

**Safekids Aotearoa: AN INTRODUCTION TO
CHILD PRODUCT SAFETY IN NEW ZEALAND**

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INTRODUCTION: Child Product Safety in New Zealand

Children are vulnerable consumers, and are potentially at risk of harm and injury from a wide variety of products. To support child safety and injury prevention, it is important to increase community and family awareness of the range of measures including product safety standards, and regulatory courses of action that support product safety in New Zealand. The purpose of this document is to provide information about key stakeholders and approaches to support product safety assurance in New Zealand.



Key stakeholders in product safety

Several key stakeholders are involved in reducing the risk of product-related harm in New Zealand. The roles and responsibilities of each stakeholder differ.



Consumers have rights under the Consumer Guarantees Act 1993 [1] to have products that are safe and durable.



Child safety organisations such as **Safekids Aotearoa** and **Plunket** can support parents/caregivers with information on product safety. Child safety organisations can also work with industry and Government and non-Government organisations to highlight child safety issues, and support legislative and non-legislative actions to improve the safety of products.



Consumer NZ is an independent, non-profit organisation that provides information and advice on products to the New Zealand public. Consumer NZ commissions independent testing on products, and produces product safety reports to support consumers in making informed consumer choices. Consumer NZ undertakes research on products, and is represented on parliamentary committees.



A number of retail, trade and business associations support product safety as part of their broader services. For example, the **New Zealand Retailers Association** provides training on product safety, and online product safety updates, including legislative changes and current issues.



Medsafe New Zealand Medicines and Medical Devices Safety Authority are the regulatory body for consumer medicines in New Zealand. [8,9]





**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

The Ministry of Business, Innovation and Employment (MBIE) is the Government agency responsible for ensuring the safety of all consumer products in New Zealand with the exception of food, motor vehicles, medicines and cosmetics.

Key product safety responsibilities include: working with importers, manufacturers and businesses, responding to reports by the public or concerned agencies and conducting product and manufacturing checks and tests. Three main actions can be taken in response to a product safety issue: product recall, product ban (through an unsafe goods notice) or development of a mandatory product safety standard.

TRADING STANDARDS

Trading Standards (formally The Measurement and Product Safety Service (MAPSS)) sits within the MBIE, and is responsible for the safety of all products covered under voluntary safety standards, except vehicle, energy, food and medicine products, which are dealt with by other government departments.

Key product safety responsibilities include: investigating complaints and unsafe products, suggesting product modifications to improve product safety, overseeing the removal of unsafe products from sale, providing advice to companies that are required to recall unsafe products and supporting the development of product regulation options. [2,3]



ENERGY SAFETY

Energy Safety sits within Worksafe NZ, and is responsible for ensuring that the public and industry are safeguarded from electrical and gas hazards, including: ensuring the safety of appliances, installations, and supply and generator systems. Energy Safety monitor, encourage and enforce compliance with electrical and gas safety legislation.



TE MANA ĀRAI O AOTEAROA

The **New Zealand Customs Service** is the government agency responsible for ensuring the security of New Zealand borders. The New Zealand Customs Service can inspect containers, vessels, baggage, mail, persons or property to prevent the importation of unsafe products, and can prosecute where necessary. The New Zealand Customs Service also ensures that only products that fulfil New Zealand safety requirements are permitted across New Zealand's borders. To ensure the safety of products entering New Zealand, the New Zealand Customs Service uses a variety of legislation, including the Customs Act. [5] The New Zealand Customs Service also works closely with the MBIE.



The **Commerce Commission** is an independent Crown entity, and is responsible for enforcing mandatory product standards in New Zealand, excluding child restraint standards. The Commerce Commission has powers under the Fair Trading Act Trading Act 1986 [4] to enforce mandatory standards, and to ensure consumer rights. When a complaint is laid with the Commerce Commission, and it is appropriate for it to be investigated, actions taken if a business is found to breach the Fair Trading Act may include any of: providing the business with advice, providing a warning letter, entering into a settlement, or undertaking court action.



NZ TRANSPORT AGENCY
WAKA KOTAHĪ

The **New Zealand Transport Agency (NZTA)** is the Government agency responsible for enforcing legislation for child restraints sold in New Zealand. [6,7]

GOVERNMENT AGENCIES

Product Safety Assurance in New Zealand: Tools to improve product safety

The key stakeholders in product safety use a variety of tools to support product safety in New Zealand. In broad terms these tools include:





Standards

Product safety standards are documents that contain information on:

- The type of product, its manufacture and performance including: design, composition, contents, construction, processing, finish and packaging.
- specific tests that should be done during or after manufacture
- specific detail regarding the appearance or content of instructions, warnings or markings. [10]

Product safety standards used in New Zealand are developed by the national Standards making bodies either here in New Zealand, or in other countries, and are then approved for use in New Zealand. For example, Standards developed in Australia or Europe can be adopted, or tailored and then adopted for use in New Zealand.

Product safety standards can be mandatory or voluntary. All New Zealand product safety standards are required to comply with the Standards Act 1988. [11] Product safety standards provide manufacturers of products with a clear definition of what a safe product is. When manufacturers comply with product safety standards the safety of products available to children on the New Zealand market is improved.

Mandatory Standards

Mandatory standards are standards that are written into the law. They provide best practice information to manufacturers that ensures the safety of a product if the information is followed in full. [13]

Key Points

- Legislation to ban or regulate a product can permanently remove a large portion of the product's risk. [14]
- Suppliers must only supply, offer to supply, or advertise goods that meet mandatory standards, in order to comply with their obligations under the Fair Trading Act 1986. [4,10]
- Products that do not comply with the relevant mandatory standard cannot be sold in New Zealand.
- All products sold in New Zealand must meet the requirements of the Consumer Guarantees Act.

Standards New Zealand is the independent body that manages the development of product safety standards. It works closely with its overseas counterparts, such as Standards Australia. Many standards used in New Zealand are joint Australian/New Zealand standards, and have the prefix: AS/NZS. The majority of Australian and New Zealand standards align closely with broad international standards developed by the International Standards Organization (ISO), which is the global standards organisation. Standards approved for use in New Zealand do not need to align with ISO standards, though in practice the majority do as this helps facilitate international trade.

To develop or update standards, Standards New Zealand, and Standards Australia co-ordinate expert committees to provide advice, and technical expertise to inform the development of best practice safety guidelines for product standards. Standards are reviewed and updated regularly to take into account new products and technologies, or in response to new and emerging hazards.

For example, the AS/NZS ISO 8124.1:2013 Australian/New Zealand Standard, Safety of Toys, Part 1: Safety aspects related to mechanical and physical properties, has been amended on several occasions to support the safety of toys coming onto the market that include new or novel features. [12]

Examples

- Aspects of AS/NZS ISO 8124.1:2013. Safety of toys. [12]
- Product Safety Standards (Cigarette Lighters) Regulations 1998 (SR 1998/451). [15]
- AS/NZS 2172:2013. Cots for household use – safety requirements. [16]
- Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 2008. (SR 2008/199). [17]
- Product Safety Standards (Pedal Bicycles) Regulations 2000 (SR 2000/167). [18]
- **Product Safety Standards (Baby Walkers) Amendment Regulations 2005. [19] Safekids Advise: Babies don't need baby walkers! Baby walkers are not baby minders, and they can be dangerous. The best place for babies to learn how to crawl and walk is on the floor.**
- AS/NZS 1754:2013. Child restraint systems for use in motor vehicles; Land transport Rule: Vehicle equipment. Rule 32017. [6,7]

Voluntary Standards

Voluntary standards are standards that provide best practice information that ensures the safety of a product if the information is followed in full.

Key Points

- Are not legally required, so are not enforceable.
- Can be cited in an Act or regulation as an 'acceptable solution' or 'means of compliance', which means that it is not mandatory, and alternative procedures can be used. [13]
- Products that do not comply with the relevant voluntary standard can still be sold in New Zealand.
- All products sold in New Zealand must meet the requirements of the Consumer Guarantees Act.

Examples



- NZS 5855:1997 and Amendment A. Consumer safety specification for components, assembly, and use of a trampoline. [20]
- NZS 5828:2004. Playground equipment and surfacing. [21]
- Aspects of AS/NZS ISO 8124. 1:2013. Safety of toys. [12]
- AS/NZS 2195:2013. Folding cots - safety requirements. [22]
- AS/NZS 2130:1998. Cots for day nursery, hospital and institutional use - safety requirements. [23]
- AS/NZS 4220: 2010. Bunk beds and other elevated beds. [24]
- AS/NZS 2088:2013. Prams and strollers – safety requirements. [25]
- NZS/BS 5799:1986 and Amendment 1 Specification for safety requirements for children's high chairs and multi-purpose high chairs for domestic use. [26]



Regulatory Action

Government agencies with responsibility for enforcing product safety legislation or standards can undertake actions to investigate and address product issues.

Safekids Aotearoa recognises that the Consumer Law Reform Bill, [27] will result in modifications to the product safety environment in New Zealand. The Consumer Law Reform Bill will introduce a number of wide ranging changes that will provide additional powers and options for regulators, and tools used to support product safety. Modifications will also alter the obligations and responsibilities of key stakeholders in relation to the manufacture, sale and supply of consumer products.

The Ministry of Business, Innovation, and Employment (MBIE) is a Government agency that seeks to ensure consumer safety through regulating products by undertaking one or more of the following three actions:

i. Recall a product

Recalling a product generally involves manufacturers informing MBIE of a product issue requiring a recall. MBIE provide manufacturers and suppliers with advice and support to cease the sale of a product, and to issue a product recall. The majority of recalls are done voluntarily by industry with the support of the MBIE. Recall information is provided to the public via various forms of online and print media.

- Example: Recent recalls include a brand of child restraint, which did not meet the safety standard, child strollers with product failures resulting in a carry handle detaching leading to fall and choking hazards and a child's tricycle where the handlebars may detach during use due to an insufficient fastening bolt, which could lead to a serious of injury. [28]

ii. Ban a product

A product ban involves the MBIE issuing an 'Unsafe Goods Notice' to declare that a product is prohibited from sale and from importation into New Zealand. A product ban is generally done on a short term basis, but can be made permanent. A product ban may be accompanied by a product recall.

- Example: The MBIE banned the sale of small high-powered magnets for an 18 month period from 24 January 2013. [29,30] High powered magnets pose a risk to children if swallowed as they can attract each other across internal tissue causing perforation, obstruction, and death can occur [31]

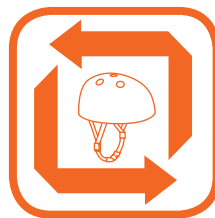
iii. Develop a mandatory product safety standard

A standard in its own right is not mandatory and importers, manufacturers and businesses are not legally bound to carry out its recommendations. However, they are encouraged to view standards as best practice guidelines. If a product's safety continues to be of concern, a pre-existing standard can be cited (in whole or part) or referenced in a statute (legislation) or regulation. This results in the recommendations of the standard cited or referenced becoming mandatory for importers, manufacturers and businesses to adhere to. [13]

- Example: Aspects of the AS/NZS ISO 8124.1:2013 Australian/New Zealand Standard, Safety of Toys, Part 1: Safety aspects related to mechanical and physical properties, regarding the size of components within a toy used for children up to and including three years of age were previously made mandatory. This aimed to reduce the risk of young children swallowing and subsequently choking on small parts. [32]

Creating an unsafe goods notice (which is in effect a ban) makes addressing the stated aspects of the standard mandatory also. [30]

- Example: In 2009, to prevent child unintentional poisoning, toys containing lead in quantities greater than those specified in the safety of toys standard were banned from sale indefinitely – the Unsafe Goods (Lead in children's toys) Indefinite Prohibition Notice 2009 again references the relevant sections of AS/NZS ISO 8124. [30,33]



Product modification

Products can be modified to reduce the risk or severity of an injury, and/or reduce access to a hazard. [34] Standards requiring product modification can help to reduce a product's risk. [14, 35]

- Example: The New Zealand standard for cigarette lighters requires lighters to be child-resistant by using a modified safety design, which helps to reduce the fire hazard and risks. [15]

Product safety modifications are not solely dependent on standards, and can be initiated by industry in response to a safety issue.

- Example: In relation to the risks around limiting child access to button batteries, the battery industry is looking at a range of measures that includes modifying button battery packaging to make it child-resistant. Button batteries can cause severe burns and death if swallowed or inserted into the eyes, ears or nose. [36]



Professional advice, advocacy and education

Advice from child safety organisations such as Safekids Aotearoa, and Plunket is also important in supporting parents/caregivers to enhance the safety of their homes. Safekids Aotearoa, and Plunket work with the MBIE on emerging product safety issues, and advocate for decisive government and industry action on product safety issues.

- Example: For more detailed information on ensuring the safety of child and nursery products, see the Ministry of Business Innovation and Employment's Keeping Kids Safe online and print resource.[37]

Safekids Aotearoa Recommendations

To reduce the incidence and severity of product-related child injury, Safekids Aotearoa recommends:

Product Safety Messages

1. Products meet safety standards

Always ensure products, including toys, meet an approved safety standard, such as the Australian or New Zealand (AS/NZS), International (ISO), European (EN), British (BS) or American (ASTM) standards.



2. Product assembly, use and maintenance

Follow guidelines provided with products in relation to their assembly and use.

Photo credit: RIDE ON – Nelson/Tasman

3. Safe use and storage of products

Store potentially dangerous products out of the sight and reach of children. These include products such as cigarette lighters and matches, button batteries, magnets, household and garden chemicals, poisons, and medications.

Place nursery products away from windows, curtains, blinds, heaters, ceiling fans, pictures on walls, ornaments, power points and furniture to reduce the risk of injuries such as strangulation, suffocation, or electrocution.

Consider placement of furniture and secure furniture to reduce the risk of falls resulting from children using furniture to climb up.



5. Report product safety concerns

Report product safety concerns to:

- **Commerce Commission:**
www.comcom.govt.nz or call 0800 943 600.
- **Trading Standards (MBIE):**
www.mbie.govt.nz/tradingstandards or call 0508 627 774.



4. Safe play

Supervise children when playing. Ensure products are age appropriate. Scan the environment for potential hazards and regularly inspect toys and other household items for broken or small parts.



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