

26 November 2015

**Update on the Safety of Children's Halloween
Costumes**

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Purpose of the report

To update the Committee on the latest developments with the important issue of product safety related to children's Halloween costumes.

The Safety Issue

1. Councillors will remember the events of the 31 October 2014 when the eight-year-old daughter of TV personality Ms Claudia Winkleman was rushed to hospital after her Halloween costume caught alight.
2. The Strictly Come Dancing presenter issued a statement on behalf of her family, reminding the public about the perils of "candles, open fires and fireworks" ahead of Guy Fawkes Night in 2014.

The Legislation – Toys (Safety) Regulations 2011

3. The Toys (Safety) Regulations 2011 ("the Regulations") impose requirements in relation to the safety of toys. The relevant EU Directive sets harmonised safety requirements for toys and minimum requirements for market surveillance, in order to ensure a high level of safety of toys with a view to ensuring the health and safety of children whilst guaranteeing the functioning of the internal market.
4. The main provisions of the Regulations are as follows:–

Toys must:

- satisfy the 'essential safety requirements' in the regulations
- be properly marked to ensure traceability
- bear the CE mark
- be accompanied by instructions for use, and warnings where necessary

Technical documentation and a description of the conformity assessment method used for each toy must be available.

The relevant national standard that can be utilised to assist in compliance with the safety of toys is British Standard EN 71. The relevant part safety standard with respect to Halloween costumes is set out in part 2 of BS EN71:

“4.4 Toys intended to be entered by a child in play

These include, for example, cowboy suits, nurses' outfits and long flowing capes not attached to headwear.

When tested in accordance with 5.4, the rate of spread of flame of the test sample shall not exceed 30 mm/s or the test sample shall self-extinguish.

*If the rate of flame is between 10 mm/s and 30 mm/s, the appropriate parts of the toy and the packaging shall be permanently marked with the following warning: “**Warning. Keep away from fire**”.*

Nightwear Safety Regulations 1985

5. The Nightwear (Safety) Regulations 1985 make it an offence to supply children's nightwear unless it has been treated so that it conforms, after washing, to the flammability performance requirements of British Standard (BS) 5722. The Regulations lay down labelling requirements so that purchasers can tell whether other nightwear - including adults' - does or does not meet the flammability requirements.

Children's nightwear

6. Children's nightwear means anything designed for wear by, and that would normally be worn by, a person under the age of 13 years, except:
 - night dresses with a chest measurement of more than 91cm or a length of more than 122cm
 - dressing gowns, bath robes and other similar garments with a chest measurement of more than 97cm or a sleeve measurement of more than 69cm
7. Children's nightwear must comply with the flammability performance requirements of BS 5722, except the following items:
 - garments for babies up to three months with a chest measurement of 53cm or less
 - pyjamas
 - cotton terry towelling bath robes

Other nightwear

8. Other nightwear (including adult nightwear), babies' garments, children's pyjamas and children's cotton terry towelling bath robes must be labelled so as to inform the purchaser whether the item does or does not meet the flammability requirements of BS 5722.
9. If the item does not meet the requirements, it must have a label, printed in red, stating 'KEEP AWAY FROM FIRE'. If the item meets the requirements, it must have a label with one of the following:
 - a statement in red text stating 'KEEP AWAY FROM FIRE'
 - a statement in black text stating 'LOW FLAMMABILITY TO BS 5722'
 - both statements in appropriate colours

BBC Watchdog

10. On the 14 May 2015 the BBC aired a “Watchdog” programme highlighting the tragedy that befell Claudia Winkleman and her daughter. Ms Winkleman spoke for the first time about the tragic incident in 2014 where her daughter's fancy-dress costume went up in flames, leaving her badly burnt. In the “Watchdog” programme they investigated what makes fires of this kind so devastating and then called for the rules on safety testing to be changed.

Response From the Chief Fire Officers Association

11. On the 14 May 2015, in a press release, the Chief Fire Officer’s Association (CFOA) called for children’s fancy dress clothing to meet the same safety standards as children’s nightclothes, and for further research into the labelling of adult clothing.

12. Currently, children’s fancy dress costumes are classified as toys, rather than clothes, and are not covered by the same safety regulations. There is no requirement for them to be fire proofed or fire retardant. Rather than introduce new legislation, the CFOA called for this classification to be changed, so fancy dress costumes are subject to the same safety standards as children’s nightclothes.

13. Former CFOA President, Paul Fuller, Chief Fire Officer at Bedfordshire Fire and Rescue service and a Trustee of the Children’s Burns Trust said:

- *“The safety standard for children’s fancy dress can be as little as a ‘keep away from fire’ label. This is not good enough and is putting children’s lives at risk.*
- *Fire safety for toys is based on the ability of children to drop a burning teddy bear or doll or to run away from a burning play tent or wigwam. You can’t drop a burning costume or run away from it.*
- *People do not realise just how quickly a princess costume will catch fire and the fire spread. The design of costumes, with flowing robes, capes or petticoats means they could easily catch fire from a candle or flame and swiftly engulf a child in flames.*
- *Burn injuries are difficult to treat and once a child’s skin has been burned it does not regain its flexibility and grow as the child does. This means a young burns survivor may have to endure years of painful surgery as they grow and develop”.*

Response from the Department of Business, Innovation & Skills

14. The Department of Business, Innovation & Skills (BIS) has through its membership of the EU Administrative Co-operation committee on toys requested data on similar incidents involving the safety of Halloween costumes within the EU.

15. BIS together with the CFOA, the British Toy and Hobby Association (BTHA), the Royal Society for the Prevention of Accidents (RoSPA) and National Trading Standards came together to endorse a Halloween safety poster campaign featuring the “Scary But Safe” strapline.

16. The Business Minister Anna Soubry commissioned a sampling programme on the safety of Halloween costumes in October 2015 and which is being co-ordinated on behalf of BIS by Newcastle City Council. Some 350 halloween costumes are being bought and then tested for compliance with British Standard EN71 on the flammability of toys.

17. On the 24 September 2015 BIS published a press release on the 24 September 2015, in which the Business Secretary Sajid Javid said:

“My immediate concern as a father and a minister is that children wearing these fancy dress costumes are safe. It is unacceptable for any costumes to be sold that do not comply with safety standards. That’s why I’ve granted funding to Trading Standards to carry out spot checks as part of a nationwide investigation. Parents should feel confident that any fancy dress they buy meets required standards.”

Response from the British Standards Institute

18. The British Standards Institute has called another joint meeting on the safety of toys and textiles to discuss all the issues. This meeting will take place in London on the 11 December 2015.

Recommendations

19. The Committee is asked to note the information as contained within the report.