

**Product Responsibility
Best Practices**

SUBJECT Jewelry Product Responsibility		LAST UPDATE March 20, 2015
APPLIES TO • Suppliers • Distributors	FOCUS ON Various standards, federal and state regulations that apply to both adult and children's jewelry	
QUICK LINKS • PPAI Corporate Responsibility: www.ppai.org/inside-ppai/corporate-responsibility/ • UL: industries.ul.com/premiums-promotional-and-licensed-goods • Consumer Product Safety Commission: www.cpsc.gov		
Available For Purchase: PPAI Sourcing And Compliance Manual: www.ppai.org/shop/product-safety		

Italic grey text indicates a hyperlink listed in the Online Resources section of this document.

Background

Several federal and state regulations apply to both adult and children's jewelry that affect the promotional products industry. These include but are not limited to: ASTM standards, CPSC regulations, California regulations including California Proposition 65 and California's Metal Containing Jewelry Law, other state regulations and Federal Trade Commission requirements, as well as standard performance and quality testing.

Standards

ASTM Standards: The *ASTM International*, formerly known as the American Society for Testing and Materials, is a global recognized leader of international voluntary standards. Over 12,000 standards are used for many different types of products and industries around the world. Some ASTM standards have been adopted as mandatory standards, either by federal or state government. One example is the *ASTM F963-11 Consumer Safety Specification for Toy Safety*. This standard was voluntary until the enactment of CPSIA and has since been adopted as a mandatory standard.

There is also an ASTM standard for adult jewelry, *ASTM F2999, Standard for Consumer Safety Specification for Adult Jewelry*. This is currently a voluntary standard. It does not cover every conceivable hazard of adult jewelry, product performance or quality, except as it relates to safety. It also sets

requirements for lead, body-piercing jewelry, batteries, suction tongue studs, batteries and requires that statements of nickel content must be based on reliable testing.



ASTM F2923 Consumer Product Safety for Children's Jewelry is a voluntary standard for children's jewelry. "This specification establishes requirements and test methods for specified elements and certain mechanical hazards in children's jewelry. It also includes recommendations for age labeling and warnings, as well as guidelines on identifying the primary intended users, namely children or adults. The specification also lists the lead content limits for children's jewelry, the materials that are excluded from the lead limits in children's jewelry, and the approved materials for children's body-piercing jewelry."

Regulations

Consumer Product Safety Improvement Act (CPSIA): If it is determined that jewelry can be considered children's jewelry, specific requirements will apply.

- For accessible substrate materials (both metal and non-metal), the allowable limit is 100 parts per million (ppm). A substrate is the casting, raw standing or other base material used prior to finishing.
- For surface coatings, the allowable limit is 90 ppm. A surface coating is a fluid, semi-fluid or other



material that changes to a solid film when a thin layer is applied to metal, wood, stone, paper, plastic or another surface. In order to determine if the item has a surface coating, a lab will use a razor blade to scrape the surface. If the coating can be removed without the substrate, it is considered to have a surface coating and tested as such.

Specific test methods are provided by the CPSC for metal substrates, non-metal substrates and surface coatings. For children's products third party testing and tracking labels are required:

1. **Third-Party Testing.** This is mandatory. You must have your children's jewelry tested by a CPSC-approved and accredited laboratory. A list of accepted labs is available on the CPSC website, www.cpsc.gov/cgi-bin/labsearch/.
2. **Tracking Labels.** Tracking labels are required for all children's products. They must be on the product, to the extent practicable, and on its packaging.

When A Tracking Label Cannot Be Affixed To The Jewelry.

In many cases, it would be considered impracticable to mark the jewelry itself with a permanent tracking label for one of the following reasons:

- Product is too small to be marked
- The mark would weaken or damage the product
- Product's surface would be impossible to mark (ex: elastics, beads, small pieces of fabric)
- The aesthetics of the product would be ruined by the mark and the mark cannot be placed in an inconspicuous location
- If the item is sold as a set or in or pairs (i.e. hair ornaments or earrings), only one of the items must be marked

In these cases, the tracking label should be applied to the packaging. Given the type of product and packaging, each manufacturer is ultimately responsible to make a reasonable judgment about which of the required information can be marked on their product and packaging. While jewelry manufacturers may deem it not practicable to mark the product, it may still be practicable for affix the tracking label to the product's packaging.

Rhode Island Children's Jewelry Safety Act is the adoption of *ASTM F963-11 Consumer Safety Specification for Toy Safety* as a mandatory standard, making Rhode Island the first state to approve an all-encompassing standard for children's jewelry. Children's jewelry manufactured after December 18, 2012, must conform to the requirements of this standard. This standard defines children's jewelry as jewelry designed primarily or primarily intended for children 12 years of age and younger that includes ornamentation, and it is similar to the CPSIA children's product definition. If you determine you have a children's product under CPSIA, you must also comply with this standard if you are distributing in the state of Rhode Island.

The act also establishes requirements and test methods for specified elements and certain mechanical hazards in children's jewelry. In addition, it includes recommendations for age labeling and warnings as well as guidelines on identifying the primary intended users, namely children or adults. Finally, it lists the lead content limits, the materials that are excluded from lead limits in children's jewelry and approved materials for children's body-piercing jewelry.

California Proposition 65 is also known as the Safe Drinking Water and Toxic Enforcement Act of 1986. Its purpose is protecting California citizens from chemicals known to cause cancer, birth defects or other reproductive harm and to inform California citizens about exposures to these chemicals. The **Office of Environmental Health Hazard Assessment (OEHHA)** administers the Proposition 65 program. OEHHA is part of the California EPA and evaluates all currently available scientific information on substances considered for inclusion on the California Proposition 65 chemical list.

For jewelry, recent settlements have set the following limits for jewelry:

- **Phthalates.** <1,000 parts per million
- **Cadmium.** <75 parts per million
- **Lead.** <200 parts per million for substrates, <90 parts per million for surface coatings.

California Metal Containing Jewelry Law was actually born from various Proposition 65 settlements with numerous jewelry manufacturers. The **Department of Toxic Substances Control (DTSC)** is responsible for enforcing California's law to protect children and adults from

exposure to lead and cadmium in jewelry. In some cases, distributors know exactly what state and location an item will be distributed in when the item is used for a specific promotion or event only taking place in one location. Other times, promotional products are distributed nationwide and cannot be segregated. In these cases, all products must comply with California's regulations.

Note: If you choose to use the California Proposition 65 warning label to comply with that regulation, it does not relieve you of your obligations under this jewelry law.

The law restricts the amount of lead in jewelry by identifying what materials may be used and setting lead concentration thresholds that may not be exceeded. It also restricts the amount of cadmium allowed in children's jewelry.

California lead and cadmium regulations for jewelry cover a matrix of materials comprising jewelry, jewelry components, their contact pattern with the user, and the age of the user. Under this law, jewelry means any of the following ornaments worn by a person: anklets, arm cuffs, bracelets, brooches, chains, crowns, cuff links, tie clips, hair accessories, earrings, necklaces, rings, pins, body-piercing jewelry and jewelry placed in the mouth for display or ornamentation. It also means any bead, chain, link, pendant or other component of an ornament specified as well as charms, beads, chains, links or pendants attached to shoes or clothes that can be removed or a watch in a which a timepiece is a component of an ornament, excluding the timepiece itself if the timepiece can be removed from the ornament.

This law defines children's jewelry as: jewelry made for, marketed for use by, or marketed for children 6 years of age or younger. When jewelry fits these parameters it must be made from one or more of the following:



1. A nonmetallic material that is a Class 1 material and that does not otherwise violate the requirements of paragraph 4 of the legislation.
2. A nonmetallic material that is a Class 2 material.

3. A metallic material that is either a Class 1 material or contains less than 0.06 percent (600 parts per million) lead by weight.
4. Glass or crystal decorative components that weigh in total no more than one gram, excluding any glass or crystal decorative component that contains less than 0.02 percent (200 parts per million) lead by weight and has no intentionally added lead.
5. Printing ink or ceramic glaze that contains less than 0.06 percent (600 parts per million) lead by weight.
6. Class 3 material that contains less than 0.02 percent (200 parts per million) lead by weight.

In addition to the limitations listed above, no component or material used in children's jewelry may exceed 300 parts per million (ppm) cadmium by weight.

Class 1 Materials are materials that are not likely to contain lead. All of the Class 1 Materials listed below are acceptable for use if the jewelry is made entirely of the material. The Class 1 Material list includes but is not limited to stainless steel, sterling silver, gold, and natural materials including coral, feathers and shells.



Class 2 Materials are more specific to the lead levels present in the materials. Electroplated metal must have less than 6 percent lead by weight. Unplated metal must have less than 1.5 percent lead. Plastic and rubber materials must have less than 200 ppm of lead by weight. And, a dye or surface coating is considered a Class 2 Material if it has less than 600 ppm of lead by weight.



Class 3 Materials are materials that are not Class 1 or Class 2 materials. All Class 3 materials must contain less than 600 ppm of lead by weight.

Class 1 Materials	Stainless or surgical steel; karat gold; sterling silver; platinum, palladium, iridium, ruthenium, rhodium, or osmium;
	Natural or cultured pearls;
	Glass, ceramic, or crystal decorative components, including cat's eye, cubic zirconia, cubic zirconium (CZ), rhinestones, and cloisonné;
	Gemstones cut and polished for ornamental purposes (excluding aragonite, bayldonite, boelite, cerussite, crocoite, ekanite, linarite, mimetite, phosgenite, samarskite, vanadinite, and wulfenite);
	Elastic, fabric, ribbon, rope, or string (unless it contains intentionally added lead and is listed as a class 2 material);
	All natural decorative material, including amber, bone, coral, feathers, fur, horn, leather, shell, wood, that is in its natural state and is not treated in a way that adds lead; and
	Adhesive.
Class 2 Materials	Electroplated metal:
	Unplated metal not otherwise listed as a class 1 material;
	Plastic or rubber, including acrylic, polystyrene, plastic beads and stones, and polyvinyl chloride (PVC):
	A dye or surface coating
Class 3 Materials	Any portion of jewelry that meets both of the following criteria: Not a class 1 or class 2 material

- 6. A dense low-porosity plastic, including, but not limited to, Tygon or Polytetrafluoroethylene (PTFE), if the plastic contains no intentionally added lead.

All other jewelry must be made from Class 1, Class 2, or Class 3 materials, or a combination thereof.

In order to comply with the California Lead Containing Jewelry Law, a manufacturer or supplier of jewelry must provide certification that the jewelry is in compliance. This certification should be provided to the person who is distributing the jewelry or the certification can be displayed prominently on the shipping container or on the jewelry's packaging. Additionally, the manufacturer or supplier must, upon request from the DTSC (and within 28 days) provide to DTSC technical documentation or other information showing that the jewelry is in compliance with the law.

Illinois Lead Poisoning Prevention Act: Became effective January 1, 2010, and, like Prop 65, is essentially a labeling law. This act affects all consumer products inclusive of jewelry and mandates a warning label if a product falls within a certain threshold. Children's jewelry is defined by the state of Illinois as jewelry marked for use by or marketed to children under the age of 12.

- If the lead content in the substrate or the surface coating is less than 40 ppm, no labeling is required.
- If the lead content in the surface coating is greater than 40 ppm but less or equal to 90 ppm (which is the federal requirement for children's products) labeling is required.
- If the lead content in the substrate material is greater than 40 ppm but less than or equal to 100 ppm (which is the federal requirement children's products), labeling is required.
- Additionally, if the lead level is over 600 ppm all products (not just children's products) must be labeled.

“WARNING: CONTAINS LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. MAY GENERATE DUST CONTAINING LEAD”

Illinois has a cadmium regulation that limits cadmium content to 0.0075% by weight as determined through solubility testing for heavy metals as defined in the ASTM F963, toy safety standard.

Body-Piercing Jewelry

Defined as any part of jewelry that is manufactured or sold for place in a new piercing or a mucous member. It must be made from one or more of the following:

1. Surgical implant stainless steel.
2. Surgical implant grade of titanium.
3. Niobium (Nb).
4. Solid 14 karat or higher white or yellow nickel-free gold.
5. Solid platinum.

Connecticut Cadmium Content in Jewelry for Children Regulation went into effect on July 1, 2014, and it prohibits the sale, offering for sale, or distribution of children's jewelry containing cadmium in excess of 75 ppm. Children's jewelry is defined as any jewelry that is designed or intended to be worn or used by children 12 years of age or younger.

Minnesota's SF 2510 (Sec. 27) is similar to the Illinois cadmium regulation, but it applies to jewelry for children 6 years of age and younger, while Illinois applies to a broader scope and includes children 12 years of age and younger.

Maryland HB 145 also applies the limit of 75 ppm cadmium, but it is a total test as opposed to a soluble test required by the other states, and this applies to children's jewelry intended for 13 years of age and younger.

Washington Children's Safe Product Act HB 2647 also requires a total cadmium test with limits of 0.004% by weight, and like CPSIA it applies to children's products for children under the age of 12.

Battery-Operated Jewelry Items

Battery-operated jewelry items have additional requirements.

Mercury Content in Batteries Law: This is a United States Public Law and also a state regulation. Novelty items or items designed for children must have less than 5 milligrams per cell of total mercury. Non-novelty items must not have more 25 milligrams per cell of total mercury.

FCC Part 15 may also apply if the device generates frequency at more than 1.705 MHz. If the jewelry item does fall within the scope of this requirement, **FCC declaration of conformity** and/or an **FCC ID** on the product is required. In addition, the product's user manual must contain cautionary statements.

Mercury Containing & Rechargeable Battery Management Act states that batteries and rechargeable consumer products without easily removable batteries must be labeled in accordance with this regulation. "Easily removable" means that at the end of the life of the battery it can be detached or removed from a consumer product by a consumer with the use of common tools.

Federal Trade Commission (FTC)

Guides for the Jewelry, Precious Metals and Pewter Industries: There are specific requirements as to the labeled claims for jewelry, precious metals and pewter. Retailers, vendors and manufacturers must truthfully represent and label the type, kind, grade, quality, quantity, metallic content, size, weight, cut, color, character, treatment, substance, durability, serviceability, origin, price, value, preparation, production, manufacture, and distribution of their merchandise. Any disclosures about a particular piece of jewelry need to be clear and prominent and all labeled claims needs to be accurate. An example of a misrepresentation would be an illustration or depiction of a diamond or other gemstone that portrays it as greater than its actual size. Unless a disclosure is made about its true size, this may mislead consumers.

It is common for people to use descriptive terms when describing jewelry. Descriptive terms and adjectives such as "handmade, handcrafted, genuine, authentic, rare, precious, vintage, antique, made in the USA" are examples of terms often used in the jewelry industry when describing and labeling items. These terms are acceptable to use but only when they are truthful and accurate.

Hypoallergenic And Nickel Free Claims

Hypoallergenic jewelry is jewelry made out of pure metals such as platinum, karat gold higher than 18K, titanium, copper, stainless and surgical steel, and fine silver. The term "hypoallergenic" is not a term that is regulated by the FTC and therefore should be used with caution. You should only label your jewelry as "hypoallergenic" if it is in fact entirely made out of a pure metal.

Nickel-Free Jewelry

One of the most common allergies associated with jewelry is a nickel allergy. Currently there are no federal regulations for nickel content in jewelry in the United States. However, if you are marketing and labeling your jewelry as "nickel-free," nickel testing is required.

In order to make the claim that the jewelry is nickel-free, it must contain less than 0.01% nickel. The European Union has strict requirements for nickel content in jewelry, and the U.S. bases its test methods and criteria upon these requirements.

Compliance Testing For Jewelry

There are various performance tests that can be conducted on jewelry. Performance testing can address various quality issues that may result in customer complaints, product returns or potential hazards to the end user.

- Clasps can be tested to determine if they can hold up to normal repeated use by the consumer. The standard is 500 cycles.
- Force to open is measured before and after testing. There is also a yield point failure test which is essentially a destructive pull test.
- Posts can be tested to determine yield strength and if they will within stand bending.
- Tensile pull testing and cycle testing can also be done to determine if the post will last throughout the expected use of the item or if it will detach.
- Strength tests can also be performed on chains.
- Children's jewelry should have a breakaway feature and testing can be done to ensure the breakaway feature is effective.
- Rockwell hardness testing measures the strength of material by determining how resistant it is to penetration.
- Colorfastness testing can help determine if any color will rub off onto the wearers clothing or furniture.
- Transit testing will help ensure the jewelry does not get damaged during transit – this can be an important test, particularly for expensive jewelry.

Online Resources:

ASTM: www.astm.org/

ASTM F963-11 Consumer Safety Specification for Toy Safety: www.astm.org/Standards/F963.htm

ASTM F2999, Standard for Consumer Safety: www.astm.org/DATABASE.CART/HISTORICAL/F2999-13.htm

ASTM Standards: www.astm.org/search/fullsite-search.html?query=jewelry&

California Metal Containing Jewelry Law: www.dtsc.ca.gov/PollutionPrevention/ToxicsInProducts/MetalJewelryLaw.cfm

California Proposition 65 : www.oehha.ca.gov/prop65.html

Connecticut Cadmium Content in Jewelry for Children Regulation: www.cga.ct.gov/2010/rpt/2010-R-0301.htm

Consumer Product Safety Improvement Act (CPSIA):

www.ppai.org/inside-ppai/corporate-responsibility/product-responsibility/education-and-resources/consumer-product-safety-improvement-act---cpsia

Department of Toxic Substances Control (DTSC): www.dtsc.ca.gov/

FCC Part 15: www.ecfr.gov/cgi-bin/text-idx?SID=bb0236ae1ff5d130b221a9a106efa03d&node=pt47.1.15&rgn=div5#se47.1.15_1223

FCC declaration of conformity: www.fcc.gov/oet/ea/procedures.html

FCC ID: transition.fcc.gov/oet/ea/fccid/help.html

Guides for the Jewelry, Precious Metals and Pewter Industries:

www.ftc.gov/policy/federal-register-notice/16-cfr-part-23-guides-jewelry-precious-metals-and-pewter-industries

Illinois Lead Poisoning Prevention Act: www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1523&ChapterID=35

Maryland HB 145: mgaleg.maryland.gov/webmga/frmMain.aspx?tab=subject3&ys=2011rs%2fbillfile%2fhb0145.htm

Mercury Containing & Rechargeable Battery Management Act:

Minnesota's SF 2510 (Sec. 27): www.revisor.mn.gov/bills/text.php?number=SF2510&version=4&session=ls86&session_year=2010&session_number=0

Office of Environmental Health Hazard Assessment (OEHHA): www.oehha.ca.gov/

Rhode Island Children's Jewelry Safety Act: webserver.rilin.state.ri.us/BillText13/SenateText13/S0497.htm

Washington Children's Safe Product Act HB 2647: apps.leg.wa.gov/billinfo/summary.aspx?year=2007&bill=2647

PPAI Corporate Responsibility: www.ppai.org/inside-ppai/corporate-responsibility/

CPSC: www.cpsc.gov/PromotionalProducts/

CPSC Accredited Test Labs: www.cpsc.gov/cgi-bin/labsearch/

Safer States: www.saferstates.com/

UL: www.ul.com

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