



NO TO FAKE

The counterfeiting of toys

Consumer guide

**How you can learn more
to be better prepared.**

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What is a toy?

According to the law (**Legislative Decree 54/2011**), a toy is any product designed or intended to be used as a plaything by children under 14 years (whether exclusively or not) .

Product not included in this definition:

- children's fashion accessories not for play
- lighting appliances which appeal to children
- electronic equipment such as PCs and games consoles, if not expressly designed for children and if they do not have an inherent "play" value
- archery bows more than 120 cm long
- nautical equipment
- sports equipment
- folk and decorative dolls
- bicycles used for sporting purposes (maximum saddle height over 435 mm)
- decorations and garlands used for holidays and celebrations
- electric ovens, irons, and appliances with a voltage above 24 volt
- compressed-gas guns and pistols
- fireworks
- toys with arrows or metal staples
- assembly kits for detailed scale models (intended for adult collectors)
- realistic, detailed scale models (intended for adult collectors)
- scooters and other means of transport intended for sport, or for use on public footpaths
- products intended exclusively for educational purposes in schools and other learning environments (e.g. scientific equipment)
- puzzles containing more than 500 pieces, puzzles without models for specialists
- vintage replicas of toys
- reproductions of real firearms
- interactive software intended for leisure and entertainment purposes, such as electronic PC and CDs
- nipple for babies and small children
- games adaptors
- electric vehicles intended for use in public areas

Toy consumers and the general public **must be protected against risks to health and physical injury**, when the product is used as intended, or in a way which is likely, taking into account the usual behaviour of children.

The many cases of seizures for counterfeit or substandard goods in Italy and at its borders, are evidence of the authorities' growing concerns about products intended for children. In certain cases, toys without a CE certificate mark are still found, while the percentage of counterfeit toys - which represent a definite risk - is growing.

Product marking

The following information must be affixed to the toy or its packaging in a clear, legible and indelible way:

1. **the CE mark** (which cannot be smaller than 5 mm);
2. **the name and/or company name and/or trademark;**
3. **the address of the manufacturer, his representative, or the person responsible for marketing the product in the EC.**

The CE mark

The CE mark is affixed to the toy by the manufacturer or his representative in the European Community. It proves, under the manufacturer's own responsibility, that the toy has been made in accordance with European and national laws.

The conformity is only presumed, as the declaration is given in the form of a self-certification by the manufacturer. If the rules have not been fully complied with, the toy can only be marketed after is assigned CE certificate issued by an authorised certification body, which carries out full laboratory tests on the product.



Buying a counterfeit toy can put your child's health at serious risk, as the product may be made of poor-quality materials and may contain removable parts, some of which may be rusty.

To recap, in order to avoid buying a counterfeit toy, parents should pay attention to the following factors:

- **Price:** in general, counterfeit toys cost less than the original ones, as they are made of less expensive materials;
- **Pack:** counterfeit toys usually are commercialized without the rigid, sealed pack that distinguishes an original product;
- **Brand:** although certain counterfeit toys may have a brand which is very similar to the original one, which may mislead the consumer, great attention should be paid to details such as colour shade, font size, and the design of the logo, as these will allow a counterfeit brand to be distinguished from the original;
- **Quality:** as mentioned, counterfeit toys are made of low-cost, poor-quality materials, but mainly, in some cases these substances can be toxic and harmful to children.



Toolkit

Before buying a toy for your child, you should follow the guidelines below:

- 1.** Check that the **label bears a CE mark**. Unfortunately, this is not always a guarantee that the product is original and safe, as the mark can also be counterfeit in many cases. The counterfeiting of CE marks is one of the most common offences in the illegal toy market. You should check that the mark is indelible, visible and at least 5 mm in size. Even though the CE mark does not offer protection against all risks, buying a product without one is absolutely not recommended;
- 2.** Other marks, such as **“Giocattoli sicuri”** (“Safe toys”) applied by the Italian Institute of Toy Safety, and **“IMQ”**, the label affixed by the Italian Institute of Quality for electrical products, offer more guarantees, because they indicate that the toys have undergone safety tests (electrical tests, flammability checks, physical and mechanical tests, chemical analysis etc);
- 3.** The label must always show the **name and/or company name and/or brand, the address of the manufacturer** or the person responsible for marketing the product in the European Community. This information is essential, if the product malfunctions or causes physical injury to a child;
- 4.** Check that the **warnings and instructions for the toy have been provided in Italian**;
- 5.** The toy must not contain any **sharp or cutting edges, must be impact-resistant, and must not cause injury if broken**;
- 6.** The removable parts must be large enough **not to be swallowed by a child**;



- 7.** Check that the toy does not contain any **substances or preparations which may become inflammable**. It is very important to take note of the materials used: when buying a cloth or soft toy, check that the material is high quality (fur should not come off, eyes and nose should be firmly sewed on, stitching should be robust, ribbons should be short, and padding should not disintegrate). The materials must also be non-flammable. Similarly, with regard to plastic toys, always check that they are made from quality materials. Often, counterfeit toys are made from poor-quality plastic, which can injure the skin or lining of the mouth due to manufacturing flaws. They are also easily inflammable;
- 8.** Check that the **paints** used **meet the required biological tolerance limits** for the eight heavy metals;
- 9.** **Electrical toys**, which must have a maximum voltage of 24 V, **must be insulated** to avoid electrostatic charge, and must not cause burns at high temperatures. Electrical toys (model trains, toy irons and ovens etc.) **must be able to operate only with an external transformer with automatic cut-out switch** at low voltage (maximum 24 V). Apart from the **CE mark**, the mark of the **IMQ** (Italian Quality Label) should also be present. For greater safety, battery toys are always recommended for children;

18+

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- 10.** When choosing **video games**, you should look for those with the **PEGI** (Pan European Game Information) symbol, a classification which uses eight symbols to indicate the type of game, level of violence, language used, and suggested age group;

3+

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- 11.** The pack may **indicate the recommended age of the child for which the toy is intended**. Toys intended for children over the age of three, even if safe and legally-compliant, may, when given to younger children, have characteristics not suitable for that age, and may therefore be dangerous.

What to do if you buy a counterfeit toy

If a product is defective, does not work properly or is different from the one you ordered, you can activate the 24-month warranty required under **Legislative Decree 24/02**, by making a complaint about the defect.

It is always advisable to send a written complaint to the retailer who sold the toy. The complaint should be sent by registered post, and you should enclose a copy of your receipt. The letter should clearly state the defect, the causes which led to the accident, and any injury caused to the child.

If the defect is proven, you can request replacement of the toy, or a refund if repair or replacement is not possible.

If your complaint remains unanswered, we recommend contacting the manufacturer or importer (the name and address of the person who marketed the product must always be present on the box or the toy itself). If no reply is forthcoming, you should contact a consumers' association. When making a complaint, you should always have your receipt, which should be kept for two years, a copy of the label, and the informative leaflet enclosed with the toy.





Even when buying a counterfeit toy, the first thing to do is to contact the retailer who, if legitimated, is required to deal with the problem. The warranty under **Legislative Decree 24/2002** only provides protection against defects or faults.

As an illegal product does not conform to the original one which the consumer intended to buy, it is also possible to activate the two-year warranty in this case. You should make a written demand compensation complaint in order to request a replacement and if the child has suffered physical injuries.

Cases of counterfeiting should always be reported to the authorities, such as the Finance Police, by calling the public number “117”, or by visiting the competent Police Command in person. Alternatively, you can contact the Ministry for Economic Development using the anti-counterfeiting hotline number.

ANTI-COUNTERFEITING CALL CENTER + 39 06.47055800

ANTI-COUNTERFEITING FAX LINE + 39 06.47055750





The new law for the year 2011

In view of the increase in seizures of counterfeit toys, the European Community has issued **Directive 2009/48/EC**, which came into force in Italy in 2011, replacing the previous version of the directive, **EEC 88/378** (with the exception of article 2(1) and Part 3 of Annex III, expected to be repealed from 20 July 2013).

The general aim is to improve the quality of toy safety legislation, and make it more efficient by simplifying the laws currently in force. Safety requirements will be reinforced by the introduction of certain important changes, such as an improved definition of the scope of application of the new obligations and rules, especially for manufacturers.

Specifically:

- **Manufacturers will be responsible for ensuring the conformity of the toys** they sell, which must have the CE mark (article 16 stipulates an obligation for the CE label to be affixed to all toys on the market);
- **A pictogram with a clear meaning will indicate that a toy is unsuitable for children aged 0-3**, and instructions and warnings must be written in language(s) easily understood by consumers;
- **Toys must bear a type, batch, serial or model number, or a code** by which they can be identified. If the size or type of the toy does not allow this, **the information must be stated on the packaging, or in a leaflet accompanying the product**;
- **Traceability of the manufacturer**, who must indicate on the toy their name, registered trade name or brand, and a contact address;
- **The manufacturers must carry out safety tests** (appropriate **conformity evaluation procedure**), draw up the related documentation, and keep it for 10 years.

Important advice concerning sub-standard or counterfeit toys:

- Before buying a toy, carefully **read the “warnings”** on the toy itself, on the packaging or in the instructions;
- After buying a toy, if you consider it to be sub-standard or counterfeit, **contact your local Chamber of Commerce with the product and the receipt.**





Ministero
dello Sviluppo Economico

INDICAM
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per la lotta alla contraffazione



The Ministry for Economic Development, consumers associations and industry operators have joined forces to face an essential challenge that involves each one of us. Meetings, workshops, awareness-raising campaigns addressed to consumers and business people, a network of contact centres and instruments to help consumers and receive reports from the public. So we can say, together: "No to fake".

You can report cases of counterfeiting or request information from:

The Anti-Counterfeiting Call Center +39 06.47055800 except Saturdays and public holidays

Anti-Counterfeiting Fax line +39 06.47055750

E-mail: anticontraffazione@sviluppoeconomico.gov.it

www.sviluppoeconomico.gov.it

Ministry for Economic Development

Directorate-General for the fight against counterfeiting

Italian Patent and Trademark Office

Via Molise, 19 - 00187 Rome

www.uibm.gov.it