



30 October 2013

**FDA ADVISORY**  
**No. 2013-047**

**SUBJECT: SAFETY OF CHILDREN FIRST WHEN BUYING CHRISTMAS TOYS**

Playing with toys is an important part of learning, development and growth process of children. When properly chosen, toys assist parents in ensuring proper mental, social, emotional, and physical development. Giving toys to children during the Christmas Season is one of the best things we can do for them. However, children safety should be foremost in our minds when buying toys.

A toy may pose real and serious risk or harm, when these three things are present: 1) the toy contains hazardous material, 2) the child becomes sensitive to the hazardous material, and 3) the child is exposed to the hazardous material.

In order to ensure that toys do not contain hazardous materials, as mandated by Republic Act (RA) No. 9711 (FDA Act of 2009) and RA 7394 (The Consumer Act of the Philippines), the FDA issued License to Operate (LTO) to around 135 toy manufacturers, importers and distributors, and required them to secure Certificate of Conformity for the toys they sell or offer for sale. These establishments take due diligence in ensuring that toys are toxic-free. However, some toys are smuggled, mostly unbranded ones, and found their way along sidewalks or peddled by ambulant vendors. These toys have no FDA market authorization. Consumers are strongly advised to buy their toy gifts from legitimate toy establishments.

On 6 September 2013, President Benigno S. Aquino III signed into law RA No. 10620 (Toy and Game Safety Labeling Act of 2013) requiring all toys to bear warning and precautionary labels. RA No. 10620 recognizes that children are physically and mentally immature and would need special safeguard and care. Its Implementing Rules and Regulation, however, are still being drafted by the Department of Trade Industry (DTI) in consultation with the other stakeholders. Persons found violating the law will be fined with P500,000.00, all their products will be seized and their establishments will be closed down. Furthermore, an offender will also be subject to imprisonment of not more than 10 years. If the offender is a manufacturer, importer or distributor of unregistered toy products, the maximum fine imposable is 5 million pesos and imprisonment of not more than 10 years.

The FDA Field Food and Drug Regulation Officers have been going around the National Capital Region to collect samples and analyze the level of heavy metals, particularly lead, cadmium and arsenic, using XRF or X-ray Fluorescence analyzer. In the future, when resources







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are adequate, the FDA will be purchasing more XRF to ultimately cover all regions, as well as ports of entries.

Several consumer tips on toy safety have been issued by the FDA in the past:

- <http://www.fda.gov.ph/attachments/article/112129/FDA%20Advisory%20No.%202013-042.pdf>
- <http://www.fda.gov.ph/attachments/article/46/DOH-FDA%20Advisory%20No.%202012-014.pdf>
- <http://www.fda.gov.ph/attachments/article/496/DOH-FDA%20Advisory%20No.%202012-010.pdf>
- <http://www.fda.gov.ph/attachments/article/38971/PRESS%20STATEMENT.pdf>
- [http://www.fda.gov.ph/attachments/article/38961/Advisories\\_cosmetic\\_DOH-FDA%20Advisory%20No.%202011-005.pdf](http://www.fda.gov.ph/attachments/article/38961/Advisories_cosmetic_DOH-FDA%20Advisory%20No.%202011-005.pdf)
- <http://www.fda.gov.ph/attachments/article/38697/FA%2099-05.pdf>

In addition to the tips mentioned in previous advisories, parents and adults should consider and watch out for the following:

- Breakability of parts that may lead to ingestion and aspiration;
- Plastics with phthalates which can damage endocrine system or disrupt its functions;
- Flammability that can cause burns;
- Toxic paints with heavy metals that can lead to chronic poisoning.

But there is really no substitute for close and personal supervision by adults over children. Parents should also keep in mind that in case of toy accidents or injuries among children at homes, they must carry the same weight of responsibilities. Parents should not rely solely on toy labels and warnings provided by manufacturers.

The choices for gift toys in the market are almost unlimited. Whether the toy chosen is a ball, doll, stuffed toy, construction, activity or puzzle, visual or modeling, sport or game, electrical or battery operated, vehicle, musical instrument, or hobby or educational toy, consumers are strongly advised to consider the age-appropriateness of the toy and to buy only from toy establishments that have licenses or permits from the Local Government Units (LGUs).

As mandated by RA 9711, the FDA is calling on all LGUs and the DTI to help ensure the health and safety of their constituents and consumers by ensuring that all toys sold under their respective jurisdiction are legitimate, i.e. the toys sold or offered for sale have accompanying Certificate of Compliance issued by the FDA and sold or offered for sale by establishments with permits or licenses from them. The Bureau of Customs is likewise requested to remain vigilant in guarding the borders of the Philippines against toxic products from other countries.

  
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