



Health Santé  
Canada Canada

Consumer Product Safety Program  
Health Canada  
2301 Midland Avenue  
Toronto ON, M1P 4R7

August 13, 2018

**RE: Safety of teething necklaces worn by children under three years of age in Canada**

To Whom It May Concern;

The purpose of this letter is to inform you that the Consumer Product Safety Program (CPSP) of Health Canada will be conducting compliance verification activities for teething necklaces worn by children under three years of age, which are imported, manufactured or sold in Canada. One of the ways Health Canada may do this is to sample teething necklaces and evaluate them against performance criteria related to their safety. Your establishment may be contacted by Health Canada inspectors in the future for this purpose.

**Canada Consumer Product Safety Act**

The *Canada Consumer Product Safety Act* (CCPSA) came into force in June 2011: <http://laws.justice.gc.ca/eng/acts/C-1.68/index.html>. The purpose of this Act is to help protect the public by addressing or preventing dangers to human health or safety posed by consumer products in Canada. The CPSP administers and enforces the CCPSA and its associated regulations.

Paragraphs 7(a) and 8(a) of the CCPSA prohibit the manufacture, import, advertising, or sale of a consumer product that is a “danger to human health or safety.” Such dangers include unreasonable hazards, existing or potential, which may reasonably be expected to cause death or injury. Relevant excerpts from the CCPSA are attached as Appendix A.

**Danger to Human Health or Safety**

One potential indicator that informs Health Canada’s determination of whether a product poses a danger to human health or safety is conformity with performance criteria that address the hazards, which may be published in a consensus-based safety standard or regulation or other known reference document. Meeting these performance criteria does not automatically mean a product is safe, but failing to meet these criteria is a strong indicator that a product may pose a danger to human health or safety. For more information on the concept of a danger to human health or safety, please see the guide at the following link:

<https://www.canada.ca/en/health-canada/services/consumer-product-safety/reports-publications/industry-professionals/industry-guidance-danger-human-health-safety-posed-consumer-products.html>

## Teething Necklaces Worn by Children Under Three Years of Age

Health Canada’s available information indicates that teething necklaces worn by children under three years of age may represent strangulation, choking and aspiration hazards. These hazards could potentially lead to the death of a child. There are currently no regulations under the CCPSA that address these hazards for teething necklaces worn by children under three years of age. However some of the performance criteria from existing safety standards and from other regulations that address similar hazards are considered by Health Canada to be relevant in determining whether a teething necklace worn by a child under three years of age poses a danger to human health or safety.

Health Canada has concluded that teething necklaces worn by children under three years of age that do not meet all of the four following performance criteria, or equivalent, may be considered a danger to human health or safety. Each is explained in greater detail following the table.

Hazard	Related Performance Criteria
Strangulation	1. ASTM F2923-14 <i>Standard Specification for Consumer Product Safety for Children’s Jewelry</i> Section 13.1 - <i>Breakaway Tension Test</i> (apply a 22.2 N force instead of the 66.6 N (15 lb) force)  and  2. ASTM F963-17 <i>Standard Consumer Safety Specification for Toy Safety</i> Section 4.14.1.1 - <i>Cords, Straps, and Elastics Containing a Breakaway Feature</i>
Choking and Aspiration	3. <i>Toys Regulations</i> <sup>1</sup> (SOR/2011-17) Section 7 - <i>Small parts</i>
Labelling	4. The following warning or its equivalent must appear on the product or its packaging in English and French:  <p style="text-align: center;"><b>WARNING! Strangulation hazard. Adult supervision required at all times. Always remove for sleep.</b></p> <p style="text-align: center;"><b>MISE EN GARDE! Risque d’étranglement. La supervision d’un adulte est requise en tout temps. Toujours retirer pour dormir.</b></p>

Copies of the ASTM F2923-14 *Standard Specification for Consumer Product Safety for Children’s Jewelry* and ASTM F963-17 *Standard Consumer Safety Specification for Toy Safety* can be ordered from ASTM International online at [www.astm.org](http://www.astm.org).

<sup>1</sup> <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2011-17/index.html>

## Strangulation

### ASTM F2923-14 section 13.1

The necklace loop must separate when a 22.2 N force is applied following the methodology of the Breakaway Tension Test from ASTM F2923-14 *Standard Specification for Consumer Product Safety for Children's Jewelry* section 13.1 (including the test specifications from section 13.1.1: “*The looped jewelry shall be oriented with any clasp, breakaway or other feature in the most onerous position for testing, requiring the highest tensile force for release.*”). The necklace loop must separate at a load below 22.2 N instead of the 66.6 N (15 lb) force indicated in section 13.1 of this standard.

### ASTM F963-17 section 4.14.1.1

Additionally, this breakaway feature shall be capable of being reattached without altering the characteristics of the attachment, as described in ASTM F963-17 *Standard Consumer Safety Specification for Toy Safety* section 4.14.1.1. This will prevent caregivers from having to attach the necklace using alternate means, such as the use of a knot.

## Choking and Aspiration

The necklace must comply with section 7 of the *Toys Regulations* both before and after it is exposed to reasonable foreseeable use tests for toys for children under three years of age. These reasonable foreseeable use tests are specified in Health Canada's Product Safety Laboratory *Method M01.1: Reasonably Foreseeable Use - Toys*<sup>2</sup>. This means the necklace itself must not fit in the small parts cylinder, and after the reasonable foreseeable use tests it must also not release a part that fits in the small parts cylinder. A force of 4.45 N is applied to assess whether the necklace or a separated part can fit in the small parts cylinder illustrated in Schedule 1 of the Regulations.

## Labelling

The following warning or its equivalent must appear on the product or its packaging in English and French:

**WARNING! Strangulation hazard. Adult supervision required at all times.  
Always remove for sleep.**

**MISE EN GARDE! Risque d'étranglement. La supervision d'un adulte est  
requis en tout temps. Toujours retirer pour dormir.**

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<sup>2</sup> Health Canada's Product Safety Laboratory *Method M01.1: Reasonably Foreseeable Use - Toys* can be obtained by contacting Health Canada at [hc.cps-spc.sc@canada.ca](mailto:hc.cps-spc.sc@canada.ca)

## **Compliance with Performance Criteria**

Teething necklaces worn by children under three years of age that are available on the Canadian marketplace may be sampled and tested by Health Canada to determine if they comply with all of the performance criteria outlined above. This evaluation will support the determination whether or not a teething necklace worn by a child under three years of age may pose a danger to human health or safety.

Importers, manufacturers or retailers of teething necklaces worn by children under three years of age whose products do not meet the performance criteria listed above may be asked to demonstrate in some other fashion that their product is not a danger to human health or safety.

## **Non-compliant products**

Importers, manufacturers or retailers of teething necklaces worn by children under three years of age are responsible for the safety of the products they market in Canada. Products that do not meet the above performance criteria cannot be sold and are subject to compliance and enforcement actions which may include seizure, orders to take corrective action, mandatory recall of products, administrative monetary penalties and criminal prosecution.

If there are any questions about this letter or about the CCPSA or associated regulations, please contact the CPSP by phone at 1-866-662-0666 or by email at [hc.onproinfo.sc@canada.ca](mailto:hc.onproinfo.sc@canada.ca)

Best Regards,

Consumer Product Safety Program  
Health Canada

## Appendix A – Relevant Excerpts from the CCPSA

Paragraphs 7(a) and 8(a) state:

*7. No manufacturer or importer shall manufacture, import, advertise or sell a consumer product that*

*(a) is a danger to human health or safety;*

*[...]*

*8. No person shall advertise or sell a consumer product that they know*

*(a) is a danger to human health or safety;*

“Danger to human health or safety” is defined in section 2 of the CCPSA as follows:

*“Danger to human health or safety” means any unreasonable hazard – existing or potential – that is posed by a consumer product during or as a result of its normal or foreseeable use and that may reasonably be expected to cause the death of an individual exposed to it or have an adverse effect on that individual’s health – including an injury – whether or not the death or adverse effect occurs immediately after the exposure to the hazard, and includes any exposure to a consumer product that may reasonably be expected to have a chronic adverse effect on human health.*

Section 12 of the CCPSA states:

*12. The Minister may, by written notice, order any person who manufactures or imports a consumer product for commercial purposes to*

*(a) conduct tests or studies on the product in order to obtain the information that the Minister considers necessary to verify compliance or prevent non-compliance with this Act or the regulations;*

*(b) compile any information that the Minister considers necessary to verify compliance or prevent non-compliance with this Act or the regulations; and*

*(c) provide him or her with the documents that contain that information and the results of the tests or studies in the time and manner that the Minister specifies.*