



VM DOCUMENT

2017 VERSION 1.0

***SECTION 7 – Regulatory Requirements & Consumer
Product Safety***

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REGULATORY REQUIREMENTS

FTC Labeling Requirements

Destination Maternity vendors are responsible for ensuring that products produced for DM are in compliance with all applicable laws and regulations governing packaging and product labeling. Applicable laws and regulations include but are not limited to the following:

- Wool Products Labeling Act
- Textile Fibers Products Identification Act
- Country of Origin Labeling
- Fair Packaging and Labeling Act
- Uniform Packaging and Labeling Regulation
- Uniform Packaging and Labeling Regulation and Uniform Label Laws.

In addition to the above, all labeling must also meet current U.S. Federal Trade Commission (FTC) requirements and be in compliance with all U.S. Customs Service regulations. It is the responsibility of the vendor to understand and apply all labeling rules and requirements. For further information about Federal Labeling Requirement, you may contact the FTC:

U.S. Federal Trade Commission

Website: www.ftc.gov

Phone: (202) 326-3553

Reference information is available on the FTC's Textile, Wool, Fur and Apparel Matters webpage:

- [www.ftc.gov/os/statues/testilejump.htm](http://www.ftc.gov/os/statutes/testilejump.htm) and the FTC's Facts for Businesses: Threading Your Way through the Labeling Requirements under the Textile and Wool Acts:
- <http://business.ftc.gov/documents/bus21-threading-your-way-through-labeling-requirements-under-textile-and-wool-acts>

*See Textile and Apparel Rules of Origin, U.S. Customs and Border Protection, for additional information on Rules of Origin for Textile and Apparel products.

Any questions related to this section please contact the testing team at:

testingteam@destinationmaternity.com

REGULATORY REQUIREMENTS

Faux Fur Labeling Requirements

Destination Maternity vendors producing products for DM containing Faux Fur (maternity apparel or accessories) must be in compliance with the following guidance:

A permanent label must include the words: "Faux Fur".

Statutes: FTC & States

- ❑ FTC Fur Products Labeling Act: <http://www.ftc.gov/os/statutes/textile/furact.shtm>
- ❑ FTC Rules and Regulations: <http://www.ftc.gov/os/statutes/textile/rr-fur.shtm>
- ❑ Delaware: <http://delcode.delaware.gov/sessionlaws/ga144/chp297.shtml>
- ❑ Massachusetts: <http://www.mass.gov/legis/laws/mgl/94-277a.htm>
- ❑ New Jersey: <http://www.njleg.state.nj.us/2008/Bills/AL09/156.PDF>
- ❑ New York: <http://public.leginfo.state.ny.us/menuetf.cgi?COMMONQUERY=LAWS> To access text, click on "GBS General Business", "Article 26", "Section 399AAA"
- ❑ Wisconsin: <http://nxt.legis.state.wi.us/nxt/gateway.dll?f=templates&fn=default.htm&d=stat&jd=top> To access text, type "Furs to be labeled" in search box

REGULATORY REQUIREMENTS

Flammable Fabrics Act

Wearing apparel must conform to the Flammable Fabrics Act and other federal standards for flammability. Products covered include the following:

- Clothing textiles
- Vinyl plastic film (used in clothing)
- Baby sleepwear/Body-Suits/Apparel

Federal Hazardous Substance Act

Destination Maternity Vendors are responsible for ensuring that accessory products manufactured for Destination Maternity are in compliance with the Federal Hazardous Substances Act. The law not only covers hazardous substances, but also toys and other articles intended for children. The Act requires proper labeling and warning requirements and also mandates product testing

California Proposition 65

Destination Maternity Vendors are responsible for ensuring that all products manufactured for DM comply with California's Proposition 65 (the California Safe Drinking Water and Toxic Enforcement Act of 1986, California Health and Safety Code § 25249.5 et seq.) when they are sold to consumers in California.

Proposition 65 prohibits a business from exposing individuals to chemicals known to cause cancer or reproductive toxicity without first giving "clear and reasonable warning," unless the business can prove that the level of exposure is not significant. More information about Proposition 65 can be found online at <http://www.oehha.ca.gov>.

For products that require a Proposition 65 warning, Vendors must inform the Destination Maternity Testing Team in writing at the time of Purchase Order confirmation:

testingteam@destinationmaternity.com

Destination Maternity will not provide warnings, including but not limited to shelf labeling or point of purchase materials (or those applied to the product by Vendors), or attempt to segregate inventory destined for California. Product that requires warnings will be reviewed by the DM Testing, Sourcing and Legal Departments for risk analysis and disposition. Risk Analysis must be completed prior to confirmation of Purchase Orders. DM will not assume any products comply with Proposition 65, proof of compliance is required in order to place purchase orders. Disposition will be advised within five business days of date of written advisement.

REGULATORY REQUIREMENTS

Flammable Fabrics Act

Vinyl

Destination Maternity Vendors must ensure that all products containing vinyl comply with the following standards for lead content or contain a Proposition 65 warning with each item:

- ❑ **Soft food and beverage containers:** 200 ppm total lead for non-children's products, 100 ppm for children's products.
- ❑ **Rain wear:** 30 ppm total lead for all products.
- ❑ **Backpacks and Purses:** 200 ppm total lead for non-children's products, 100 ppm for children's products.

Jewelry

Destination Maternity Vendors must ensure that all Adult Jewelry complies with California Proposition 65 and California's Metal-Containing Jewelry Law (California AB 1681) (Cal. Health & Safety Code § 25214.1 et seq., as amended). Additional information can be found at <http://www.dtsc.ca.gov/LeadInJewelry.cfm>.

- ❑ **Lead:** Please refer to the listing of lead standards applicable to adult jewelry included in this section. **Note: Destination Maternity does not sell Children's Jewelry.*
- ❑ **Cadmium** - 300 ppm

Decorated Glassware

Destination Maternity Vendors must ensure, if applicable, all Adult (Non-Children's) decorative glassware (i.e.: mugs, drinkware, and barware) comply with the following standards under California Proposition 65 or contain a Proposition 65 lead warning:

- ❑ Decorative materials must contain less than **600 ppm lead**
- ❑ Designs or decorations within the top 20 millimeters of the exterior surface, less than **200 ppm total lead** and less than **800 ppm total cadmium** (excluding non-children's products with less than a total of 60 millimeters of decorating area below the external rim with decorating materials containing less than **600 ppm lead**).

REGULATORY REQUIREMENTS

Fashion Accessories

Beginning in 2010, certain manufacturers and retailers entered into settlements regarding the phthalate and lead content in fashion accessories.

Limits for Phthalates & Lead

Phthalates

The settlements regarding phthalates set a limit of 1,000 ppm in fashion accessories for Di (2-ethylhexyl) phthalate ("DEHP"), benzyl butyl phthalate ("BBP"), and Di-n-butyl phthalate ("DBP"). Fashion Accessories include the following categories of products:

- ❑ Wallets and other coin or bill holders
- ❑ Handbags, purses, clutches, and totes
- ❑ Belts
- ❑ Footwear
- ❑ Apparel, including gloves and headwear (and excluding sauna suits)
- ❑ Jewelry
- ❑ Key holders, keychains, and key caps
- ❑ Luggage tags and ID cases
- ❑ Bag charms and zipper pulls
- ❑ Eyeglass cases
- ❑ Coverings/cases for mobile electronic devices (i.e.: telephones, cameras, MP3 players, CDs, DVDs, and laptops)
- ❑ Coverings for journal/address books
- ❑ Cosmetic cases/bags
- ❑ Toiletry cases/bags

Lead

Destination Maternity Adult (Non-Children's) Fashion Accessories must comply with the lead content standards. DM Vendors producing Fashion Accessories must ensure compliance to the lead content standards listed below. Fashion accessories include:

- ❑ Paint or other Surface Coatings on Accessible Components: **90 ppm total lead.**
- ❑ Leather Accessible Components (including composited leather): **300 ppm total lead.**
- ❑ Polyvinyl chloride ("PVC") Accessible Components: **200 ppm total lead**
- ❑ Any other Accessible Components made of materials and components other than cubic zirconia (sometimes called cubic zirconium, CZ), crystal, glass or rhinestones: **300 ppm total lead content.**

NOTE: Accessible Components are components of a fashion accessory that could be touched by a person during normal and reasonably foreseeable use.

- ❑ Wallets
- ❑ Handbags
- ❑ Purses
- ❑ Clutches
- ❑ Belts
- ❑ Footwear

REGULATORY REQUIREMENTS

State Regulations

Washington Children's Safe Products Act

Destination Maternity Vendors must ensure that all children's products supplied to DM comply with the Washington Children's Safe Products Act (WAC 173-334-010). Under the Act, manufacturers of children's products are required to notify the Washington Department of Ecology when a chemical of high concern to children (CHCC) is present in their products. The presence of a CHCC in a children's product does not necessarily mean that the product is harmful to human health or that there is any violation of existing safety standards or laws. The Act requires the Department of Ecology in consultation with the Department of Health to identify a list of chemicals for which manufacturers of children's products are required to provide notice. The Act specifies both the characteristics of these chemicals and the notice requirements. More information is available at <http://www.ecy.wa.gov/programs/swfa/cspa/>

Illinois Lead Labeling

Destination Maternity Vendors are responsible for assuring that all DM Accessory Products manufactured for DM comply with the Illinois Lead Poisoning Prevention Act requiring that children's jewelry, child care articles and toys containing paint must bear a warning label if the total lead content of any component part of these items exceeds 40 parts per million (ppm) but is less than 600 ppm by total weight, *or a lower standard for lead content as may be established by federal or state law or regulation*. With the implementation of the U.S. Consumer Product Safety Improvement Act of 2008 (CPSIA), the total lead content of products intended for children currently cannot exceed **300 ppm**, and lead in paint and similar surface coatings for these and certain other items cannot exceed **90 ppm**. As of January 1, 2010, in the state of Illinois, a warning label is required for children's jewelry, child care articles and toys containing paint if their total lead content is between **40 ppm** and **300 ppm** or if lead in their paint or surface coatings is between **40 ppm** and **90 ppm**. **Items exceeding the CPSIA limits cannot be distributed or sold in Illinois or in any other U.S. state.**

Any such warning label must appear on the product itself or on the label of the product's immediate container and must include at least the following statement:

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

The warning must be conspicuous, legible, and located in a prominent place on the item or package, and it must contrast with the typography, layout and color of the other printed matter.

For products that require a lead warning, Vendors must inform the Destination Maternity Testing Team in writing at the time of Purchase Order confirmation to:

testingteam@destinationmaternity.com

The product will be reviewed with DM Testing, Sourcing and Legal Departments for risk analysis and disposition. Risk Analysis must be completed prior to confirmation of Purchase Orders. DM will not assume any products comply therefore proof of compliance is required in order to place purchase orders. Disposition will be advised within three working days of date of written advisement.

REGULATORY REQUIREMENTS

Safety Regulations

The Model Toxics in Packaging Act

Destination Maternity Vendors are responsible for ensuring that all products manufactured for DM and any associated packaging is in compliance with the Model Toxics in Packaging Act which prohibits the intentional use of 4 heavy metals in packaging and packaging components:

- Lead
- Cadmium
- Mercury
- Hexavalent Chromium

DM Vendors must test product packaging to ensure compliance with the criteria set by the Toxics in Packaging Clearing House.

Consumer Product Safety Improvement Act of 2008

Destination Maternity is committed to the safety of children and ensuring our customers regarding the safety of the products we sell. To that end, we have implemented a strict safety assurance program for all products we carry and require that any product we purchase complies with all applicable laws and requirements including the Consumer Product Safety Improvement Act of 2008 (CPSIA). In order to assist our Vendors with complying with CPSIA compliance, we have mandated the following safety standards and procedures for children's products sold to Destination Maternity.

General Conformity Certifications

Section 102 of the CPSIA requires manufacturers, importers, and private labelers to certify that each of their products complies with each Consumer Product Safety Commission administered rule, standard, regulation, law or ban. The certifications must be based on testing by an accredited laboratory or a reasonable testing program. All vendors are responsible for monitoring and remaining in compliance with these testing and certification requirements. Sample certifications are available through the links provided below. Additional information can be found on the U.S. Consumer Product Safety Commission's website available at www.cpsc.gov.

ASTM F963 (Mandatory Consumer Safety Requirements for Toys)

Under the CPSIA, ASTM F-963 is the consumer product safety standard for toys and the Accessory Products you supply to Destination Maternity must meet this standard. Information on ASTM F-963 is available at: <http://www.cpsc.gov/info/toysafety/plain.html>

Drawstring Ban in Children's Upper Outerwear

Drawstrings in children's upper outerwear can present a hazard if they become entangled with other objects. Accordingly, all DM Vendors producing children's apparel are prohibited from supplying children's upper outerwear garments with neck, hood or waist drawstrings in any size. This ban also extends to belts attached on children's upper outerwear. Information on the drawstring ban can be found at: <http://www.cpsc.gov/businfo/drawstringsfaq.html>

REGULATORY REQUIREMENTS

Additional Items

Cosmetics

All Destination Maternity cosmetic products must comply with all applicable laws and regulations including those governed by the U.S. Food and Drug Administration (FDA) and Federal Trade Commission (FTC) requirements. Care must be taken to avoid cosmetics with claims that may render the product an unapproved drug. *Please see the Federal Food and Cosmetics Act. Information on cosmetic labeling may be found at:

- <http://www.fda.gov/Cosmetics/CosmeticLabelingLabelClaims/CosmeticLabelingManual/default.htm>
- Further FDA information on cosmetics may be found at:
<http://www.fda.gov/Cosmetics/ProductandIngredientSafety/default.htm>

Food

All food products manufactured for Destination Maternity must be labeled and marketed in compliance with all applicable U.S. Food and Drug Administration (FDA) and Federal Trade Commission (FTC) requirements. Information on FDA requirements may be found at:

<http://www.fda.gov/Food/GuidanceComplianceRegulatoryInformation/default.htm>

Information on FTC requirements on labeling, advertising, marketing, and any claims made regarding these products can be found at:

<http://www.ftc.gov/bcp/policystmt/ad-food.shtm>

Plastic Bag Suffocation Warning

Destination Maternity poly bags must carry the plastic Bag Suffocation Warning required by California, Massachusetts, New York, Rhode Island and Virginia. The warning should be on the front of the poly bag. The words **WARNING!** And **THIS BAG IS NOT A TOY!** Must be minimum ½" height and in **BOLD**. All other wording must be ¼" minimum and does not need to be bold. No other wording should be on the bag.

In addition to the English wording, the warning must also be translated in to French (CA) and Spanish (MEX). The proper warning and translations are exhibited below. There are no exceptions to this requirement. Vendors who do not comply will be subject to non-compliance fees and expenses to bring product into compliance.

REGULATORY REQUIREMENTS

WARNING!

**TO AVOID DANGER OF SUFFOCATION, KEEP THIS PLASTIC BAG AWAY FROM BABIES AND CHILDREN.
DO NOT USE THIS BAG IN CRIBS, BEDS, CARRIAGES, OR PLAY PENS.**

THIS BAG IS NOT A TOY!

AVERTISSEMENT!

**POUR ÉVITER TOUT RISQUE DE SUFFOCATION, GARDER CE SAC HORS DE PORTÉE DES BÉBÉS ET
DES ENFANTS. NE PAS UTILISER CE SAC DANS LES BERCEAUX, LES LITS, LES LANDAUS, NI LES PARCS.**

CE SAC N'EST PAS UN JOUET!

¡ADVERTENCIA!

**PARA EVITAR EL PELIGRO DE ASFIXIA, MANTENGA ESTA BOLSA PLÁSTICA ALEJADA DE BEBÉS Y
NIÑOS. NO UTILIZAR EN CUNAS, CAMA, COCHES DE BEBÉ NI CORRALITOS.**

¡ESTE BOLSO NO ES UN JUGUETE!



**Location of the warning
should be conspicuous and
size should be appropriate to
the poly bag size used for the
garment or product**

*Image for placement of warning not for actual translation. Follow translation above image.

Any questions related to this section please contact the testing team at:

testingteam@destinationmaternity.com