

## Briefing for 10 minute rule bill on standards in Children's Fancy Dress Clothing

This briefing has been prepared for MPs by the Chartered Trading Standards Institute ahead of the upcoming 10 minute bill debate on flammability standards for children's fancy dress clothing on 1 December 2015.

### The current situation

At present, fancy dress costumes (disguise costumes) for children under 14 years are considered toys and they fall within the definition of a toy outlined within the Toy Safety Directive 2009/48/EC. Under this directive, they should not pose a flammability hazard to users (wearers) and third parties. In the UK, the Directive has been transposed as the Toy Safety Regulations 2011.

In terms of specifics, the Directive states that toys:

- Must not burn if directly exposed to flame or spark **or**
- Must not be readily flammable (Flame goes out as soon as ignition source removal) **or**

If they do ignite, they must

- burn slowly and present low rate of spread **or**
- be treated so as to delay combustion process

In order to demonstrate compliance with the Directive (Toy Product Safety Regulations) a manufacturer of children's fancy dress costumes can choose to apply a 'harmonized standard'.

The specific harmonized standard that has been published in the Official Journal for toys is BS EN 71-2 :2012. This covers the flammability requirements for toys and it is this that manufacturers are using to test that fancy dress costumes comply. Among other factors, the standard covers rate of flame spread in children's costumes etc.

### Should there be a change in the standard?

Some commentators have argued that children's fancy dress clothing should be re-classified.

One option is to reclassify the costumes as nightwear which has an arguably more robust standard on flammability (BS 5722:1984 on nightwear safety). However only some children's nightwear is covered by the Nightwear Safety Regulations 1985 (children's nightdresses and dressing gowns) and thus covered by this higher standards on flammability. The Nightwear Safety Regulations do not cover pyjamas, onesies, baby wear, cotton terry gowns or any adult nightwear and are not suitable for a lot of children's fancy dress costumes.

**However**, there is nothing to stop manufactures testing their fancy dress products, where applicable, against the standard on nightwear safety as well. The use of a standard is voluntary and manufacturers can choose whatever method they want - however only BS EN 71-2 :2012 gives the presumption of conformity for toys, and in this instance children's fancy dress.

### CTSI recommends...

We argue that children's fancy dress clothing does not need to be re-classified as nightwear or anything else.

We would advocate working with the European standards making organisation CEN to review BS EN 71-2 :2012 (the previously mentioned standard that covers flammability requirements for toys) to reduce the rate of flame spread to make fancy dress less hazardous.

In terms of other options to improve safety for consumers as the legislation stands we would recommend:

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- A requirement for increased warnings on the labels of children's fancy dress clothing. Although this is only a temporary solution and in the long run we would always advocate making these products safer by design.
  - Promote the use of LED candles or other lights instead of candles.

## Who we are

The Chartered Trading Standards Institute is a professional membership organisation representing trading standards professionals in local authorities, the business and consumer sectors and in central government. We set standards and organise qualifications for the education of members and to improve trading standards practice. We provide information, evidence and policy advice to support national and local stakeholders.

CTSI exists to promote and protect the success of a modern vibrant economy, and to safeguard the health, safety and wellbeing of citizens by empowering consumers, encouraging honest business and targeting rogue traders.

### Contact us

Want to know more? Get in touch with the policy team ([policy@tsi.org.uk](mailto:policy@tsi.org.uk)) who will be happy to provide you with further information or set up a face-to-face briefing.