of the age.

The 4-6 years old children are in a phase of initial training and curiosity, when are recommended toys capable to capture attention by their complexity, through their utility and similarities with the activities of the daily life. It is very important for them to get used to concentrate for 20-30 minutes on a task, so that they can cope with the demands of the school, later.

Children between 6 and 7 years are attracted by more complicated toys and games that capture attention, raising them. As the children approach the 10-12 years they will need more fun pursuits to enable them to implement the knowledge they have acquired over time.

**Insecurity and the risks generated by toys**

The large number of producers of toys from around the world, from Europe, but especially from the Far East, generates a fierce competition. Sure, the interest of all producers is to do absolutely anything to keep customers and attract new customers. An open European market facilitates the imports. But such a market is also a temptation for businesses seeking high and immediate profits. There are many companies who do not care about the continuity of their business, no client satisfaction, but they have the interest to furnish once a tremendous amount of questionable quality toys, after that they can charge huge sums of money. Such businesses give countless homework to the Consumer Protection Agencies around the world.

Due to these problems, the legislation established the "essential criteria" which toys must meet during manufacture and before being placed on the market. At the same time they have been formulated the risks that these toys can generate. These are divided into two major categories (Government Decision nr. 396/2003):

**a) General risks:** protection against the problems causing physical injuries and damaging the health of the user;

**b) Special risks:** include features related to the mechanical and physical properties, flammability, chemical properties, electrical properties, hygiene of toys, that all may be prejudicial to the consumer.

The risks of toys are more numerous than those already listed. Along with these, there are certain requirements in terms of physical and mechanical properties, flammability, chemical and electrical properties, the hygiene of toys, that all may be risky for the consumer. How dangerous toys are where have been amply reviewed in the paper „Danger in the toy box” (Stephenson, 2005). The analysis started from „The National Safe Kids Campaign”, established in 2005 in the USA. This Safe Kids Campaign had meant to prove, even it is hard to believe that a toy, something that gives children joy and laughter, can cause harm, and in some cases, even death. Sadly it happens, and many times it could have been prevented. According to the National SAFE KIDS campaign in 2001, about 202,500 children under the age of 15 were seen in emergency rooms for toy injuries. In 2002, an estimated 165,200 children were seen for toy related injuries and at least 13 children age 14 years and under died from toy related injuries. Nowadays, children ages 4 and under account for nearly half of toy related injuries and 90% of all deaths (National SAFE KIDS Campaign, 2005).

In our country such statistics do not exist, even the cases of injuries and deaths of the kids. But, the risks generated by toys are published in the literature and in the legislation.

Exemplified on the types of toys available in trade, we emphasize the risks they may appear:

■ **The risk of injury, strangulation, suffocation, burns** (Foltran, 2012)

*Functional toys* (fulfilling the same functions, being scale models of certain products, appliances or installations intended for adults) must be used by children under the direct supervision of an adult and must not be left within the reach of kids.

*Projectile toys*, has to be used only with the missiles supplied by the manufacturer, in compliance with the instructions for use. There are many weapon-toys that replace the munitions, by imitating the noise or light signals, dangerous for kids. A study was undertaken to assess the danger posed by these toys and the regulations governing them. US Consumer Product Safety Commission (CPSC) data indicate that toy guns with projectiles cause relatively few injuries, mostly to young boys. The magnitude of the problem is smaller than that of non-powder and powder firearms. Most often, toy gun injuries are to the face and eyes (Kennedy, 2006).

*The protective equipment* did not assure protection (actually specified on the product), for example, the inflatable life preservers and jackets for water does not protect against drowning. That's why they must be only used in shallow water and under supervision. Aquatic toys and skateboards must be accompanied with warnings like: "Attention! Use only in shallow water and under the strict surveillance of an adult person" or "Attention! Wear protective equipment." (Stephenson, 2005).

*Staples toy* should not be used close to the eyes or the ears. Don't keep them in the pocket.

*The toys that can be hung from the cradle, baby cribs, baby carriages*, with a drawstring, elastic ropes or straps, must be removed when the child begins to rise in the hands and knees, to prevent a possible strangulation.

*Objects which stimulate the growth of dentition*, filled with fluid, will cool only in the refrigerator and they shouldn't be entered in the freezing compartment. The hygiene of these toys/objects must be carried out as often as possible.

*Skates and skate-boards for children* must be used with protective equipment: helmet, gloves, mudguards etc.

*Toys designed to support the child's weight* must be chose and analyzed carefully regarding the existence of the tracking defenders near the motion transmission systems, the braking and lighting systems.

To avoid injuries by Burns:

- textile toys should not be used or stored near heat sources;
- toys containing a heat source shall not be lit during the operation. A rise of the temperature of the parts designed to be touched with the hand (handles, knobs, levers) should not exceed certain limits; otherwise, it can cause scald, burns, or other injuries;
- the hair of the dolls, the animals fur, the beard, moustaches, wigs, masks, or toys that can be penetrated by the children, must be made of materials which are not too flammable and extinguish themselves after the removal of the source of flame;
- don't buy the kits (especially chemistry) for children under 12 years.

■ **The risk of ingestion, inhalation, contact with the skin**

To avoid injuries by ingestion, inhalation and contact with skin, mucous membranes or eyes:

- children should be supervised when playing with "the little chemist Kit" (or, the little physicist Kit), or with shave and haircut kits. Some chemicals from those kits can be ingested, inhaled or come in contact

with the skin, the eyes or the mucous membranes, causing serious accidents. Therefore, these toys are given only to those children who have the age and knowledge needed to become aware of the risk of an improper use;

- toys intended to be placed in the mouth, inside of which there are free objects, don't need to release an object that can be drawn;
- pencils, pen, make-up kits for dolls must not contain adhesives or solvents which are toxic;
- painted toys should be avoided, because, in the chemical composition of the paint are toxic substances, such as arsenic, cadmium, lead, chromium, etc;
- Latex balloons have caused numerous deaths. The balloon can be sucked and can block the airways of the child. Therefore it must be removed immediately the pieces of broken balloon and stored the unused balloons in places inaccessible for kids;
- toys must not contain toxic materials, with caustic, irritant or carcinogenic effects.

#### ■ Risk of electric shock, electrocution

To avoid injuries by electrocution or electric shock:

- check the operation of the electrical and electronic toys before you give it to your kid and show him how to use the toy;
- your child should not take a battery-operated toy to bed, because it can cause burns and other injuries through leakage or overheating the batteries;
- the child must be within the age group for which the toy is intended for;
- the toy must be used only for the purpose for which it was designed.

#### ■ The risk of infection, sickness or contagion

To avoid the risk of infection or contamination:

- toys must be made of materials that ensure the requirements of hygiene and cleanliness in order to avoid any risk of infection, sickness and contamination;
- in the case of toys with batteries, if the child swallows the battery (which is poisonous), you must immediately called a doctor or take the kid to the hospital.

To prevent risks that can occur when using toys, The Directive of Toys Safety sets some obligations for the manufacturers and distributors of toys from all the Member States of the EU. For example, manufacturers have to:



- give information to the consumers, regarding the risks which toys can generate. Must be identified - by name or trademark - the purchased product. The aim is to inform completely the consumers about the risks of the product;
- have detailed information about the design, the manufacture and the conformity of a toy and be able to identify the product itself, for example, through a product code. The objective is to facilitate the identification of the product and to enable actions at the most appropriate level;
- take appropriate measures after the product has been put on the market. For example: the testing of samples, handling the complaints and suggestions of the consumers and informing the distributors. The objective is to ensure preventive measures and to detect risks;
- inform the competent authorities and to cooperate with them concerning the dangerous products, for the prevention of the risk they pose. The goal is to give the authorities the possibility to take appropriate measures to reduce the risk and to assure concerted action for this purpose.

#### **Conformity assessment of toys**

The procedures for assessing the conformity of toys with the essential requirements are based on a modular approach, within the framework of Council Decision 93/465/EEC. Conformity assessment of toys must be carried out by the:

- Organizations designated by the Member States on the basis of common criteria evaluation;
- The manufacturers themselves.

It should be noted that the CE marking is not a guarantee of absolute safety. Any other marking which may be affixed on the toy, ensures that there is no risk of confusion with the conformity mark. Member States may adopt penalties if they prove that the CE marking has been improperly used.

#### **Special recommendations for a safe play**

The products safety depends on the consumer behavior at the purchasing moment (of the toy), as well as that from the playing moments.

Before buying a toy, the consumer must read carefully the information find on the packaging and the instructions that came with

the toy, when it's something more complex. The consumer must always choose the appropriate age groups articles.

Never buy toys whose instructions have not been translated into Romanian language.

Regardless of the age of the child, it must avoid toys that stimulate aggression, like: pistols, kits for small cops, bows with arrows, swords etc.

**When purchasing a toy**, the potential owners should remember that it may endanger the health or life of the consumer. That's why:

- it will purchase toys only from authorized locations;
- should be read carefully the instructions on the packaging of the toy;
- it must analyze if toys are marked with the conformity symbol;
- toys which did not comes either from the domestic market, nor from the European Union, shall be tested in the laboratories especially accredited for toy testing;
- consumers must be cautious at the warning from the label of the toy: "This toy is not appropriate for children under 3". Otherwise, children will suffer;
- consumers should be aware of the physical and mechanical properties of the toy. Sharp edges, shavings remaining from the manufacturing process, the easy removable parts, braking devices, the composition of materials and paints used must be carefully reviewed at the moment of purchasing.

**For a safety play** is recommended the child supervision. Toys must be checked often to remove the broken fragments, the sharp edges etc. Offer the child only the age-appropriate toys.

Toys may be placed on the market only if they do not compromise the safety and/or health of the users, when they are used in the prescribed manner or in a manner that is predictable, taking into account the normal behavior of the children. Toys that pose hazards run counter to the requirements of Directive 88/378/EEC. Through the risky toys that have been withdrawn from the market in advanced countries (for example, in Canada) are the baby steps that caused the death of children. If we consider the level of risk substantially, it is possible that the corrective action target the consumers and producers, both having to be involved immediately in order to:

- inform market surveillance authorities;
- isolate the own stocks of the manufacturer;
- isolate the products of the distributor;

- inform the suppliers about the issues;
- establish a communication programme with the consumers.

If the risk is moderate and corrective action involves only products from the distribution chain, it may be sufficient their withdrawal. If the toy can endanger the health or safety of the persons, they are needed urgent actions to protect consumers and to withdraw the products from the market. The Member State on whose market the dangerous toy is marketed shall immediately inform the Commission that will apply the rapid alert system RAPEX for unsafe consumer products and consumer protection.

As a result, in the area of toys consumer protection, Romania has a lot of homework's to do.

#### **The toy consumer's behavior. Case study**

In the cold season, but especially around the winter holidays, the consumer protection institutions carry out numerous checks at businesses that sell toys. Only in the second part of November 2013, The Bihor County Commissioner for Consumer Protection has given fines over 50,000 lei. During the period of 18-29 November, there where checked 21 operators, of which 20 have presented serious deviations from the legal rules, like: lack of identification data of the producer, importer or distributor of the toy; lack of translation elements needed to identify and characterize the toys; lack of warnings regarding the supervision of the kids by an adult, during the use of the toy; lack of instructions for use and installation etc, or other specific warnings from case to case and, finally, the lack of a clearly visible, easily readable, unequivocally display of the selling prices (www.eBihoreanul.ro, 2013).

Going forward, the media points out that the extremely dangerous toys banned from sale throughout Europe, are marketed without problems in Romania. Commissioners from Timiș county consumer protection institutions confiscated thousands of such products, because they put the children in life-threatening. Even more serious is that every time, even after controls and despite the fines imposed, traders don't put out from the shelves the merchandise with problems (<http://www.digi24.ro/Stiri/Regional/Digi24+Timisoara/Stiri/Pericolul+de+la+standul+cu+jucarii>, 2013).

To check empirically awareness of toys consumers regarding the risks involved and their behavior in the purchasing process, a survey

was conducted on a representative sample of consumers in Arad County.

### **Research objectives**

- evidence the sources of information and factors underlying the toy purchasing decision;
- analyzing how informed consumers are regarding the toys risks;
- analyzing the behavior of toys consumers.

### **Research methodology**

A quantitative research was conducted by using as a working tool the questionnaire of inquiry. The research took place between May to December 2013 in Arad municipality.

The method of questionnaire was face to face, using for this six interviewers. Were distributed a number of 1000 questionnaires and validated a number of 820 questionnaires. The elimination of the questionnaires was based on objective criteria (lack of answers, mismatch between answers and questions). The number of persons investigated corresponding to the sample is calculated using the formula:

$$n = \frac{t^2 * p * q}{e^2}$$

where,

t = corresponding theoretical probability value with which we are working (we took  $p = 95.5\%$  and  $z = 2$ )

p = percentage of the investigated population possess sample feature

$$q = 1 - p$$

e = allowed representativeness error limit

$$n = \frac{2^2 * 0,5 * 0,5}{0,035^2} = 816,32$$

As a result of the calculations made, the sample is of 817 people.

### **Results**

It was found that parents often buy toys for children less than 3 years, and as the children grow, they are getting just a few toys from the parents. 83% prefer to purchase toys from authorized locations, thanks

to their quality and because it does not endanger the health or life of the consumer (the most often, consumers use to choose supermarkets), while 17% prefer to buy toys from unauthorized places, due to their low price.

86% of the parents take into account the age ranges in which falls the toy, while 14% do not take account of this aspect.

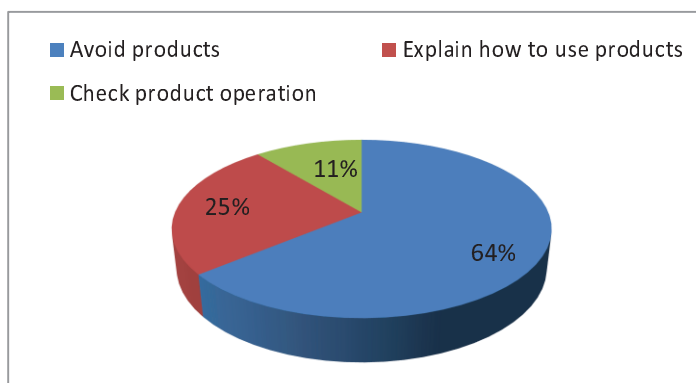
73% of the people interviewed say they use carefully read the information on the packaging, more exactly the instructions that came with the toy, verifying if it is marked with the CE conformity symbol.

Batteries are installed in the toys by parents, in the case of children under 5 years. If children are older, they alone use to install the batteries.

A very high percentage (98%) of the people surveyed responded that they check the physical and mechanical properties of the toy before buying it.

In the case of toys that pose risk of electric shock and electrocution, 64% of the people prefer to avoid such products, 25% prefer to explain the children how to use them, and 11% check the operation of such products before they give it to the child, to avoid possible accidents.

**Chart no. 1 Purchasing behavior of toys with risk of electric shock**

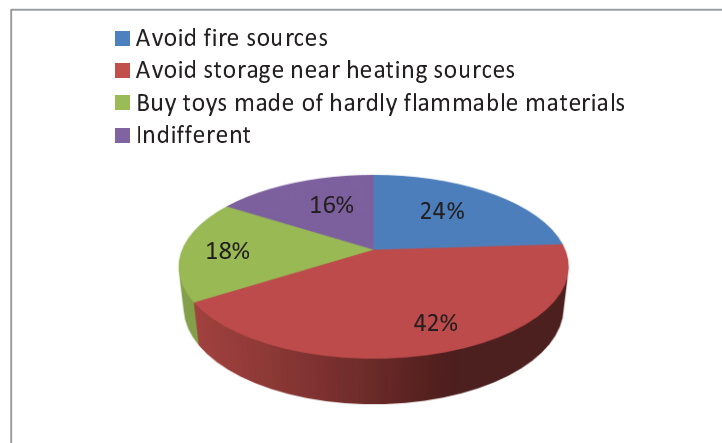


In order to avoid the risk of infection, sickness or contagion of children, 28% of the people prefer to buy just toys made from materials that ensure the requirements of hygiene and cleanliness; 51% said that

they regularly hygiene these products, while 21% do not take account of this aspect.

In order to avoid injury problems through burns, 24% of those polled say that they does not use toys made of textile materials in the vicinity of the heat sources, 42% say they don't store toys near heating sources, 18% always buy toys made of hardly flammable materials and 16% did not take account of this aspect.

**Chart no. 2 Purchasing behavior of toys with risk of burns**



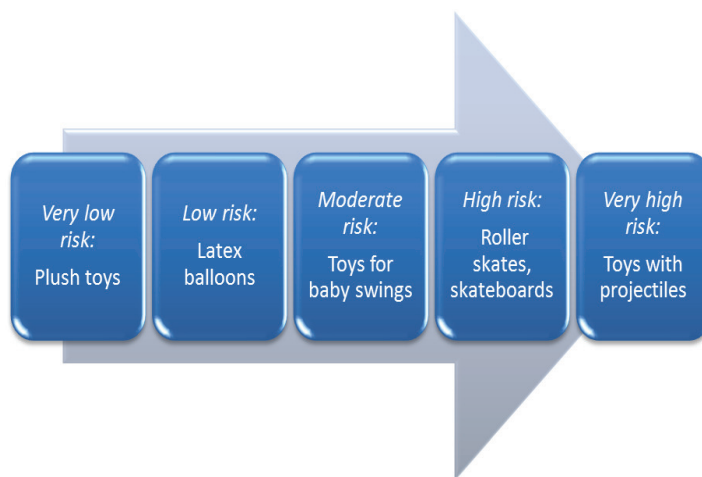
With regard to how high is the risk of a toy, on the 5th place (the toy with the higher risk degree) is the toy with projectiles, on the 4th are the skates and the skate-boards, on place 3 are the toys intended to be suspended from the cradle, baby cribs, baby carriages, on the second place is the latex balloon, and on the first place (the toys with the lowest degree of risk) are the plush toys.

In tabel no. 1 and figure no. 3, we present the toy classification, taking into account the degree of the perceived risk for the consumers.

**Table no. 1. The classification of toys depending on the degree of risk**

<b>The criterion and toy type</b>	<b>1: Very low risk</b>	<b>2: Low risk</b>	<b>3: Moderate risk</b>	<b>4: High risk</b>	<b>5: Very high risk</b>
<b>Toy</b>	Plush toys	Latex balloon	toys intended to be suspended from the cradle	Skates and Skateboards	Projectile toy

**Chart no. 3 Types of toys based on the degree of risk for children**



Fortunately, the result of the study shows that parents are well informed of the possible inconveniences that might occur when using toys and they are very attentive to this aspect, avoiding the forbidden products, and also those that could affect the children's health.

**Conclusions**

Our research determine us to underline that, when selecting a toy, the purchaser should follow age recommendations. Many toy-related injuries occur when parents overestimate a child's ability to

handle a toy designed for an older age group. For instance, when a label says “This toy is not appropriate for children under 3,” it is not because the manufacturer thinks the item might be too tough for a 24-month-old to figure out, but because the toy is small (or has small parts) and poses a choking hazard.

When purchasing toys, the parents should ask: Is it clean or washable? Is it right for my child's age? Are there any loose parts that could come off or any sharp edges? Stimulates the toy the child's aggression? Contains the product label all the necessary information, including the instructions and the CE marking?

Toys are dangerous, but risks can be prevented. This can be achieved only if the buyers/parents are aware of the potential problems which may appear and they will take the necessary precaution measures when selecting a toy. This requires a good information and knowledge of the market and a conscious purchase behavior.

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- Directiva nr. 93/68/CEE, care aduce modificări Directivei 88/378/EEC
- Hotărârea Guvernului nr. 396/2003 în ceea ce privește asigurarea securității utilizatorului de jucării este cea care implementează directivele europene.
- www.eBihoreanul.ro – Comisarii de la Protecția Consumatorilor au dat amenzi (publicat 3. 12. 2013, ora 17,20)
- <http://www.digi24.ro/Stiri/Regional/Digi24+Timisoara/Stiri/Pericolul+de+la+standul+cu+jucarii> – Pericolul de la standul de jucării –

Protecția consumatorului amendează, comercianții nu cedează  
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