

EU Issues Guidance Document on the Safety of Food-Imitating Toys and Other Food-Imitating Products

The European Commission has released [Guidance Document No. 23](#) in July 2026, providing practical direction on how to classify **food-imitating toys** and **other food-imitating consumer products**.

This guidance supports manufacturers, importers, distributors, and market surveillance authorities in determining whether a product falls under the [Toy Safety Directive 2009/48/EC \(TSD\)](#) or the [General Product Safety Regulation \(GPSR\)](#) for the above two categories.

The guidance is **non-binding**, but it reflects the consensus approach of the Expert Group on Toy Safety and incorporates insights from the [CASP FIP2021 “Handbook of Child appealing \(including food imitating\) products”](#).



Risks in Food-Imitating Products

Food-imitating products—items that resemble food in **form, colour, odour, texture, packaging, or size**—may be confused with real food, especially by children. This can lead to **suffocation, poisoning, or digestive tract injuries**.

Under the **GPSR**, such products must undergo a **risk assessment** considering their food-like appearance and foreseeable misuse.

Distinguishing Toys from Non-Toys

The TSD defines a toy as any product designed or intended—whether or not exclusively—for use in play by children under 14.

Key determinants include:

- **Intended play value** introduced by the manufacturer
- **Reasonably foreseeable use**, which overrides the manufacturer's declaration
- **Presentation, marketing, and point of sale** (e.g., toy aisle vs. home décor section)

Practical implications

Product	Classification	Applicable Regulation
A realistic plastic banana sold in a toy department	Toy	TSD
The same item sold as home décor	Non-toy	GPSR
Food-imitating candles	Non-toy	GPSR
Food-imitating soaps	Cosmetics	GPSR
Christmas decorations with play value	Toy	TSD

GPSR: Stronger Focus on Food-Imitating Risks

The GPSR (in force since December 2024) **repeals Directive 87/357/EEC** and explicitly requires authorities to consider food-imitating characteristics during safety assessments.

Notably, the Court of Justice (Case C-122/21) confirmed that authorities **do not need to prove** actual injury risk with objective data; foreseeable confusion is sufficient.

Three Main Categories Clarified

The guidance distinguishes:

Categories	Examples	Regulations
Food-Imitating Products (Non-Toys)	Decorative fruit, bakery-shaped candles, cosmetic soaps shaped like muffins.	GPSR or Cosmetics Regulation , depending on product type.
Double-Function Products (Décor + Toy)	Items marketed as decorations but clearly appealing for play (e.g., Christmas tree ornaments shaped like cookies).	TSD , if play value is present.
Food-Imitating Toy#	Squishy fruits, plastic bakery items, toy sweets, stress balls shaped like tomatoes.	TSD , with full toy safety requirements.

The annex of the Guidance Document provides **dozens of examples** across fruits, bakery, sweets, liquids, and miscellaneous items.

How Does This Guidance Differ from CEN/TR 18240:2025?

CEN/TR 18240:2025 "Safety of toys - Mechanical and physical properties - Guidance on the requirements for food-imitating toys in EN 71-1" focuses on how realistic or non-realistic specific food-imitating toys are and, therefore, if the new requirements on EN 71-1 clause 4.28 apply.

This Guidance document No. 23 is rather focused on the distinction between food-imitating toys and food-imitating products.

Reference

<https://webgate.ec.europa.eu/circabc-ewpp/d/d/workspace/SpacesStore/9ae14726-b5c5-4e60-b8e8-277df84f624a/download>.

FOR MORE DETAILS, PLEASE CONTACT US:

Hong Kong: hktcd@stc.group

Guangdong: gdtcd@stc.group

Shanghai: shtcd@stc.group

Changzhou: czstc@stc.group

Vietnam: vnstc@stc.group

Japan: jpo@stc.group

U.S.A. : usenquiry@stc.group

Germany: grstc@stc.group

