



EHNI

Environmental Health Northern Ireland

Jewellery

Consumer Protection Information

For Manufacturers and Importers

Jewellery

Introduction and Background

Jewellery is a popular product to be made at home. Due to the increase of social networking, such as Instagram and Facebook selling groups, there is a number of home-based hobbies that have turned into a larger operation to the point they are now operating as a business, often without them realising they have crossed a line into running a business where trading laws and consumer protection laws apply to their products.

All manufacturers need to be aware of their obligations to make sure their products are safe. The laws around the manufacture and supply of Jewellery can be complex and technical, but they exist to ensure that consumers are provided with safe products.

These duties apply to small scale home-based suppliers in the same way they apply to larger scale manufacturers/suppliers.

This guidance is to cover:

- Fine Jewellery and Costume Jewellery
- General Product Safety Requirements
- Chemicals in Jewellery
- Technical documentation

What does the term jewellery cover?

Jewellery consists of decorative items worn for personal adornment, such as brooches, rings, necklaces, earrings, pendants, bracelets, and cufflinks. Jewellery may be attached to the body or the clothes. For many centuries metal such as gold often combined with gemstones and similar materials such as amber, coral, precious metals or beads has been the normal material for jewellery, but other materials such as glass, shells and other plant materials may be used.

Fine or costume jewellery?

While fine jewellery is made of gold, sterling silver, platinum, or other precious metals, costume jewellery is made from gold or silver-plated metals, brass, bronze, or other low-quality base metals and alloys. Instead of diamonds, rubies, emeralds, and other precious stones, costume jewellery uses synthetic stones that mimic the real ones. Some items of costume jewellery are made from leather, textiles, or cords and beads. Anything from a homemade friendship bracelet to an intricate designer piece with leather and fabric is considered costume jewellery.

Fine Jewellery

The Hallmarking Act 1973 requires all precious metals sold in the UK to be hallmarked (with some exceptions). This process independently validates the precious metal content of the item. Compliance with this requirement is a Trading Standards function. Their contact details can be found at:

<https://www.nidirect.gov.uk/contacts/northern-ireland-trading-standards-service>

For reference, a comprehensive guide to Hallmarking, including downloadable guidance notes, is available from the British Hallmarking council:

<https://www.gov.uk/government/organisations/british-hallmarking-council>

A summary of current Hallmarking legislation from Birmingham Assay Office:

<http://assayofficebirmingham.com/legislation/current-legislation>

The four UK Assay Offices:

London Assay Office <http://www.thegoldsmiths.co.uk/welcome-to-the-assay-office/>

Sheffield Assay Office <http://www.assayoffice.co.uk/>

Birmingham Assay Office <http://assayofficebirmingham.com/>

Edinburgh <http://www.edinburghassayoffice.co.uk/>

Costume jewellery

Costume jewellery pieces may look exactly like fine jewellery pieces, however, they are much less expensive. They are not as long lasting as fine jewellery. Fine jewellery can be treasured and passed down for generations. Costume jewellery may fall apart. Fine jewellery can be considered an investment, while costume jewellery is just a temporary adornment.

Handmade is a term used to describe things that were created by a human, and the product is frequently created by a single person. Handcrafted products are those that have been created utilizing traditional processes and techniques that have been passed down through generations.

Regulations Covering Costume Jewellery

The General Product Safety Regulations 2005 (GPSR)

The GPSR outlines requirements that cover a wide range of products that may fall outside the scope of specific regulations (e.g. medical devices). This also includes jewellery.

These regulations provide the main basis for ensuring the safety of consumer goods by imposing certain controls. They also ensure that all products intended for or likely to be used by consumers under normal or reasonably foreseeable conditions are safe.

The General Product Safety Regulations 2005 place a duty on all suppliers, including jewellery makers, to ensure that the items they make are safe to use.

As a manufacturer, own-branding or importer of consumer goods (all of which are termed a 'producer' under the Regulations) you will have certain obligations, including traceability and monitoring requirements.

Where are you in the supply chain?

To help you assess your place in a product supply chain, you should answer the following questions:

Do you manufacture goods in NI, or act as the manufacturer by affixing your name, trademark, etc. to a product or do you recondition a product?

OR

Do you place a product on the market that was manufactured in GB or the EEA? *

Are you a professional in the supply chain that by your activities may affect the safety of a product?

If you have answer **YES**** to any of the above, you are now known as the **Producer** of the product.

* If you brought the products in from GB or the EEA, you are importing the goods

**This is a significant change following UK leaving the EU and places more responsibility on local businesses who may have previously been distributors or retailers, are now producers.

General Product Safety Regulations 2005 define the following:-

- **Distributor** – Any professional in the supply chain, whose activity does not affect the safety properties of a product.
- **Producer** –
 - a) the manufacturer of a product, when he is established in either NI (but not GB) or in the European Economic Area (EEA) and any other person presenting himself as the manufacturer by affixing to the product his name, trademark or other distinctive mark, or the person who reconditions the product.
 - b) when the manufacturer is not established in Northern Ireland or the EEA.; if he has a representative established in the NI (but not GB) or the EEA, the representative;
in any other case, the person that places a product from outside of NI or the EEA on the market (this will include products from GB)
 - c) other professionals in the supply chain, insofar as their activities may affect the safety properties of a product.

Obligations of Producers

The obligations of producers include:

1. Before placing a product on the NI market, or agreeing to place a product on the NI market, a producer must ensure that it is a safe product, i.e. one which under normal or reasonably foreseeable condition of use does not present any risk or only the minimum risk compatible with the product's use, considered to be acceptable and consistent with a high level of protection of health and safety.
2. Producers must provide consumers with the relevant information to enable them to assess the risk inherent in a product throughout the normal or reasonably foreseeable period of its use (where such risks are not immediately obvious) and to take precautions against those risks.
3. Producers must also allow for traceability by indicating on the product or its packaging (except when it is not reasonable to do so) a) the name and address of the producer, and b) the product reference or, where applicable, the batch of products to which it belongs.
4. Producers must adopt measures to enable them to be informed of risks the product might present, including (to the extent that it is reasonable) a) sample test marketed products, b) investigate and, if necessary, keep a register of complaints concerning the safety of the product, and c) keep distributors informed of the results of such monitoring where a product presents a risk or may present a risk.
5. For the purposes of the 2005 Regulations, a person or business who imports a product into NI (or the EEA) from outside of NI (or the EEA) may be a producer. Therefore, a business or person importing products from GB for supply on the NI (or EEA) market may now be a producer of the product and as such subject to the requirements set out above.

6. Where a producer knows that a product they have placed on the NI market or supplied poses risks to the consumer that are incompatible with the general safety requirement, they shall forthwith notify an enforcement authority in writing of that information and a) the action taken to prevent risk to the consumer; and b) where the product is being or has been marketed or otherwise supplied to consumers outside the United Kingdom, of the identity of each Member State in which, to the best of their knowledge, it is being or has been so marketed or supplied. Read more on how to notify the MSA at: <https://www.gov.uk/government/publications/business-notifications-of-unsafe-and-noncompliant-products>.

Obligations of distributors

NI businesses importing products into NI (or the EEA) from GB should now consider whether they are producers of the product and subject to the requirements of producers, rather than subject to the requirements of distributors.

The obligations of distributors include:

1. Distributors must act with due care to help ensure only safe products are supplied and must not supply products that, as a professional, they know or ought to know to be dangerous. For example, if a product has been subject to a recall, distributors must not supply any they may still have in stock.
2. Distributors should pass on information on the risks posed by the product.
3. Distributors should be able to show traceability of the products they supply, documentation should be retained that shows from whom the goods were purchased.
4. Distributors must cooperate with the enforcement authorities at their request. This includes the provision of information relating to the product, the nature of the risk, the product's supply and marketing, and also in taking appropriate action to remove the risk from consumers.
5. Where a distributor knows that a product they have placed on the NI market or supplied poses risks to the consumer that are incompatible with the general safety requirement, they shall forthwith notify an enforcement authority in writing of that information and a) the action taken to prevent risk to the consumer; and b) where the product is being or has been marketed or otherwise supplied to consumers outside the United Kingdom, of the identity of each Member State in which, to the best of their knowledge, it is being or has been so marketed or supplied. [Read more information on how to notify the MSA.](#)

Obligations of producers and distributors

Where a producer or distributor discovers (perhaps as a result of a consumer complaint) that a product they have supplied poses risks to the consumer, and is unsafe, they must immediately notify the relevant enforcement authority in writing. This will normally be district councils.

Producers and distributors must cooperate with the enforcement authorities at their request. This includes the provision of information relating to the product, and also taking appropriate action to remove the risk from consumers, including by telling the enforcement authority the identity of each EEA state in which to the best of their knowledge the product has been marketed or supplied. In cases where it is identified the product poses a serious risk, information enabling precise identification, a full description of the risk, all available information relevant for tracing the product and a description of the action undertaken to prevent risks to the consumer must be included in the notification.

The enforcement authorities will advise on actions aimed at removal of the risk and work with businesses on completing the notification.

The guide linked below is designed to help you comply with the General Product Safety Regulations 2005, as they apply in NI. They set out the requirements that must be met before products can be placed on the NI market. The purpose of this legislation is to ensure that consumer products are safe before they can be placed on the market in NI. This is done by requiring producers to ensure that consumer products meet the general safety requirement.

<https://www.gov.uk/government/publications/general-product-safety-regulations-2005/general-product-safety-regulations-2005-northern-ireland>

Regulation (EC) 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)

REACH formally took effect in 2007, to regulate the concentrations of dangerous chemicals, and heavy metals in consumer products manufactured, imported and sold within Northern Ireland.

Jewellery Products covered by REACH:

- Earrings
- Necklaces
- Piercings
- Bracelets
- Rings
- Wrist watches
- Brooches
- Cufflinks
- 'jewellery' articles including imitation jewellery articles and hair accessories
- Materials from which jewellery are made

REAH regulates more than 1,000 chemical substances and the list is continually expanding as new chemicals and heavy metals are added each year.

Annex XVII is a list of hazardous mixtures, articles or substances that are prohibited or otherwise restricted for use in products sold within Northern Ireland.

The following restriction are on substances that can be found in jewellery:

Cadmium – Entry 23 of Annex XVII

For Jewellery placed on the market after 10th December 2011

Plastic/metal/paint/coatings - shall not exceed 0.01% of weight.

*Excludes jewellery more than 50 years old on 10th December 2011

Nickel – Entry 27 of Annex XVII

Jewellery meant to be worn externally and that has direct contact with the skin for long periods, nickel has a migration limit of ≤ 0.5 µg/cm²/week.

Body-piercing jewellery - the rate of nickel release must be less than 0.02 µg/cm²/week.

Lead – Entry 63 of Annex XVII

Jewellery placed on the market for the first time after 9th Oct 2013:

The concentration of lead must be 0.05% of weight or below.

*Excludes jewellery products before 10th December 1961.

As previously mentioned, jewellery importers and manufacturers have the responsibility to ensure that the products are compliant. Testing by a laboratory is the only way to determine whether the products you are manufacturing or buying comply with the above-mentioned limits for these chemicals.

Magnets in Jewellery

Magnets are used in a variety of jewellery products including earrings, bracelets and magnetic body 'piercings'.

Magnets found by children can be ingested. If more than one magnet is ingested, the objects can attract to each other across intestinal walls and cause perforation or blockage, which can cause severe injuries that can be fatal. Additionally, small magnets may present a choking risk to children.

Jewellery that contains a magnet of more than 50 kG²mm² may pose a risk to both children and adults, therefore a risk assessment must be carried out to determine if further actions, such as additional labelling, are required.

Amber Bracelets/Necklaces

Amber bracelets and necklaces intended to ease teething pain can pose a risk to small children and babies from choking on the beads if they become loose, strangulation due to the length of the product or from the chemicals contained in the beads. If you are selling such products, you must ensure you have assessed the risk these products pose to small children and babies and have received all the necessary information and technical documentation to show the products are safe.

Children's Jewellery

Under the Toy (Safety) Regulations 2011, there is an exemption for "Fashion accessories for children which are not for use in play". If your product does not have any play value, then it would not fall under the Toy (Safety) Regulations 2011. However, if it does have play value, it will fall under these regulations and therefore must be compliant with the requirements. Further information can be found at:

<https://www.gov.uk/government/publications/toys-safety-regulations-2011/toys-safety-regulations-2011-northern-ireland>

Ensuring your Products Comply

It is your responsibility as a Producer to ensure the products you buy, and supply are compliant and safe.

If you are purchasing any Jewellery Products, including raw materials and completed products, ensure your supplier can provide information to show compliance. This can include:

- Manufacturer details including their name and address.
- Traceability information from the manufacturer.
- Test reports detailing the chemical levels of Cadmium, Nickel and Lead (where applicable).

For products you are manufacturing you must ensure your finished product is complaint and safe for use, it is labelled correctly and documentation maintained.

Technical Files:

You should maintain a file of essential information relating to your product. Such records must be kept for a minimum of 10 years. These records may be electronic. This documentation could contain the following information:

- A description for each product in your range;
- Raw material purchase records;
- Finished product sales records;
- Risk assessments;
- Test Results for chemicals;
- Labelling/packaging details;
- Traceability documents;
- Customer complaints and recall procedures.

Technical files must be made available for inspection by 'market surveillance authorities' such as Environmental Health Officers from Local Councils (Article 19, EU Reg. 765/2008 and Article 14 Regulation 2019/1020)

Further Guidance

The general Product Safety Regulations 2005 -

<https://www.legislation.gov.uk/uksi/2005/1803/contents>

<https://www.gov.uk/government/publications/general-product-safety-regulations-2005/general-product-safety-regulations-2005-northern-ireland>

British Standards that may apply:

- BS EN 1811:2023 – Ref test method for the release of nickel
- BS EN 12472:2020 – Method of simulation of accelerated wear and corrosion for the detection of nickel release from coated items
- BS EN 12471:2020 – Method for simulation of accelerated wear and corrosion for the detection of nickel release from coated items
- ASTM F2923-20 Standard specification for consumer protection for children's jewellery