



Licensee Information Packet

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About ACMI



The Art and Creative Materials Institute, Inc. has since 1940 successfully sponsored a certification program for children's art materials, certifying that these products contain no materials in sufficient quantities to be toxic or injurious to humans, including children, or to cause acute or chronic health problems. This certification program has received the endorsement of experts in the field of toxicology and is one of the finest industry programs in existence. It has been a responsive program, evolving to meet new challenges and to include more products over the years. In 1982, the program was expanded to include certification of a broad spectrum of art and craft materials, ensuring that health warning labels are affixed where appropriate. Today, ACMI has over 200 members worldwide and has certified over 60,000 art material formulations.

All ACMI-certified products have been evaluated by a board-certified toxicologist (medical expert) and are labeled in accordance with federal and state laws. Each product in the program undergoes extensive toxicological testing that covers both acute and chronic toxicity concerns before it is granted the right to bear the ACMI certification seal. The ACMI product certification program includes an on-going review of the latest scientific and regulatory information available to keep the program current. The program also includes a five-year review of product formulations to meet the requirements of the Labeling of Hazardous Art Materials Act (LHAMA).



Products in our certification program which have earned the AP (Approved Product) Seal appear on both children's and adult art material products, if no health hazard labeling is required.



Products in our certification program which have earned the CL (Cautionary Labeling) Seal appear on professional and fine art material products when cautionary labeling and safe use instructions are required. These products should never be given to children in grade 6 or lower or anyone who is unable to read and understand safety labeling on packages.

The ACMI Seals are internationally registered trademarks and must not be used on any product or product packaging until written authorization has been received directly from ACMI.

Licensee Overview



When an ACMI member private labels a product for a non-member company, and that non-member company wishes to use the ACMI Seal and ASTM D-4236 conformance statement on their own packaging, we refer to this as a "Licensee" situation. Companies who are having their product(s) private labeled by an ACMI member must sign a License Agreement with ACMI. The ACMI Seals are registered trademarks and the toxicologist's product evaluations are brand name (product name) specific. The ACMI Seals cannot be applied to any unauthorized brand names.

Licensees do not pay any fees directly to ACMI, nor does ACMI bill Licensees. Licensee company's products will be added to the ACMI Member's list of eligible/certified products. Licensees must report U.S. sales figures of their private labeled products to the ACMI Member who manages the certification process for their products for membership dues purposes. We leave it up to the ACMI Member and Licensee to work out any financial arrangements between them. It is the ACMI Member's responsibility to submit all formula information or additional brand name information (if the product was previously-approved) to the toxicologist on behalf of the Licensee. The toxicologist will send an approval form to the Member, who in turn will send a copy of it to ACMI. ACMI will then issue authorization to use the Seal to the Member, and a copy of this authorization will be sent to the Licensee. **The ACMI Seals are internationally registered trademarks and must not be used on any product or product packaging until written authorization has been received directly from ACMI.** Once authorized, the Licensee's brand name and company name will appear on the listing of ACMI-certified products that is posted on our website and is used by CPSC and other regulators, schools, art educators, artists, consumers, etc.

Please review the Licensee Information Packet carefully, particularly the information regarding the ACMI Procedures for Licensees on the pages that follow.

Participating in ACMI will provide you with the necessary toxicological evaluation and labeling required, if any, for your products. Having a product made for you by an ACMI member will ensure that you are dealing with a company that is familiar with the Federal law and the toxicological evaluation process and are purchasing a product that will be properly labeled and conforms to ASTM D-4236.

In addition to being included in ACMI's listing of Certified Products, Licensee companies are included in ACMI's membership directory. Licensees also enjoy the benefit of having ACMI submit their certified products to a poison exposure management service as required under LHAMA.

If you would like to become an ACMI Licensee, and have not already signed a License Agreement with ACMI, please complete the Licensee Application Form and License Agreement found on our website at the following link: <https://ACMIart.org/applylicensee>.

If you have any questions, please do not hesitate to contact the ACMI office at (781) 556-1044 or email info@acmiart.org

Licensee Procedures



Steps to Use Certification Seals on Licensee Products

To obtain authorization to use the AP or CL Seal on a product sold by an existing ACMI member to any other purchaser (Licensee) for resale under its own brand name, the following procedures must be followed:

1. The prospective Licensee must complete the Application Form and sign a License Agreement with ACMI via the ACMI website (<https://ACMIart.org/applylicensee>), unless the company is already a regular subscribing member of ACMI, or a Licensee. The ACMI License Agreement is automatically renewed each year unless terminated in writing by either party.
2. If the prospective Licensee wishes to use the AP or CL Seal on a product for resale under its own name or label, the ACMI Member making/supplying the product must submit a signed copy of the Toxicologist's Approval form (without formulation information) to ACMI, along with a completed Request for Authorization to use the Seal on behalf of the Licensee. The ACMI Member must follow the appropriate steps outlined in the ACMI Manual of Procedure to get the product properly authorized for use of the Seal on behalf of the Licensee.
3. For those companies having a product manufactured for them by an ACMI Member that do not wish to use the ACMI Seal(s) on their product(s), or have their product(s) included in the ACMI Certified-Products Listing, a Limited License Agreement would need to be completed. This is required because evaluations by the Toxicologist are brand name/product name specific and cannot be applied to any other unauthorized brands/products. The ACMI Member manufacturing the product would follow the same procedures outlined in the ACMI Manual of Procedure. Limited Licensees receive only the following limited benefits: evaluation, use of the ASTM D4236 conformance statement, and submission of the product information to a poison control exposure information management service as required under ASTM D4236 and LHAMA. Please contact ACMI headquarters for Limited License Agreement.
4. The ACMI Member must annually update ACMI with regard to their current Licensee relationships through the Affidavit of Continuance mailing and/or Sales Report mailing (ACMI Member Product Listing confirmation). Members must request a completed Product Injury Form from any Licensee for whom they are manufacturing product(s).
5. Both the ACMI Member and the Licensee must immediately inform ACMI when the Licenses Situation no longer applies.
6. Licensees must sign an affidavit that they are no longer using the ACMI Seal(s) on their product(s) when their relationship with the ACMI Member(s) ends.
7. In order for a Licensee to obtain permission for the continued use of any certification Seal, the ACMI Member(s) who is manufacturing the product(s) must successfully complete the bi-annual Affidavit of Continuance paperwork.

Licensee Procedures



Rules and Regulations for Licensees – Use of the ACMI Seals

ACMI Licensees must observe the following with respect to use of the ACMI Seals:

1. Permission to use any ACMI Seal is neither assignable or transferable.
2. The authority to use any ACMI Seal on a product automatically terminates whenever that product bearing the Seal fails to conform with ACMI specifications.
3. The unauthorized use of any ACMI Seal can result in the loss of the privilege to use the Seal on any product.
4. The unauthorized use of any ACMI Seal on an unevaluated and/or uncertified product shall result in a recall of the product and notification to CPSC of fraudulent use of ACMI's evaluation/Seal.
5. The placement of any ACMI Seal in a catalog or advertisement must clearly indicate to which product(s) it applies.
6. The Licensee agrees to accompany the AP and CL Seals, which are registered as certification trademarks with the U.S. Patent Office, with the required U.S. trademark notice as follows: "®", or "Reg. U.S. Pat. Off.," or "Registered United States Patent Office."
7. The Licensee shall not use any wording on the label of a product bearing the AP Seal that is inconsistent with its non-toxic status. The addition of a toxicity warning such as that required by California Proposition 65 or any other regulatory body would not be permitted on a product certified as non-toxic by ACMI. Such products would need to bear the CL Seal or no ACMI Seal.
8. Hologram versions of the Seals are allowed, provided they are exact reproductions.
9. To use any ACMI Seal on products sold outside the U.S., the Licensee must furnish an opinion satisfactory to ACMI that such use is in conformity with the laws of the country in which the Seal is to be used, clearly state that the ACMI Seal applies to U.S. laws and regulations only (i.e. "For USA Only") near the Seal provided ACMI is informed of this in advance in writing or any other reasonable alternative approved in advance by ACMI.

Licensee Procedures



Required Cooperation with ACMI to Resolve Product Certification Issues

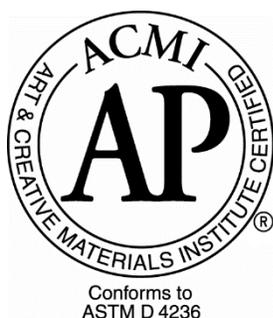
1. In the event that an issue may arise concerning the certification status of a product or products between ACMI and an ACMI Member and/or Licensee, it is the responsibility of the Member and/or Licensee to cooperate with any ACMI inquiry or audit request by permitting ACMI staff or counsel prompt access to its offices, plant, inventory and documentary or computer records on reasonable notice from ACMI, along with such other assistance as ACMI may in its discretion require in connection with the issue for the purpose of ACMI certification program administration, audit and compliance. ACMI staff members have signed a Confidentiality Agreement that they will not release any information of a confidential nature, such as formula information, product information, should they be required to have access to such information.
2. Any ACMI Member or Licensee that does not cooperate with ACMI within thirty (30) days of receipt of the ACMI request as specified shall be deemed to have requested that ACMI decertify any or all certified products of the Member or Licensee in ACMI's discretion.
3. In the event that it is determined by ACMI that a product has been represented or depicted as ACMI-certified and the product has not in fact been so certified, ACMI in its sole discretion may require the ACMI Member and/or Licensee to publish corrective advertising concerning the true certification status of the product and if the issue is also found to present or involve a potential health or safety issue, ACMI may require the Member or Licensee to report the matter to the Consumer Product Safety Commission or ACMI report the matter itself.
4. An appeal by an ACMI Member or Licensee from any determination made by ACMI pursuant to these provisions shall be made to the ACMI Board of Directors, which may appoint a Special Committee to hear and resolve the appeal proceeding as expeditiously as possible in the circumstances in accord with the appeal procedures specified in the ACMI Manual of Procedure.

Licensee Procedures



Seal Definitions

All ACMI Members and Licensees shall describe the certification Seals (AP and CL Seals) in their catalogs/product literature and/or on their websites as follows:



AP Seal:

“Products bearing the AP (Approved Product) Seal of The Art and Creative Materials Institute, Inc. (ACMI) are certified in a program of toxicological evaluation by a Board-certified toxicologist (medical expert) to contain no materials in sufficient quantities to be toxic or injurious to humans or to cause acute or chronic health problems. This program is reviewed by ACMI’s Toxicological Advisory Board. These products are certified by ACMI to be labeled in accordance with the Federal Hazardous Substances Act, as amended by the Labeling of Hazardous Art Materials Act, and ASTM D 4236.”



CL Seal:

“Products bearing the CL (Cautionary Labeling) Seal of The Art and Creative Materials Institute, Inc. (ACMI) are certified to be properly labeled in a program of toxicological evaluation by a Board-certified toxicologist (medical expert). This program is reviewed by ACMI’s Toxicological Advisory Board. These products are certified by ACMI to be labeled in accordance with the Federal Hazardous Substances Act, as amended by the Labeling of Hazardous Art Materials Act, and ASTM D 4236.”

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