

## PROTECTING CHILDREN IN A WORLD WHERE A TOY IS SO MUCH MORE THAN A TOY

Toys repeatedly feature high in the rankings of recall statistics. They are also among the ones most likely to generate media headlines and social media conversation. There is good reason for this: toys are enjoyed by one of the most vulnerable sectors of society – children.

Toys come under heavy scrutiny from parents and regulators alike. Potential safety issues are extremely likely to be reported, and regulators are likely to sit up and take notice. The stakes are extremely high for manufacturers and the decision to recall potentially unsafe products is often taken quickly and without question.

Whilst the prevalence of corrective action regarding toys has not significantly altered over the last decade, the reason for recalls has changed dramatically. There are still common toy safety hazards at the origin of recall action: choking on small parts, toys containing prohibited chemicals and risks of entrapment. However, as products have become more complex and technology has advanced, risks emerge that toy manufacturers, regulators and caregivers would not have even contemplated a decade ago.

### Cybersecurity risks

Cybersecurity risks in children's toys is one such issue. Many industries have reported cybersecurity incidents and data breaches that present a wide variety of potential safety risks. Cars have been hacked, with changes being made to air conditioning, radio and transmission functions. Medical device manufacturers have reported security flaws that put patients at risk of suffering adverse effects from illicit alterations to implanted devices or modifications made to devices being used to treat them.

The toy industry is not immune to cyberattacks. In 2019, toys were recalled for the first time as a result of cybersecurity issues: the European Commission ordered the recall of a smartwatch after learning that the watch

could allow hackers to communicate with a child wearing the watch and to locate them via GPS. Similar issues have been discovered with other toys that connect to the internet. Even dolls, soft toys and other connected toys that use microphone and camera technology are at risk of being hacked and allowing uninvited guests into homes – seeing, speaking and tracking the movements and location of children.

We can expect such issues to arise more frequently, particularly as toys are increasingly interconnected and utilise wireless connectivity.

To minimise risk, manufacturers need to consider security vulnerabilities throughout the lifecycle of the product - both at the design stage and as the product starts to become outdated. However, a question arises as to how long a manufacturer can be expected to make security patches available to customers to ensure optimum cybersecurity protection for its products. It is a question being asked across all industries as wireless technology becomes outdated and potentially less secure.

Consideration also needs to be given as to the warnings that accompany a product: for example, advising caregivers that the toy should only be paired with one or two specific devices with a specific password (to avoid unwelcome Bluetooth connections from others within a certain range of the toy) and recommending that security is updated regularly.

### Battery-related risks

Injuries arising out of the ingestion of batteries have been on the rise and no doubt will continue to concern

regulators. Children's toys have included batteries for many years. Historically, the most common risk posed by these batteries was a choking hazard. Child injuries have increased significantly as very small, button (or coin) batteries have become commonplace in toys. When ingested, the batteries mix with saliva and cause a chemical reaction that can burn through the esophagus, stomach and other internal organs, causing significant internal damage which can even be fatal.

In accordance with EN 62115 (which deals with electrical safety in toys), a button cell or coin cell should not be removable without the aid of a tool. This commonly means that the battery compartment in toys is secured by a screw. However, this requirement is not seen in household appliances and we are likely to see continuing injuries to children who access batteries in such products and associated recalls.

### Magnet risks

Magnets in children's toys also continue to pose risks to children and have been the cause of recalls throughout 2021. A recent surge in the sale of toys such as necklaces and bracelets made of magnetic ball bearings led to an increase in injuries and action taken by regulators. In March 2021 in the UK, the Office for Product Safety and Standards (the OPSS) launched a magnet safety campaign in response to a growing number of cases where children had suffered serious internal injuries after swallowing small, high-powered magnets which pull together within the digestive system and cause life-threatening damage. The OPSS issued a Safety Alert in May 2021, engaged with

businesses and, throughout 2021, has continued to oversee the withdrawal or recall of magnetic products. We expect this trend to continue.

### Previously unheard-of risks

While cybersecurity, privacy and ingestion risks are increasing in frequency and severity, the risk categories are not entirely surprising.

But an unusual issue that occurred in the United States should serve as a reminder that recalls and safety concerns can take many shapes and forms. In this case, items that are not toys – but look like toys – made headlines recently. Specifically, a gun manufacturer produced a gun that looked like a toy. A cease-and-desist letter from a toy manufacturer to the gunmaker led to the product being withdrawn from sale. While resolved with no regulatory action being required, one would expect that safety regulators were certainly poised to act should the issue not have been resolved voluntarily.

The toys children of today play with and learn from are incredibly different from the products parents and grandparents used when they were young. As the toy industry evolves and introduces children to new technology, features and ways to play, businesses should consider the new, sometimes unintended, risks that accompany the innovations. The stakes are extremely high for manufacturers when the safety of children is threatened.

