

COMMONWEALTH OF AUSTRALIA

COMPETITION AND CONSUMER ACT 2010

Consumer Protection Notice No. 6 of 2013

PROPOSED BAN NOTICE: PERMANENT BAN ON CERTAIN CONSUMER GOODS CONTAINING SYNTHETIC DRUG SUBSTANCES

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

DRAFT NOTICE FOR THE IMPOSITION OF A PERMANENT BAN ON CERTAIN CONSUMER GOODS CONTAINING SYNTHETIC DRUG SUBSTANCES

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

I propose to impose a permanent ban on 19 consumer goods containing synthetic drug substances and consumer goods containing certain substances proscribed under Schedule 9 of the *Poisons Standard 2012* as set out in the Draft Notice.

SUMMARY OF THE REASONS FOR THE PROPOSED IMPOSITION OF A PERMANENT BAN ON CERTAIN CONSUMER GOODS CONTAINING SYNTHETIC DRUG SUBSTANCES

The proposed permanent ban would prohibit the supply of 19 consumer goods (and equivalents), three of which are believed to contain or consist of synthetic cocaine products and 16 of which are believed to contain or consist of synthetic cannabis products. The ban would also prohibit the supply of consumer goods containing a substance that is a form of synthetic cannabinomimetic, a NBOMe type substance or a synthetic cocaine type substance that is proscribed by Schedule 9 of the *Poisons Standard 2012*.

Based on incidents reported in New South Wales involving the use of these types of consumer goods, users are at risk of a range of serious negative side effects including tachycardia, elevated blood pressure, seizures, self-harm, delusional behaviour, paranoia/anxiety, agitation, hallucinations or psychotic episodes.

There is also evidence that users of these consumer goods pose a risk to the safety of police and health professionals who are called to deal with aggressive and violent drug affected users and to members of the public who encounter drug affected users.

On 18 June 2013, a national interim ban on certain consumer goods containing synthetic drug substances (**national interim ban**) was imposed. When imposed by a Commonwealth Minister, an interim ban is in force for 60 days and may be extended twice by up to 30 days on each occasion. The national interim ban was extended by 30 days on 16 August 2013.

A copy of the national interim ban Notice is available on the ComLaw website – <http://www.comlaw.gov.au/Details/F2013L01053>.

A copy of the Notice extending the national interim ban is also available on the ComLaw website – <http://www.comlaw.gov.au/Details/F2013L01584>.

The national interim ban was imposed to allow all states and territories time to develop suitable legislation to address the hazards associated with these types of products. While at the time, it was considered a national interim ban would provide sufficient time to achieve this, it now appears likely it won't and the imposition of a permanent ban will ensure on-going protection of consumers.

**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 (ACCC) that the person wishes the ACCC to hold a conference in relation to the proposed imposition of the permanent ban. The notification should be given to the ACCC in writing and sent to the postal address or email address shown below within the period of 10 days commencing on the day after this proposed ban notice is published on the internet:

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

Email address: productsafety.regulation@accg.gov.au

Dated this 24th day of August 2013



DAVID BRADBURY
Assistant Treasurer

DRAFT NOTICE FOR THE IMPOSITION OF A PERMANENT BAN

COMMONWEALTH OF AUSTRALIA

COMPETITION AND CONSUMER ACT 2010

Consumer Protection Notice No. XX of 2013

IMPOSITION OF A PERMANENT BAN ON CERTAIN CONSUMER GOODS CONTAINING SYNTHETIC DRUG SUBSTANCES

I, DAVID BRADBURY, Assistant Treasurer:

in circumstances where an interim ban on consumer goods of the kind specified below (**banned goods**) is in force, **IMPOSE**, pursuant to section 114(1) of the Australian Consumer Law, a permanent ban on the banned goods. This permanent ban comes into force on the day this Notice is registered on the Federal Register of Legislative Instruments.

Particulars of Consumer Goods

Goods (other than food, confectionery, tobacco or tobacco products, or goods entered on the Australian Register of Therapeutic Goods) the use of which involves, or includes, the good being introduced into the body (whether through ingestion, injection, inhalation, smoking, or any other means) and that:

1. are known by, or contain any of, the following names (or any similar names) or are otherwise represented to be equivalent to:

- a) White Revolver
- b) Ash Inferno
- c) Kyote
- d) K2
- e) Kronik
- f) Black Widow
- g) Buddha Express Black Label
- h) Iblaze Tropic Thunder
- i) I Blaze
- j) Galaxy Ultra Nova
- k) Skunk
- l) Circus Deluxe
- m) Vortex Inferno
- n) Herbal Incense
- o) King Karma
- p) Montana Madness
- q) Sharman
- r) Iceblaze
- s) Slappa

Or

2. contain a substance that is proscribed by Schedule 9 of the Poisons Standard 2012 as listed below (trivial or unofficial names are marked *):

- a) (1-(5-FLUOROPENTYL)-3-(2-IODOBENZOYL)INDOLE) *(AM-694).
- b) 2-(2-METHOXYPHENYL)-1-(1-PENTYLINDOL-3-YL)ETHANONE *(JWH - 250).
- c) (1-(2-MORPHOLIN-4-YLETHYL)INDOL-3-YL)-NAPHTHALEN-1-YLMETHANONE *(JWH - 200).
- d) NAPHTHALEN-1-YL-(1-BUTYLINDOL-3-YL)METHANONE *(JWH - 073).
- e) 1-PENTYL-3-(4-METHYL-1-NAPHTHOYL)INDOLE *(JWH - 122).
- f) 1-PENTYL-3-(1-NAPHTHOYL)INDOLE *(JWH - 018).
- g) 2-[(1R,3S)-3-HYDROXYCYCLOHEXYL]-5-(2-METHYLOCTAN-2-YL)PHENOL *(CP 47,497).

- h) 2-[(1R,3S)-3-HYDROXYCYCLOHEXYL]-5-(2-METHYLNONAN-2-YL)PHENOL*(Cannabicyclohexanol or CP 47,497 C8 homologue).
- i) BENZOYLINDOLES (Note: BENZOYLINDOLES separately specified in other schedules of the Poisons Standard are exempt).
- j) CYCLOHEXYLPHENOLS (Note: CYCLOHEXYLPHENOLS separately specified in other schedules of the Poisons Standard are exempt).
- k) DIBENZOPYRANS (Note: DIBENZOPYRANS separately specified in other schedules of the Poisons Standard are exempt).
- l) NAPHTHOYLINDOLES (Note: NAPHTHOYLINDOLES separately specified in other schedules of the Poisons Standard are exempt).
- m) NAPHTHYLMETHYLINDOLES (Note: NAPHTHYLMETHYLINDOLES separately specified in other schedules of the Poisons Standard are exempt).
- n) NAPHTHOYLPYRROLES (Note: NAPHTHOYLPYRROLES separately specified in other schedules of the Poisons Standard are exempt).
- o) NAPHTHYLMETHYLINDENES (Note: NAPHTHYLMETHYLINDENES separately specified in other schedules of the Poisons Standard are exempt).
- p) PHENYLACETYLINDOLES (Note: PHENYLACETYLINDOLES separately specified in other schedules of the Poisons Standard are exempt).
- q) SYNTHETIC CANNABINOMIMETICS (Note: SYNTHETIC CANNABINOMIMETICS separately specified in other schedules of the Poisons Standard are exempt).
- r) 3,4-METHYLENEDIOXYPYROVALERONE *(MDPV)
- s) ALKOXYPHENYLETHYLAMINES and substituted alkoxyphenylethylamines (Note: ALKOXYPHENYLETHYLAMINES and substituted alkoxyphenylethylamines separately specified in other schedules of the Poisons Standard are exempt).
- t) 2,5-DIMETHOXY-4-(N)-IODOPHENETHYLAMINE *(2C-I).

whether or not a statement to the effect that the goods are not intended for human consumption is made.

Dated this XXXXXXXXXXXX day of XXXXXXXXXXXX 2013

DAVID BRADBURY
Assistant Treasurer