

COMMONWEALTH OF AUSTRALIA

COMPETITION AND CONSUMER ACT 2010

Consumer Protection Notice No. 32 of 2011

PROPOSED BAN NOTICE: PERMANENT BAN ON CERTAIN PINS, RIBBONS, STRINGS, CORDS, CHAINS, TWINES, LEATHERS, YARNS, OR ANY OTHER SIMILAR ARTICLE TO WHICH THERE ARE CRYSTALS, BEADS OR OTHER SIMILAR ORNAMENTS ATTACHED, WHICH ARE DESIGNED TO BE ATTACHED TO BABIES' DUMMIES

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

DRAFT NOTICE FOR THE IMPOSITION OF THE PERMANENT BAN

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

SUMMARY OF THE REASONS FOR THE PROPOSED IMPOSITION OF THE PERMANENT BAN

The Draft Notice proposes to revoke the interim ban on pins, ribbons, strings, cords, chains, twines, leathers, yarns, or any other similar article to which there are crystals, beads or other similar ornaments attached, which are designed to be attached to babies' dummies and impose a permanent ban on the same goods unless they meet certain requirements set out in the European Standard for dummy chains (being EN 12586:2007 + A1:2011 *Child use and care articles – Soother holder – Safety requirements and test methods*) (the European Standard).

Dummy chains are used to attach a babies' dummy to its clothing and are therefore likely to be chewed or mouthed by the child. Testing has shown that decorations of this kind can detach from dummy chains, at which point they pose a small parts choking, inhalation or ingestion hazard to small children and therefore must be securely attached to dummy chains. Additionally, long lengths of cord pose a strangulation risk to children. Compliance with certain requirements in the European Standard will reduce the risks to small children.

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

Pursuant to section 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 Australian Competition and Consumer Commission (the ACCC) that the person wishes the ACCC to hold a conference in relation to the proposed imposition of the permanent ban. That notification should be made in writing at the address or email address shown below within the period of ten (10) days commencing on the day after this proposed ban notice is published:

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 *17th* day of *August* 2011.



DAVID BRADBURY
Parliamentary Secretary to the Treasurer

DRAFT NOTICE FOR THE IMPOSITION OF THE PERMANENT BAN

COMMONWEALTH OF AUSTRALIA

COMPETITION AND CONSUMER ACT 2010

Consumer Protection Notice No. XX of 2011

REVOCATION OF INTERIM BAN AND IMPOSITION OF PERMANENT BAN ON CERTAIN PINS, RIBBONS, STRINGS, CORDS, CHAINS, TWINES, LEATHERS, YARNS, OR ANY OTHER SIMILAR ARTICLE TO WHICH THERE ARE CRYSTALS, BEADS OR OTHER SIMILAR ORNAMENTS ATTACHED, WHICH ARE DESIGNED TO BE ATTACHED TO BABIES' DUMMIES

I, DAVID BRADBURY, Parliamentary Secretary to the Treasurer:

- (a) pursuant to section 113 of Schedule 2 to the *Competition and Consumer Act 2010* (the Australian Consumer Law), **REVOKE** Consumer Protection Notice No. 28 of 2011, being the interim ban on pins, ribbons, strings, cords, chains, twines, leathers, yarns, or any other similar article to which there are crystals, beads or other similar ornaments attached, which are designed to be attached to babies' dummies imposed under subsection 109(1)(a) of the Australian Consumer Law. That interim ban ceases to be in force on the day this Notice is registered on the Federal Register of Legislative Instruments; and
- (b) pursuant to subsection 114(1)(b) of the Australian Consumer Law, **IMPOSE** a permanent ban on consumer goods of a kind specified below. The permanent ban comes into force on the day this Notice is registered on the Federal Register of Legislative Instruments.

Particulars of Consumer Goods

Pins, ribbons, strings, cords, chains, twines, leathers, yarns, or any other similar article to which there are crystals, beads or other similar ornaments attached, which are designed to be attached to babies' dummies that do not comply with the following requirements of European Standard, EN 12586:2007 + A1:2011 *Child use and care articles – Soother holder – Safety requirements and test methods*:

Section 5.1.6 – Length;

Section 5.2.1 – Impact resistance;

Section 5.2.2 – Durability of the garment fastener; and

Section 5.2.3 – Tensile strength.

Interpretation

Dummy

A fully assembled article used to pacify a baby, which includes a teat that the baby sucks, but from which the baby does not obtain fluid. Babies' dummies are also known as 'pacifiers' or 'soothers'.

Hazard Identified

Crystals, beads and other similar ornaments attached to pins, ribbons, strings, cords, chains, twines, leathers, yarns, or any other similar article can detach and become a small parts choking, inhalation or ingestion hazard.

Long lengths of ribbon, string, cord, chain, twine, leather, yarn, or any other similar article pose a strangulation hazard to children.

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

Dated this XXXXXXXXXXXX day of XXXXXXXXXXXX 2011.

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DAVID BRADBURY