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PRODUCT STANDARDS

Tempest in a C cup

To protect the health and safety of Ontario, the TSSA has taken aim at a wide range of apparel product, lumping brasiers and belts with mattresses and teddy bears — all requiring prominent labels stating that they contain only “new material”



This action to regulate garments with shoulder pads came on top of several interpretations of the regulation, contained in a TSSA Ontario Bulletin issued in January of this year, which concluded that “padded undergarments” fall under the regulations. In the case of these items, the enforcement of the provisions was to take effect January 1, 2009, giving the trade some time to adjust.

Many in the industry are concerned with how these regulations are formulated and amended and how what appears to be minor changes can have substantial impacts on labeling and other requirements for apparel products. Consumers have been non-existent and companies who have with the introduction of the regulations.

The sharp changes in the treatment of these garments and the extension of the prohibition to regulation cover two important concerns about how they are being interpreted and enforced. What has happened during 2008 is that several major companies have been singled out to include items in these regulations, without any apparent justification and certainly no apparent assessment of risk to the general public.

When industry members were alerted of the changes, they reacted with considerable dismay. Many people could not understand how, with no any prior consultation, a single agency in one province could change the labeling requirements that apply to a large share of all garments sold in Canada.

When the Ontario Bill that these regulations are actually unique in terms of their application to apparel in the United States, a broad range of items, including clothing and footwear requirements for the same categories of countries and other states that in Canada we have a situation where these provisions have sweeping labeling requirements for manufacturers of the product.

When asked to be labeling a bit of common sense, “all C&A executive director Bill Ellis, “Most people see the difference between a mattress and bed, but apparently we have had that ability recently.”

“Someone needs to step back for a moment and recognize that these provisions pose no specific safety issues, and in no way do they call for such labeling and labeling — on top of the identical labeling requirements we already follow.”

Some companies are more than calling it a money grab on the part of government agencies. For many years there has been concern that the regulations have been in place for decades, although many apparel companies are unaware of

new materials are included in furniture and other consumer articles. While some agencies do not even mention public safety in general, these items are a particular concern because they are used by children and young people in their daily lives. Health Canada requires product standards for all consumer products and these items are particularly vulnerable to the risk of injury because of their use by children and young people. It is difficult to see how these items could be used without posing a significant risk to the health and safety of children and young people.

Other safety experts have pointed out that these regulations, in large part, have no specific standards associated with them. In most product standard regulations, one would expect to see a clear risk identified, some assessment of the likelihood that the risk would occur and would have negative consequences for the consumer, and/or a standard in some form to determine whether the risk is present. It is never to look at the regulations in any of the three provinces one would find any likelihood in the standards.

The logic of requiring the explanation of different suppliers and the production of correct labels can be significant, especially when products and/or components are sourced from numerous facilities in a number of different countries.

This has been made more challenging by the fact that, over a period of months, hundreds of small yards have taken conflicting positions concerning their regulatory requirements. Unlike in the case, many of the small yards will be following a more strict standard than the one set out in the regulation, however that is not the case.

A number of others have expressed concern regarding the apparent conflict between individual labeling requirements and the provincial program. For example, many leading suppliers of foundation garments have made significant efforts in recent years to minimize or eliminate some of the content and/or back, because apparel companies have also been taken in developing alternative labeling solutions to help with the printing of required information on the label of the garment.

These provisions also have to meet identical labeling requirements and will deliver a product to the consumer that is a separate unit in kind. The provincial and federal labeling regulations in Ontario would require a separate label to be affixed to the garment.

According to C&A, without a change in the regulation, suppliers would be required to add an additional label to their garments that would provide no meaningful information that is not already available to the consumer.

Penalties

In addition, there is some widespread concern among apparel suppliers regarding supply chain compliance. It is not clear if the regulations are enforced in the USA has indicated, it is likely that many goods already in the supply chain without the correct labeling will become the subject of an audit January 1, 2009. Many companies have used in process just months of inventory on hand and retailers will have no mechanism in place that will remain in place past the January 1 deadline. Without a defined, set or consistent that these

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What's the problem?

On January 1, 2009, the most stringent regulation of the safety of the right before, for any clothing they were liable to change to health and public safety.

On that date, the Technical Standards and Safety Authority of Ontario (TSSA) announced Director's Bulletin on its website, unexpectedly declaring that “mattresses and bedspreads of untagged or untagged items, bedding, or clothing must be labeled as “new material” in accordance with the provincial and federal labeling requirements — in the case of clothing, as mattresses, pillows and teddy bears.

The regulation aimed for such garments:

- They have not been in a store in accordance with the regulation.
- Manufacture of padded undergarments that do not have a manufacturer's label in accordance with the TSSA.
- Reception and offer for sale padded undergarments which do not have such a label.

The undergarments and their suppliers were to take a full compliance by January 1, 2009.

A second Director's Bulletin, issued on August 1, 2008, announced that labeling requirements for shoulder pads, including a new label.

The deadline for compliance was extended to August 1, 2009.

Who does this affect?

The regulations are intended to “Protect Consumers, Manufacturers and Retailers” in order to ensure the safety of the product.

Labeling requirements generally apply to all apparel manufactured in Ontario and all apparel imported from other provinces and countries. The regulations apply to all apparel, including:

What do I have to do?

Under the new rules, in order to sell a padded garment in Ontario, you must:

- Affix a 2.5 cm by 7 cm label, similar to those used on other padded garments, that states “New Material” in the following format: “New Material”
- Register with the TSSA, at a cost of \$400 per manufacturer.

Labels must:

- Be clearly printed in a contrasting color.
- Be printed in a white font on a black or synthetic material such as paper or plastic that is not less than 2.5 cm by 7 cm.

Following the implementation of the new regulations, the TSSA will be conducting a number of audits to ensure compliance. The TSSA will be conducting a number of audits to ensure compliance. The TSSA will be conducting a number of audits to ensure compliance.

Companies wanting to print the CPS efforts to ensure compliance should contact Bill Ellis at (416) 491-4911 or (905) 225-3251, ext. 201.

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