



December 21, 2020

Notice to interested parties – Flammability requirements for children’s costumes in Canada

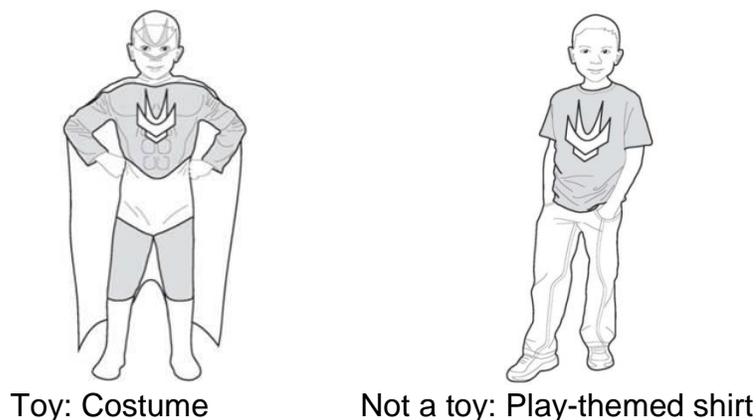
The purpose of this Notice is to inform you of Health Canada’s policy regarding children’s costumes, particularly how the policy relates to the flammability requirements set out in regulations under the [Canada Consumer Product Safety Act](#) (CCPSA).

Costumes that are intended for use by a child under 14 years of age in dress-up play, including Halloween costumes, are classified as toys within the meaning of the [Toys Regulations](#). This classification generally extends to all components and accessories included with the costume, regardless of the form or function of each individual component, such as head bands, wigs, beards, hats, belts or capes. Furthermore, these costumes are considered to be soft toys when they are stuffed or composed of textile fibres or other pliable materials. Additionally, children’s costumes with a raised fibre surface are considered to be plush toys.

Children’s costumes that are not intended for learning or play, such as ceremonial costumes (e.g., folk costumes, religious costumes), performance costumes (e.g., dance costumes) and uniforms (e.g., school uniforms, scouting uniforms, sports uniforms), are not classified as toys within the meaning of the *Toys Regulations*.

Children’s clothing (daywear or sleepwear) articles with a play theme (e.g., a depiction of a toy or superhero) are also not classified as toys within the meaning of the *Toys Regulations* unless they are equipped or associated with learning or play features; refer to Figure 1 for an example.

Figure 1.



Each category of costumes has its own flammability requirements:

Children’s costumes that are a doll, or a “soft toy” or “plush toy” within the meaning of the *Toys Regulations* (including Halloween costumes, other dress-up costumes and children’s daywear articles equipped or associated with learning or play features) must meet the flammability requirements set out in sections 32 to 34 of these Regulations, as applicable¹, and the required test methods are set out in Schedules 5 to 7. Health Canada applies the Product Safety Laboratory Test Method for the Flammability of Toys (Dolls, Plush Toys and Soft Toys) (Method F02) to assess compliance with these requirements.

Children’s costumes that are not toys (such as ceremonial costumes, performance costumes and uniforms) must meet the flammability requirements set out in section 3 of the [Textile Flammability Regulations](#), and the required test method is set out in section 5. Health Canada applies the Product Safety Laboratory Test Method for the Flammability of Textiles (Method F01) to assess compliance with these requirements.

Children’s costumes that are sleepwear in sizes up to and including 14X, with learning or play features, must meet the flammability requirements under the [Children’s Sleepwear Regulations](#) and the *Toys Regulations*.

The *Children’s Sleepwear Regulations* are intended to be used in conjunction with Health Canada’s [Children’s Sleepwear: Flammability requirement guidelines](#), which provide criteria for identifying children’s sleepwear as tight-fitting or loose-fitting, along with additional information applicable to these products.

- For tight-fitting children’s sleepwear as defined in these Regulations, the flammability requirements and the required test method are set out in section 2. Health Canada applies the Product Safety Laboratory Test Method for the Flammability of Textiles (Method F01) to assess compliance with these requirements.
- For loose-fitting children’s sleepwear as defined in these Regulations, the flammability requirements are set out in subsection 3(1) and the required test method is set out in Schedule 1. Health Canada applies the Product Safety Laboratory Test Method for the Flammability of Children’s Sleepwear (Method F17) to assess compliance with these requirements.

Note that other requirements under the CCPSA and its regulations may also apply to the above-mentioned products depending on their design, construction, contents and marketing.

¹ Note that most components composed of textile fibres or other pliable materials in children’s costumes would be subject to the flammability requirements for outer coverings. However, multiple requirements may apply if the components are a combination of outer covering, yarn, hair or mane.

Importers, manufacturers, distributors and retailers are responsible for the safety of the products they supply in Canada. Testing is the most reliable way to verify compliance with the applicable requirements.

Non-compliant products

Products that do not meet the applicable requirements of regulations under the CCPSA cannot be manufactured, imported, advertised or sold in Canada.

Non-compliant products may be subject to compliance and enforcement actions, which may include voluntary commitment to correct the product by industry, voluntary removal of non-compliant products from the market, product seizure, orders to take corrective measures, mandatory recall of products, administrative monetary penalties and/or criminal prosecution under the CCPSA.

It is a company's responsibility to ensure that all products they manufacture, import, advertise or sell in Canada meet all the applicable Canadian legislation. It is an offense under the CCPSA to manufacture, import, advertise, sell, distribute or give away non-compliant products in Canada. This includes products that are subject to orders to take corrective measures made under the CCPSA and for which the corrective measures have not been carried out, recall orders made under the CCPSA, or a voluntary recall in Canada because the product is a danger to human health and safety.

Information resources

The CCPSA and its regulations are available at the following link: <https://laws-lois.justice.gc.ca/eng/acts/C-1.68/>

For more information on the requirements for toys, please refer to the Industry Guide to Health Canada's Safety Requirements for Children's Toys and Related Products: <https://www.canada.ca/en/health-canada/services/consumer-product-safety/reports-publications/industry-professionals/industry-guide-safety-requirements-children-toys-related-products-summary/guidance-document.html>.

For more information on the flammability requirements for children's costumes that are not toys, please refer to the Industry Guide to Flammability of Textile Products in Canada: <https://www.canada.ca/en/health-canada/services/consumer-product-safety/reports-publications/industry-professionals/industry-guide-flammability-textile.html>

To obtain a copy of the Children's sleepwear: Flammability requirement guidelines, email Health Canada at hc.ccpsa-lcspc.sc@canada.ca.

To obtain a copy of any of the Product Safety Laboratory methods mentioned above, email Health Canada at hc.ccpsa-lcspc.sc@canada.ca.

If there are any questions about this Notice or about the CCPSA or the associated regulations, please contact a Health Canada Consumer Product Safety Office by

telephone at 1-866-662-0666 (toll-free within Canada and the United States) or by email at hc.ccpsa-lcspc.sc@canada.ca.