



With Christmas just around the corner, many of us are buying toys as gifts for our children. December's eBulletin tells you how to ensure that the toys you buy are safe. Our **Consumer Query of the Month** discusses what to do with a potentially dangerous toy, while our **Success Story** deals with travel insurance. December's **Consumer Survey** is available on our website at www.eccireland.ie and this month asks whether safety is a consideration for you when buying toys.

If you have had a problem with a purchase from another European country, please contact us on 01 8797620 or click [here](#). For information on your consumer rights in Europe, see www.eccireland.ie

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Don't toy with safety: safe shopping tips from ECC Ireland

With Christmas fast approaching many people are buying toys for their children. Everyone wants the toys they purchase to be safe and a first step would be to ensure that the toy has a CE mark. It is important to note however that the CE mark is merely a self-declaration by manufacturers that they have respected their safety obligations, not a safety mark confirming that the product has been independently tested.

Toy safety in the EU is governed by [Directive 2009/48/EC](#), the Toy Safety Directive, which replaced the Toy Safety Directive of 1988. The new Directive has been transposed in Ireland by the European Communities (Safety of Toys) Regulations 2011, S.I. No. 14/2011, which came into operation on 20th July last. The new directive addresses a wide range of issues to ensure that toys do not present any health hazards or risk of injury.

As well as relying on legislation, consumers can take positive steps to ensure that the toys they purchase are safe.

When choosing a toy:

- **Always buy toys from trustworthy shops and online outlets**
They take care about the toys they sell and will usually accept returns. Rogue traders, however, tend to ignore health and safety needs and may also deal in fake toys. Carefully check toys purchased online, toys given to children as gifts, and toys bought second-hand.
- **Read all warnings and instructions**
Be aware of age and safety recommendations – take them seriously. *Never buy toys that do not have the CE mark displayed on the toy or its packaging.* Although the CE mark is not meant as consumer guidance, it is a commitment from the toy maker that the toy complies with all EU safety rules, which are amongst the strictest in the world.

- **Choose toys suitable for the child's age, abilities and skill level**
Toys that are not meant for a child's specific age group may injure the child. Be sure to follow the age recommendation – particularly the 0 to 3 symbol and the words 'not suitable for children under 36 months' accompanied by the indication of the hazard. Do not buy toys with small detachable parts for children under 3 years of age as these children tend to put toys in their mouths and they may choke on small parts.
- **Always report a safety problem with a toy to the retailer where you bought it.** If the toy was bought in Ireland you can also contact the National Consumer Agency at product_safety@nca.ie

Consumer Query of the Month

I purchased a battery operated car for my son's Christmas present. However, the battery only lasted for twenty minutes and when I went to charge it large amounts of smoke were emitted from the charger. I'm worried that the charger will go on fire, and could hurt my son, what are my rights?

Under the Toy Safety Directive, all toys in the EU must have a CE marking as a sign that it complies with design safety standards.

If you are concerned about the safety of the product, it is advisable to contact RAPEX, which is the EU rapid alert system for dangerous products. If a product is found to be dangerous, the competent national authority can take appropriate action to eliminate the risk. It can withdraw the product from the market, recall it from consumers or issue warnings. If the toy was bought in Ireland you can contact the National Consumer Agency at: product_safety@nca.ie

Further, Directive 1999/44/EC requires the seller of faulty goods to remedy the problem by providing you with a repair or replacement, free of charge. If this can't be done within a reasonable period of time or without significant inconvenience, they must offer you a refund, or an appropriate reduction in the purchase price. The important thing to remember is that it is the seller who is responsible for resolving the problem under consumer legislation.

We would advise you to contact the seller in writing, explaining the problems with the product and reminding them that under consumer legislation they are obliged to resolve the matter.

Success story of the Month

An Irish consumer had to cancel a holiday abroad following the death of her father. She had taken out travel insurance covering trip cancellation in the event of death of a "close relative". The insurer rejected the claim arguing that her late father was resident in the UK (where the deceased lived and died), so that the claim was not covered by the policy subscribed, which applied to close relatives resident in Ireland only. The consumer sought assistance from the Financial Services Ombudsman and ECC Ireland. The insurer was then contacted with a view to reassess the claim, having regard to European Directive 93/13/EEC on unfair terms in consumer contracts and in light of the right to freely circulate and reside within the EU and the principle of non-discrimination solely based on nationality or place of residence, given that actuarial data in this regard – which may be material in other policies – was irrelevant in this case. The insurer

overturned the original decision, paid €634 to settle the consumer's claim and agreed to review the definition pertaining to "close relative".

This month's survey

Here in ECC Ireland we are always interested to hear what you think. This month, we want to know if safety is a consideration for you when buying toys. To take part in the survey just go to our home page at www.eccireland.ie

If you want more information about this or any other cross-border consumer issue you can contact us on 01 8797620 or at www.eccireland.ie.

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