

## How do I find out more?

Supplying products that are safe for consumers makes good business sense. The ACCC places emphasis on helping business comply with the law. For more information on mandatory safety standards call the ACCC Infocentre on 1300 302 502 or visit the website at [www.accc.gov.au](http://www.accc.gov.au).

## Children's dart gun sets banned under the TPA

In March 2003 the Parliamentary Secretary to the Treasurer, Senator the Hon. Ian Campbell issued an interim ban order prohibiting the sale of children's dart gun sets, with or without a target, consisting of a firing gun and suction tipped darts of a size that fit entirely into the small parts test cylinder when tested in accordance with clause 5.2 (small parts test) of the Australian/New Zealand Standard *Safety of Toys, Part 1* (AS/NZS ISO 8124.1:2002).

The interim ban order was introduced as it has been found that small darts used in some dart gun sets may choke children if the darts lodge in the throat.

## Did you know?

There are currently 26 mandatory standards and 12 banning orders administered by the ACCC.

Goods subject to mandatory standards include:

- vehicle jacks;
- cots for household use;
- fire extinguishers;
- disposable cigarette lighters; and
- sunglasses and fashion spectacles.

## Vehicle Jacks—Safety

Non-compliant vehicle jacks have been the subject of an ACCC product safety crackdown over the past few months.

'Proton Cars Australia, Audi Australia and Daewoo Automotive Australia have all provided court-enforceable undertakings to the ACCC setting out the steps the companies are taking to remedy their failure to meet fully with the mandatory product safety standard for vehicle jacks', ACCC Chairman, Professor Allan Fels said.

'The mandatory safety standard fixes mandatory performance criteria and requires specified warnings and safe usage instructions to be provided with vehicle jacks.

'A product safety survey conducted by the ACCC disclosed that the vehicle jacks supplied with a range of models of new Proton and Audi motor vehicles failed to comply with the jack warning labelling and safe usage in-

structions contrary to section 65C of the Trade Practices Act. The same survey also disclosed that a range of new Daewoo vehicles failed to comply with the jack warning labelling requirements of the same mandatory standard.

'Consumer safety is a matter of paramount importance. The ACCC regularly reviews goods subject to mandatory safety standards'.

The three companies recalled the non-compliant jacks. All affected Proton and Audi vehicle owners have been contacted, provided with replacement warning labels and safety instructions, and in Audi's case the company will rectify jack performance problems. All affected Daewoo vehicle owners have been contacted and provided with replacement warning labels.

Additionally Proton, Daewoo and Audi have published notices in major national daily newspapers and are

issuing a service bulletin to all authorised dealers. The undertaking also provides for each company to implement a trade practices compliance program. Further, Proton and Audi agreed to post a safety warning notice on their websites for 30 days.



'It is good that Proton, Audi and Daewoo cooperated to resolve this important matter', Professor Fels said. 'But it is disappointing that such a high level of non-compliance with a mandatory standard was detected'.

In October 2002 the ACCC instituted legal proceedings in the Federal Court Melbourne against BMW (Australia) alleging that BMW had supplied vehicles equipped with a vehicle jack and a vehicle owner manual which did not comply with the mandatory safety standard for vehicle jacks. The proceedings are being contested and continue.

## Product Safety and the ACCC

Each year many people are injured as a result of goods that are defective, unsafe or fail to meet prescribed construction, performance and design standards.

Mandatory safety standards are declared when products have been shown to present undue hazards. Information standards are introduced when there is potential for consumer detriment in the absence of information about a product. In declaring mandatory standards the government provides protection for consumers by specifying

minimum requirements that must be met before products are sold.

The ACCC enforces mandatory product safety standards, information standards and bans of unsafe goods declared under the Act. It actively enforces safety standards and bans with manufacturers, importers and retailers by undertaking random market surveys, responding to complaints and acting promptly against offending suppliers. The ACCC does not inspect or approve goods. Responsibility

for compliance with the mandatory standards and bans rests with suppliers.

The product liability provisions of the TPA allow persons who suffer injury or loss as the result of a defective product to take legal action for compensation against the supplier of that product. When defective products have (or may) cause widespread detriment, the ACCC can take representative action on behalf of one or more people who have suffered injury.

