

12 May 2026

Logical Toys Limited

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Attention: [REDACTED]

Via email: [REDACTED]
[REDACTED]

Dear [REDACTED]

Fair Trading Act 1986: Warning for supplying Teethers that do not comply with the Product Safety Standard

1. The Commerce Commission (the **Commission**) has completed its investigation into Logical Toys Limited (**Logical Toys**) for potential breaches of the Fair Trading Act 1986 (the **Act**).
2. The investigation considered whether Logical Toys has supplied, offered to supply or advertised to supply a range of Teethers (collectively, the **Teethers**) that do not comply with the Product Safety Standards (Children's Toys) Regulations 2005 (the **Regulations**), in breach of section 30(1) of the Act.
3. The Regulations mandate AS/NZS 8124.1:2002 Safety of Toys – Part 1: Safety aspects related to mechanical and physical properties (the **Safety Standard**) as a product safety standard, with variations set out in Schedule 2 of the Regulations.
4. During the investigation, the Commission collected and analysed information from Logical Toys and other relevant parties¹.
5. Following the Commission's consideration of that information, it has reached a view that Logical Toys may have breached section 30(1) of the Act as it supplied 308 units of the Teethers between June 2021 and May 2025, that failed to comply with the Safety Standard. Breaching section 30(1) is an offence (via section 40(1) of the Act) punishable on conviction of a body corporate to a maximum penalty of \$600,000 per charge.

¹ Other parties include Mighty Ape.

6. Images of the Teethers are provided at **Attachment A**.
7. The Commission has decided in this instance to issue Logical Toys with a warning in respect of the conduct. A warning is not a finding of non-compliance; only the courts can decide whether a breach of the law has occurred.² We have determined that at this time we will not be bringing legal action.
8. The purpose of this warning letter is however to inform Logical Toys of the key facts and concerns the Commission considered and the reasons for reaching its view that Logical Toys may have breached the Act, and that issuing a warning is appropriate. The purpose of a warning is also to prompt changes in behaviour and to encourage future compliance.

Details of the Commission's investigation

9. On 25 March 2025, the Commission undertook a proactive online sweep of the Mighty Ape website www.mightyape.co.nz to inspect compliance with mandatory product safety standards and unsafe goods notices. During this online inspection, Commission staff identified the Teethers being advertised and offered for supply on the Mighty Ape website. The Commission test purchased one unit of all five variations of the Teethers.
10. A physical assessment of the shape and size of the Teethers was undertaken by the Commission of all the variations of the Teethers purchased. This assessment confirmed they do not comply with the Safety Standard as at least a portion of each was capable of penetrating past the full depth of the cavity of test 'Template A'. The Teethers therefore present the risk of becoming lodged in a child's throat and blocking the airway creating a choking and/or suffocation hazard.
11. Mighty Ape informed the Commission that the Teethers were supplied by Logical Toys.
12. During the investigation, the Commission obtained and considered the following information supplied by Logical Toys on a voluntary basis:
 - 12.1 Logical Toys supplied 308 Teethers to various retailers and directly to customers between June 2021 and 28 May 2025.
 - 12.2 On 29 April 2025 Logical Toys initiated a voluntary recall of the Teethers.
 - 12.3 On 28 May 2025 it confirmed that the Teethers were no longer being offered for supply, following an error of them still being available for supply beyond the recall date, and that all remaining stock has been destroyed.
 - 12.4 Logical Toys had no formal compliance process in place throughout the time it ordered, supplied, and offered to supply the Teethers.
 - 12.5 Logical Toys did not own a copy of the Safety Standard, nor had it accessed a copy.

² <https://www.comcom.govt.nz/about-us/our-policies-and-guidelines/investigations-and-enforcement/enforcement-response-guidelines/>

- 12.6 Although it had obtained a test report, when the Teethers had been submitted for testing, it had been categorised for the wrong age range. Therefore, the Teethers had not been assessed against the applicable clauses of the Safety Standard relating to the shape and size of certain toys (which includes teething toys).

Response from Logical Toys

13. When provided the opportunity to comment on the proposed outcome of this investigation, Logical Toys stated it “had relied somewhat on our suppliers and their testing agencies to perform tests that met the NZ safety standards without performing our own due diligence research to [e]nsure standards are met”.

Details of the relevant law

The Fair Trading Act 1986

14. The Fair Trading Act 1986 prohibits the supply, offer to supply, or advertising of goods which do not comply with product safety standards or unsafe goods notices that apply to those goods.
15. Section 30(1) of the Act states:
- 15.1 If a product safety standard in respect of goods relates to a matter specified in section 29(1), a person must not supply, or offer to supply, or advertise to supply those goods unless that product safety standard is complied with in respect of those goods.

The Safety Standard

16. The Safety Standard applies to toys manufactured, designed, labelled, or marketed for use by children up to and including 36 months of age whether or not the toys are manufactured, designed, labelled, or marketed for use by children over that age.
17. The Safety Standard currently mandates the Australian/New Zealand Standard entitled AS/NZS ISO 8124.1:2002 Safety of Toys.
18. Toys do not comply with the Safety Standard if:
- 18.1 they have small components or small components come off the toy during reasonably foreseeable abuse testing, because these components create a choking hazard for young children; and/or
- 18.2 their size and shape mean that they risk becoming lodged in a child’s airway, and/or creating impaction hazards associated with teethers and other products (which includes teethers and teething toys); and/or
- 18.3 on battery-operated toys the battery compartment is easily accessible without the use of a tool or two independent movements, or the battery compartment opens after a drop test.
19. Clause 4.5.1 of the Safety Standard outlines that Teethers and Teething toys must comply with the shape and size tests as specified under the Safety Standard. The main risk

associated with Teethers is that their shape and size can pose a risk of becoming lodged in a child's throat and blocking the airway. To determine whether a Teether is at risk of becoming lodged in a child's airway, the shape and size test under clause 4.5.1 of the Safety Standard states that no portion of the teether shall be capable of entering and penetrating past the full depth of the cavity of test Template A and/or Test Template B³.

The Commission's view

20. The Commission's view is that there is sufficient evidence to establish that Logical Toys may have breached section 30(1) of the Act. The reasons for the Commission's view are set out below:
 - 20.1 Commission staff assessed the Teethers against test Template A and determined that each Teether variety had a portion that was capable of penetrating past the full depth of the cavity. Commission staff are therefore of the view that the Teethers do not comply with the Safety Standard (**Attachment A**);
 - 20.2 It supplied 308 units of the Teethers between June 2021 and May 2025; and
 - 20.3 It is a specialist toy retailer who supplies to a large number of consumers.
21. The Commission therefore considers that Logical Toys may have breached section 30(1), as it supplied, offered to supply, and advertised to supply the Teethers which did not comply with the Safety Standard.

Enforcement action for breaching the Act

22. Where the Commission considers that a person or business may have breached the Act, there are a range of potential enforcement responses available.

Warning

23. Following the investigation and considering all the available information, the Commission has decided to issue a warning to Logical Toys. In our view:
 - 23.1 The evidence that has been gathered is sufficiently strong to establish a prima facie case;
 - 23.2 Logical Toys may have breached section 30(1) of the Act for the reasons set out above; and
 - 23.3 The matter can be satisfactorily resolved without legal proceedings.
24. In deciding on the appropriate enforcement response in this case, the Commission has considered the extent of the harm, the seriousness of the conduct, and the public interest.

Consequences of this warning and publication

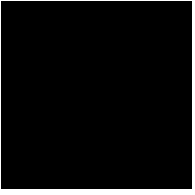
³ Template B is utilised in addition to Template A if the Toy has nearly spherical, hemispherical or circular flared ends. Due to the shape of the Teethers, the Template B test was not engaged.

25. The Commission reiterates that the Commission's view is based on the information collected during the investigation, and that only a court can determine whether there has been a breach of the Act. A court can impose penalties where it finds the law has been broken. A company that breaches the Act can be fined up to \$600,000 and an individual up to \$200,000, per offence. Where a company is a repeat offender, directors and those involved in the management of the company can be banned from involvement in the management of any company carrying on business in New Zealand for a period of up to 10 years.
26. Legal action would remain available to the Commission in the future if the conduct continues or is repeated. We may also draw the warning letter to the attention of the Court in the event of any subsequent proceedings brought by the Commission against Logical Toys.
27. Logical Toys should be aware that our decision to issue this warning letter does not prevent any other person or entity from taking private action through the courts.
28. Warning letters are usually made public on the case register on the Commission's website. The Commission may also issue a media release or make public comment about this investigation and our conclusions.
29. Further detail on our approach to making enforcement decisions, the content of a warning, and the Commission's publication approach is contained in the Commission's 'Enforcement Response Guidelines', available on the Commission's website (www.comcom.govt.nz).

The Commission's role






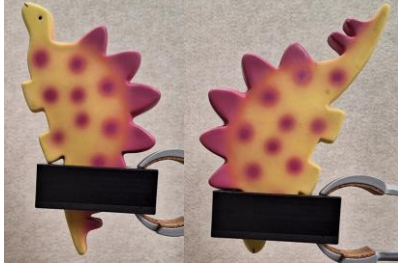


30. The Commission is responsible for enforcing and promoting compliance with a number of laws that promote competition and product safety in New Zealand, including the Act. Regulations setting mandatory safety standards for certain products are enforced by the Commission under the Act.
31. We have published a series of fact sheets and other resources to help businesses comply with the Act and the other legislation we enforce, including the product safety standard for the safety of toys. These are all available on our website at www.comcom.govt.nz.
32. We encourage you to visit our website to better understand your obligations and the Commission's role in enforcing the Act.
33. You can view the Act and other legislation at www.legislation.co.nz.
34. Thank you for your assistance with this investigation. Please contact [REDACTED] by email at [REDACTED] if you have any questions in relation to this letter.

Yours sincerely,



Head of Fair Trading and Product Safety Investigations

Attachment A

Teether	Photo	Evidence of non-compliance
Tikiri: My 1st Tikiri Dinosaur Teether Toy - Triceratops		
Tikiri: Natural Rubber Teether and Bath Toy - Brachiosaurus		
Tikiri: My 1st Tikiri Dinosaur Teether Toy - Stegosaurus		
Tikiri: My 1st Tikiri Dinosaur Teether Toy - Parasaurolophus		
Tikiri: My 1st Tikiri Dinosaur Teether Toy - T-Rex	