



CONSUMER PRODUCTS SERVICES DIVISION

## NESTLE USA, INCORPORATED

**Technical Report:** (5209)320-0103  
Date Received: November 16, 2009

November 23, 2009

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ALINA SVEZINTSEV  
RMC FULFILLMENT INC  
13450 SMITH ROAD STE 100  
AURORA, CO 80011  
UNITED STATES

### RESULT: PASS

Promotion:	N/A	Phase:	PRODUCTION
Sample Description:	NESTLE US - HERBIE HOT POCKET TOY	Intervention:	1
Agency:	RMC FULFILLMENT INC	Test Site:	KOWLOON BAY
Manufacturer:	N/A	Sample Size:	34 PIECE(S)
Factory Location:	CHINA	QA Plan No:	MNA-2009234 DATED 9/25/2009
Market:	USA	PROD. Date Range:	N/A
Age Label:	N/A	Sampling Date:	N/A
Appropriate Age Grade:	N/A	On-Site Test Date:	N/A
Client Requested Age Grade:	ALL AGES	OBSV CTN #:	N/A
Grade:			
Tested Age Grade:	ALL AGES	OBSV QTY:	N/A
Submitter:	RMC FULFILLMENT INC	PO#:	N/A

### TEST:

- 16 CFR 1500.44 Flammability (solids)
- ASTM F963-08 Mechanical hazards - Toys
- CPSIA Total lead content in substrate (300 ppm)
- MA 105 CMR 620.006 Stuffed toys labeling
- PA Stuffed Toy Law (47.315) Labeling
- Product review – aesthetic
- PA Stuffed Toy Law (47.321) Flammability (fabrics)
- ASTM F963-08 Labeling - Toys
- 1.5" Gauge requirement
- CPSIA Total lead content in surface coating
- OH RC 4101:6-1-05 Stuffed toy labeling
- PA Stuffed Toy Law (47.317) Tolerance
- 16 CFR 1500 Mechanical hazards

The sample(s) MEET the following requirement(s):

- The flammability requirements of 16 CFR 1500.3(c)(6)(vi), "Flammable solid" (FHSA regulations).
- The labeling requirements of ASTM F963-08, "Standard consumer safety specification for toy safety".
- The mechanical hazards requirements of ASTM F963-08, "Standard consumer safety specification for toy safety".
- The 1.5" gauge requirement of the client's specifications.



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The sample(s) MEET the following requirement(s):

- The total lead content of 300ppm requirements in substrate materials (Consumer Products Safety Improvement Act (CPSIA) of 2008).
- The total lead content of 90ppm requirements of 16 CFR 1303, "Ban of lead-containing paint and certain consumer products bearing lead-containing paint" as mandated by Congress in section 101(f) of the Consumer Products Safety Improvement Act (CPSIA) of 2008, Public Law 110-314.
- The labeling requirements of Massachusetts Department of Public Health, 105 CMR, "Stuffed toys", Section 620.006.
- The labeling requirements of Ohio bedding and upholstered furniture inspection rules and laws, "Stuffed toys", Section 4101:6-1-05(B).
- The labeling requirements of PA Code, Title 34, "Stuffed toy regulations", Section 47.315.
- The cleanliness requirements of the tested sections of PA Code, Title 34, "Stuffed toy regulations", Section 47.317 (tolerances).
- The mechanical hazards requirements of 16 CFR 1500, "Federal Hazardous Substances Act Regulations".
- The flammability requirements PA Code, Title 34, "Stuffed toy regulations", Section 47.321 (fabrics).

The sample(s) was tested to the following requirement(s) and the data provided is for informational purposes only:

- The product review and aesthetic requirements of the client's specifications.



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Note: The sample(s) was not evaluated to the Normal Use testing requirements specified in ASTM F963-08, Section 8.5. It is the responsibility of the manufacturer, vendor or distributor to conduct tests that will simulate normal use conditions. These tests shall ensure that hazards are not generated through normal wear and deterioration of the sample(s). These tests shall also simulate the normal play mode of the toy and to simulate the expected mode of use of the particular toy. The tests shall be conducted in an expected use environment. These normal use tests shall simulate the intended use of the toy based on its estimated lifetime.

Note: At the request of the client, the sample(s) was evaluated for use by children all ages.

Note: The received sample(s) contained scrapable surface coating material(s) of less than 10 milligrams by weight on one single sample, therefore such coating material(s) was not subject to the soluble heavy metals analysis of ASTM F963-08, "Standard consumer safety specification on toy safety", Section 4.3.5.2, as specified in Section 8.3.3.1(2).

Note: According to the associated documents of Consumer Product Safety Improvement Act (CPSIA) of 2008, exemptions were granted to certain materials or products, such as natural materials / paper and similar materials / CMYK process printing inks / metal & alloys / electronics devices components / ordinary books / dyed & undyed textiles. Therefore, the lead content analysis of some components was not conducted.

Comments:

The sample collection was conducted by the vendor.

BUREAU VERITAS HONG KONG LIMITED

Gary Chiu  
Director  
Toys, Premium and Juvenile Products Department  
(Shenzhen Office)

GC/wk

cc: TIM JACKSON, NESTLE USA, INCORPORATED  
JULIANNE BEAUPRE, NESTLE USA, INCORPORATED  
JOEL RECHIN, NESTLE USA, INCORPORATED



**RESULTS:**

**APPROPRIATE AGE GRADE DETERMINATION**

The Appropriate Age Grade is determined with reference to the Age Determination Guidelines of the Consumer Product Safety Commission (CPSC); and the ASTM F963-08, "Standard Consumer Safety Specification on Toy Safety". Annex A1

Note : The most stringent age grade from the Labeled Age Grade and the Appropriate Age Grade will be used for testing.

Note : If the client does not specify an age grade for testing or request Bureau Veritas Consumer Products Services, Inc. to determine an appropriate age grade, the labeled age grade will be used for testing.

**USE AND ABUSE TESTS**

The samples were undergo the tests in accordance with section 8.6 through 8.16, whichever is applicable

<b>Test</b>	<b>Test Parameters</b>	<b>Standard Reference</b>
Impact Test	10 x 4.5 ft	1500.51(b)
Torque Test	4 in-lbs	1500.53(e)
Tension Test	15 lbs	1500.53(f)
Compression Test	30 lbs	1500.53(g)



**RESULTS:**

**PHYSICAL AND MECHANICAL HAZARDS (ASTM F963-08)**

Section	Requirement	Result
4.1	Material Quality	M
4.3.7	Stuffing Materials – Visual Inspection	M
4.5	Sound-Producing Toys	N/A
4.6	Small Objects	M
4.7	Accessible Edges	M
4.8	Projections	N/A
4.9	Accessible Points	M
4.10	Wires and Rods	N/A
4.11	Nails and Fasteners	N/A
4.12	Packaging Film	N/A
4.13	Folding Mechanisms and Hinges	N/A
4.14	Cords, Straps and Elastics	N/A
4.15	Stability and Over-Load Requirements	N/A
4.16	Confined Spaces	N/A
4.17	Wheels, Tires, and Axles	N/A
4.18	Holes Clearances, and Accessibility of Mechanisms	N/A
4.19	Simulated Protective Devices	N/A
4.20	Pacifiers	N/A
4.21	Projectile Toys	N/A
4.22	Teethers and Teething Toys	N/A
4.23	Rattles	N/A
4.24	Squeeze Toys	N/A
4.25	Battery-Operated Toys (exclude section 4.25.10 Battery-powered ride-on toys)	N/A
4.26	Toys Intended to be Attached to a Crib or Playpen	N/A
4.27	Stuffed and Beanbag-Type Toys	M
4.30	Toy Gun Marking	N/A
4.32	Certain Toys with Spherical Ends	N/A
4.34	Small Balls	N/A
4.35	Pompoms	N/A
4.36	Hemispheric-Shaped Objects	N/A
4.37	Yo Yo Elastic Tether Toys	N/A
4.38	Magnets	N/A
4.39	Jaw Entrapment in Handles and Steering Wheels	N/A

*M = Meet NM = Not Meet N/A = Not Applicable R = Refer to Comment Section*



**RESULTS:**

**LABELING AND INSTRUCTIONAL REQUIREMENT (ASTM F963-08)**

<b>Section</b>	<b>Requirement</b>	<b>Result</b>
<b>Safety Labeling Requirements</b>		
5.4 & 5.3	Aquatic Toys	N/A
5.5 & 5.3	Crib and Playpen Toys	N/A
5.6 & 5.3	Mobiles	N/A
5.7 & 5.3	Stroller and Carriage Toys	N/A
5.8 & 5.3	Toys Intended to be Assembled by an Adult	N/A
5.9 & 5.3	Simulated Protective Devices	N/A
5.10 & 5.3	Toys with Functional Sharp Edges and Sharp Points	N/A
5.11	Small Objects, Small Balls, Marbles and Balloons (16 CFR 1500.19)	N/A
5.12	Toy Caps (16 CFR 1500.86 for Required Labeling)	N/A
5.13	Art Materials (16 CFR 1500.14(b)(8))	N/A
5.15	Battery-Operated Toys	N/A
5.15.1 & 5.3	Battery-Powered Ride-On Toys	N/A
5.16	Promotional Materials	M
5.17 & 5.3	Magnets	N/A
<b>Instructional Literature</b>		
6.1	Definition and Description	M
6.2	Crib and Playpen Toys	N/A
6.3	Mobiles	N/A
6.4 & 5.3	Toys Intended to be Assembled by an Adult	N/A
6.5.1-2	Battery-Operated Toys	N/A
6.5.3	Battery-Powered Ride-On Toys	N/A
6.6	Toys in Contact with Food	N/A
<b>Producer's Markings</b>		
7.1	Producer's Name and Address	M
7.2	Battery-Powered Ride-on Toys	N/A

*M = Meet NM = Not Meet N/A = Not Applicable R = Refer to Comment Section*



**RESULTS:**

**FLAMMABILITY (16 CFR SECTION 1500.3(c)6)(vi))**

Requirement	Test Method Reference	Findings
Burn rate no greater than 0.1 of an inch per second	16 CFR 1500.44	Ignited but Self-Extinguished.

**COMMONWEALTH OF PENNSYLVANIA - STUFFED TOYS REGULATIONS**

- LABELING (Sections 47.311, 47.315 and 47.316)

At the request of the client, the sample(s) was evaluated for compliance with the labeling requirement of the Commonwealth of Pennsylvania, Stuffed Toy Regulations, PA Code, Title 34, Chapter 47, Section 47.315.

Parameter	Observation	Conclusion
<b>Section 47.315 - Seal of Approval</b>		
(a) Each stuffed toy shall have securely affixed to it a tag or label containing the following information, which shall be clearly legible and in sufficient size type to be readily discerned.	Present	Pass
(b) Information on the label:		
(1) A statement that all new material or all new (type) material was used.	Present	Pass
(2) The registration number of the manufacturer or importer assigned by the Commonwealth preceded by "REG NO. PA	Present	Pass
<b>Section 47.316 - Filling Material</b>		
- Filling material shall be designated by its accepted generic term as set forth in Section 47.311 of this regulation.	Present	Pass
	Materials claimed on label = <u>Polyester Fibers</u> <u>Plastic Pellets</u> Materials inside product = <u>Polyester Fibers</u> <u>Plastic Pellets</u>	



**RESULTS:**

**COMMONWEALTH OF PENNSYLVANIA - STUFFED TOYS REGULATIONS**

• TOLERANCES (Section 47.317)

At the request of the client, the sample(s) was evaluated for compliance with the cleanliness requirement of the Commonwealth of Pennsylvania, Stuffed Toy Regulations, PA Code, Title 34, Chapter 47, Section 47.317 - Tolerances.

Sample Description      Dull white stuffing

Parameter	Result	Maximum Limit	Conclusion
- Visual reveal of used material	Negative	Negative	Pass
- Dirt or foreign matter	LT 0.1 %	≤ 1.0%	Pass
- Oil or grease	LT 0.1 %	≤ 1.0%	Pass
- Lead Content	LT 0.0001 %	≤ 0.002% (20 ppm)	Pass
- Arsenic (as AS <sub>2</sub> O <sub>3</sub> )	LT 0.0006 %	≤ 0.0002% (2 ppm)	Pass
- Ammonia	LT 0.1 %	≤ 5.0%	Pass
- Urea	LT 0.1 %	≤ 1%	Pass
- Detachable plastic or metal ornaments	Negative	Negative	Pass
- Stones or other materials with sharp edges	Negative	Negative	Pass
- Material bearing Electrostatic charge	Negative	Negative	Pass
- Surface burns of filling materials	18.73 seconds for 12 square inches	≥ 3 seconds for 12 square inches	Pass

LT = Less Than  
 ppm = parts per million  
 DNI = Did not ignite  
 \* = Average of duplicate analyses

≤ = Less than or equivalent to  
 ≥ = Greater than or equivalent to  
 ISE = Ignited but self extinguished



**RESULTS:**

**COMMONWEALTH OF PENNSYLVANIA - STUFFED TOYS REGULATIONS**

- FLAMMABILITY - FABRICS (Section 47.321)

At the request of the client, the sample(s) was evaluated for compliance with the Flammability requirement of the Commonwealth of Pennsylvania, Stuffed Toy Regulations, PA Code, Title 34, Chapter 47, Section 47.321 - Fabrics.

Type of material: Category II - Napped, pile, tufted, flocked, or other type raised fibre surface				
Parameter:		Time of flame spread for 12 square inches.		
Component	Style No.	Result (Seconds)	Class	Conclusion
A. brown on body		196.8	I	Pass

*DNI = Did not ignite*

*ISE = Ignited but self extinguished*

Classification:

- Accepted:
- Class I - Time of flame spread is over 7 seconds for 12 square inches.
  - Class II - Burns with a rapid surface flash is less than 7 seconds for 12 square inches, with no fusing or ignition of base fabric.
  - Class III - Time of flame spread is from 4 to 7 seconds, both inclusive, for 12 square inches with fusing or ignition of base fabric.
- Unsuitable:
- Class IV - Time of flame spread is less than 4 seconds for 12 square inches with fusing or ignition of base fabric.



**RESULTS:**

**TOTAL LEAD CONTENT IN SURFACE COATING ("Ban of Lead-containing paint and certain consumer products bearing Lead-containing paint", Consumer Product Safety Improvement Act (CPSIA) of 2008)**

Element:			Lead	
Requirement: Maximum allowable limit:			90 mg/kg	
Sample Description			Result (mg/kg)	Conclusion
Color / Component	Location	Style		
(A) black	sewn label		LT 10	Pass

LT = Less Than mg/kg = milligrams per kilogram (ppm = parts per million)  
 \* = Average of duplicate analyses

Remark:

In some cases, the tested component cannot be tested individually due to overlapped coatings.

**TOTAL LEAD CONTENT IN SUBSTRATE (300PPM) (Consumer Product Safety Improvement Act (CPSIA) of 2008)**

Element:			Lead	
Requirement: Maximum allowable limit: (mg/kg)			300 mg/kg	
Sample Description			Result (mg/kg)	Conclusion
Color / Component	Location	Style		
(A) milky white plastic	beads inside body		LT 10	Pass
(B) black printed white fabric	sewn label		LT 10	Pass

LT = Less Than mg/kg = milligrams per kilogram (ppm = parts per million)  
 \* = Average of duplicate analyses



**RESULTS:**

**PRODUCT REVIEW**

**Sample Size: 12pcs**

**DEFECT**

Untrimmed thread  
Poor thread  
Poor stitches  
Running stitches  
Open seam  
Color mismatch  
Under print  
Over print  
Missing print  
Dirt  
Oil  
Grease  
Illegible labelling  
Scratch  
Damage  
Missing parts (sewn-in label, etc..)

**INFORMATIONAL PURPOSE ONLY**

**MINOR DEFECT RATIO      MAJOR DEFECT RATIO**

Untrimmed thread	0	0
Poor thread	0	0
Poor stitches	0	0
Running stitches	0	0
Open seam	0	0
Color mismatch	0	0
Under print	0	0
Over print	0	0
Missing print	0	0
Dirt	0	0
Oil	0	0
Grease	0	0
Illegible labelling	0	0
Scratch	0	0
Damage	0	0
Missing parts (sewn-in label, etc..)	N/A	0
<b>TOTAL # DEFECTIVE SAMPLES</b>	<b>0</b>	<b>0</b>



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**RESULTS:**



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