

TIE Position Paper

Proposal to classify titanium dioxide (TiO₂) – labelling requirements

April 2019

Toy Industries of Europe (TIE) is concerned about the negative and disproportionate impact of the proposed warning labels for titanium dioxide (TiO₂), whilst not having any impact on the safety of toys:

- 1. Toys such as finger paints and colouring chinks that are considered safe under the strict rules of the EU Toy Safety Directive would be required to display hazard warning labels.**
- 2. Consumers will be misled and their trust in reputable toy manufacturers will be negatively impacted.** We believe the warnings would not be true as they would be irrelevant.
- 3. Unnecessary labels risk diluting the impact of warnings that have a real impact on children's safety**
- 4. Unnecessary labels would increase packaging size, undermining manufacturers' efforts to minimise it to improve environmental sustainability**

We call for an exemption for toys to avoid a disproportionate impact on the reputable companies in the toy sector.

1. Toys such finger paints and colouring chinks that are considered to be safe under the strict rules of the EU Toy Safety Directive would be required to display hazard warning labels

Under the proposed regulation, manufacturers would be obliged to put warning labels on packaging of liquid mixtures containing 1% or more of TiO₂ particles with a diameter equal to or below 10 µm, and solid mixtures containing 1% or more of TiO₂.

The Toy Safety Directive bans substances classified as carcinogenic category 2 (above the relevant limit set in the CLP Regulation). As such, the labelling requirement would apply to toys for which it has been demonstrated that the use is safe, and therefore be irrelevant.

The proposed regulation would mean that the packaging of toy finger paints would need to bear the message *"Warning! Dangerous droplets may be formed when sprayed. See information supplied by the manufacturer. Comply with the safety instructions."* The manufacturer would have to inform the consumer that finger paints should not be sprayed, despite this being far from the intended or foreseen use of the product.

Likewise, toy colouring chinks would need to be labelled with the message: *Warning! Dangerous dust may be formed when used. See information supplied by the manufacturer. Comply with the safety instructions.'* This message would need to be included, despite the fact that no significant amount of dust is formed, and the mentioned risk is not present.

2. Consumers will be misled and their trust in reputable toy manufacturers will be negatively impacted

We also believe the addition of such warnings would unnecessarily scare consumers about the safety of toys that have been put on the market in compliance with the Toy Safety Directive, and are considered as safe for children to play with. As such, this would negatively affect consumer trust in

these product categories, and have a disproportionate effect on toy manufacturers who have legally placed safe toys on the market.

3. Unnecessary labels risk diluting the impact of warnings that have a real-world impact on children's safety

Under the Toy Safety Directive, toys already need to be accompanied by relevant warnings. We believe that warnings should only be included when related to the safe use of the toy so that the consumer can easily identify when their child might be at risk. Additional warnings – such as those that manufacturers would need to apply to liquid and solid mixtures as a result of the proposal – risk confusing consumers and diluting the impact of safety warnings that have real world relevance to children's health and safety.

4. Unnecessary labels would increase packaging size, undermining manufacturers efforts to minimise it to improve environmental sustainability

Manufacturers are already obliged to display a number of labels on toy packaging. This includes any relevant warnings and mandatory information to ensure compliance with the TSD, which must be translated into all applicable languages when a toy is sold in multiple markets. In the context of discussion around environmental sustainability, toy manufacturers are looking to reduce packing sizes as much as possible. Adding unnecessary labelling requirements would potentially undermine these efforts as it would require additional space on packaging.

With the above points in mind, we call on regulators to exempt toys from the proposed labelling requirements.

About TIE

Toy Industries of Europe (TIE) is the voice of the reputable EU toy manufactures. Our mission is to promote the right of every child to play safely and securely and to promote fair practices and fair legislation, allowing responsible toy companies to continue to grow.

TIE's membership includes 16 direct international companies, nine European national toy associations, who represent their local manufactures, and seven affiliate members who make toys but it's not part of their main business.

Contact