



**Derry City & Strabane**

District Council

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**Chathair Dhoire &**

**Cheantar an tSratha Báin**

**Derry Cittie & Stràbane**

Destrìck Cooncil

## **Guidance on the Safety of Candle Products**

*This information is designed to provide some basic guidance to traders. It is not a complete or authoritative statement of the law.*

### **Introduction**

This Advice Sheet has been produced to provide detailed guidance to small businesses including home producers of candles who supply directly to consumers. While it may be a challenge for businesses, it is their responsibility to ensure they comply with the law.

### **Background**

Due to the increase of social networking and popularity of 'artisan' and 'farmers' markets there is a prevalence of home-based hobbies that turn into small scale businesses. It is important to ensure that consumers are adequately protected, and that for example, hobbyists realise they are producing products that product safety laws apply to, whether a profit is made or not. The law relating to candles is complex and technical, but exists to ensure consumers receive adequate warnings and instructions for use; are protected from inhaling or touching harmful chemicals; and fire risks are minimised.

### **General Candle Safety**

Product safety legislation is not new, since the 1980's the law has required producers and distributors to place only safe products on the marketplace, provide information and warnings as to the risks their products pose (where these risks were not obvious), and to provide consumer instructions as to the safe operation and use of the product.

The current law that applies to the overall safety of goods is The General Product Safety Regulations 2005 (GPSR). There is no specific law which relates just to the safety of candles, but there are some 'European standards'\* which give clear guidance as to how safety with candles might be achieved. Following these standards assist businesses to demonstrate 'due diligence' under the GPSR.

\*Currently there are three standards concerned with candle safety, BS EN 15426, BS EN 15493 and BS EN 15494. More information about these is available from BSI ([www.bsigroup.com](http://www.bsigroup.com)) or the BCF (for members)

## **Fire Damage**

Data suggests that fires caused by candles account for 5% of total house fires. This is higher than matches and lighters combined, but significantly lower than other ignition sources such as electrical faults. It is worth noting that house fires attributed to candles are falling – according to the UK fire statistics report, “candle fire totals are now around a half less than the 2001-02 figure”; and at 951 in 2013-14. This reduction is partly due to increased consumer knowledge around candle safety, and the introduction of effective safety warnings and pictograms. This demonstrates the benefit/need for good quality user instructions/warnings and that they do make a difference.

However this is not a time to become complacent, in 2013-14 eleven people died in fires attributed to candles, for their families that is eleven too many. The risk of fire can be minimised by suitable warnings to the consumer, and as your duty is to make the product as safe as possible given reasonably foreseeable use, you must provide suitable warnings.

## **The Need to Assess Safety**

A producer must assess the safety of domestic indoor candles with respect to their burning characteristics, such as flame size, potential sources of secondary ignition (e.g. embedded materials, coatings, and decorations), stability and the adequacy and legibility of labelling and instructions for safe use. To be effective, safety instructions must be suitably legible. How children might interact with your product must also be considered and if any risks are identified those should be suitably addressed.

## **Know what is in the product**

A starting point for assessing safety is to work out what is in your product and in what proportions, depending on the end size of the candle or tea light. Apart from helping assess the safety by looking at chemical concentrations, it will also help when businesses come to design compliant labels. Discussions with suppliers and getting copies of their safety data sheets for ingredients used will help inform you about what is going into any product.

## **Is a Consultant required?**

Depending on the businesses level of knowledge and competency, it may transpire that some expert input from an appropriate competent person could help with identifying the ingredients, calculating their quantities and therefore assessing concentrations in the end product. This will help determine any hazards or risks, and therefore inform the type of labelling that may be appropriate. A competent person experienced in the candle industry can also advise or assist with safety test methods, technical files, and designing legally compliant labels.

## **A safety testing plan**

For larger manufacturers with the skills, knowledge and equipment to do so, most safety testing is conducted in-house following the GPSR and requirements under the three European standards. Smaller businesses may need to submit product samples for laboratory testing, where the burning characteristics can be assessed under a series of controlled laboratory conditions.

How much safety testing businesses are required to do is scalable, so larger producers are expected to test more samples. Records and test house certificates of safety testing should form part of the technical file. Before releasing a new product onto market, businesses are under a legal obligation to assess it for safety. For products already on the market businesses will need an ongoing monitoring process with periodic random sample safety testing. To do no safety assessments or testing at all will not demonstrate all due diligence has been undertaken, so you will have no defence if an incident occurs.

### **Safety Data Sheets and CLP Labelling**

Suppliers' duties for safety data sheets and CLP labelling only apply where a mixture has hazardous properties (as defined in the CLP regulation) or where it contains certain hazardous components above specified concentrations. If Safety Data Sheets are to be required, the applicable legislation is Article 31 of REACH. The requirements for labelling are provided in the Classification, Labelling and Packaging (CLP) regulation. Both are available on the European Chemicals Agency (ECHA) website; <http://echa.europa.eu>

Candles are considered to be mixtures under both REACH and CLP as they are blends of wax, fragrances and possibly colourants. These duties, in general apply to small scale home-based suppliers in the same way they apply to larger scale suppliers and industry.

When businesses are considering what information should be on a label or whether one is in fact needed, the requirements are very much dependent of the substances used in the candles and their respective hazard classification. This has to be determined individually for each of the candle formulations, as they will each have different 'ingredients'.

The main concern for candles is likely to come from the fragrances used. In particular, a number of common fragrances are classified as 'sensitisers' (i.e., they can cause allergic reactions) and this can manifest at very low concentrations. For mixtures containing substances that are classified as sensitizers at a concentration of 0.1% or above, there will generally be a requirement to include some information about this hazard on the label of the product. For example, this could include the use of the statement 'Contains (Name of sensitising substance). May produce an allergic reaction'. Such a statement serves to warn users who are already sensitised to a particular substance. If a sensitising substance was present at higher concentrations (generally higher than 1%) the entire mixture would be classified as a sensitizer and would need to carry a pictogram (e.g., the exclamation mark symbol), a hazard statement (e.g., May cause an allergic skin reaction) and precautionary statements about safe use.

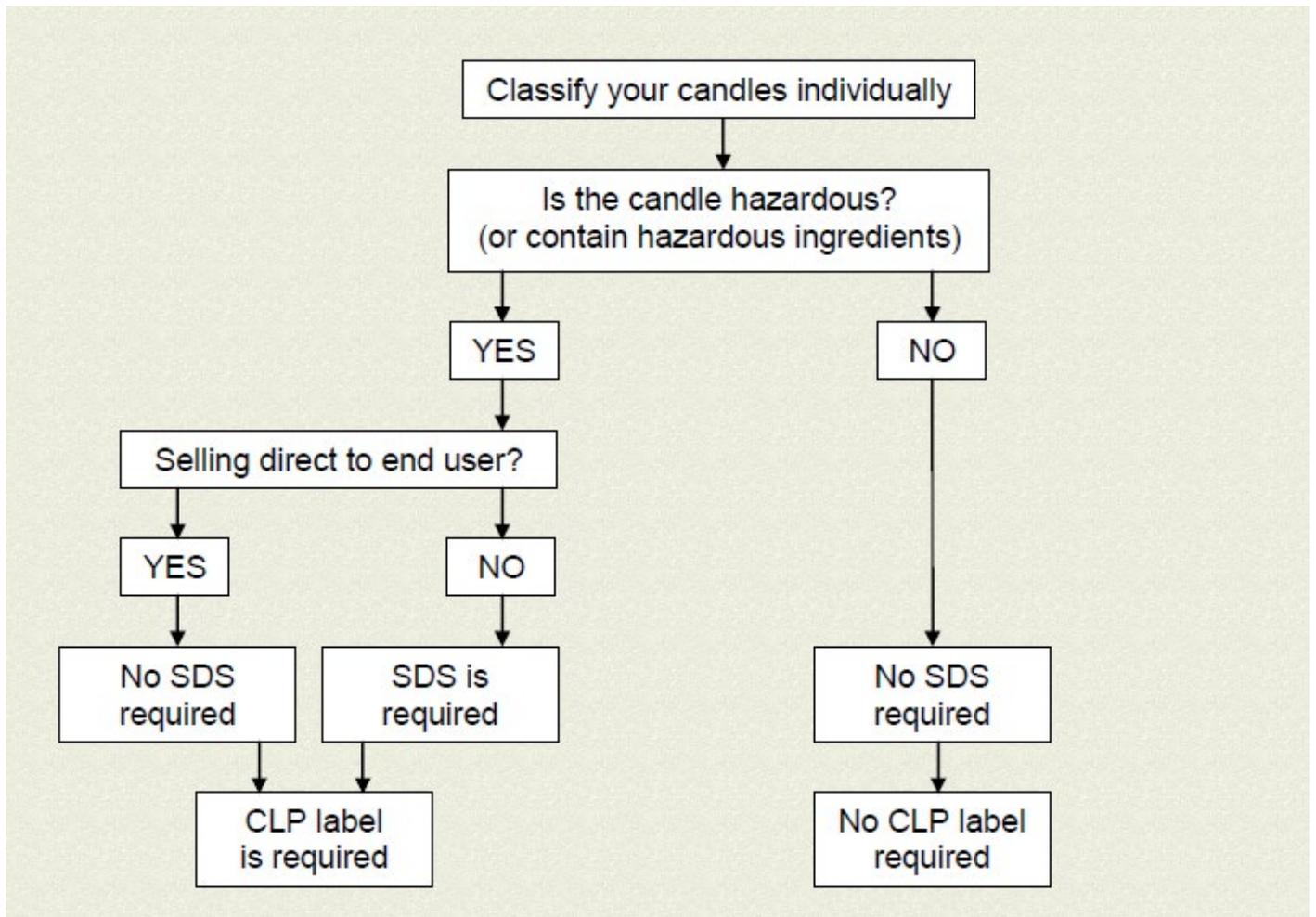
For particularly potent sensitizers, these requirements can be triggered when the substance is present at even lower levels (i.e., 0.01% for the special warning and 0.1% for classification of the mixture respectively). Also, a small number of substances have a concentration limit that is specific to them and this may differ to the values noted above.

These latter two points are not common and it is most likely that the 0.1 and 1% limits will be applicable in the vast majority of cases and will be what you need to consider.

Substances can be classified for other hazards (e.g., skin irritation, eye irritation, hazardous to the aquatic environment etc.). From common composition of candles these are less likely to be applicable, but if ingredients are classified for other hazards (which can be ascertained from the Safety Data Sheet the supplier passes to the producer) the business will need to consider whether or not they are relevant to the candle. This will be based on the concentration of the substance in the final candle mixture. However, there are different concentrations to consider for the different hazards (e.g., if an ingredient is classified as a skin irritant, it would generally trigger classification of the mixture as a skin irritant when present at 10% or above).

If the candle is not classified (i.e., it does not contain any ingredients that are classified as hazardous) then there is no requirement for it to be labelled in accordance with CLP. The waxes used in candles, and readily available in bulk from your suppliers are unlikely to be classified as hazardous, it is the fragrances that should be focussed on. The classification criteria are provided in Annex I of the CLP regulation and a number of guidance documents are available on the European Chemicals Agency (ECHA) website; <http://echa.europa.eu/web/guest/guidance-documents/guidance-on-clp>.

As a business making candles, you should receive information about the ingredients you use from your suppliers. For example you are entitled (free of charge) to a Safety Data Sheet for any identified potentially hazardous components, containing information on the hazard classification of the ingredients. Selling directly to consumers does not require you to produce or pass on Safety Data Sheets to them; the label will give all the consumer information required. If you are not supplying directly to the end user, for instance if you supply candles to hotels or cafes, then a Safety Data Sheet will have to be produced and provided by you to the retailer for each formulation you supply. This is summarised in this flow-chart:

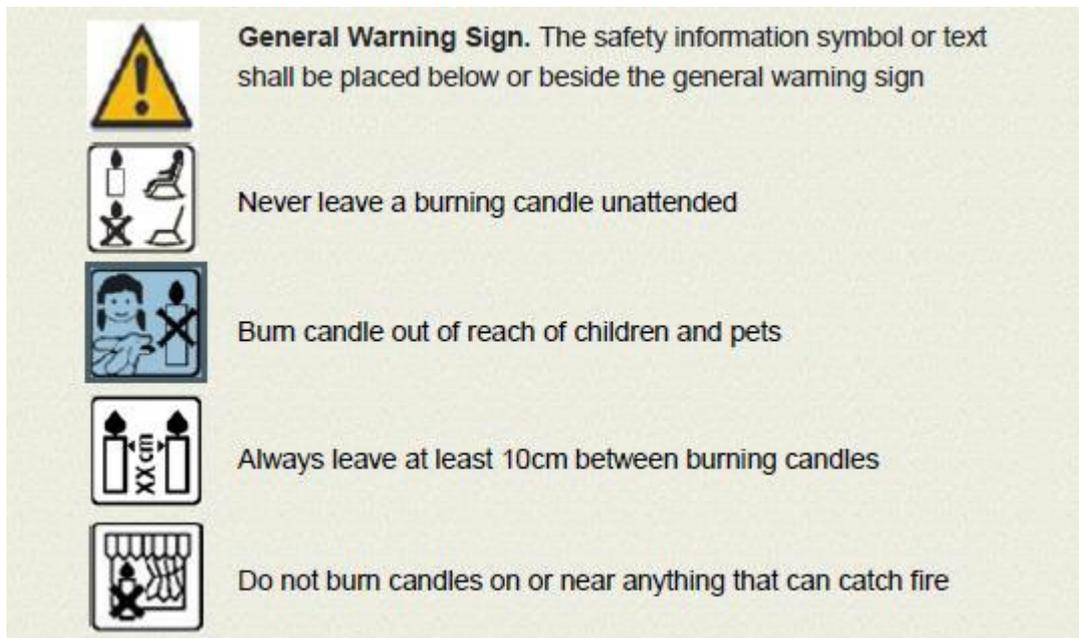


As the flow chart demonstrates, suppliers of candles are required to classify and, where appropriate, label them in accordance with the requirements of the CLP regulation. If the candle is not hazardous (or does not contain hazardous ingredients) there is no requirement to label under CLP. There is no requirement to provide a Safety Data Sheet to the general public so long as appropriate information is made available in other ways (e.g., the label).

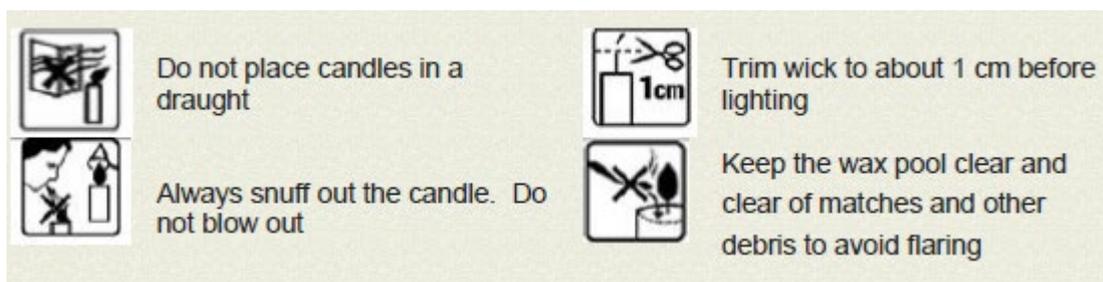
Where there is a duty to provide a SAFETY DATA SHEET, this should be provided free of charge. You are not obliged to buy labels or SAFETY DATA SHEET from another party to meet your legal duties, it is something you can do yourself although small cottage industry candle makers may require some support.

### **Compliant Labels - Hazards and Warnings**

Labelling must be compliant with the CLP requirements outlined above, and also with the European Standards, particularly BS EN 15494:2007 "Product Safety Labels" which specifies the format and content of product warning labels for indoor candles. The standard requires that all information supplied with a candle is presented in a clear format on the product and should be easily and non-verbally comprehensible. Such warnings may be on the product or packaging itself or available as a separate leaflet if appropriate.



In addition to the minimum safety information as outlined above, the standard encourages the use of optional safety information where appropriate. The optional 'warnings' depend on the type of candle being produced/sold, as they are not all appropriate to all types of candle. The diagram below gives a few popular examples but is not an exhaustive list, to ensure compliance you should refer to the standard and review the full list to identify the information applicable specific to your product.



## Traceability

A distributor is also required to keep and provide documentation necessary to trace the origin of unsafe products. For the most part producers mark their products with a product reference (a code or name for your candle) and/or its production batch to ease traceability.

In these instances distributors' records can be used to trace an unsafe product back to its source and thereby allow the enforcement authorities an opportunity to resolve the problem at source. It also greatly assists if recalls of a certain batch are later required.

By way of providing some practical examples that may be appropriate for small batches, you can consider the following: handwriting a batch code on packaging with an indelible marker, or printing tiny white sticky labels on your home printer, or stamping with a numbering stamp. A corresponding record could then be kept in the technical file. The batch number sticker could go anywhere is easiest, there are no 'line of sight' requirements for it and is not customer information.

For example, if you supply a box of twenty candles to a shop, it may in certain circumstances be appropriate to have your batch code on the invoice instead of on each individual candle, and invoice records may be kept electronically.

### **Indicating Who You Are**

Customers, by law, have the right to know who it is they are entering into a contract with. The main pieces of law that relate to this are the Companies Act 2006 (whether or not you are a Limited Company) and for websites the “e-commerce Regulations”. You must provide the business name, legal ownership name and a geographical address (an email address alone will not suffice) where legal documents can be sent.

These requirements apply to receipts, invoices, orders and correspondence (including emails) issued in the course of your business. Websites and pages on social network sites are covered also. It must be full, accurate information and easy for the customer to find, not buried several clicks away in small print at the bottom of an isolated page. It is basic consumer protection that people know who they are dealing with. In relation to the safety of consumer goods it provides essential traceability.

### **Technical File**

Businesses should start building up files of essential information relating to product formulations. Such records have to be kept for a minimum of 6 years. These records may be electronic. Some ideas on what this documentation could contain are: a description and formula for each product in your range; raw material purchase and finished product sales records; documentation to meet VAT requirements; risk assessments; SAFETY DATA SHEET; labelling/packaging details; safety testing plan; customer complaints and recall procedures.

If at any point businesses become aware that a product they have placed on the market, or have supplied, “poses risks to the consumer that are incompatible with the general safety requirement” then you have a legal duty to notify Environmental Health. As part of your due diligence you will review all customer feedback and complaints.

In dialogue with businesses the Environmental Health Department will help assess the risk and the appropriate response as well as ensure the Government notification duty is correctly followed. If the risk is deemed to be serious and affects more than one market the authority will generate a serious risk notification under the Rapid Alert Notification System (RAPEX), and discuss recall procedures with you.

It is best to have a written plan on file, and be aware of your legal notification and risk assessment obligations before such an event occurs. This can be added to the technical file. It will allow for a faster response time when an incident occurs.

### **Imitation Foods**

Candles which could be mistakenly eaten by children or present a choking hazard would be subject to the Food Imitations Safety Regulations 1989. Examples would be candles with the same shape or smell as fruit, sweets or cakes.

These Regulations prohibit the marketing, import and manufacture of products that look like foodstuffs but that are not in fact edible. In particular they prohibit the supply of goods

that have one or more of the following: form, odour, colour, appearance, packaging, labelling, volume, that children could confuse with food and put in their mouth or suck or swallow, which may cause death or injury. This provides a fairly blanket ban on candles resembling food however, you should look at the item as a whole and take other factors into account when assessing the safety risks.

Packaging can be a concern. For example, a cup-cake shaped candle in a paper cake case, may tempt a child to take a bite.

### **The Format and Position of the Labelling**

In terms of labelling, the labels of hazardous substance and mixtures have to be firmly affixed to the packaging that immediately contains the hazardous substance or mixture. If this is not possible due to an awkward shape or small size, it's possible to apply the labels in alternative ways - including the use of tie or tags, fold-out labels or by providing full information on outer packaging (e.g., the box) with minimal information on the inner packaging. How you apply your labels will therefore depend on how you package them and what labelling information is required. Warnings should be readable horizontally when the package is put down normally and should be easily visible.

### **Further Sources of Information**

Expert consultants can be helpful for producing or interpreting safety data sheets, checking chemicals are of the type you may use (not on the 'banned' list), helping produce legally compliant labels and advise on packaging and positioning of labels. The British Candlemakers Federation may be a source of industry support.

The Health and Safety Executive for Northern Ireland have some guidance on candles and CLP on their website. Access to this information can be found using the following link:

<https://www.hseni.gov.uk/articles/candles-and-clp>

### **Contact Points**

British Candlemakers Federation (BCF)  
Tallow Chandlers Hall  
4 Dowgate Hill  
London  
EC4R 2SH  
Telephone: 020 7248 4726  
Web: [www.britishcandles.org](http://www.britishcandles.org)

Derry City & Strabane District Council  
Environmental Health Department  
98 Strand Road Derry/Londonderry  
BT48 7NN  
Tel: 028 71253253  
Email: [consumerprotection@derrystrabane.com](mailto:consumerprotection@derrystrabane.com)

Please note: This information has no legal force and is not an authoritative interpretation of the law, which is a matter for the Courts. It is intended to help suppliers of candles to understand in general terms, the main features of the legislation. The information is not a substitute for the legislation and you should refer to the text of the legislation for a full statement of legal requirements and obligations. Where appropriate, you should seek your own independent legal advice.

