



Canada Consumer Product Safety Act

INFORMATION FOR RETAILERS

The purpose of the *Canada Consumer Product Safety Act* is to protect the public by addressing or preventing dangers to human health or safety that are posed by consumer products in Canada. The Act replaces Part I and Schedule I of the *Hazardous Products Act*.

The *Canada Consumer Product Safety Act* contains rules about manufacturing, importing, selling, advertising and testing consumer products in Canada. Under the new law the Minister of Health (Health Canada) has the power to order recalls of products on the market that pose a danger to human health or safety.

A consumer product under the Act is a product that may reasonably be expected to be obtained by an individual to be used for non-commercial purposes, such as for household, recreational or sports purposes and used, for example, by an individual or a family.

The *Canada Consumer Product Safety Act* does not apply to certain products that are covered by other legislation, such as:

- explosives
- food
- natural health products
- cosmetics
- medical devices
- drugs
- ammunition

The Act does apply to tobacco products but only in relation to their ignition propensity.

YOUR RESPONSIBILITIES AS A RETAILER

Product safety is in everyone's best interest. Under the *Canada Consumer Product Safety Act* you have certain responsibilities as a seller of consumer products, these include:

- Not selling:
 - » Certain specified consumer products, such as baby bottles that contain Bisphenol A (BPA) and baby walkers. A list of prohibited consumer products can be found in Schedule 2 of the *Canada Consumer Product Safety Act*.
 - » Consumer products that do not comply with product-specific regulations. For example, there are safety or performance requirements in regulations pertaining to cribs, kettles, lighters, children's sleepwear, strollers and children's jewellery.
 - » Consumer products that you know are a danger to human health or safety, as defined in the Act.
 - » Consumer products that you know are labeled or packaged in a manner misleading as to their safety.

- » Consumer products that you know have been recalled.
- » Consumer products that you know are the subject of a measure ordered under the Act that has not been carried out.
- Preparing and keeping certain information about the consumer products that you sell.
- Reporting health or safety-related incidents related to a consumer product that you sell to Health Canada and to your supplier.

IF YOU BUY PRODUCTS FROM OUTSIDE CANADA TO SELL IN YOUR STORE...

If you buy a consumer product directly from a manufacturer or distributor that is located outside of Canada to sell at your retail location, you may be an "importer" under the *Canada Consumer Product Safety Act*. As an importer of consumer products, you would have other responsibilities under the Act in addition to the ones outlined here. For more information visit: www.healthcanada.gc.ca/productsafety.

KEEPING RECORDS

You are required to keep records of the name and address of your suppliers, the location where you sold consumer products, and the period during which you sold the products. However, there is no requirement under the Act for retailers to keep documents of every consumer transaction or of consumers' personal information.

You must keep these records at your place of business in Canada for at least 6 years and provide the information to Health Canada on request.

Health Canada may need this information to help trace the source of unsafe consumer products.

www.healthcanada.gc.ca/productsafety

REPORTING INCIDENTS

You are required to report health or safety related incidents associated with consumer products to Health Canada and to your supplier. You may become aware of a health or safety-related incident from your own experience or from a customer's complaint.

Here are some examples of reportable incidents:

- A lighter that does not switch off.
- The wax from a candle suddenly bursts into flames.

To report an incident, please visit the Health Canada website at www.healthcanada.gc.ca/reportaproduct, call 1-866-662-0666 or email CPSR-RSPC@hc-sc.gc.ca.

PRODUCT RECALLS

You are prohibited from selling a product that has been recalled for health and safety reasons, either ordered by Health Canada or undertaken voluntarily in Canada. If a consumer product is recalled by one of your suppliers or by Health Canada, you may receive a notice of the recall and instructions on what to do to remove the product from the market. You should follow these instructions in order to maintain the health and safety of consumers who may have purchased the product at your store. Also, when recalled products have been repaired with retrofit kits or in other ways offered by the manufacturer, make sure the product has been corrected as directed by the manufacturer.

To learn if a consumer product has been recalled in Canada, check with:

- Health Canada's recall database, which contains a list of consumer products that have been recalled in Canada, at www.healthcanada.gc.ca/cps-recalls, or
- The product manufacturer, importer or distributor.

WHAT TO EXPECT DURING AN INSPECTION

A Health Canada inspector may visit your place of business. Inspectors' activities may include:

- verifying that suppliers of consumer products are familiar with their responsibilities under the Act and the regulations;
- exercising authorities to inspect places of business under the Act;
- working with suppliers to correct or remove from the market products that do not comply with the law;
- verifying that required records are prepared and maintained.

During an inspection, you are required to give inspectors all reasonable assistance and provide them with any information that they may require. Keep in mind that the inspector's goal is to keep unsafe products out of the marketplace with your cooperation.

An inspector may take a sample of your merchandise for the purpose of testing and evaluation. For example, the inspector may take a sample of a child's toy.

This document contains some basic information about the *Canada Consumer Product Safety Act*. It is a summary provided for your convenience but should not be interpreted as Health Canada policy or a substitute for legislation. In case of any discrepancy between this document and the legislation discussed here, the legislation will prevail.

For more detailed information, including the text of the Act and regulations, or to report a health or safety related incident, please visit the Health Canada website at www.healthcanada.gc.ca/productsafety, call 1-866-662-0666 or email ccpsa-lcspc@hc-sc.gc.ca.

