

Product safety

An ACCC function many may be unaware of is its enforcement of product information and safety standards.

The purpose of safety standards is to protect consumers from products that pose undue hazards.

Once a standard has been declared mandatory (by the Minister for Financial Services and Regulation) it is then illegal to supply the product to the public without making sure it meets the standard.

If a non-complying product is supplied the supplier could face a fine of up to \$200 000.

Mandatory standards enforced by the ACCC

- ◆ balloon-blowing kits
- ◆ bean bags
- ◆ bicycles
- ◆ bicycle helmets
- ◆ children's nightwear
- ◆ child restraints for motor vehicles
- ◆ clothing, household textiles, furnishings, upholstered furniture, bedding, piece goods and yarns — care labelling
- ◆ cosmetics and toiletries
- ◆ cots for household use
- ◆ disposable cigarette lighters
- ◆ elastic luggage straps
- ◆ exercise cycles
- ◆ fire extinguishers (portable)
- ◆ flotation toys and swimming aids for children
- ◆ jacks, including trolley jacks
- ◆ motorcycle helmets
- ◆ paper patterns for children's nightclothes

- ◆ ramps for motor vehicles
- ◆ sunglasses and fashion spectacles
- ◆ support stands for motor vehicles
- ◆ tobacco products
- ◆ toys for children under three

The bikes were sold under the brand name of **Star Wheel** between August and November 1998. They were BMX-styled — to look like off-road bicycles although they weren't — and did not carry the required warning that they were not designed for off-road use or stunting.

Bike supplier and retailer fined

Earlier this year the Commission took two companies to court for supplying bicycles that failed to comply with the mandatory consumer product safety standard for pedal bicycles.

Both companies pleaded guilty. The importer, Starite Distributors Pty Ltd, was fined \$30 000, and the supplier, Dimmeys Stores Pty Ltd, \$60 000.



They were sub-standard in that they were fitted with a back-pedal brake only — instead of the mandatory two brakes; they lacked a bell and wheel reflectors and came without a manual for their use and maintenance.

The drive chain, seat adjustment clamps and handlebar assembly of one bike, when tested, failed to comply with the performance requirements of the standard.

The judge's comments are worth noting:

The offences committed by Starite and Dimmeys must, in my opinion, be regarded as being extremely serious. The conduct of the defendants has resulted in a significant number of defective bicycles being supplied to children, among the most vulnerable members of our community. The appearance of these bicycles is calculated to entice those who use them into still more danger. It may fairly be said that each of the bicycles supplied was, and is, an accident waiting to happen.

The Commission has a strict enforcement approach to product safety issues, particularly where the safety of children is involved.

Not all bikes were returned to the company when recalled. If anyone still has one they should return it to Dimmey's for a full refund. Do not ride them.

While this type of case sends a strong message to all suppliers, especially discount variety store companies, the case also highlights the need for consumers to take care when buying bikes for their own or a child's use — especially in the lead up to Christmas when sales rise as bikes are bought as presents.

For more information about mandatory standards contact your nearest ACCC office, or check the ACCC website product safety page.

Banned products

The Commission also has responsibility for enforcing bans on the supply of products declared unsafe under the Trade Practices Act.

The latest ban was announced by the Minister on 1 September 1999 in relation to candles with wicks that contain lead.

When burned in an enclosed space for a long period the candles release dangerously high levels of lead into the atmosphere. A report by an independent investigator concluded that children and infants would be most likely to be at risk.

The candles concerned are those that have a silvery or dark lead core in the fabric of the wick. They are unbranded and come in a variety of styles, shapes and colours.

Further information can be obtained from Treasury contact, Raphael Cicchini on (02) 6263 3983, or found on the Treasury website at <http://www.minfsr.treasury.gov.au>

Goods permanently banned under the Trade Practices Act

- ◆ Candles with lead wicks
- ◆ 'Diveman' underwater breathing apparatus
- ◆ gas masks which contain asbestos
- ◆ Glucomannan in tablet form
- ◆ 'Quickie' line release system
- ◆ seat belt accessories, including 'Klunk Klip', 'Comfix', 'Auto Comfort'
- ◆ sun visors including 'Autotrend Sun Filter' and similar internal visors
- ◆ tobacco products (smokeless)
- ◆ victim toys

