

CPSC PREMIUM TOYS SEMINAR  
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## Introduction

Good afternoon. I appreciate having the opportunity to speak to you today about toy age grading and safety.

### I. Overview of Human Factors

Before I get started talking about age grading, I want to give you a quick overview of who I am and what I do here at the CPSC.

I am an Engineering Psychologist in the Division of Human Factors. In Human Factors we evaluate how the consumer and the product interact. I personally work on children's products, because my background is in Child Development. A major part of my job is evaluating children's toys for age appropriateness. We call the process age grading or making an age determination.

#### A. What is Age Grading?

Age grading is the determination of the appropriate age children for whom a toy is intended. In the context of our small parts regulation, this determination is based on several criteria.

As stated in the Code of Federal Regulations 16 CFR 1501.2(b), the relevant criteria are: the manufacturer's stated intent (such as on a label) **if it is a reasonable one**; the advertising, promotion, and marketing of the article; and whether the article is commonly recognized as being intended for children under 3 years. The CPSC staff determines what is commonly recognized by looking at the play value the toy offers and by considering whether parents and others recognize the toy as appropriate for children under 3.

Age labeling is the information provided on the packaging for consumers to use as a guide for choosing toys for their children. It is also used by CPSC to determine your compliance with our regulations. While there is no law that says you have to age label toys, there is a regulation that requires any toy intended for children under 3 years to be void of small parts. There is also a new law, THE CHILD SAFETY PROTECTION ACT (CSPA), which requires warning labels for certain toys with small parts for children 3 years and older, small balls, marbles, and

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<sup>1</sup>The opinions expressed by Ms. Kiss are personal and do not necessarily represent the views of the Commission.

balloons.

## **II. How Age Grading Came About**

### **A. Age Guidelines**

When the agency was just getting started the safety evaluation of children's toys was conducted by a team of experts who not only determined what age the toys were appropriate for but also whether the toys were safe. Because we wanted this process to help manufacturers make safe products we contracted with 2 developmentalists to put together age guidelines. In 1985, the CPSC released the *Guidelines for Relating Children's Ages to Toy Characteristics*. It is our most comprehensive document for providing **guidance** to toy manufacturers, distributors and testers on age appropriateness of toys.

The "Guidelines" is broken into 26 toy categories and within those categories into 6 age groups. Just some of the toy categories are dolls, stuffed toys, transportation and arts and crafts. The age groups are selected for developmental reasons. In each toy category the developmental capabilities of children by age group are discussed as they relate to that category. When I say developmental I don't just mean physical. I'm also talking about intellectual (cognitive) and emotional, in some cases.

### **B. Abbreviated Guidelines**

In 1993, CPSC released a new publication called *Manufacturers' Abbreviated Guide for Age-Labeling Toys: Matching Toy Characteristics to Children's Ages* - you each have a copy of this in your package today. Based on comments from manufacturers, distributors, and testing labs we created this document to provide the same basic charts from the original Guidelines in a simplified format for easier referencing and referral.

It is set up chart-wise the same way as the original Guidelines - 26 toy categories and 6 age groups. The only difference is that the descriptive discussions of the children's capabilities are not included.

### **C. Revision to Age Guidelines**

As I stated earlier, the original Guidelines were published in 1985. As you are well aware, a lot has changed in the toy business in the last 15 years. So, the commission is currently undertaking the process of revising the Guidelines. Our contractor is reviewing current developmental literature and everything and anything they can find on toy marketing, buying and playing information. We recognize that with more and more children in day care environments and the use of computers, that they are being exposed to some toys and toy concepts at an early age.

The research and documentation for this project is supposed to be finished by the end of this fiscal year. So, hopefully by early in 2002, we should be releasing new Guidelines.

### **III. Age Grading Process**

Now that you know what we use to make age determinations, I'm going to discuss why we do them.

#### **A. Small Parts Requirements**

One of CPSC's most important regulations is the small parts requirement. It addresses the hazards of small parts in toys and other products intended for children under the age of 3 years. Children can choke and die if a small part blocks the throat and interferes with breathing. Children who inhale a small part into the lung or have a small part lodge in the throat usually undergo surgery to remove the part. Such surgical procedures involve some risk of injury or even death from the procedure. Small parts are hazards CPSC takes very seriously.

In one year more than 250 models of noncomplying toys and children's products were recalled because of small parts. Almost one third of these products had age labels recommending the toys for children 3 and older. These age labels were wrong. Simply labeling a toy for children 3 and older does not remove the toy from the scope of the small parts regulation. Labeling a toy "tested for all ages" also presents a hazard.

#### **B. Labeling**

A proper age determination and labeling not only helps the consumer but in the end it helps you. The bottom line is that you need to know for what age children a toy is intended in order to know what CPSC requirements and voluntary standards apply to the toy. CPSC wants to protect a vulnerable population - children. While age labeling is not required on toys, voluntary age labeling is one way to help guide parents in choosing appropriate toys for their children. In order for parents and other consumers to use a label properly, the message needs to be clear and accurate.

Labels provide consumers with the information they need to make an informed and safe choice. That is why it is very important to use the correct label for your product. It is also important that products not be over labeled. By that we mean, toys that do not need to have a label shouldn't have a label. I know that may sound logical, but we see toys coming in that have the small parts label on it, when there aren't any small parts. This creates a problem for the consumer, because then they don't know when to believe the label or not. Some companies think they are protecting themselves from lawsuits by just slapping the label on all of their toys, but they really are not helping the consumer.

### **C. Premiums**

Because premium toys are typically distributed in fast food restaurants as opposed to traditional toy stores, consumers view them differently. The toys have limited distribution time and are associated with a lot of publicity that children and parent see. Unless the toy performs some function that is completely beyond the capabilities of children under 3 years, parents and children believe the toys are appropriate for all ages.

In addition, when parents see a label "tested for all ages" that means the toy is appropriate for all ages. However, this is not always the case. As you will see in a few minutes, different aged children play with toys in different ways. For safety reasons you may want to test your premium toy to make sure it doesn't have small parts, "just in case" it is given to a child under 3 years. But, you may be introducing a whole new hazard because of how children of different ages play with toys. Just because a toy doesn't have small parts doesn't mean it is safe for a child under 3 years to have it.

### **D. Human Factors Evaluation**

Now let's look at ways to properly identify toys for children under 3 years and children 3 through 5 years so you can see why we make a distinction between these age groups.

Before you label a toy, you will need to do some research to find out whether the toy is commonly recognized for children younger than age 3 years or for 3 through 5 years. The small parts requirement is a good place to start. An entire section of the regulation lists examples of the types of toys and other articles that are generally intended for children younger than 3 years old. This is Section 1501.2 and is titled "Scope."

Here are just a few examples of types of toys listed in the small parts requirement as generally intended for children under age 3. I chose these examples because premium toys can certainly fall within these toy types.

**Squeeze or squeaker toys:** Make squeaking noise when squeezed.

#### **Push and Pull Toys:**

\* Push toys for crawling babies will be large, simple cars or animals with wheels or rollers that turn easily.

\* Push toys for children just learning to walk (12-18 months) may have a rigid rod with a simple toy on the end with wheels or rollers. Children walk and push the toy ahead of them.

\* Older children (24-36 months) like push toys that depict things adults use such as a vacuum cleaner, lawn mower, shopping cart, doll carriage, or stroller.

\* Pull toys require better walking skills than push toys, so they are appropriate for children who have learned to walk well - around 19 to 24 months. Pull toys will have a cord or string for pulling and wheels or rollers. Some may have features that give them play value besides that of a pull toy such as a telephone or wagon with blocks.

**Blocks:** Made of foam, fabric, hollow plastic. Interlocking plastic blocks as small as 2" by 4". Wooden blocks in simple geometric forms and sets with as many as 50-60 or more pieces. Large plain blocks made of cardboard.

**Stacking and Nesting Toys:** Usually cubes, cylinders, or 2-part barrels in graduated sizes to fit inside one another or stack on top of one another. Made of soft colorful materials.

**Toys for Bathtub and Wading Pool:** Toys that float; water mills that a child can pour water into to create movement; tub activity centers with a few simple mechanisms such as hinged doors, buttons to push, simple levers; nesting tub toys; watering cans. Some toys have a wind-up mechanism. While children under 3 may not be able to use a wind up knob, at this age they should be closely supervised in water. So the adult will be available to wind the toy up for the child.

**Stuffed, Plush and Flocked Animals and Other Figures:** Almost invariably intended for under 3 unless they have an obviously adult "mature" theme. By mature we mean collectibles that are very detailed, with small finite features that young children would not appreciate. Animals or figurines that are obviously intended to be on display and not for play.

**Dolls:** Generally baby dolls, rag dolls, bean bag type dolls and peg dolls are for children under 3.

**Transportation Toys - Toy Cars, Trucks, Boats, Trains, Airplanes, Etc.:** Transportation toys are small replicas of cars, trucks, boats, trains, airplanes, and such.

## 1. Characteristics of Toys for Children Under 3

Here are some general characteristics that make toys appropriate for and appealing to children younger than 3. These are the characteristics that CPSC looks at when evaluating toys for the intended age group. We do not believe the new guidelines will change the basic information of these characteristics.

**Size and Weight:** A toy for children under 3 will be small enough and lightweight enough to be easy for the child to handle. Consider the size of a young child's hand and whether the child can grasp the toy or some part of the toy such as a handle. While toys should not be too big, toys that are very small will also be difficult for a young child to manipulate. Certainly premium toys in general are small, so young children can carry them around.

**Theme:** These toys represent a common object that a young child can easily identify. This would be something the child is likely to see around the house or neighborhood or on a farm. Children under 3 generally are not familiar with toy themes such as space exploration, military, fantasy or action figure scenarios. However, they do recognize cartoon figures such as Sesame Street and Disney characters and other nursery themes. In addition, since premium toys typically are associated with current movie releases you need to consider the movie's audience.

**Degree of Realism:** The toy may look silly or cute. It may have some realistic details. However, a child under 3 will not recognize or appreciate details that are extremely realistic.

**Colors:** Toys for under age 3 should have bright, contrasting colors. The colors should cover large areas of the toy. A young child cannot distinguish different colors easily if there are several colors covering small areas of the toy.

**Noisemaking Features:** Toys that make noise are appealing to children under 3 if the noise is not loud or frightening. The noise doesn't have to be realistic. Examples of toys that make noise are:

- \* cars and other transportation toys that make noise when rolled;
- \* pull toys that make noise when pulled;
- \* activity toys that make noise when buttons are pushed, levers are pulled, or knobs are turned;
- \* squeeze toys that make noise when squeezed.

**Action and Movement:** Toys with action or movement are appealing to children under 3. Movement can be silly rather than realistic, and it should be easy for the child to cause the movement. Examples of toys with action or movement:

- \* pull toys that bob or waddle when pulled;
- \* toys with figures that pop up when a lever or button is pushed;
- \* water toys that turn when water is poured through them.

**Type of Skill Required:** A toy will appeal to a child if it lets the child begin to learn skills or practice or perfect skills such as walking, stacking, sorting by colors. You need to know what skills children develop at various ages and what skills the toy can help a child learn or practice.

**Level of Skill Required:** A toy that requires a degree of skill, which is too far beyond the physical and mental capabilities of that child, will frustrate a child. On the other hand, a toy that's too easy to use will bore a child. The toy should be slightly beyond the child's capabilities to be interesting and challenging.

Toys usually have several characteristics to consider. Many toys send a "mixed message" - that is, some of the toy's characteristics appeal to children under age 3, while other features appeal only to children age 3 or older. It is important

to know which features dominate in the toy's appeal to children so you know what age child it will be given to and used by. A good example of this is a toy with a grow-with-me feature, such as the play world figures. The 1-year-old will play with the box and packaging. The 1½-year-old is going to carry the characters around and play in a very simple way. The 2-year-old is going to play with some of the accessories. The 4 & 5 year olds are going to create a whole play scene.

## **2. Characteristics of Toys for Children 3 through 5 Years**

Now, I will discuss the characteristics of toys for children 3 through 5 years. These are a little harder to distinguish from older children's toys, but it is important because this is the age range of toys covered by the Child Safety Protection Act.

**Type of Skill Required:** During this age period, children's cognitive (thinking) skills develop rapidly. They are learning to read and can perform simple identification, reading and mathematics skills, but older children are actually able to apply these skills within the context of games. Games for older children (over 5 years of age) should involve increased knowledge of reading to allow children to read and understand game directions and board markings on their own.

**Level of Skill Required:** Children in the 3 through 5 years age period are goal directed in their play. They make a plan in their play and hold the plan in their mind over time until they reach the goal. Games for preschoolers (3 through 5 years) should depend on chance rather than on strategy or skill, since most preschooler are not capable of the kinds of mental operations (planning & testing alternatives) required to formulate a strategy. Older children are also goal directed, but the process is not the primary focus; they can alternate the plan to achieve the goal.

**Theme:** Between 3 and 5 years children are in the age period of peak interest in play scenes and miniature worlds. They enjoy all types of play scenes - garages, farms, imaginary worlds, space or military worlds. They pay a great deal of attention to detail and prefer a wide variety of realistic accessories. Collectibles come into play here to a degree. This is when children want to have all the pieces, especially when toys are sold with accessories separately. This is also the time when they want to buy every meal deal they can so they can collect all the premium toys that are part of the promotion. Collectibles that are more for display rather than play are typically considered appropriate for children starting around 9 years of age.

**Size:** The size of the accessories can be as small as 1/2 inch. However, they still can not be too fragile.

## **E. Parent's Perceptions**

Now that you get an idea of the differences between children under 3 year and children 3 years and older, we throw in another component of the toy process - Parent's Perception.

As I have already discussed, premium toys are unique because of how the toys are marketed and distributed. These 2 factors greatly impact to whom parent's and other consumers give these toys. Providing consumers with the most accurate and clear guidance through labeling and marketing is going to help them and in the end help you.

## **V. Conclusion**

In conclusion, appropriate age determinations and age labeling on toys is of value to the consumer and to you. As you have heard today, safety is very important. When safety is considered from the very beginning, everyone benefits. One reason for the new Child Safety Protection Act is to protect younger children from the hazards associated with toys for older children. Young children are curious, therefore, the more information you provide to parents and other adults up front, the better informed they will be and hopefully, children will be safer.

I hope this information has given you a better idea of how to determine the appropriate age for a toy and the importance of proper age labeling.