



Australian
Competition &
Consumer
Commission

babies' dummies



product
safety

a mandatory standards guide

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WARNING

DO NOT TIE DUMMY AROUND BABY'S NECK AS IT PRESENTS
A STRANGULATION HAZARD.

Under the *Trade Practices Act 1974*, mandatory consumer product safety standards can be introduced when they are deemed reasonably necessary to prevent the risk of injury.

Babies' dummies are subject to a mandatory consumer product safety standard that aims to reduce the risk of serious injury and death to children involving unsafe babies' dummies.

Complying with consumer product safety standards is mandatory. This means that all suppliers of babies' dummies including manufacturers, distributors, importers and retailers must ensure their product complies with the mandatory requirements.

This guide is aimed specifically at suppliers of babies' dummies to increase their understanding of the scope and application of the babies' dummies mandatory standard.

The mandatory safety standard

The mandatory standard for babies' dummies is based on Australian/New Zealand standard AS/NZS 2432-1991, published by Standards Australia, made mandatory by Consumer Protection Notice No. 4 of 2006, with variations.

To aid compliance, suppliers are advised to read the consumer protection notice (included in this guide) in conjunction with AS/NZS 2432-1991, which can be bought from Standards Australia on free call 1300 65 46 46 or from its website: www.standards.com.au.

Suppliers' responsibility

This guide summarises the mandatory requirements for babies' dummies. It aims to increase supplier understanding of the coverage and application of the mandatory safety standard.

As this guide is of a general nature it may not cover all important qualifications or exceptions to the mandatory standard. Therefore suppliers should always seek professional advice or other appropriate verification to ensure their product complies.

Suppliers are responsible for ensuring their babies' dummies meet the mandatory safety standard.

Coverage of the mandatory standard

The mandatory standard applies to babies' dummies supplied since October 2006.

Requirements of the mandatory standard

To comply with the mandatory standard, babies' dummies must meet the requirements of AS/NZS 2432:1991 (as amended by Consumer Protection Notice No. 4 of 2006). Some of these include:

> **Design and construction (clause 6)**

- > Shield dimensions (clause 6.2)

The shield shall:

- (a) be of such size that the shield shall not pass through the opening in the test template when the dummy is subjected to a shield test (appendix C) and
- (b) have a width that is at least 35 mm.

> **Ventilation holes (clause 6.4.2(c))**

The shield of a dummy shall have two or more ventilation holes positioned symmetrically, whereby:

- (i) the cross-sectional area of each ventilation hole is at least 19.6 mm²
- (ii) periphery of each ventilation hole is at least 5 mm from the periphery of the shield and
- (iii) the distance between the geometric centres of the pair or a pair of ventilation holes is at least 15 mm.

> **Performance test requirements (clause 7)**

- > Tensile test (appendix E)

When subjected to a tensile test, no part of a dummy shall become detached, torn, fractured, or broken.

- > Tear test (appendix I)

When subjected to a tear test, no part of a dummy shall become detached.

> **Packaging requirements (clause 8)**

- > The dummy or dummies must be clean when packaged.

The package must:

- > be a closed pack
- > be designed so that the dummy or dummies are clearly visible in the pack and
- > not contain any pin, ribbon, string, cord, chain, twine, leather, yarn or any other means of attachment.

> **Labelling requirements (clause 9)**

- > Warning notice

The pack must bear a clear and legible warning notice which includes the following words or words that have the same meaning:

WARNING
DO NOT TIE DUMMY AROUND BABY'S NECK AS
IT PRESENTS A STRANGULATION HAZARD.

Note: the word 'PACIFIER' or 'SOOTHER' may be substituted for the word 'DUMMY' in the warning notice.

- > Instructions:

The pack must include clearly legible instructions for the use and hygienic care of the dummy.

- > The pack shall be legibly labelled with the name and address of the Australian manufacturer or Australian distributor.

Retailer information

Retailers are responsible for ensuring that the goods they stock meet mandatory safety standards. To help them comply retailers should always:

- > stipulate when ordering that the goods must meet the mandatory standard
- > undertake visual checks to ensure goods comply with the labelling requirements
- > obtain verification that the products have been tested to and meet mandatory performance requirements.

The ACCC's role

The role of the ACCC is to enforce the mandatory consumer product safety and information standards.

Because preventing injury is better than cure, the ACCC believes it is very important to promote compliance with the mandatory safety provisions as well as to take remedial enforcement action when necessary

Surveys of retail outlets are conducted throughout Australia to detect non-complying products. The aim is to assess the overall level of marketplace compliance, as well as liaising with suppliers to assist them on how to comply with the standards. The ACCC also investigates allegations from consumers and suppliers about goods that don't comply.

The ACCC frequently seeks the immediate withdrawal or recall of defective goods from sale. Other remedies include court enforceable undertakings, injunctions, damages, a requirement for corrective advertising and various ancillary orders.

Penalties

Supplying goods that do not comply with a mandatory standard is an offence under the Trade Practices Act and may result in fines of up to \$1.1 million for companies and \$220 000 for individuals.

Product liability

Part VA of the Trade Practices Act contains provisions on product liability. Under these provisions, consumers can seek compensation or damages for personal injury or other loss caused by a defective product.

Goods will be considered defective if they are not as safe as people generally are entitled to expect. This is an objective measure of expectations of the general public and not of one individual.

Generally the manufacturers or importers of products are liable under Part VA. However, if other suppliers, such as retailers, cannot identify the manufacturer or importer, they may be deemed liable for the damages.

Suppliers may reduce their exposure to product liability action through responsible and sensible business practices that could include:

- > regularly reviewing product design and production
- > implementing and reviewing quality assurance procedures
- > regular product testing, including batch testing, to relevant standards
- > appropriate marketing
- > providing clear and thorough user instructions
- > ability to recall product when necessary.

Other legislation

A state or territory may have its own mandatory product safety standards. For information about state and territory laws, suppliers should contact the relevant consumer affairs or fair trading agency.

ACCC website

Information on product safety and standards are available on the ACCC website: www.accc.gov.au. The site is regularly updated with news on mandatory standards, bans and recalls. Product safety media releases and links to other useful websites are also available.

Mandatory standards and bans under the Trade Practices Act as at April 2008

Mandatory standards

- > Babies' dummies
- > Baby bath aids
- > Baby walkers
- > Balloon-blowing kits
- > Basketball rings and backboards
- > Bean bags
- > Bicycle helmets
- > Bunk beds
- > Care labelling—clothing and textile products
- > Child restraints for motor vehicles
- > Children's nightwear
- > Children's portable folding cots
- > Cosmetics and toiletries—ingredient labelling
- > Cots for household use
- > Disposable cigarette lighters
- > Elastic luggage straps
- > Exercise cycles
- > Fire extinguishers (portable—aerosol)
- > Fire extinguishers (portable—non-aerosol)
- > Flotation toys and swimming aids for children
- > Hot water bottles
- > Jacks (trolley)
- > Jacks (vehicle)
- > Motorcycle helmets
- > Paper patterns for children's nightwear
- > Pedal bicycles
- > Portable ramps for motor vehicles
- > Prams and strollers
- > Sunglasses and fashion spectacles
- > Support stands for motor vehicles
- > Tobacco products—labelling
- > Toys for children 36 months and under
- > Portable cots
- > Hot water bottles

Permanent bans

- > Candles and candle wicks containing greater than 0.06 per cent lead by weight
- > Children's dart gun sets
- > 'Diveman' underwater breathing apparatus
- > Gas masks which contain asbestos
- > Glucomannan in tablet form
- > Jelly cups containing konjac
- > 'Quickie' line release system
- > Seat belt accessories including 'Klunk Klip', 'Comfix', 'Auto Comfort'
- > Sun visors including 'Autotrend Sun Filter' and similar internal visors
- > Tinted headlight covers
- > Tobacco products (smokeless)
- > Victim toys

Interim bans

- > Bead toys containing 1,4—butanediol
- > Fire Footbags
- > Toxic seeds (*Abrus precatorius*) in toys, novelties, ornaments or similar items
- > Toothpaste containing more than 0.25 per cent by weight of diethylene glycol
- > Lead in children's toys with a migration level greater than 90mg/kg of lead

Further details on the mandatory standard and bans can be obtained from the ACCC Infocentre on 1300 302 502.

Updates to product safety and standards can be obtained by going to the ACCC website (www.accc.gov.au) and subscribing to the email alert service in the 'Notify me...' box on the product safety and standards page.

COMMONWEALTH OF AUSTRALIA

Trade Practices Act 1974

Consumer Protection Notice No 4 of 2006

CONSUMER PRODUCT SAFETY STANDARD FOR BABIES' DUMMIES

1, Chris Pearce, pursuant to subsection 65E(1) of the *Trade Practices Act 1974* and for the purposes of section 65C of that Act, hereby DECLARE that the consumer product safety standard for babies' dummies is the standard approved by Standards Australia specified in Division 1 of the Schedule, as varied by Division 2 of the Schedule.

THE SCHEDULE

Division 1: The Standard

Australian Standard AS 2432:1991, Babies' Dummies, published by Standards Australia on 15 November 1991.

Division 2: Variations

AS 2432:1991 is varied by

- (i) Deleting clauses 3 and 5;
- (ii) Amend clause 6.1 by deleting the words "and 6.3";
- (iii) Deleting clause 6.3;
- (iv) Amending clause 6.4.2 by deleting paragraph 6.4.2(a), in paragraph 6.4.2(c)(iii) deleting "25 mm" and substituting "15 mm", and in the note following 6.4.2(d)(ii) delete all the measurements "25 mm" and replace with "15 mm";
- (v) Amending clause 6.4.3 by deleting the notes following 6.4.3(c);
- (vi) Deleting clauses 7.2, 7.3 and 7.4;
- (vii) Deleting clause 9.1 and substituting a new clause 9.1 as follows:

"9.1 General The pack shall be legibly labelled with the name and address of the Australian manufacturer or Australian distributor."
- (viii) Deleting clause 9.3 and all its subclauses and substituting a new clause 9.3 as follows:

"9.3 Warning notice The pack shall bear a clear and legible warning notice which shall include the following words or words that have the same meaning:

WARNING
DO NOT TIE DUMMY AROUND BABY'S NECK AS IT PRESENTS A STRANGULATION HAZARD.

In the warning notice the word 'PACIFIER' or 'SOOTHER' may be substituted for the word 'DUMMY'";

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- (ix) Deleting Appendix A;
- (x) Amending Appendix C by deleting clause C2 and substituting a new clause C2 as follows:

"C2 PRINCIPLE A dummy is placed centrally on the test template with its major and minor axes aligned with the major and minor axes of the template and the teat protruding down through the opening. A specified tensile force is applied to the teat in an attempt to force the dummy through the opening in the template. If the dummy is not forced through the opening in the template, the dummy is inverted and the procedure repeated.";

- (xi) Amending Appendix C clause C3 by deleting from the title the words "AND REAGENT", and deleting from the text the words "and reagent are" and substituting the word "is"; deleting paragraph C3(b); and deleting the second paragraph of clause C3(c) and substituting the words, "The test template shall have inscribed on it the major axis (I) and the minor axis (II).";
- (xii) Amending Appendix C clause C4 by deleting the words, "shall be representative of the batch and";
- (xiii) Amending Appendix C clause C6 by:

deleting paragraph C6(c);
deleting paragraph C6(d) and substituting a new paragraph as follows:

"(d) Place the dummy, teat down, in the opening of the template as shown in Figure C2, so that the major axis of the shield aligns with the major axis I-I of the template and the minor axis of the shield aligns with the minor axis II-II of the template";
deleting paragraphs C6(h) and C6(i);
deleting paragraph C6(j) and substituting a new paragraph as follows:

"(j) Place the dummy, teat up, in the opening of the template as shown in Figure C3, so that the major axis of the shield aligns with the major axis I-I of the template and the minor axis of the shield aligns with the minor axis II-II of the template."; and
deleting paragraph C6(m);
- (xiv) Deleting Appendix D;
- (xv) Amending Appendix E clause E2 by deleting the words, "immersed in a wetting solution and then";
- (xvi) Amending Appendix E clause E3 by deleting from the title the words "AND REAGENT", deleting from the text the words "and reagent are" and substituting the word "is"; and deleting clause E3(c);
- (xvii) Amending Appendix E clause E4 by deleting the words, "shall be representative of the batch and";

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- (xviii) Amending Appendix E clause E6 by:

deleting clause E6(b); and
in clause E6(c) deleting the words, "While the dummy is wet,";
- (xix) Deleting Appendix F, Appendix G and Appendix H; and
- (xx) Amending Appendix I clause I4 by deleting the words, "shall be representative of the batch and".

Dated this 16th day of October 2006

Chris Pearce
Parliamentary Secretary to the Treasurer

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Contacts

ACCC Infocentre | 1300 302 502 for all business and consumer inquiries

ACCC website | www.accc.gov.au

Callers who are deaf or have a hearing or speech impairment can contact the ACCC through the National Relay Service **www.relayservice.com.au**.

TTY or modem users—phone 133 677 and ask for 1300 302 502.

Voice-only (speak and listen) users phone 1300 555 727—and ask for 1300 302 502.

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babies' dummies

