

Brussels, 8 March 2010

Child-appealing design and child safety

ORGALIME comments on EMARS-PROSAFE's joint market surveillance action on household appliances - child-appealing design

General comments

The safety of consumers, especially children, is of great concern to Orgalime and the industries it represents. Consequently, Orgalime members promote the use of the LVD guidelines¹ among their members who are manufacturers of electrical products used in households.

Given the fact that nearly every product can be, in one way or another, appealing for a child due to its colours, sound and shape, we support the EMARS II task to provide a common understanding among market surveillance authorities of the conditions where the child-appealing character of an electric household appliance could increase the risks for children.

The project and the envisaged study to be performed by a research institute should take due account of the customer and domestic environment, of the age of the child and of the normally foreseeable parental supervision.

Comments concerning the outline and the work of the research institute

In line with the above mentioned general comments, we stress the following points with regard to the outline of the work of the research institute:

Investigating the child-appealing character of a household product cannot be disconnected from the (adult) decision to purchase an appliance, the intended domestic environment, the likelihood of the risk increase, the age of the child and the corresponding need for adult supervision and education of the child on the safe use of the appliance. The child-appealing character does not depend only on the shape, decoration, colours (e.g. bright and contrasting colours), texture, smell, sound, movement or function² of the product; research work on this issue should therefore take due account also of the following parameters:

- **Customer and domestic environment:** the consideration of the child-appealing character of a product should not be disconnected from the domestic environment it is intended for.
 - The decision to purchase a household electrical product is made by adults or young people who can read manufacturer's instructions and safety warnings, and make sure that the product will not be accessible to children;
 - Over one half of all EU households are "one-generation" households without children and the proportion is increasing³, including households with young single adults who are attracted by trendy, colourful and childish design. It would be disproportionate to

¹ Cf. Low Voltage Directive (2006/95/EC) - [Guidelines on application and recommendations](#)

² Cf. [New declaration of ADCO on child-appealing appliances](#), LVDWP/14/4, 15-06-2009.

³ Cf. [Tárki European Social Report](#) 2008, page 40.

Orgalime, the European Engineering Industries Association, speaks for 33 trade federations representing some 130,000 companies - the overwhelming majority are SMEs - in the mechanical, electrical, electronic, metalworking & metal articles industries of 22 European countries. The industry employs some 11.1 million people in the EU and in 2008 accounted for some €1,885 billion of annual output. The industry not only represents more than one quarter of the output of manufactured products but also a third of the manufactured exports of the E.U.

apply restrictive measures to all products intended for this category of consumers merely because they include “added child-appealing features”⁴.

- **Likelihood of the risk increase:** The child-appealing character does not necessarily mean increased danger for children. Some products and equipment could be intentionally “child-appealing” for educational purposes. An example would be well-designed playgrounds that stimulate children’s imaginations, tempt them to explore new dimensions to play, and develop under adult supervision their risk-assessment skills. Likewise, an electric toothbrush could be designed in a bright coloured and toy-like shape, to facilitate the learning of regular teeth-brushing. Therefore research work should handle with caution references to RAPEX notifications that invoke the child-appealing character of the design, in order to assess the probability of increased risk: the personal evaluation of local authority officers is no substitute for actual checks, which could stem from a comparison of statistics, including:
 - the number of accidents among young children that have occurred related to electrical household appliances, spread by age groups and product categories;
 - the number of accidents with children in nursery, primary and secondary schools, and whether these accidents have occurred due to the child-appealing character of the products involved or because of lack of adult supervision by childcare staff or some other reasons.
- **Age range: “child-appealing” vs. “toy-like”:**
 - The younger the children the greater their need to be under close and active parental supervision. In this respect, electric household products cannot be subject to more stringent rules than any other product that could be found in a household and that could appeal to young children, such as bright pieces of furniture, detergent bottles (that are usually brightly coloured), shining cutlery, sewing kits, etc...
 - Grown-up children and teenagers have usually been educated about the safe use of electric household products and should be excluded.
 - Products that are not directly intended to be used by children should not face stricter risk assessment rules (e.g. a complete ban from the market) than toys falling under the Toys directive (2009/48/EC). Annex V of this directive imposes the labelling of the product with special warnings according to different age groups and the kind of toy, thereby allowing its use under parental supervision.
- **Adult/Parental supervision and education:** A toy-like household appliance can stimulate (young) children to play with it without regard for its primary function for use by adults. Therefore the toy-like character of a product should be considered in close relationship with the normal conditions of adult/parental supervision and education. For instance, household electrical products in a young child’s room are likely to escape parental supervision and their foreseeable misuse should be taken into consideration in the manufacturer’s risk assessment. Conversely:
 - Manufacturers cannot be held liable for lack of parental supervision in other conditions of normal use.
 - Removal of the child-appealing character from a product is no substitute for such parental supervision and education. For instance, all easy-to-grasp electrical switches of any appliances are usually appealing to young children.

In conclusion, we look forward to actively contributing to the project, throughout its development and very much welcome the possibility to comment on the study of the research institute and on possible recommendations to market surveillance authorities.

— ~ ~ ~ —

Adviser in charge: Philippe Portalier (firstname.lastname@orgalime.org)

⁴ Cf. [New declaration of ADCO on child-appealing appliances](#), LVDWP/14/4, 15-06-2009.