

Toys with food – is it allowed?

Attaching toys to food products is nothing new for consumers. There are numerous products on the market to which, as part of marketing activities, various types of building blocks and figurines are added upon purchase. However, only few entrepreneurs seem to ask themselves whether such practices are legally regulated.

Current Legal Framework

Currently applicable regulations do not expressly prohibit manufacturers from adding toys to food. However, the key issue remains ensuring the safety of consumers who will consume such food. This applies in particular to children, who are most exposed to the risk of swallowing, choking or suffocation. Regulations concerning the inclusion of toys with food are primarily introduced by Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys (hereinafter: the "**Directive**"), as well as the Regulation of the Minister of Development and Finance of 20 October 2016 on requirements for toys (hereinafter: the "**Regulation on Requirements**"), which implements the Directive into the Polish legal order.

The Regulation on Requirements introduces provisions concerning toys contained in or mixed with food. For example, **such toys must have their own packaging of dimensions that will prevent the risk of swallowing or entry into a child's respiratory tract**. Furthermore, it is impermissible to combine a toy with a food product in such a way that direct access to the toy is obtained only after consuming the food. Toys contained in or mixed with food must also bear the warning "**Toy inside. Adult supervision recommended**". It should also be noted that toys resembling food and which may be confused with food may be deemed dangerous within the meaning of Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC.



Changes in Legislation

In December 2025, R Regulation (EU) 2025/2509 of the European Parliament and of the Council of 26 November 2025 on the safety of toys and repealing Directive 2009/48/EC (hereinafter: the "**New Regulation**") was published in the Official Journal of the EU. **The New Regulation introduces provisions on toy safety, including toys contained in or mixed with food, and maintains some of the provisions introduced by the Directive**, including those concerning separate packaging for toys, as well as the prohibition on combining them in such a way that the food product must be consumed in order to gain direct access to the toy. Pursuant to the New Regulation, where toys or their parts and packaging which can reasonably be expected to be brought into contact with food, or to transfer their constituents to food under normal or foreseeable conditions of use, such toys must also comply with the regulation on materials and articles intended to come into contact with food. The New Regulation also introduces **provisions concerning toys containing magnets or magnetic parts**, which are products frequently added by manufacturers to food, e.g. breakfast cereals – such toys shall be designed and manufactured in such a way that the size and strength of the magnets do not pose a risk of intestinal perforation or blockage.

The New Regulation partially entered into force on 1 January 2026; however, it will for the most part apply from 1 August 2030.



Contact us!

Jacek Myszko

Partner, attorney-at-law

☎ +48 660 617 009

✉ jacek.myszko@sklegal.pl



Zuzanna Osiej

Associate

☎ +48 538 156 787

✉ zuzanna.osiej@sklegal.pl

