REPORT
2000:22

Can bathing rings cause drowning accidents?

Market survey of bathing rings with a sit-area where there are two holes for a child's legs



The Swedish Consumer Agency, the Consumer Ombudsman

Konsument verket • KO

Background

During the summer of 1997, there were ten near-fatal drowning incidents in France involving children who were using a special kind of inflatable bathing ring that has a "sit-and-float" design. This is achieved by the ring being provided with a form of thin plastic seat in what is otherwise an open area with two holes cut out through which a child's legs are intended to freely hang under the surface of the water.

The children involved in the recorded incidents were aged between 3 and 5 and had been rescued by parents or lifeguards. All the children suffered from shock, and one was admitted to hospital as it had stopped breathing.

A child later drowned while using the same kind of bathing ring in Scotland.

The cause of all these accidents was later discovered to be related to the fact that the holes in the "seat" part of the ring had trapped the children's legs making it difficult for them to right themselves when the ring capsized. As a result, they were unable to escape from the ring unaided and were left hanging with their heads under the water and their legs in the air.

The greatest danger came when this kind of flotation device was used in shallow water where the child was able to touch the bottom with their feet.



A dangerous bathing ring with two holes for a child's legs.

Steps taken in Europe

The French authorities issued a warning about the problem using the EC alert system RAPEX. This system, which is administered by the European Commission, provides member states with the opportunity to notify one another when they have banned the sale of a dangerous product from the home market. The idea is that a product that is considered dangerous in one EC country – and as a result has been band from sale there – should also be removed from sale in other EC countries. RAPEX alerts are officially called Notifications.

Initially, the bathing ring notification caused a certain degree of confusion, which led to legal debate. The problem was that it was unclear if the product had been classified as a toy in accordance with the EC Toy Directive. Many bathing rings look like aquatic toys that are designed to be used when children are playing in shallow water. There are specific safety requirements for these, which are defined in the Toy Safety Directive (88/378/EEC), which apply to toys that are designed for use in shallow water to keep a child afloat or support them. These toys should be designed and constructed so that the risk of loss of buoyancy and, thereby, support to the child whilst in the water, is limited. These kinds of toys should carry a warning text, which explains that the toy is only designed for use in shallow water where the child can touch the bottom with its feet and under the supervision of an adult. According to the European safety standards for toys, this same warning text is required. The products in question did, in fact, carry the correct warning text and also displayed the CE mark. * As a result, it could be questioned if the French authorities had the right to ban sales of these particular products by imposing national legislation.

These legal issues were extensively discussed on a number of occasions at expert meetings in a EC- working group in Brussels where it was decided that the products involved could **not** be considered to be toys. It was obvious that they were dangerous when used in shallow water where a child was able to touch the bottom with its feet. However, if certain safety aspects were satisfied by the product, it was considered that it could be used in water where the child was unable to touch the bottom with its feet. Floatation devices designed for use in deep water are intentionally not covered by the EC Toy Directive. There was, herein, in accordance with general EC Product Safety Directive an opportunity to impose further demands on the product than if it had been classified as a toy.

** The CE mark must, according to the EC Toy Directive, be displayed on toys to show that the essential safety requirements specified in the Directive have been fulfilled.*

As a result, the French government went ahead and implemented its own legislation banning the sale of the product and simultaneously sent a Notification to the other EC member countries in January 1999.

The first Notification that was issued had been sent merely as information. This time, the French government sited paragraph 8 of the Product Safety Directive as the basis for a full alert about a serious and immediate risk presented by the use of the product in question.

The German and Spanish authorities reacted quickly, and all bathing rings of the Notified type (with a seat area/ two holes for the child's legs/ and which looked like toys) were banned from sale. In Spain, the authorities removed 80,000 products from shop shelves. The problem was resolved – in part – by simply cutting out the section of the ring that formed the sitting area where the holes for the child's legs were located.

What did the Swedish Consumer Ombudsman, KO, do?

In Sweden, staff from KO contacted companies that were affected by the first Notification. As a result, certain outlets stopped selling the product, later changing their decision claiming that, no accidents had happened in Sweden, the kind of ring specified in the Notification had been available there for years, and that it fulfilled the European Toy Standard.

When KO was informed that the authorities in Germany and Spain had acted to stop sales of the product as a result of the second Notification, KO once again contacted the Swedish retailers and distributors. This time, KO advised that these products should no longer be sold in Sweden.

In May, 2000, KO carried out a survey to see if this kind of bathing ring was still available in the Swedish market. The result of this survey is described in this report.

Which bathing rings may be sold?

The European Standards Organization, CEN, has initiated a process to create a set of standards within CEN TC162 WG10 (Buoyant Aids for Swimming instructions), which will cover the special risks posed through bathing rings with a seat and two holes for a child's legs. Such rings are often designed for use by very small children and intended for use in water where the child simply sits in the ring and floats around without its feet touching the bottom. When these products are used, the child should always be supervised by an adult who must be in easy reach of the ring at all times. These rings are often called "Baby Seat" or "Baby Float". These products will probably not be considered to be PPE and will therefore not be equipped with a CE-mark

The rings are not allowed to look like toys. As they are designed for use in water where the child's feet cannot reach the bottom, they should be fitted with **double** air chambers. They should carry a warning text, which states that the ring will not stop a child from drowning. This text should also explain that, to ensure that the bathing ring won't capsize, it should be used in water where the child's feet cannot not touch the bottom, and that an adult should always be present and within reach of the child at all times. According to KO, the packaging image must also illustrate that an adult should accompany the child at all times when it is in the ring.

The standard, that is now being developed, will also include further demands on how the holes for the child's legs should be designed, and include paragraphs on stability so as to ensure that that the ring is made in such a way that it won't capsize.

KO would like to make it clear that the bathing ring should be used with due care and attention. Warnings have been issued of the risks that are associated with the product. The bathing ring may make it easier for the child to bath with an adult, but it is vital that the person responsible for the child's safety is aware that the product does not provide any protection against drowning.

The adult must always remain close enough to the child so that they can immediately react if the ring should capsize when the child is using it. A child using the ring must be kept under constant surveillance and be watched as carefully as if it was in the water without a bathing ring.

Which regulations apply for toys designed for use in water?

Normal aquatic toys, where the child's legs hang freely and there is no seat with two holes in it are considered to be toys and should, therefore, follow the Toy Directive and the Toy Standard EN 71-1 (see above). Also, the Toy Standard provides specifications for how the air plugs should be designed in such products. As aquatic toys are intended for play in shallow water, then only one air chamber is required.



An aquatic toy designed for use in shallow water. Note that in this instance, an adult is shown keeping the child under observation.

Purchase

In this survey, KO co-operated with Consumer Advisors in 16 districts. These were Borås, Karlshamn, Kungsbacka, Landskrona, Luleå, Motala, Nybro, Nynäshamn, Nässjö, Oskarshamn, Piteå, Skellefteå, Sundsvall, Ulricehamn, Västerås and Västervik. All the Consumer Advisors were asked to purchase bathing rings of all kinds that had a seat area and two holes through which the child's legs should hang.

This kind of bathing ring was found in stores located in nine of the districts that took part in the survey. A few of the Consumer Advisors noted that certain retailers had not put all of their bathing toys on display at the time of purchase.

The bathing rings were purchased between the 8 and 12 may 2000.

Bathing rings bought in the various districts were coded according to the following:

B = Borås
Ku = Kungsbacka
Nyb = Nybro
Nyn = Nynäshamn
P = Piteå
Su = Sundsvall
U = Ulricehamn
Vås = Västerås
Vä = Västervik

Results

In total, 18 different bathing rings of the prescribed type were purchased. Four of these were incorrectly made. They looked like toys and only had one air chamber. They were marked with a warning text intended for aquatic toys stating that they should only be used in shallow water. These presented a clear risk for children, which capsize and could become trapped by their legs.

14 bathing rings had double air chambers. These products were designed for use under the supervision of an adult and where the child was not able to touch the bottom with its feet. These rings should carry a warning text stating this, and the packagings they came in should also carry a picture showing an adult close to the child.

12 bathing rings with double air chambers carried the wrong warning text.
2 bathing rings had double air chambers and the correct warning text. It should be noted, however, that there were no images of adults close to children displayed on the packagings of these products.

Market control Swim seats

Code	Duplicate	Name of the toy	Importer	Fulfils the requirement	Air chambers	Leg openings	Warning labelling	Packaging
B5		Turtle See-me-sit	BRIO AB	no	one	Two holes for the legs	Warning labelling according to the toy standard SS-EN 71-1 p.7.5 (Warning! Only to be used in water in which the child is within its depth and under supervision) in Swedish	Adult shown on the picture of the packaging Aquatic toy
Vås1		Centipede See-me-sit rider	BRIO AB	no	one	Two holes for the legs	Warning labelling according to the toy standard SS-EN 71-1 p.7.5 in Swedish	Adult shown on the picture of the packaging Aquatic toy
Vås4 three different types		Kiddie Float	Toys R Us	no	one	Two holes for the legs	Warning labelling according to the toy standard SS-EN 71-1 p.7.5 in Swedish	Adult shown on the picture of the packaging Aquatic toy
Vås5		See-me-sit rider	Toys R Us	no	one	Two holes for the legs	Warning labelling according to the toy standard SS-EN 71-1 p.7.5 in Swedish	Adult shown on the picture of the packaging Aquatic toy

Code	Dupli-cate	Name of the toy	Importer	Fulfils the requirements	Air chambers	Leg openings	Warning labelling	Packaging
B7		Baby Float Pool School	KDAB	No wrong warning labelling	two	Two holes for the legs	Warning labelling according to the toy standard SS-EN 71-1 p.7.5 in Swedish	Adult shown on the picture of the packaging Baby swim seat
Vä3		Looney Tunes	BRIO AB	No wrong warning labelling	two	Two holes for the legs	Warning labelling according to the toy standard SS-EN 71-1 p.7.5 in Swedish	Adult shown on the picture of the packaging Baby swim seat
Vä4	U5, Nyb2 Nyn4	My Baby Float	BRIO AB	No wrong warning labelling	two	Crossed ribbons in the bottom	Warning labelling according to the toy standard SS-EN 71-1 p.7.5 in Swedish	Adult shown on the picture of the packaging Baby swim seat
U5	Vä4, Nyb2, Nyn4	My baby Float	BRIO AB	No wrong warning labelling	two	Crossed ribbons in the bottom	Warning labelling according to the toy standard SS-EN 71-1 p.7.5 in Swedish	Adult shown on the picture of the packaging Baby swim seat
Nyb2	U5, Vä4 Nyn4	My baby Float	BRIO AB	No wrong warning labelling	two	Crossed ribbons in the bottom	Warning labelling according to the toy standard SS-EN 71-1 p.7.5 in Swedish	Adult shown on the picture of the packaging Baby swim seat
P2		Care Baby seat	Sun Toy	No wrong warning labelling	two	Crossed ribbons in the bottom	Warning labelling according to the toy standard SS-EN 71-1 p.7.5 in Swedish	Adult shown on the picture of the packaging Baby swim seat

code	Dupli-cate	Name of the toy	Importer	Fulfils the require-ments	Air cham-bers	Leg ope-nings	Warning labelling	packaging
P9	Vås2	Swim ring baby /sit	Speed Toys	No wrong warning labelling	Inher ent buoy ancy	crossed ribbons in the bottom	Warning labelling according to the toy standard SS-EN 71-1 p.7.5 in Swedish	An adult ought to be shown on the picture of the packaging Baby swim seat
Ku1		Baby Float	BRIO AB	No wrong warning labelling	two	crossed ribbons in the bottom	Warning labelling according to the toy standard SS-EN 71-1 p.7.5 in Swedish	Adult shown on the picture of the packaging Baby swim seat
Nyn4	Nyb2, U5, Vä4	My Baby Float	BRIO AB	No wrong warning labelling	two	crossed ribbons in the bottom	Warning labelling according to the toy standard SS-EN 71-1 p.7.5 in Swedish	Adult shown on the picture of the packaging Baby swim seat
Su4		Floaties	Tilda Toys	No Swedish warning labelling	two	Two holes for the legs	Warning: Only for swimming tuition. Use only under competent supervision. Warning this is not a lifesaving device. Ensure that your child is floating freely, not touching bottom. Under no circumstances should your child be in or around water unless a competent swimmer is present and watching. (In English)	Adult shown on the picture of the packaging Baby swim seat
Vås2	P9	Sit in Swim ring Safety First	Speed Toys	No wrong warning labelling	Inher ent buoy ancy	crossed ribbons in the bottom	Warning labelling according to the toy standard SS-EN 71-1 p.7.5 in Swedish	An adult ought to be shown on the picture of the packaging Baby swim seat
Vås3		Baby Float Pool School	Top Toy	No wrong warning labelling	two	Two holes for the legs	Warning labelling according to the toy standard SS-EN 71-1 p.7.5 in Swedish	Adult shown on the picture of the packaging Baby swim seat

code	Dupli-cate	Name of the toy	Importer	Fulfils the require ments	Air chamb ers	Leg openings	Warning labelling	Packaging
Nyb1		Badring med sits Super Kiddie float	Leksam	Yes*	two	Crossed ribbons in the bottom	Warning labelling in Swedish according to the proposed standard for Baby swim seats	An adult ought to be shown on the picture of the packaging Baby swim seat
Vä5		Baby Swim Seat	Kiddie safe Scandi-navia AB	Yes*	two	Crossed ribbons in the bottom	Warning labelling in Swedish according to the proposed standard for Baby swim seats	An adult ought to be shown on the picture of the packaging Baby swim seat

* Even more safety could be required according to future European standard

Bathing rings which do not fulfil the requirements

Code	B5
Name of the toy	Turtle see me sit rider
Importer	BRIO AB / Intex
CE-mark	yes
Air chambers	one
Construction	Two holes for the legs
Warning label	Yes, in Swedish according to the EN71 standard for toys
Packaging	Adult included on the picture
Fulfils the requirements	No



Code	Vås1
Name of the toy	Centipede See me sit rider
Importer	BRIO AB / Intex
CE-mark	Yes
Air chambers	en
Construction	Two holes for the legs
Warning label	Yes, in Swedish according to the EN71 standard for toys
Packaging	Adult included in the picture
Fulfils the requirements	No



Code	Vås4
Name of the toy	Kiddie Float
Importer	Toys R Us / Intex
CE-mark	Yes
Air chambers	One
Construction	Two holes for the legs
Warning label	Yes, in Swedish according to the EN71 standard for toys
Packaging	Adult included in the picture
Fulfils requirements	No



Code	Vås5
Name of the toy	See me sit rider
Importer	Toys R Us / Intex
CE-mark	Yes
Air chambers	One
Construction	Two holes for the legs
Warning label	Yes, in Swedish according to the EN71 standard for toys
Packaging	Adult included in the picture
Fulfils the requirements	No



Pictures of bathing rings, which should have better warning information. These rings are mostly yellow and have two air chambers.

B7



Ka1



Pictures of bathing rings, which should have better warning information. These rings are mostly yellow and have two air chambers.

Nyn 2



U5



Pictures of bathing rings, which should have better warning information. These rings are mostly yellow and have two air chambers.

P2



Nyn4



Pictures of bathing rings, which should have better warning information. These rings are mostly yellow and have two air chambers.

P9



Vås2



Pictures of bathing rings, which should have better warning information. These rings are mostly yellow and have two air chambers.

Su4



Vås3



Pictures of bathing rings, which should have better warning information. These rings are mostly yellow and have two air chambers.

Vä4



Vä3

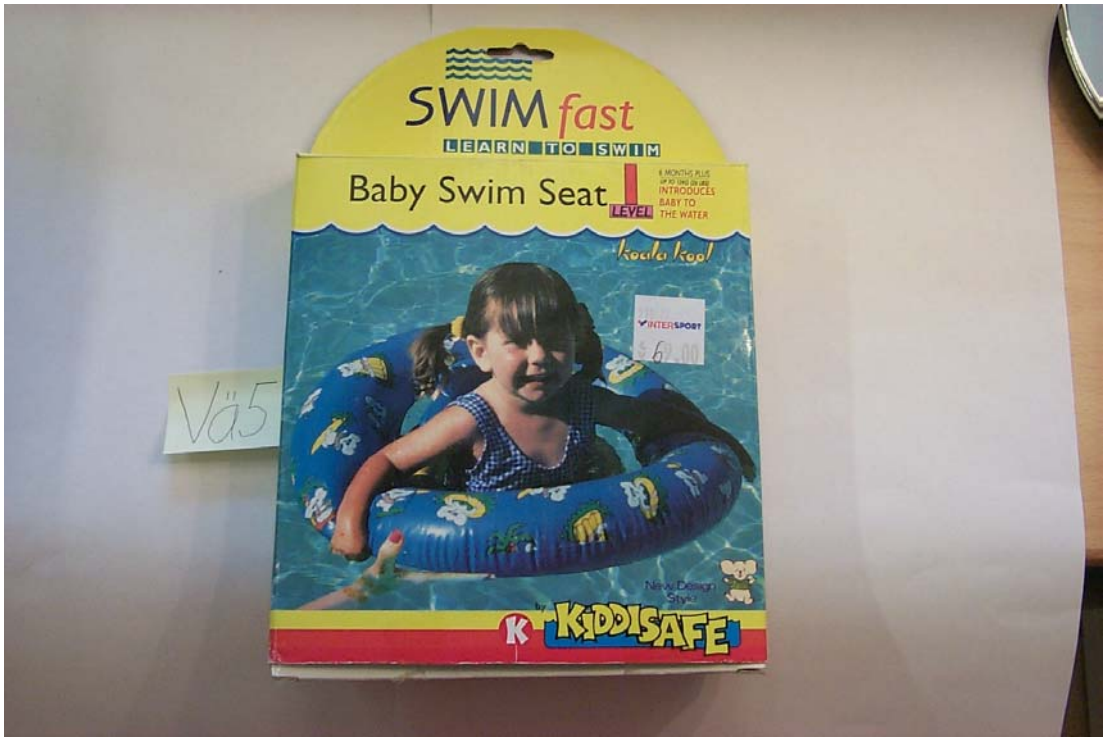


These two bathing rings have appropriate warning information. (An adult should be included in the picture).

Nyb1


Badering
med stol
Simring
med sits
Nyb 1
Super Kiddie Float
TOY CLUB

Vä5


SWIM fast
LEARN TO SWIM
Baby Swim Seat
LEVEL 1
INTRODUCES BABY TO THE WATER
Koala Kool
INTERSPORT
$ 6.00
Vä5
KIDDISAFE