**Transcript of Podcast**

**Overview of CPSC’s Age Determinations**

**Slide 1- Disclaimer**

The slides used in this podcast are not a comprehensive statement of legal requirements or policy and should not be relied upon for that purpose. You should consult official versions of U.S. statutes and regulations, as well as published CPSC guidance when making decisions that could affect the safety and compliance of products entering U.S. commerce. Note that references are provided at the end of the presentation

**Slide 2- Video Greeting**

**Slide 3- Cover Page**

**Slide 4- Biography**

Hi, in this podcast, we will introduce CPSC staff’s updated Age Determination Guidelines. This podcast will discuss:

* What we mean by age determinations and why they are important;
* How CPSC conducts an age determination for children’s products;
* Highlights of what is included in the CPSC’s updated Age Determination Guidelines; and
* Common questions and answers related to age determinations.

Please note that detailed discussion of the updated Guidelines is beyond the scope of this podcast. References to specific requirements and procedures are provided at the conclusion of this podcast.

**Slide 5- CPSC Mission and Overview**

As you heard, design of safe products at the outset is critical. CPSC is a U.S. federal government agency charged with protecting the public from unreasonable risks of injury or death associated with the use of consumer products under the agency’s jurisdiction. We have developed this podcast series not only to inform you on regulations, standards, and other safety requirements, but also to emphasize the importance of designing products with safety considerations in mind, and best practices for enhancing safety in a variety of common consumer products.

**Slide 6 - Overview of Age Determinations and Why they Are Important**

Now, let’s get started.

First, I will explain more about what we mean by “age determination” guidelines and why they are important.

Conducting an age determination and deriving the resulting age label is a process of examining a product’s features, in comparison to the skills, play behaviors, and interests of children throughout different developmental stages during childhood.

CPSC’s Age Determination Guidelines explain how CPSC staff develops their assessment of consumer products, such as toys, to determine an appropriate-age user. CPSC has made the Guidelines available to the public. Although the document is not a regulation, it provides valuable information for age labeling. Age labeling directly impacts the type and severity of mechanical and chemical tests that children’s toys and products must undergo, as well as what warning labels, bans, or other restrictions may apply. Thus, the Guidelines can help manufacturers and test labs in developing, marketing, and generating age labels for consumer products.

**Slide 7- Overview of Age Determinations and Why they Are Important**

Age grading is an important task for manufacturers to undertake to ensure that their products are **safe and developmentally appropriate for the intended children.**

**Slide 8- Overview of Age Determinations and Why they Are Important**

Age Determination Guidelines impact the performance requirements that children’s toys and products have to meet, including design, construction, testing, labels, bans or other requirements. e Guidelines can help manufacturers and test labs in developing, marketing, and generating age labels to assist consumers.

The Guidelines generally describe the characteristics that appeal to children and the activities they are able to perform throughout childhood. Thus, the Guidelines can be used to make age determinations of any product, whether it is a toy or another article intended for use by children. The Guidelines provide information about social, emotional, cognitive, and physical development during childhood, and about specific product categories. This information also applies to many products that are not specifically mentioned in the Guidelines.

**Slide 9- Overview of Age Determinations and Why they Are Important**

Determining how a product is classified enables you to identify correctly the set of consumer product safety standards applicable to your product.

**Slide 10—General Use Product Versus Children’s Product**

CPSC considers products to be either General Use Products or Children’s Products. General Use products are consumer products that are not designed or intended primarily for use by children 12 years of age or younger, but products used by children 12 years of age or younger that have a declining appeal for teenagers are likely to be considered children's products.

Determining how your product is classified enables you to correctly identify the set of consumer product safety standards applicable to your product.

**Slide 11- What Is a General Use Product?**

General Use Products are products that are not marketed or advertised as being intended primarily for use by children 12 years or younger.

If a consumer older than 12 years of age is as likely, or more likely, to interact with a product than a child 12 years of age or younger, then the product would probably be considered a general use product, depending upon how the product is viewed.

**Slide 12- What Is a Children’s Product?**

Products for use by children 12 years of age or younger and that have a declining appeal for teenagers are likely to be considered children's products.

“Note that “Children’s products” applies to products “**for use”** by children 12 years or younger.

“For use” – means children will physically interact with such products.

**Slide 13- When Children’s Products May Become General Use Products–Examples**

Sometimes a children’s product may become a general use product.

In this case, these are products that are not marketed or advertised as being intended for use by children 12 years or younger, and they are products used by a significant proportion of the population older than 12 years of age.

For example, sometimes a children’s product can become a collectible. CPSC may determine that the collectible item has:

* + - -features that preclude use by children for play
    - -high cost
    - -limited production
    - -not marketed with children’s products.

In another example, let’s consider the example of a pen as a product that is usually intended for consumers older than 12 years of age. Therefore, a pen is generally considered a general use product, even though children 12 years of age or younger may write with the same pen. However, if the same pen is decorated or embellished with certain features that might appeal to a child, such as childish themes or features with play value, then the pen may be considered, but would not necessarily be deemed, a children's product.

**Slide 14 - When Children’s Products May Become General Use Products –Examples (continued)**

Further evaluation would be required, and other factors, such as whether the physical characteristics of the pen (*e.g*., size and color) and the likelihood that any additional decorations or novelty items associated with the pen would be equally appealing to consumers younger than and older than 12 years of age would be evaluated to determine whether the product was likely designed and intended primarily for children.

**Slide 15- Children’s Product or General Use Product?**

For example, pens with puzzle features that allow the user to take them apart and reconfigure the design are likely to appeal to children and adults alike, but would not likely be considered children's products because they are not primarily intended for children.

Products that specifically are not intended for children 12 years of age or younger, for example, cigarette lighters, candles, fireworks, and products with child-resistant packaging, are not considered children's products. Also, sometimes certain childish themes are popular with, and/or are incorporated into products for adults (*e.g.,* cups, clothing). These could be examples of general use products.

**Slide 16- Why Is this Distinction Important?**

The difference between classification as a general use product and a children’s product is very important. Determining how your product is classified enables you to identify correctly the set of consumer product safety standards applicable to your product.

For example, certain general use products subject to mandatory consumer product safety rules are required to undergo testing or be subjected to a reasonable testing program and have a written General Certificate of Conformity (GCC) demonstrating compliance. In contrast, children’s products are required to undergo [third party testing](https://www.cpsc.gov/Business--Manufacturing/Testing-Certification/) and to have a written Children's Product Certificate (CPC) demonstrating compliance.

**Slide 17- Why Is this Important?**

Please see Episodes 5 (Durable Infant Products or Toddler Products Common Requirements) and 7 (Toy Safety Requirements) for more information on General Use and Children’s Product Certificates.

**Slide 18- How CPSC Conducts Age Determinations**

Next, I want to explain more details of how CPSC conducts the age-grading process. The process consists of: (1) matching a product’s features to the skills, play behaviors, and interests of children throughout childhood, and (2) classifying as a children’s product, toy, child care article, or general use product.

**Slide 19- How CPSC Conducts Age Determinations**

When we perform age determinations, we consider four main factors:

* A statement by a manufacturer about the intended use of the product, including a label;
* The packaging, display, promotion, or advertising appropriate for use by children 12 years or younger;
* What is commonly recognized by consumers as being intended for use by a child 12 years or younger; and
* Age Determination Guidelines.

**Slide 20**- **How CPSC Conducts Age Determinations**

Staff considers many product features to determine the most appropriate age group, including size, shape, number of parts, and licensing themes (*e.g*., Disney’s Mickey Mouse).

* Some of the characteristics of toys that are appropriate for children under 3 years of age include small size, light weight, and easily graspable.
* Toys for youngest users have simple familiar themes, low level of realism, chunky shapes, and bright contrasting colors.

**Slide 21- How CPSC Conducts Age Determinations**

* Other features appropriate for children under 3 years of age include simple, quiet sounds, silly movements, and a skill level slightly beyond the child’s abilities, which allows them to learn and practice fine motor skills.

**Slide 22- How CPSC Conducts Age Determinations**

* Some of the characteristics of toys and products appropriate for children 3 through 5 years of age include simple reading and math identification, a wider range of themes, such as space or military, and smaller pieces that require greater fine motor skills.

**Slide 23- How CPSC Conducts Age Determinations**

CPSC also conducts extensive research to support the ongoing development of age determination guidelines, including updates. CPSC assesses, for example, potential physical hazards a child may encounter when interacting with smart toys.

**Slide** **24-** **How CPSC Conducts Age Determinations (Continued)**

Also, CPSC is conducting online research to gather marketing information about target age, consumer’s purchasing decisions and factors they consider, videos of children playing with toys, and consumer reviews showing for what age the product is commonly purchased.

CPSC plans to incorporate findings into the Guidelines at a future date.

**Slide 25- How CPSC Conducts Age Determinations (Continued)**

**- Example of the Difference Between General Use and Children’s Products**

CPSC is expanding and updating strength data for children 5 years and younger.

CPSC staff uses data on child strength and body measurement, primarily to examine children’s exposure to various safety hazards in consumer products and to develop product safety standards.

These data can also be a valuable source for determining children’s ability to use a product, such as a winding mechanism or the force needed to push a button. Some of the strength measures to be collected include push, pull, grip, and bite forces. CPSC’s contractor is developing test fixtures and pilot testing.

Now, I would like to provide some quick examples and comments on how CPSC would determine the appropriate age for children.

**Slide 26-** **Example of the Difference Between General Use and Children’s Products**

In this first example, we have a toy boat regulated for lead paint. However, keep in mind that collectibles would not be a children’s product.

**Slide 27- Examples**

Next, we have children’s jewelry with fun designs for children.

**Slide 28- Examples**

In this slide, we see a general use media player, and on the right, we have a children’s product mouse shaped like a car (with software). The one on the right has clear designs for use by children.

**Slide 29- Examples**

In the next slide, we see that these science equipment packages are marketed to children.

**Slide 30- Examples**

In this slide, we see small balls that we would classify as a children’s product due to size and packaging. We also see a soccer goal with a child on the package=children’s product. In the example to the right, we would consider this to be a general use sporting good due, to the regulation-sized backboard general-use sporting good.

**Slide 31- Examples**

In the next slide, we see a percussion set and jingle rattle on the right that, due to its size and decoration, we would classify as a children’s product.

However, the amplifier and keyboard on the left, would be general use product. The sizing and coloration are different.

**Slide 32- Recent Updates to Age Determination Guidelines**

Now, I want to highlight some of the recent changes to our Age Determination Guidelines and our research. The most recent version of the Guidelines is from 2020, updated from the previous 2002 version. Please see the url on this slide.

Over time, new toys have come onto the market, classic toys have evolved, and children’s exposure to various toys has changed.

As toys evolve, so must the Guidelines.

For example, simple blocks for stacking have evolved into a wider variety that includes abstract shapes for nesting and blocks incorporating magnetic features to create complex 3D structures, such as the vehicle shown here.

CPSC staff published the first version of the Guidelines in 1985. The latest 2020 Guidelines were developed to address new-to-the-market toys and products that had not been addressed in prior versions.

Among the changes were incorporating ASTM F963-17, clarifying scope and definitions, identifying basic abilities and preferences, age group additions, product subcategory additions, and new product categories, such as technology play.

**Slide 33- Recent Updates to Age Determination Guidelines** **(Continued)**

**A total of 95 products have been addressed in the 2020 Guidelines**, which are a combination of new-to-the-market toys and products, as well as ones not addressed in prior versions.

Examples of new additions include:

* **bubble blasters, also known** as bubble guns, foam clay, and moldable wet texture, also called “kinetic” sand;
* the addition of a number of toys with innovative coupling mechanisms, such as internal magnets and suction cups; and
* play vacuums with interactive features to explore.

**Slide 34- Common Questions**

Next, I want to highlight some common questions we receive. These questions illustrate the complexity at times of conducting age determinations and the various detailed considerations CPSC undertakes in its analysis. These questions are often asked of us, so I want to take a few minutes to highlight them for your information.

For example, people sometimes ask: **Can I simply label my product to ensure that it is not considered a children's product?**

The answer is, no. CPSC will certainly consider any label on the product and what it says about the age of the intended user; however, such a label is but one of the factors we will consider. Any label on a product must be reasonably consistent with the expected use patterns for that product.

 People also ask: **What if my product can be used by children 12 years of age or younger, but the product is not necessarily designed or intended primarily for that age group?**

Your product may be a general use product if it is not designed or intended primarily for children 12 years of age or younger. (The CPSC considers inclusion of the word “primarily” in the law to be important and helpful in distinguishing a "general use product" from a "children's product.")

When a child touches or interacts with a product, such as an adult stereo or a television, for example, the product is still considered a general use product because it was not intended primarily for children 12 years of age or younger.

**Is a children's product necessarily something that the child uses?**

CPSC’s policy is that a children's product is something "for use" by a child. For example, a toy, a potty seat, an article of clothing, and a backpack are all items that a child "uses," and that would likely be considered “children's products,” if the product met the four criteria above. In the case of the article of clothing and the backpack, the sizing of the product and the themes and decorations depicted on the products would likely play a part in determining whether the product is a children's product.

 However, certain children's products may not necessarily require direct physical interaction to be considered a children's product.

For example, products such as infant mobiles, lamps, clocks, and rugs with nursery themes that are designed for children's rooms and that have features designed to appeal to children and that may entice or invite children to use them or physically interact with them, could lead to a determination that a product is a children's product. Consideration of the other four factors must be undertaken as well. A complete analysis of the individual product would be required.

**Slide 35- Does a children's product include products that are intended to be used "with" children?**

CPSC has clarified that products, such as diaper bags, that are intended to be used with children by the parent or caregiver, are general use products and are not considered children's products. **A children's product is one that is intended for use by children.** In this example, the diaper itself would be considered a children's product, whereas the diaper bag would not. Products that are for use by children are those with which they will interact or have direct physical contact with, such as the diaper itself.

**-** **Is "size" a factor in determining whether a product is a children's product?**

Yes, size is often one of many factors used in determining whether product is a children's product.

Size is particularly relevant in certain product areas, such as sporting equipment, musical instruments, and science equipment, examples of products that children 12 years of age or younger often may use that are sized for people of all ages. The use of by children 12 years of age or younger of equipment sized for people of all ages does not convert that equipment into a children's product, even in situations where the equipment is specifically marketed or rented to schools and other educational settings for marching bands, science labs, and sporting events.

 However, beyond the educational environment, youth-size musical instruments, science equipment, and sporting equipment may lead to a determination that the subject product is to be considered a “children's product,” if it satisfies the other four factors.

**Is "cost" a factor in determining whether a product is a children's product?**

Cost may be a factor if the product is very expensive and is unlikely to be provided to a child. However, there is no specific rule on cost, and each case is examined on its own facts.

 Adult collectibles, which are distinguished by their relatively high cost, limited production, intricate detail, fragility, and often, placement in a display case, can be distinguished from children's collectibles. Certain model trains that meet the criteria just described are one example of an adult collectible, on which the Commission provided guidance. Meanwhile, some collectibles are not necessarily high-cost items, and price will remain one of several factors the Commission will use to make its determinations.

**Finally, -- and this is very important--How do you know whether a product is commonly recognized by consumers as being primarily intended for a child?**

To assess whether a product is commonly recognized by consumers as being primarily intended for a child, a manufacturer **should evaluate the reasonably foreseeable uses of a product to determine how the product will be perceived and used by consumers of that product. Manufacturers could also refer to sales data, market analyses, focus groups, online reviews, or other marketing studies for their analyses of consumer perceptions of their products.**

**It is important to be aware that, even if you don’t make toys, the** [**Age Determination Guidelines**](https://www.cpsc.gov/s3fs-public/pdfs/blk_media_adg.pdf)**(pdf) still apply in determining whether the product is a children's product.** Recall, earlier I mentioned that Congress mandated that the Guidelines are to be used as one of the four factors in determining whether a consumer product is primarily intended for a child 12 years of age or younger.

**Slide 36**

We hope you enjoyed this podcast. If you have any questions on the presentation, please do not hesitate to submit your questions in English or Chinese to the mailbox mentioned earlier: [CPSCinChina@cpsc.gov](mailto:CPSCinChina@cpsc.gov) (show on screen). This mailbox is routinely monitored.

**Slide 37**

We also wish to remind viewers that CPSC has many technical documents and resources available in Chinese. The conclusion of this presentation provides many links to resources viewers may find useful.

**Slide 38**

We have developed this podcast series not only to inform you on regulations, standards, and other safety requirements, but also to emphasize the importance of designing products with safety considerations in mind and best practices for enhancing safety in a variety of common consumer products.

We encourage viewers to be sure to check out CPSC’s Regulatory Robot, available in English, Chinese, and several other languages. The Regulatory Robot is an automated tool that can greatly facilitate identifying safety requirements for a large number of products. Many companies have found this tool to be extremely helpful.

**Slide 39**

The podcasts include English and Chinese slide decks, and Chinese narration to make this important safety information as accessible as possible. Additionally, CPSC has established a dedicated email box, where listeners can send in any questions, at their convenience, in English or Chinese. Our staff will monitor and respond to your questions.

**Slide 40**

Thank you for downloading this podcast.