



SELLING SECOND-HAND PRODUCTS

The Issue

Every year thousands of garage sales are held across Canada. If you are planning a garage sale, you have a legal obligation to ensure that all products sold are safe. There are also concerns about some products sold in second hand stores, it is important to have all the safety information available when selling or buying second hand products.

Background

Under Canadian law, certain products cannot be sold or even given away if they do not meet the safety requirements of the Hazardous Products Act. The Act outlines safety requirements for certain consumer products, many of which are intended for use by children. The Hazardous Products Act and Regulations do not distinguish between new and used products.

Concerns about Second-hand Products

Baby and children's items are popular at garage sales because children outgrow things quickly. Here is a partial list of products with safety requirements covered by the Hazardous Products Act:

- Baby Gates that have large diamond-shaped or large 'V' openings at the top cannot be sold in Canada because a child's head could get caught in these openings.
- Baby Walkers are illegal to sell as of April 2004. Anyone with a baby walker is advised to destroy and discard it so that it can not be used in the future.
- Car Seats must carry the compliance label stating the height and weight of the

child for which the seat was designed. Detailed instructions, and all straps and parts must be included. Car seats that are cracked or broken, or that have been in a vehicle at the time of an accident should not be sold.

- Cribs made before September 1986 cannot be sold because they do not meet safety standards and will put children at risk of injury. These cribs should be destroyed, as well as any cribs with visible damage or missing parts. Cribs should have the manufacturer's label indicating the model number, date of manufacture and assembly instructions. In addition, cribs should have a mattress that fits snugly, and have a firmly fixed mattress support, the assembly of which usually requires tools. The bars of the crib should be no more than 6 cm (2 3/8 in) apart.
- Loose-fitting Children's Sleepwear (including nightgowns, bathrobes, baby doll pyjamas and loose pyjamas) burn more easily if made of cotton or cotton blends. To meet the flammability requirements, loose-fitting children's sleepwear should be made of polyester, nylon or polyester/nylon blends. Cotton or cotton-blends may only be used for tight-fitting styles such as sleepers or polo pyjamas.
- Protective Sports Equipment such as hockey helmets and face protectors must have the Canadian Standards Association (CSA) sticker that says they meet safety standards. These products should not be sold if they are more than five years old or have been damaged by a major impact. Bicycle and roller-blading helmets are designed to protect against a single impact and should not be sold if damaged.



- Playpens must have no protruding bolts, worn mechanisms or large open holes. If the playpen folds, the locking mechanisms must work.
- Strollers made before 1985 do not meet current safety standards. Strollers must have a lap belt and the brakes, wheels and locking mechanisms on folding models should all be in working order.
- Toys that are broken, have loose parts or sharp edges should not be sold. It is illegal to sell lawn darts with elongated tips.

Minimizing Your Risk

If you sell an item that is hazardous, you could be liable in a civil court of law. You can help to ensure that the second-hand products you sell are safe and legal by taking the following steps:

- Make sure the item meets current regulations, is not damaged, has not been subject to a recall, is not beyond the manufacturer's recommended age for use and is legal for sale in Canada.
- Check that all of the parts are present, that the instructions for use and care are available and that it is not beyond the life span set by the manufacturer.
- Make sure warning labels are still attached and that none of the parts pose a hazard.

Health Canada's Role

Health Canada administers the Hazardous Products Act. If you have a concern about a product you are selling or buying, contact the nearest Consumer Product Safety Office at the number listed below or visit the Web site provided below.

Need More Info?

Contact the nearest Health Canada Product Safety Regional Office at:
<http://www.hc-sc.gc.ca/hecs-sesc/cps/contact.htm>

For more information on the safety of second-hand consumer products go to:

<http://www.hc-sc.gc.ca/english/protection/consumer.html>

For information specific to products commonly found at garage sales, visit Health Canada's "Garage Sale Vendors" Web site at:
http://www.hc-sc.gc.ca/english/protection/warnings/2003/2003_20bk.htm

For more information about this topic, visit the Canadian Safety Council Garage Sales and Yard Sales - Buyer Beware, Vendor Take Care Web site at:
<http://www.safety-council.org/news/sc/1998/garage.htm>

Also see Child and Family Canada, Garage Sales: Are the Savings Worth the Risks Web site at:
<http://www.cfc-efc.ca/docs/cansc/00000620.htm>

For additional articles on this subject and other issues go to the It's Your Health Web site at:
www.healthcanada.ca/iyh
You can also call (613) 957-2991