

DRAFT

**Ordinance of the FDHA (Swiss Federal Department of Home Affairs)
on the Safety of Toys
(Toy Safety Ordinance)
Amendment dated ...**

The Swiss Federal Office of Public Health,
having regard to Article 8a of the Toy Safety Ordinance of 27 March 2002¹,
hereby orders:

I

No II of Annex 2 of the Toys Ordinance of 27 March 2002² shall be supplemented as follows:

7. Magnetic toys

The following definitions apply to magnetic toys or toys containing magnets:

- a. “magnetic toy” means a toy that contains or consists of one or more magnets or one or more magnetic components that are of ingestible shape and size and are accessible to children;
- b. “of ingestible shape and size” means fitting entirely into the small-parts cylinder defined in the standard EN 71, Part 1 (see Annex 4);
- c. “accessible to children” means loose or capable of becoming detached from the toy under normal or reasonably foreseeable conditions of use by children, even if originally contained, encapsulated, recessed or collared in the toy.

II

No II of Annex 3 shall be supplemented as follows:

8. Magnetic toys

Magnetic toys or packagings for magnetic toys must, when put on sale to consumers, carry a warning with the following wording:

“Warning! This toy contains magnets or magnetic components. Magnets sticking together or becoming attached to a metallic object inside the human body can cause serious or fatal injury. Seek immediate medical help if magnets are swallowed or inhaled.”

The warning may be worded differently, provided that the wording is equivalent to the above and easily understandable.

The warning must be clearly visible and easily legible. It must be conspicuously displayed on the packaging or otherwise attached to the magnetic toy in such a way as to be visible to the consumer at the point of purchase.

III

Annex 4 shall be re-worded in accordance with the enclosed text.

IV

¹ SR 817.044.1

² SR 817.044.1

Transitional clause relating to the amendment dated ...

Magnetic toys may continue to be manufactured and imported under the previous legislation until 31 January 2009 and may continue to be sold to consumers until 28 February 2009.

V

This amendment shall enter into force on 1 January 2009.

Federal Office for Public Health:
Thomas Zeltner

Annex 4

(Art. 4 and Art. 8a paragraph 2)

Technical standards for toy safety³

Number	Title	Reference EC Official Journal
EN 71-1:2005 + A6:2008	<p>Toy Safety – Part 1: Mechanical and physical properties a), b), c)</p> <p>a) The standard EN 71-1:1998/A8:2003 only addresses the risks caused by ‘small balls’ (as defined in the standard as ‘spherical, ovoid, or ellipsoidal objects’) that are designed or intended to be thrown, hit, kicked, rolled, dropped or bounced. Toys containing small balls which are not covered by the standard shall undergo an EC type-examination certificate before placed on the market.</p> <p>b) Cup-shaped, bowl-shaped or one half of an egg-shaped toys having a nearly round, oval or elliptical opening which are intended for drinking, such as toy tea sets, may present a risk for children's health. These toys are not covered by the standard, therefore these products must have an EC type examination certificate.</p> <p>c) In the case of projectile toys with suction cups the requirement laid down in clause 7.17.1 (b), according to which the tension test is performed in accordance with clause 8.4.2.3, does not cover the risk of asphyxiation presented by these toys.</p>	<p>(pending)</p> <p>2007/C 127/02</p> <p>2007/L 85/07</p> <p>2007/L 96/18</p>
EN 71-2:2006 + A1:2007	Toy Safety – Part 2: Flammability	(pending)
EN 71-3:1994 with correction AC:2002, amendment A1:2000 and correction AC:2000	Toy Safety – Part 3: Migration of certain elements	2006/C 258/07
EN 71-4:1990 with amendments A1:1998, A2:2003 and A3:2007	Toy Safety – Part 4: Experimental sets for chemistry and related activities	2007/C 232/11

³ The texts of these standards, except for the electrotechnical standards, can be obtained from the Schweizerische Informationszentrum für technische Regeln (switec), Bürglistrasse 29, 8400 Winterthur; Tel. 052 224 54 54, Fax 052 224 54 74; www.snv.ch. The texts of the electrotechnical standards can be obtained from the Schweizerischer Elektrotechnischer Verein (SEV), Normen- und Drucksachenverkauf, Luppmenstrasse 1, 8320 Fehraltorf; Tel. 044 956 11 65/66, Fax 044 956 11 68; www.electrosuisse.ch.

EN 71-5:1993 with amendment A1:2006	Toy Safety – Part 5: Chemical toys (sets) other than experimental sets	2005/C 188/02 2006/C 258/07
EN 71-6:1994	Toy Safety – Part 6: Graphical symbol for age warning labelling	2005/C 188/02
EN 71-7:2002	Toy Safety – Part 7: Finger paints -- Requirements and test methods	2005/C 188/02
EN 71-8:2003 with amendment A1:2006, amendment A2:2005	Toy Safety – Part 8: Swings, slides and similar activity toys for indoor and outdoor family domestic use	2006/C 258/07 <i>(pending)</i>
EN 62115:2005	Electric toys - Safety (IEC 62115 + A1:2004 [modified])	2006/C 56/03