

Child's play: researching safety standards in child related products

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The issue of how carefully we should treat our fellow human beings is a vexed one at the best of times, let alone when we start considering the issue of children's safety. Plaintiff practitioners are only too aware of the harsh, and sometimes callous, approach that industry and manufacturers often take to the expense associated with making products and services safer. These injuries concern us as parents/siblings, as well as professionals.

At the time of going to press, the Consumer Affairs Division of the Department of Industry Science and Tourism very close to completing a valuable new guide book, *Keeping Baby Safe - a Guide to Nursery Furniture* which provides information on household cots, portable costs, cot and bed restraints, prams and strollers, high-chairs, bouncers and baby exercisers, baby walkers, bunkbeds, toy boxes, playpens and safety barriers. Further information is available from the Australian Competition and Consumer Commission and Department of Science Industry and Tourism (Consumer Affairs).

Whilst they are not definitive standards of care for legal purposes, the development of "Australian Standards" for products provides practitioners with useful guides to acceptable product features for use in assessing potential claims. In this special Child Safety edition of *Plaintiff*, it will be valuable for us to take a quick overview of the standards currently in force. Compliance with the standard is mandatory, and the responsibility of all suppliers. Suppliers are defined to include manufacturers, importers, distributors, hirers and retailers.

List of goods subject to compulsory standards under the Trade Practices Act as at June 1998:

Amusement Rides and Devices (AS 3533)

Specifies requirements for the design, manufacture, construction, testing, assembly, erection, site layout, operation, maintenance, inspection and the fire safety

measures of amusement rides and devices. It covers both fixed and portable amusement rides and devices, excluding transit equipment used in snowfields.

Balloon-blowing kits (TP Regulation):

Tubes of plastic gum that can be blown to form balloons - must not contain benzene.

Bean bags (TP Regulation):

Must carry a label warning of choking hazard of lightweight beads and any openings must be child-proof.

Bicycles (Based on AS 1927):

A comprehensive range of performance & other safety requirements.

Bicycle helmets (Based on AS 2063.2):

A comprehensive range of performance & other safety requirements.

Child restraints for motor vehicles (Based on AS 1754):

A comprehensive range of performance and other safety requirements for baby capsules, child seats and other restraints. See also the Child Accident Prevention Foundation of Australia's booklet, *A Parent's Guide to Kidsafe Cars*.

Children's nightclothes - flammability (Based on AS 1249):

For sizes 0-14, garments must meet design and fabric specifications and be labelled according to one of three flammability categories.

Children's Toys - General Requirements (AS 1647.1)

Specifies general safety requirements for toys, including material, packaging and labelling.

Children's Toys - Construction (AS 1647.2)

Identifies constructional aspects of toys and associated hazards. Applies to toys intended for use by children up to the age of 14 years.

Children's Toys - Toxicological Requirements (AS 1647.3)

Specifies maximum permissible concentrations of leachable elements from toy materials.

Children's Toys - Flammability

Requirements (AS 1647.4)

Specifies flammability requirements for materials which are used in or on toys. Also covers labelling.

Children's Toys - Flotation Toys and Swimming Aids (AS 1900)

Specifies requirements for toys intended for use by children aged up to 15 years in recreational activities and to assist in swimming tuition. It does not deal with buoyancy aids intended for lifesaving.

Cigarette Lighters (TP Regulation):

Effective 1/10/97. Replaces import ban effective since 1/3/97. All lighters must incorporate a device to prevent accidental operation.

Clothing, household textiles, furnishings, upholstered furniture, bedding, piece goods and yarns - Care labelling (Based on AS 1957):

Instructions for the correct care and maintenance of each garment to be accessible at point of sale, in most cases permanently attached; some exclusions apply.

Cosmetics and toiletries (TP Regulation):

Unless covered by the *Therapeutic Goods Act*, all cosmetic and toiletry products must be labelled with a full list of their ingredients.

Cots for household use (Based on AS/NZS 2172):

A range of key safety requirements to prevent entrapment hazards. Effective from 30 June 1998.

Disposable cigarette lighters (TP Regulation)

Safe use and child resistance requirements. Came into effect for imported goods as of 1 March 1997 and for retail as of 1 October 1997.

Elastic luggage straps (TP Regulation):

Stretch tie-down straps and cords, including octopus straps must carry a label warning of eye injury if overstretched.

Exercise cycles (Based on AS 4092):

Moving parts and other entrapment hazards to be isolated by guards; plus specifications for integrity of the seat.

Fire extinguishers (portable) (Based on AS 1840 to 1848):

A comprehensive range of performance & other safety requirements.

Flotation toys and swimming aids for children (Based on AS 1900):

Some performance requirements and a system of marking to alert users to correct use to avoid drownings.

Infant Formula

See Marketing in Australia of Infant Formulas (MAIF): Manufacturers and Importers Agreement, and the International Code of Marketing of Breast-milk Substitutes.

Jacks, including trolley jacks (Based on AS 2615, AS 2693, AS/NZS 2693):

A comprehensive range of performance & other safety requirements for products up to certain capacity limits.

Motorcycle helmets (Based on AS 1698):

A comprehensive range of performance & other safety requirements.

Paper patterns for children's night-clothes (Based on AS 1249):

Must carry a label advising re flammability of certain fabrics.

Playground Surfacing - Specifications, Requirements and Testing Method (AS/NZS 4422)

Specifies general requirements for surfacing to be used in children's playgrounds and specific requirements for areas where impact energy attenuation is necessary. It suggests the factors that should be considered when selecting a playground surface and gives a method of test by which the impact energy attenuation can be determined; this test gives a critical fall height for a surface that represents the upper limit of its effectiveness in reducing head injury when using playground equipment conforming to AS 1924.

Ramps for motor vehicles (Based on AS 2640):

A comprehensive range of performance & other safety requirements for products up to certain capacity limits.

Sunglasses and fashion spectacles (Based on AS 1067):

A comprehensive range of performance & other safety requirements.

Supervised Adventure Playgrounds (AS 2555)

Outlines of recommended procedures for choosing a site and for establishing and

operating a supervised adventure playground. It also draws attention to potential hazards within such a playground and recommends ways in which these can be minimised.

Support stands for motor vehicles (Based on AS 2538):

A comprehensive range of performance & other safety requirements for products up to certain capacity limits.

Swimming Pools - Pre-moulded fibre reinforced plastics - Design and Fabrication (AS/NZ 1834)

Sets out requirements for pools exceeding 7,500 litres in volume and 750 mm in depth.

Tobacco products (TP Regulation)

Cigarettes, cigars and smoking tobacco to carry warning and explanatory labels.

Toys for children under 3 (Based on AS 1647.2):

Toys suitable for ages up to 36 months (not just those marked as such) must not contain any small parts that may be a choking hazard, nor produce any small parts when put through a range of tests which simulate normal use and abuse.

Goods permanently banned under the Trade Practices Act as at June 1998:

'Diveman' underwater breathing apparatus:

Relied on kicking action of the diver to ensure air supply - not effective or reliable.

Gas masks which contain asbestos:

WWII surplus masks - possible carcinogen.

Glucomannan in tablet form:

Diet aid designed to swell in stomach, but can cause choking if stuck in throat; acceptable in other forms such as powder or capsules.

'Quickie' line release system:

A water skiing device intended to release a ski rope if problems arose, but was not reliable.

Seat belt accessories, including 'Klunk Klip', 'Comfix', 'Auto Comfort' :

Devices designed to create some slack in belts, but compromised their performance.

Sun visors including 'Autotrend Sun Filter' and similar internal visors:

Compromised visibility.

Tobacco products (smokeless):

Chewing tobacco and snuff - known to cause cancers of the mouth, etc.

Victim toys:

A series of toys and figurines depicting violence to human and other victims - may cause psychological harm.

Where is this information?

Australian Standards may be purchased from their local office of Standards Australia. Trade Practices Regulations are available from the Australian Government Publishing Service or from offices of the ACCC. The ACCC provides guidance to suppliers in how to comply with standards. A range of publications is available on the mandatory standards which provides an adjunct to the actual standards documents. Details of the Commission's policy on compliance with mandatory standards and bans are contained in the brochure 'Compliance with Consumer Product Standards and Bans', published October 1996. ■

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