Product safety

Children’s portable folding cots
Supplier guide
Children’s portable folding cots

What is this guide about?

Under the Australian Consumer Law (ACL), mandatory consumer product safety standards are introduced when considered reasonably necessary to prevent or reduce the risk of injury.

This guide provides a summary of the legal requirements for supply of children’s portable folding cots, commonly known as folding cots.

Who should read this guide?

Manufacturers, distributors, importers, wholesalers, retailers and hire companies of folding cots should read this guide to familiarise themselves with the hazards and the mandatory safety requirements for this product.

What is a folding cot?

Under the mandatory standard, folding cots are enclosures that:

- can be used for sleeping and can be folded when not in use, or
- are items referred to as a playpen that have a floor.

Excluded items:

- playpens that do not have a floor.
What are the hazards?

Since January 2000, five infants in Australia have died in incidents associated with folding cots. The ACCC has identified several hazards associated with folding cots.

Strangulation and suffocation

If a folding cot collapses when in use, it can:
- trap a child around the neck and cause strangulation
- impede breathing and cause suffocation.

If the mattress is not firm, flat and snug-fitting, it can trap infants and cause suffocation.

Injuries to head and limbs resulting from falls

If a folding cot has footholds or if the sides or ends are too low, children are able to climb out and may sustain serious injuries from falling.

Mandatory standard


The mandatory standard applies to the supply of new and second-hand folding cots from 1 March 2009.

Does this standard apply to my business?

Under the ACL, supply includes being in the business of selling, exchanging, leasing or hiring out or offering for sale through hire purchase.

If you are in the business of supplying folding cots, this mandatory standard applies to you.
Meeting mandatory requirements

To comply with the mandatory standard for folding cots, you and your business must meet all the requirements for construction, design, safety, performance and informative labelling.

The following are some key requirements of the mandatory standard.

Design and construction

No inflatable parts

Folding cots must not have a mattress or other components within the cot that are inflatable in their construction. Manually inflating and self-inflating mattresses are not allowed.

Minimum measurements

While all folding cots have one base sleeping position, some folding cots also come with an additional upper base position designed as a bassinette or change table.

To stop children climbing out of the cot, the mandatory standard sets out particular minimum height measurements that apply to:

- the sides or ends of folding cots in relation to the lower cot base and any upper base position
- the position of features that might be used as footholds.

Example of a folding cot that also features a bassinette
Depth of folding cot lower position

- When no mattress is fitted, the vertical distance from the top of the base to the top edge of the lowest side or end must be a minimum of 550 mm.
- When a mattress is fitted, the vertical distance from the top of the mattress to the top edge of the lowest side or end must be a minimum of 500 mm.

Depth of folding cot upper position

- With or without a mattress fitted, the vertical distance from the upper base to the top of the lowest side or end must be a minimum of 250 mm.

Footholds

- There must be no features up to 500 mm above the mattress base that present a potential foothold that would allow a child to climb out.

Mattress and base

- The mattress and all padding and cushioning material must be sufficiently firm to prevent it forming to the contours of the child’s face. The base should be designed to provide a firm flat support for a mattress or should incorporate a mattress.
- To comply, the mattress must touch the cot on every side and should fit snugly.

Example of a mattress designed specifically for the folding cot
Locking mechanisms

The locking devices that operate the folding mechanism must be designed so that the folding cot does not collapse inadvertently.

All locking devices should:

- have a clearly distinct locked position
- be designed so that a child inside the cot cannot open or activate the mechanism and cause the cot to fully or partially collapse.
Performance

The mandatory standard specifies performance requirements for folding cots that generally require compliance checks conducted by professional test laboratories with the necessary expertise and equipment. These tests cover:

- entrapment hazards within the cot
- integrity of the folding mechanism and folding cot frame
- footholds in the cot side or ends
- entrapment in the folding cot sides.

For more detailed information on these performance requirements, we strongly advise that you:

- read the consumer protection notice and AS/NZS 2195–1999
- consult the National Association of Testing Authorities (NATA) about appropriately accredited testing laboratories.
Safety markings

Children’s folding cots must be permanently, prominently and legibly marked on the inside, so that users will see the marking when erecting the cot, with at least:

- instructions for assembly and locking procedures
- a warning to check before each use that the cot is correctly assembled and that locking devices are fully engaged
- either a warning to use a mattress of specified dimensions or a warning to use the mattress supplied by the manufacturer—both are allowed
- a warning not to add an extra mattress as this may cause suffocation.

WARNING

- Before each use, **ENSURE** that the cot is correctly assembled and that the locking device(s) are fully engaged
- **ONLY** use the mattress supplied by the manufacturer
- **DO NOT** add an extra mattress as this may cause suffocation

Example of a possible warning label
Example of safety markings and assembly instructions on the inside of the cot

The mattress can also feature safety markings
Your responsibilities as a supplier

As a supplier, you are legally responsible for ensuring new and second-hand folding cots meet the mandatory safety standard requirements, which are enforceable by law. Failure to comply can result in legal action, penalties and/or recalls.

All suppliers are equally responsible for ensuring that the products they supply meet the requirements of the mandatory standard.

To do this, we strongly advise you to take the following steps:

- Read requirements specified in the consumer protection notice printed in this guide. If the notice declares all or part of an Australian Standard published by SAI Global as the mandatory standard, you must also read the requirements specified in the Australian Standard. You can buy copies of Australian Standards from SAI Global (call 131 242 or visit www.saiglobal.com/shop).

- Have systems in place to visually check these products to ensure they comply with the requirements of this mandatory standard.

- Where necessary, use reports from reliable, independent testing laboratories to verify compliance.

- Register to receive automatic email updates from the Product Safety Australia website (www.productsafety.gov.au) to help ensure you are aware of the latest product safety information.
Information for retailers

If you are a retailer, you are responsible for ensuring that the products you supply meet the requirements of mandatory safety standards. To ensure that the folding cots you sell comply with the mandatory standard, you should always:

- stipulate that any folding cots you order must meet the mandatory standard
- undertake visual checks of delivered stock where possible to check compliance with the requirements of the mandatory standard
- obtain and keep reliable written verification from independent sources that products have been tested to, and meet, the mandatory requirements.

Providing safety advice to consumers

The mandatory standard addresses hazards identified in the design, construction and performance of folding cots. The standard also ensures that folding cots carry mandatory safety information about safe use.

While the standard does not require any further safety advice, as a retailer you may wish to add value to your services by promoting the safe sleeping printed in this guide.
Safe sleeping tips

- Only use folding cots for brief, temporary sleeping arrangements.
  - Never leave unsupervised infants sleeping in a pram, stroller or bouncinette. Infants left like this can move about, become trapped in parts and die from suffocation or strangulation.

- To avoid suffocation:
  - Do not use an extra mattress, additional mattress padding, bumpers, quilts, doonas, duvets, lamb’s wool or soft toys. These can trap or fold around a child’s face and prevent breathing.
  - Tuck sheets and blankets in securely so bedding is not loose.
  - Use a safe infant sleeping bag, where possible.

- To avoid serious injuries from falls, never put toys or extra bedding in the cot because children can use them to climb out.

- To avoid strangulation:
  - Set the cot up out of reach of blinds and curtains cords. Infants have died after being strangled by loose blind or curtain cords hanging in or near cots.
  - Keep decorative mobiles out of reach.

- To avoid the risk of overheating, burns and electrocution:
  - Keep heaters or any electrical appliances away from the cot.
  - Do not use electric blankets, hot-water bottles or wheat packs for babies or young children.

- To reduce the risk of sudden infant death syndrome:
  - From birth, always place babies on their backs to sleep with their heads and faces uncovered. Place infants with their feet at the bottom of the cot so that they cannot slip under the blankets.
  - Do not place hats or bonnets on babies sleeping inside.
  - Before and after birth, avoid exposing babies to tobacco smoke.
COMMONWEALTH OF AUSTRALIA
Trade Practices Act 1974
Consumer Protection Notice No. 4 of 2008

CONSUMER PRODUCT SAFETY STANDARD FOR CHILDREN’S
PORTABLE FOLDING COTS

I, Christopher Bowen, pursuant to subsection 65E (1) of the Trade Practices Act 1974
and for the purposes of section 65C of that Act, hereby DECLARE that from 1 March
2009 the consumer product safety standard for children’s portable folding cots 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/NZS 2195:1999, Folding Cots – Safety requirements,

Division 2: Variations
AS/NZS 2195:1999 is varied by
(i) Deleting the second paragraph of the Foreword.
(ii) In Clause 1 Scope, deleting all text after the first sentence;
(iii) Deleting clause 2 Application;
(iv) Deleting clause 3 Referenced Documents;
(v) Deleting clause 5 Timber Folding Cots;
(vi) Deleting clause 6 Materials entirely;
(vii) In clause 7 Construction and Assembly deleting all text after the heading and
substituting a new paragraph as follows:
“The cot mattress and components within the cot shall not be of inflatable
construction.”;
(viii) In clause 8.1 Dimensions, deleting the Note in subclause (b), deleting in
subclause (d) the words “on warning labels specified in Clauses 12.1(i), 12.2
and 13.2(b) (measured horizontally)” and deleting Note 2;
(ix) In clause 8.3 Mattress and base, deleting the Note in subclause (a), deleting
subclause (b) and deleting the Note in subclause (c);
(x) In clause 8.4.1 delete the words, “distinct locking position” and substitute the
words, “clearly distinct locked position”;
(xi) Deleting clause 8.4.2 Folding mechanism design and Figure 1;
(xii) In clause 8.4.3(e) deleting all text after the word “mechanism”, including the
Note;
(xiii) Deleting clause 8.5 Castors, glides or wheels;
Deleting clause 8.6 Protrusions and gaps;
Deleting clause 8.7 Sharp edges and sharp points entirely;
Deleting clause 9 Labels or Transfers;
Deleting clause 10.1 General and substituting a new clause 10.1 as follows:

"10.1 General The applicable tests specified in clauses 10.2, 10.5, 10.13 and 10.14 shall be performed on the same folding cot assembled in accordance with the manufacturer’s instructions and without any accessories fitted.;"
Deleting clause 10.2 Entrapment hazard test entirely and substituting a new clause 10.2 as follows:

"10.2 Entrapment hazard test The folding cot shall be tested in accordance with Appendix A using the 95 mm probe. All gaps accessible within the folding cot shall not allow the 95 mm probe to pass through.;"
Deleting clauses 10.3 Stability test, 10.4 Strength test, 10.6 Impact test, 10.7 Strength of frame and fastenings – fatigue test, 10.8 Strength of frame and fastenings – Vertical static load test, 10.9 Locking mechanism test, 10.10 Detachable parts test, 10.11 Bite test, 10.12 Mesh test, 10.15 Folding cots with accessories, and 10.16 Protrusions and gaps test;
In clause 10.13(c) delete “500 mm” and replace with “400 mm”;
Deleting clause 11 Plastic Packaging entirely;
Deleting clause 12 Informative Labelling entirely;
Deleting clause 13.1 General entirely;
Deleting clause 13.2 Safety marking entirely and substituting a new clause 13.2 as follows:

"13.2 Safety marking
The cot shall be permanently, prominently and legibly marked on the inside of the cot with at least:
(a) Instructions for assembly and locking procedures;
(b) A warning to check before each use that the cot is correctly assembled and locking devices are fully engaged;
(c) Either a warning to use a mattress of specified dimensions or a warning to use the mattress supplied by the manufacturer; and
(d) A warning not to add an extra mattress as this may cause suffocation.;"
Deleting clauses 13.3 Legibility of marking and 13.4 Durability of marking;
In Appendix A section A1 deleting the words, “finger, limb and”;
In Appendix A section A2 deleting the words, “A series of probes are”, and substituting the words, “A probe is”, deleting the subsequent word “probes” and substituting the word “probe”, and deleting Notes 1 and 2;
In Appendix A, deleting section A3 Apparatus entirely and substituting a new section A3 as follows:

"A3 APPARATUS The following apparatus is required:
(a) A spherical probe made of a suitable rigid material having a diameter of 95 ±0.5 mm. The probe may be mounted on a rod of diameter not greater than 15 mm for the purpose of applying the specified force.
(b) A means of applying a force of 50 ±5 N.;"
(xxix) In Appendix A section A4 Procedure deleting subsections (e), (f), (g), (h), (i), (j), (k), (l), (m), (n) and (o);

(xxx) In Appendix A section A5 Report deleting subsections (b), (c), and (d);

(xxi) Deleting Appendices B Strength Test, D Impact Test, E Strength of Frame and Fastenings – Fatigue Test, F Strength of Frame and Fastenings – Vertical Load Test, G Locking Mechanism Test, H Detachable Parts Test, I Bite Test, J Mesh Test, M Accidental Dislodgment Test for an Accessory, and N Protrusions and Gaps Test.

Dated this 19th day of February 2008

Chris Bowen
Minister for Competition Policy and Consumer Affairs
Role of the ACCC

To minimise the risk of injury associated with consumer products, the ACCC undertakes a variety of activities:

- Consulting with suppliers and other agencies to identify non-compliant goods.
- Developing mandatory safety and information standards, when necessary.
- Informing and educating suppliers about emerging hazards and requirements of mandatory standards or bans.
- Liaising with suppliers to assist them in understanding how to comply with the standards or bans.
- Promoting benefits of compliance with mandatory safety standards or bans.
- Assessing overall levels of marketplace compliance with mandatory safety standards or bans.
- Informing and educating consumers to choose only compliant products, report suppliers of non-compliant goods to the ACCC and always use products safely.
- Conducting compliance surveys or inspections among retail outlets to detect non-complying products.
- Conducting compliance surveys or inspections of wholesalers and importers that have supplied non-compliant goods to retailers.
- Investigating allegations from consumers and suppliers about supply of non-compliant products.
- Investigating possible breaches found during compliance surveys or inspections.
- Seeking the immediate withdrawal of non-compliant or unsafe products from sale.
- Seeking the recall of non-compliant or unsafe products from the market.
- Taking action against suppliers including:
  - substantiation, infringement or public warning notices
  - court enforceable undertakings, injunctions and various other court orders
  - damages, compensation orders, disqualification orders and civil penalties
  - adverse publicity orders or requirements for corrective advertising
  - prosecutions resulting in criminal sanctions (fines).
Product liability

Parts 3–5 of the ACL (which forms Schedule 2 to the *Competition and Consumer Act 2010*) contains provisions on product liability. Under these provisions, consumers can seek compensation or damages for personal injury or other loss caused by a safety defect in products supplied by a manufacturer.

Goods with a safety defect are those that are not as safe as what people are generally entitled to expect.

Generally the manufacturers or importers of products are liable under Parts 3–5 of the ACL. But 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 by using these responsible and sensible business practices:

- conducting regular reviews of product designs and production
- implementing and reviewing quality assurance procedures
- testing products regularly to relevant standards, including batch testing
- conducting appropriate marketing
- providing clear and thorough user instructions
- where necessary, conducting a quick voluntary recall of any products that are defective or unsafe.
Mandatory safety standards

- Aquatic toys
- Babies’ dummies
- Baby bath aids
- Baby walkers
- Balloon-blowing kits
- Basketball rings and backboards
- Bean bags
- Bicycle helmets
- Bunk beds
- Child restraints for motor vehicles
- Children’s household cots
- Children’s nightwear
- Children’s nightwear—paper patterns
- Children’s portable folding cots
- Corded internal window coverings
- Disposable cigarette lighters
- Elastic luggage straps
- Exercise cycles
- Fire extinguishers—portable aerosol
- Fire extinguishers—portable non-aerosol
- Hot water bottles
- Jacks—trolley
- Jacks—vehicle
- Motorcycle helmets
- Moveable soccer goals
- Pedal bicycles
- Portable ramps for motor vehicles
- Projectile toys
- Prams and strollers
- Reduced fire risk cigarettes
- Sunglasses and fashion spectacles
- Swimming and flotation aids for water familiarisation and swimming tuition
- Toys containing magnets
- Toys for children—lead and certain elements
- Toys for children up to and including 36 months of age
- Treadmills
- Vehicle recovery straps
- Vehicle support stands

**Mandatory information standards**

- Care labelling—clothing and textile products
- Cosmetics and toiletries—ingredient labelling
- Tobacco products—labelling

**Interim bans**

Interim bans may be made by the state, territory or Commonwealth Minister. Their duration may be 60–120 days. Check the Product Safety Australia website (www.productsafety.gov.au) for details of any interim bans.

**Permanent bans**

- Candles with lead wicks
- Fire footbags and other such goods
- Gas masks with asbestos breathing devices
- Glucomannan in tablet form
- Jelly cups containing konjac
- No holes tongue studs
- Smokeless tobacco products
- Tinted headlight covers
- Toothpaste containing DEG (Diethylene glycol)
Penalties

Supplying products or product-related services that do not comply with a mandatory standard is an offence under the ACL.

Fines for non-compliance are:

- up to $1.1 million for companies
- up to $220 000 for individuals.
### Key terms used in this guide

Below is a list of some key terms that have been used in this guide.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td><strong>Australian Consumer Law (ACL)</strong></td>
<td>The ACL replaces previous Commonwealth, state and territory consumer protection legislation in fair trading acts. It is contained in a schedule to the <em>Trade Practices Act 1974</em>, which has been renamed the <em>Competition and Consumer Act 2010</em> (CCA).</td>
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<tr>
<td><strong>Competition and Consumer Act 2010 (CCA)</strong></td>
<td>The <em>Competition and Consumer Act 2010</em> (formerly the <em>Trade Practices Act 1974</em>) deals with almost all aspects of the marketplace: the relationships between suppliers, wholesalers, retailers, competitors and customers. It covers anti-competitive conduct, unfair market practices, industry codes, mergers and acquisitions of companies, product safety, product labelling, price monitoring, and the regulation of industries such as telecommunications, gas, electricity and airports.</td>
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</table>
| **consumer protection notice** | A consumer protection notice is a notice that declares a particular standard, either:  
- drawn from a Standard prepared by Standards Australia (or other approved body), with any additions or variations specified in the notice or  
- created as a stand-alone mandatory standard to be a prescribed standard. |
| **folding cot** | Under the mandatory standard, a folding cot is referred to as a children’s portable folding cot. It is an item that can be used by parents and carers to provide temporary sleeping accommodation for infants. It can also be known as a playpen with a floor/base. |
| mandatory consumer product safety standard | The Commonwealth Minister can prescribe compulsory safety standards for consumer goods and product related services. Suppliers must not supply goods or services that do not comply with a safety standard for goods of that kind. Safety standards require goods to comply with particular performance, composition, content, design, construction, finish, labelling or packaging rules. Visit www.productsafety.gov.au for a list of products that mandatory safety standards currently apply to in Australia. Many mandatory standards are based on Australian voluntary standards published by SAI Global. |
| mandatory consumer product information standard | Information standards require provision of prescribed information to consumers when they buy certain goods. This information is to protect consumers from injuries that could result if they use the product inappropriately. |
| supplier | Anyone in the business of sale, exchange, lease, hire or hire-purchase of goods or provision, granting or conferring of services. |
| supply | Sale, exchange, lease, hire or hire-purchase of goods or provision, granting or conferring of services. |
Contacts

Australian Competition and Consumer Commission

Product safety

For more information about mandatory standards, bans, recalls and emerging issues—and to subscribe to email alerts and RSS—visit our websites:

www.productsafty.gov.au
www.recalls.gov.au

You can also follow us on Twitter: @ProductSafetyAU

ACCC Infocentre: 1300 302 502

Callers who are deaf or who have a hearing or speech impairment can contact us through the National Relay Service:

www.relayservice.com.au

Voice-only (speak and listen) users phone 1300 555 727 and ask for 1300 302 502.
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**SAI Global**
To obtain copies of mandatory Australian/New Zealand standards, contact SAI Global on 131 242 or visit the SAI Global website at www.saiglobal.com/shop.
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