

18 July 2022

[REDACTED]
[REDACTED]

By email only: [REDACTED]

Dear [REDACTED]

Official Information Act #OIA 21.197 - Lead in toys

1. We refer to your Official Information Act 1982 (**OIA**) request received on 2 June 2022 for information held by the Commerce Commission (**Commission**) in relation to the Unsafe Goods (Lead in Children's Toys) Indefinite Prohibition Notice 2009 (**the Notice**).¹ The scope of your request is all information on:
 - 1.1 any investigations performed;
 - 1.2 summary of enforcement of this Act; and
 - 1.3 incidents where goods were rejected from importation including who the importers were (companies vs individuals), and how they were deemed unsafe.
2. On 4 July 2022, we advised:
 - 2.1 We have identified four matters falling within the scope of your request.
 - 2.1.1 Two matters where the relevant products were found to contain lead in excess of the maximum level allowed under the Notice, one in 2009 and the other in 2010. We directed you to these two matters on our website and advised we had requested the hardcopy files from offsite storage in order to provide further information you had requested.

¹ We have treated the relevant time period for your request as the date the Notice came into force (26 March 2009) to the date of your request, 22 June 2022.

- 2.1.2 For the two further matters, one in 2018 and the other in 2020, none of the relevant products were found to contain lead in excess of the maximum level allowed under the Notice.
- 2.2 We extended the deadline to communicate our decision on your request to 18 July 2022, under section 15A(1)(a) of the OIA.
3. On 4 July 2022, you requested additional information:
- 3.1.1 for each relevant matter, whether the Commission conducted lead testing as a result of consumer complaint(s) or market surveillance; and
- 3.1.2 how often the Commission undertakes market surveillance in this area (in relation to the Notice).

Our response

4. We have decided to grant your request.
5. In 2009, the Commission investigated a matter referred by the Ministry of Consumer Affairs and issued a warning to United Top KidSmart Limited in relation to plastic tool sets found to contain lead in excess of the maximum level allowed under the Notice. You can find further information about this matter on our website.²
6. In 2010, the Commission investigated a matter referred by the Ministry of Consumer Affairs and contacted traders in relation to six toys found to contain lead in excess of the maximum level allowed under the Notice:
- 6.1.1 Gardening set (Kinder-Gartengerate-set)
- 6.1.2 Combat Mission Gun
- 6.1.3 Bakugan Battle Brawlers (these were copies of the original Sega marketed toys, the Sega toys were not considered unsafe)
- 6.1.4 Team Quick Stunt Moto motorbikes
- 6.1.5 Action Team Assault Rifle
- 6.1.6 Super Motovity Truck
7. You can find further information about the 2010 matter on our website.³

² Warning for importing unsafe toy tool set: <https://comcom.govt.nz/news-and-media/media-releases/archive/warning-for-importing-unsafe-toy-tool-set> (22 October 2009).

³ Extremely high lead levels in toys prompt investigation and consumer alert: <https://comcom.govt.nz/news-and-media/media-releases/archive/extremely-high-lead-levels-in-toys-prompt-investigation-and-consumer-alert> (15 December 2020).

8. In 2018, in response to a consumer complaint, the Commission carried out lead testing of four painted wooden flutes advertised for sale on Trade Me. None of the flutes were found to contain lead in excess of the maximum level allowed under the Notice and the matter was closed.
9. In 2020, in response to a consumer complaint, the Commission carried out lead testing of “3D Animal Blocks” and “Numbers & Shapes Learning Education Toy” sold by Mini Me Limited. Neither of the toys were found to contain lead in excess of the maximum level allowed under the Notice.
10. We note the Commission has a current investigation as a result of a consumer complaint which, in part, is looking into whether a children’s toy falls under the Notice. It has not yet been determined whether the matter falls under the Notice.
11. The Commission undertakes product safety inspections across different regions of New Zealand twice a year. These inspections are carried out at retail stores to assess whether products covered by product safety legislation enforced by the Commission are compliant.⁴ If we have reason to believe there might be compliance issues, we may open an investigation and undertake further assessment (e.g, products may be sent to qualified laboratories for testing). You can find further information in the Investigation Guidelines on our website.⁵
12. The Commission’s Product Safety Manager, [REDACTED], is happy to discuss the Commission’s responsibilities under the Notice with you further. He can be contacted on [REDACTED]. Please note that any complaints (in relation to the Notice or otherwise) should be directed to contact@comcom.govt.nz, or by phone to 0800 943 600, or via our website: <https://comcom.govt.nz/make-a-complaint>.
13. Please note the Commission will be publishing this response to your request in the OIA register on our website.⁶ Your personal details will be redacted from the published response.
14. Please do not hesitate to contact us at oiacomcom.govt.nz if you have any questions about this request.

Yours sincerely

[REDACTED]

OIA and Information Coordinator

⁴ Product safety standards: <https://comcom.govt.nz/business/your-obligations-as-a-business/product-safety-standards>

⁵ <https://comcom.govt.nz/about-us/our-policies-and-guidelines/investigations-and-enforcement/competition-and-consumer-investigation-guidelines>

⁶ <https://comcom.govt.nz/about-us/requesting-official-information/oia-register>