

COMMONWEALTH OF AUSTRALIA

COMPETITION AND CONSUMER ACT 2010

Consumer Protection Notice No. 4 of 2012

PROPOSED BAN NOTICE: PERMANENT BAN ON SMALL, HIGH POWERED MAGNETS

I, DAVID BRADBURY, Assistant Treasurer, pursuant to section 132 of the *Competition and Consumer Act 2010*, **ISSUE** this proposed ban notice.

DRAFT NOTICE FOR THE IMPOSITION OF A PERMANENT BAN ON SMALL, HIGH POWERED MAGNETS

A draft notice for the imposition of the permanent ban is attached (*Draft Notice*).

The Draft Notice proposes to impose a permanent ban on small, separable or loose permanent magnetic objects:

- (a) that are supplied as aggregated masses or in multiples of two or more; and
- (b) that are intended or marketed by the manufacturer primarily as a manipulative or construction desk toy or as jewellery; and
- (c) that have a magnetic flux index of greater than $50 \text{ kG}^2\text{mm}^2$; and
- (d) where the product supplied contains more than one magnet that fits within the small parts cylinder specified in the International Standards Organization Toy Standard (ISO 8124-1:2009, *Safety of toys*).

Measurement of the magnetic flux index (kG^2mm^2) is calculated by multiplying the square of the maximum flux density (kG^2) by the area of the pole surface of the magnet (mm^2).

The small parts cylinder is a test apparatus taken from the Australian, International and other national toy standards. It is designed to identify parts which are small enough to pose an ingestion or inhalation hazard to children.

SUMMARY OF THE REASONS FOR THE PROPOSED IMPOSITION OF A PERMANENT BAN ON SMALL, HIGH POWERED MAGNETS

The products of concern are small, high powered magnets which are generally supplied as aggregated masses to adults as novelty products for use by adults to create patterns and build shapes or which can be rearranged into different sizes and

shapes or as jewellery for use in or around the mouth. These products are readily accessible from internet websites and a small number of retailers.

If any person ingests more than one of these high powered magnets, the magnets can be attracted to each other across the walls of the intestine or other digestive tissue creating the risk of perforation and other serious health conditions and, in some cases, death. There have been numerous incidents involving injury and at least one fatality reported in Australia following ingestion of these products.

The magnets appear innocuous and those about 5 mm in size may be potentially mistaken for small ball bearings or cake decoration confectionery. Warnings on packaging are likely to be insufficient and/or ineffective because once the product is removed from its packaging, the magnets themselves carry no warning.

Accordingly, it appears that swallowing these magnets is a reasonably foreseeable misuse of these products which may cause injury, including the risk of blockage, perforation, blood poisoning and in some cases, death.

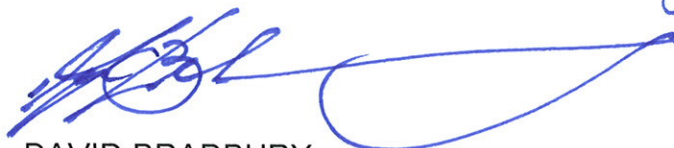
**INVITATION TO PERSONS WHO SUPPLY, OR PROPOSE TO SUPPLY,
CONSUMER GOODS OF A KIND SPECIFIED IN THE DRAFT NOTICE**

Pursuant to subsection 132(3)(e) of the *Competition and Consumer Act 2010*, I **INVITE** any person who supplies, or proposes to supply, consumer goods of a kind specified in the Draft Notice to notify the ACCC that the person wishes the ACCC to hold a conference in relation to the proposed imposition of the permanent ban. Notice should be given to the ACCC in writing and sent to the postal address or email address shown below within the period of fifteen days commencing on the day after this proposed ban notice is published:

Postal address: The General Manager
 Product Safety Branch
 Australian Competition and Consumer Commission
 GPO Box 3131
 CANBERRA ACT 2601

Email address: productsafety.regulation@acc.gov.au

Dated this 22nd day of August 2012



DAVID BRADBURY
Assistant Treasurer

DRAFT NOTICE FOR THE IMPOSITION OF A PERMANENT BAN

COMMONWEALTH OF AUSTRALIA

COMPETITION AND CONSUMER ACT 2010

Consumer Protection Notice No. XX of 2012

IMPOSITION OF PERMANENT BAN ON SMALL, HIGH POWERED MAGNETS

I, DAVID BRADBURY, Assistant Treasurer:

pursuant to section 114(1) of the Australian Consumer Law, **IMPOSE** a permanent ban on consumer goods of a kind specified below. This permanent ban comes into force on the day this Notice is registered on the Federal Register of Legislative Instruments.

Particulars of Consumer Goods

Small, separable or loose, permanent magnetic objects:

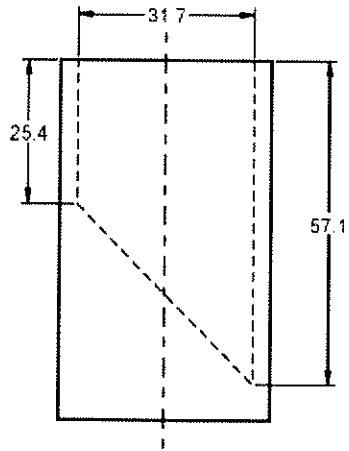
- (a) that are supplied as aggregated masses or in multiples of two or more; and
- (b) that are intended or marketed by the manufacturer primarily as a manipulative or construction desk toy or as jewellery ; and
- (c) that have a magnetic flux index of greater than $50 \text{ kG}^2\text{mm}^2$; and
- (d) where the product supplied contains more than one magnet that fits within the small parts cylinder as defined in the International Standards Organization Toy Standard (ISO 8124-1:2009, *Safety of toys*).

Interpretation

Measurement of the magnetic flux index (KG^2mm^2) is calculated by multiplying the square of the maximum flux density (KG^2) by the area of the pole surface of the magnet (mm^2).

The small parts cylinder is a test apparatus taken from the Australian, International and other national toy standards (for example the International Standards Organization Toy Standard (ISO 8124-1:2009, *Safety of toys*) designed to identify parts which are small enough to pose an ingestion or inhalation hazard to children.

The test apparatus was developed on the basis of incidents of ingestion. It is well established, has been in these various standards for over 40 years (since toy standards were first developed) and is a measure well known and understood by industry. Measurements in the figure below are in mm.



The ban does not apply to magnets supplied:

- * as parts for manufacture into other goods or for the repair of other goods;
- * for scientific research; or
- * as industrial, medical or therapeutic goods.

REASONS FOR THE IMPOSITION OF A PERMANENT BAN ON SMALL, HIGH POWERED MAGNETS

The products of concern are small, high powered magnets which are generally supplied to adults as novelty products for use by adults to create patterns and build shapes, or which can be rearranged into different sizes and shapes or as jewellery. These products are readily accessible from internet websites and a small number of retailers.

If any person ingests more than one of these high powered magnets, the magnets can be attracted to each other across the walls of the intestine or other digestive tissue creating the risk of perforation and other serious health conditions and, in some cases, death. There have been numerous incidents involving injury and at least one fatality reported in Australia following ingestion of these products.

The magnets appear innocuous and those about 5 mm in size may be potentially mistaken for small ball bearings or cake decoration confectionery. Warnings on packaging are likely to be insufficient and/or ineffective because once the product is removed from its packaging, the magnets themselves carry no warning.

Accordingly, it appears that swallowing these magnets is a reasonably foreseeable misuse of these products which may cause injury, including the risk of blockage, perforation, blood poisoning and in some cases, death.

Note: Goods subject to this Notice and which fail to comply may be subject to compulsory recall.

Dated this XXXXXXXXXXXX day of XXXXXXXXXXXXXXXXXXXX 2012

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DAVID BRADBURY
Assistant Treasurer