

# **Report to the Tyne and Wear Trading Standards Joint Committee**

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## **Update on the Safety of Fidget Spinners**

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### **Purpose of the report**

To inform the Committee safety issues associated with the latest must have toy for children

1. There are concerns over the safety of fidget spinners, with large numbers being imported from China following a significant rise in popularity amongst children.
2. A basic fidget spinner consists of a bearing in the centre of a design made from any of a variety of materials including brass, stainless steel, titanium, copper and plastic. They are held in one hand and spun with the middle fingers.
3. Based on current evidence, the Department for Business, Energy and Industrial Strategy (BEIS) considers most fidget spinners to be toys. As such, where fidget spinners are marketed as toys, or where the reasonable or foreseeable use of the finger spinners is as a toy, they should be tested as toys for compliance against the Toy (Safety) Regulations 2011. Where fidget spinners are marketed for adult use, they should be tested for compliance under the General Product Safety Regulations 2005.

### **Background**

4. The first patents for fidget spinners were applied for in the early 1990s. According to several media outlets the designer allowed the patent to lapse around 2005. This is not a new product, however the market in the UK has recently become very active, and the spinners are considered to be “the latest craze” especially among young people aged 8-14.
5. The variety of product available is virtually infinite, plastic, metals, ceramics, LEDs, speakers and a plethora of shapes and designs. They are marketed in many ways including as toys, warm up products for musicians, executive gadgets, alongside e-cigarettes as distraction devices and general miscellaneous products. It has also been suggested that there are potential medical benefits for people in terms of focusing concentration although the general nature of the marketing suggests that this is an unverified benefit.
6. Most fidget spinners are imported from China, and the production price (\$0.10) to retail price ratio (about 1:50) makes it unlikely that they have undergone robust compliance procedures for the UK market. Several regulators have been considering if these products present a safety risk to consumers. There have

been a very low number of incidents reported in the media of young people being struck by the spinners as part of elaborate “routines” involving throwing and catching the spinner. There have also been some reports of injuries by spinners which have broken in the course of use, leading to some questions about the robustness of the product, small parts and the impact/relevance of marketing to very young children.

7. A number of schools in the UK have received media interest for “banning” spinners either from the classroom or whole school as they represent a distraction to the learning environment.
8. The nature of fidget spinners and the current interest in them are likely to keep these products in the media spotlight for some time.

### **Classification**

9. The classification of a consumer product is dependent on many factors and a case by case approach is necessary to determine if the product in question is a toy (for play by young people under 14 years), the main implications being the CE marking, declaration of conformity and technical files needed for a toy.
10. No spinners have been seen to be marketed to children under the age of 36 months.
11. It is understood that the Medicines and Healthcare Products Regulatory Agency (MHRA) don’t consider any of them to be medical devices or provide genuine relief for ADHD sufferers.
12. It is the view of the UK toy industry that they are toys and regulatory colleagues in Europe have formed similar opinions that they are mainly toys, but with consideration given to general product safety and medical devices.

### **Regulatory Response**

13. The nature, price and consumer demand for these products means it is likely there will be a significant amount entering the UK market. Suffolk Trading Standards service and Leicestershire Trading Standards service have both reported that some products have been detained at the border points. The consensus from the TS professionals that have given an opinion is that the majority of concerns about fidget spinners (for example that there is a choking risk) would not prevent compliance with the toy safety regulations because they are not marketed at children under the age of 3.
14. The analysis is that some spinners are unlikely to fully comply with the conformity assessment, documentation and labelling requirements of the toy safety regulations. Such issues may represent technical breaches of the legislation rather than a safety risk. It is also possible that some products by the nature of their construction, use, marketing or materials may not meet the essential safety requirements.
15. Locally samples of some fidget spinners have been taken and submitted for analyses under the relevant safety standard EN-71 Part 1 for compliance with the legislative requirements to the Metrology Laboratory.

## **Next Steps**

16. BEIS are examining a range of fidget spinners to evaluate the concerns raised, with particular emphasis on those products that contain LEDs or other electronic components. BEIS are also considering the potential for hazardous substances, robustness of the product and marketing approach.
17. BEIS have requested that local authority Trading Standards services to continue to engage with manufacturers, importers and distributors providing advice and support to enable them to have confidence that products are safe and comply with legal requirements, as set out above. Priority should be given to any fidget spinner products which are marketed or which might foreseeably be used by children under 36 months and the possibility of small parts which may become choking hazards.

## **Recommendation**

18. The Committee is asked to note the information which is contained within the report.