

## **COMMONWEALTH OF AUSTRALIA**

### *COMPETITION AND CONSUMER ACT 2010*

Consumer Protection Notice No. 31 of 2011

#### **PROPOSED BAN NOTICE: PERMANENT BAN ON CERTAIN BABIES' DUMMIES TO WHICH THERE ARE CRYSTALS, BEADS OR OTHER SIMILAR ORNAMENTS ATTACHED**

I, DAVID BRADBURY, Parliamentary Secretary to the Treasurer, pursuant to section 132 of the *Competition and Consumer Act 2010*, **ISSUE** this proposed ban notice.

#### **DRAFT NOTICE FOR THE IMPOSITION OF THE PERMANENT BAN**

A draft notice for the imposition of the permanent ban is attached (Draft Notice).

#### **SUMMARY OF THE REASONS FOR THE PROPOSED IMPOSITION OF THE PERMANENT BAN**

The Draft Notice proposes to revoke the interim ban on babies' dummies to which there are crystals, beads or other similar ornaments attached to the ring or handle or plug or shield and impose a permanent ban on the same goods unless they meet both the mandatory safety standard for babies' dummies and additional performance test requirements set out in the Australian Standard for babies' dummies (being AS 2432—2009 *Babies' dummies*).

Testing has shown that decorations of this kind can detach from the dummies, at which point they pose a small parts choking, inhalation or ingestion hazard for infants using these dummies and represent an unacceptable risk to Australian children.

It is anticipated that the permanent ban, if imposed, will be repealed once adequate test methodology is able to be incorporated within the Australian mandatory safety standard for babies' dummies.

#### **INVITATION TO PERSONS WHO SUPPLY, OR PROPOSE TO SUPPLY, CONSUMER GOODS OF A KIND SPECIFIED IN THE DRAFT NOTICE**

Pursuant to section 132(3)(e) of the *Competition and Consumer Act 2010*, I **INVITE** any person who supplies, or proposes to supply, consumer goods of a kind specified in the Draft Notice to notify the Australian Competition and Consumer Commission (the ACCC) that the person wishes the ACCC to hold a conference in relation to the proposed imposition of the permanent ban. That notification should be made in writing at the address or email address shown below within the period of ten (10) days commencing on the day after this proposed ban notice is published:

Address: The General Manager  
Product Safety Branch  
Australian Competition and Consumer Commission  
GPO Box 3131  
CANBERRA ACT 2601

Email address: [productsafety.regulation@acc.gov.au](mailto:productsafety.regulation@acc.gov.au)

Dated this *17<sup>th</sup>* day of *August* 2011.



DAVID BRADBURY  
Parliamentary Secretary to the Treasurer

## DRAFT NOTICE FOR THE IMPOSITION OF THE PERMANENT BAN

### COMMONWEALTH OF AUSTRALIA

#### COMPETITION AND CONSUMER ACT 2010

Consumer Protection Notice No. XX of 2011

### REVOCATION OF INTERIM BAN AND IMPOSITION OF PERMANENT BAN ON CERTAIN BABIES' DUMMIES TO WHICH THERE ARE CRYSTALS, BEADS OR OTHER SIMILAR ORNAMENTS ATTACHED

I, DAVID BRADBURY, Parliamentary Secretary to the Treasurer:

- (a) pursuant to section 113 of Schedule 2 to the *Competition and Consumer Act 2010* (the Australian Consumer Law), **REVOKE** Consumer Protection Notice No. 26 of 2011, being the interim ban on babies' dummies to which there are crystals, beads or other similar ornaments attached to the ring or handle or plug or shield imposed under subsection 109(1)(a) of the Australian Consumer Law. That interim ban ceases to be in force on the day this Notice is registered on the Federal Register of Legislative Instruments; and
- (b) pursuant to subsection 114(1)(b) of the Australian Consumer Law, **IMPOSE** a permanent ban on consumer goods of a kind specified below. The permanent ban comes into force on the day this Notice is registered on the Federal Register of Legislative Instruments.

#### Particulars of Consumer Goods

Babies' dummies to which there are crystals, beads or other similar ornaments attached that do not comply with both:

- (i) the mandatory safety standard for babies' dummies (F2006L03455 on the Federal Register of Legislative Instruments); and
- (ii) the following requirements of Australian Standard, AS 2432—2009 *Babies' dummies*:
- Clause 7.2 – Compression test;
  - Clause 7.3 – Bite test; and
  - Clause 7.4 – Impact test.

#### Interpretation

##### *Dummy*

A fully assembled article used to pacify a baby, which includes a teat that the baby sucks, but from which the baby does not obtain fluid. Babies' dummies are also known as 'pacifiers' or 'soothers'.

#### Hazard Identified

Crystals, beads and other similar ornaments attached to dummies can detach and become a small parts choking, inhalation or ingestion hazard.

**Note:** Goods subject to this Notice and which fail to comply may be subject to compulsory recall.

Dated this XXXXXXXXXXXX day of XXXXXXXXXXXX 2011.

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DAVID BRADBURY