

COMPETITION AND CONSUMER ACT 2010

INTERIM BAN NOTICE: NOVELTY ITEMS WITH SMALL HIGH-POWERED MAGNETS

I, NICK McKIM Minister for Corrections and Consumer Protection, pursuant to subsection 109(1)(a)(i) of Schedule 2 to the Competition and Consumer Act 2010, **IMPOSE** an interim ban on consumer goods of a kind specified below.

The effect of this Notice is to ban the supply of such consumer goods for a period of 60 days. This Notice commences with immediate effect on 23 August 2012.

Particulars of Consumer Goods

Small, separable or loose, permanent magnetic objects:

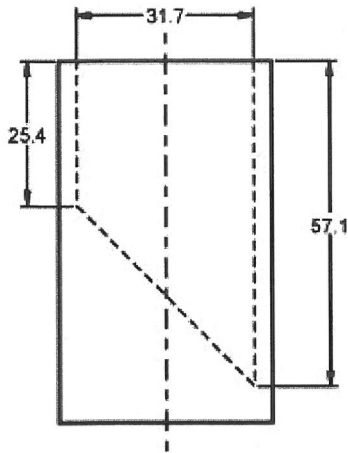
- (a) that are supplied as aggregated masses or in multiples of two or more; and
- (b) that are intended or marketed by the manufacturer primarily as a manipulative or construction desk toy or as jewellery ; and
- (c) that have a magnetic flux index of greater than $50 \text{ kG}^2\text{mm}^2$; and
- (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.

Hazard Identified

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.

Note: Consumer goods subject to this Notice and which fail to comply with this Notice will be subject to compulsory recall.

Dated this day ^{23rd} August 2012

A handwritten signature in black ink that reads "Nick McKim". The signature is written in a cursive style.

Nick McKim MP
Minister for Corrections and Consumer Protection