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Red Tape Challenge

Retail and Manufacturing

BIS consultation 2012

Response of
The Trading Standards Institute

May 2012

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About The Trading Standards Institute

The Trading Standards Institute is the UK national professional body for the trading standards community working in both the private and public sectors.

Founded in 1881, TSI has a long and proud history of ensuring that the views of our broad church of Members are represented at the highest level of government, both nationally and internationally.

We campaign on behalf of the profession to obtain a better deal for both consumers and businesses.

We are also a forward-looking social enterprise delivering services and solutions to public, private and third sector organisations in the UK and in wider Europe.

We run events for both the trading standards profession and a growing number of external organisations. We also provide accredited courses on regulations and enforcement which deliver consistent curriculum, content, knowledge outcomes and evaluation procedures, with the flexibility to meet local authority, business and operational needs.

In compiling this response, TSI has canvassed the views of its Members and Advisers. The response has been composed by TSI Lead Officer for Consumer and Product Safety Christine Heemskerk. If you require clarification on any of the points raised in the response, please do not hesitate to contact Christine at email loproductsafety@tsi.org.uk.

TSI does not regard this response to be confidential and is happy for it to be published.

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The Trading Standards Institute agrees with the revocation of the suggested regulations, recognising that consumer safety will not be compromised as there will be equivalent (if not enhanced) safety provisions through the General Product Safety Regulations, referencing appropriate harmonised standards – **with one exception.**

TSI does **not** support the revocation of the **Imitation Dummies Safety Regulations1993** because such a step would not leave consumers with an equivalent level of safety. In fact safety would be much reduced.

If these regulations are revoked, officers will have to rely upon the General Product Safety Regulations to control the supply of imitation dummies. In order to assess the safety of such imitation dummies it will be necessary to prove that the product is unsafe. This would necessitate the use of a standard. The standard for dummies (soothers) is EN 1400-1 2002.

Annex 1 to this standard has the following clause: "A.1 Resemble a soother but no other function".

Imitation dummies are products that resemble a soother but are designed for other purposes, such as decoration or ornaments. It is recommended that all such products be labelled with a statement saying that the product is not a soother and that it should be kept away from young children.

Using the standard to assess the safety of imitation dummies would mean that if suppliers of such dummies labelled as per the standard then they would be considered safe.

TSI believes this to be an inadequate way to address the risk these dummies pose. We believe It would be a considerable reduction in safety for vulnerable consumers, i.e. young children, as it highly foreseeable that very young children will not be able to differentiate between 'real' and imitation dummies. Indeed, this is why the original regulations were enacted.

In conclusion, TSI would like to point out that the business community might hear of the revocation of a regulation and not realise that a product is still controlled, albeit via a different route.

This may necessitate an increase in business advice. As this is a service provided by Trading Standards, there could be a potential increase in burdens upon Trading Standards.