



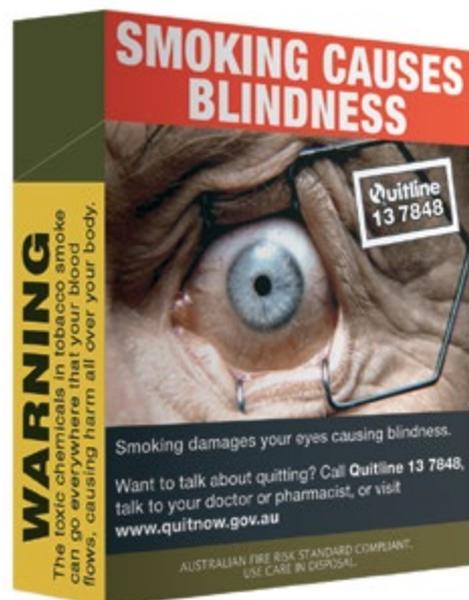
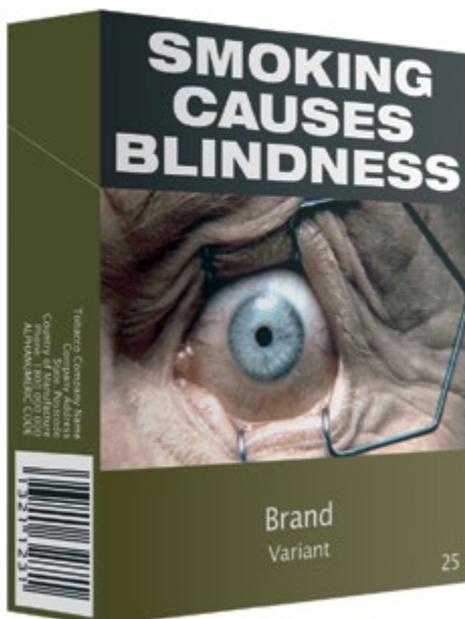
Australian  
Competition &  
Consumer  
Commission

Supplier guide

# PRODUCT SAFETY:

## Tobacco product health warnings

October 2013



Australian Competition and Consumer Commission  
23 Marcus Clarke Street, Canberra, Australian Capital Territory, 2601

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# Tobacco product health warnings

## What is this guide about?

Under the Australian Consumer Law (ACL), mandatory information standards are made by the Commonwealth Minister to increase consumer welfare and wellbeing by providing specified information about goods or services consumers may be buying. This guide provides a summary of the health warning labelling requirements for tobacco products. The health warning requirements became fully enforceable as of 1 December 2012.

**Note:** From 1 December 2012 all tobacco products sold in Australia will also have to comply with the *Tobacco Plain Packaging Act 2011* and Regulations.

As a supplier it is your responsibility to ensure you are aware of all requirements that apply to the tobacco products you sell.

## Who should read this guide?

Suppliers of tobacco within and into Australia should read this guide to familiarise themselves with the mandatory information requirements for health warnings on tobacco products.

## What tobacco products are covered by this mandatory standard?

Under this mandatory information standard, any product containing tobacco—no matter how small the amount—and which is manufactured for smoking, sucking, chewing or snuffing is considered a tobacco product.

It is important to note there is a permanent ban on the supply of chewing tobacco and snuffs intended for oral use. See the Product Safety Australia website for full details.

## Hazards

Tobacco use remains one of Australia's leading causes of preventable deaths and disease. This use continues to kill over 15 000 Australians each year.

Deaths and injuries attributable to the use of tobacco products in Australia far exceed those of any other consumer product.

New health warning labelling requirements have been introduced to address a legitimate ongoing public health objective.

All tobacco products are harmful to health and accordingly, the labelling should convey a consistent public health message about the risks caused by smoking and tobacco use.

The *Competition and Consumer (Tobacco) Information Standard 2011* updates and expands the existing health warnings required on tobacco packaging as part of a comprehensive suite of reforms being implemented by the Australian Government (government) to reduce smoking and its harmful effects.

# Mandatory information standard

The mandatory requirements for health warnings on tobacco product are prescribed by the *Competition and Consumer (Tobacco) Information Standard 2011* (the Tobacco Standard).

The Tobacco Standard covers the supply of all tobacco products within Australia other than the exclusions listed below.

## Supply exclusions

Tobacco products supplied in any of the following settings are not covered under the information standard:

- supplied by a person in Australia to a person outside of Australia
- supplied by a person outside of Australia to a person within Australia
- supplied between two persons who are both located outside of Australia
- supply of tobacco products at the point of import.

## Purpose of the mandatory information standard

The purpose of the Tobacco Standard is to provide for a system of warning statements, explanatory messages, graphics and information messages:

- to increase consumer knowledge of health effects relating to the use of tobacco products, and
- to ensure the continuing effectiveness of health warnings on the retail packaging of tobacco products, and
- by ensuring the continuing effectiveness of health warnings on the retail packaging of tobacco products, to encourage the cessation of the use of tobacco products, and to discourage uptake or relapse.

## Accessing the Tobacco Standard

You can access the Tobacco Standard at <http://www.comlaw.gov.au/Details/F2013C00598>.

# Meeting mandatory requirements

To comply with the requirements of the Tobacco Standard, you and your business must meet the health warning requirements for the tobacco products you supply to consumers. The following are some of the key features and requirements of the Tobacco Standard.

## Commencement of the Tobacco Standard

The *Competition and Consumer (Tobacco) Information Standard 2011* commenced on 1 January 2012 and became fully enforceable as of 1 December 2012.

Since the implementation of the Tobacco Standard, two minor amendments have been made. The first amendment was made on 30 October 2012 and involved the replacement of the heart graphic for the warning 'smoking causes heart disease' to more clearly convey the type of damage smoking can cause to the heart.

The second amendment to the Tobacco Standard was made on 24 July 2013. This amendment removed the legal requirement for retailers to rotate the health warnings displayed on the retail packaging of tobacco products (other than cigars placed into retail packaging by the retailer) although maintains the existing obligation for manufacturers and importers to ensure the health warnings are rotated as required by the Tobacco Standard.

The Tobacco Standard was consolidated on 9 August 2013 to include the above amendments.

## Health warnings

Tobacco products sold by way of retail sale must be in retail packaging that complies with the Tobacco Standard when supplied to the purchaser.

Below is an outline of the labelling requirements on retail packaging for the range of most tobacco products sold in Australia.

The terms 'warning statement', 'graphic', 'explanatory message' and 'information message' are defined in the Tobacco Standard.

Item	Retail packaging	Outer surface	Surface	Health warning
1	<b>Cigarette pack</b>	Front	The surface that includes the front of the flip-top lid	<ul style="list-style-type: none"> <li>Warning statement</li> <li>Graphic</li> </ul>
		Back	The surface directly opposite the front surface	<ul style="list-style-type: none"> <li>Warning statement</li> <li>Graphic</li> <li>Explanatory message</li> </ul>
		Side	One of the two longest of the other surfaces	<ul style="list-style-type: none"> <li>Information message</li> </ul>
2	<b>Cigarette carton</b>	Front	One of the largest surfaces	<ul style="list-style-type: none"> <li>Warning statement</li> <li>Graphic</li> </ul>
		Back	The surface directly opposite the front surface	<ul style="list-style-type: none"> <li>Warning statement</li> <li>Graphic</li> <li>Explanatory message</li> </ul>
		Side	One of the two longest of the other surfaces	<ul style="list-style-type: none"> <li>Information message</li> </ul>

Item	Retail packaging	Outer surface	Surface	Health warning
3	<b>Pouch</b>	Front	The largest surface that is not overlapped by the flap of the pouch	<ul style="list-style-type: none"> <li>Warning statement</li> <li>Graphic</li> </ul>
		Back	<p>The surface directly opposite the front surface, including the flap of the pouch</p> <p>The part of the surface that is covered by the flap is not part of the back outer surface</p>	<ul style="list-style-type: none"> <li>Warning statement</li> <li>Graphic</li> <li>Explanatory message</li> </ul>
		Inside flap	<p>Either:</p> <p>(a) the inside surface of the flap, or</p> <p>(b) the surface of the pouch that is under the flap when the flap is closed</p>	<ul style="list-style-type: none"> <li>Information message</li> </ul>
4	<b>Large cylinder</b>	Front	The curved surface that extends onesixth of the circumference of the retail package each side of the vertical centre line (the front line) of the largest brand name appearing on the surface	<ul style="list-style-type: none"> <li>Warning statement</li> <li>Graphic</li> </ul>
		Back	The curved surface that extends onesixth of the circumference of the retail package each side of a vertical line directly opposite the front line	<ul style="list-style-type: none"> <li>Warning statement</li> <li>Graphic</li> <li>Explanatory message</li> </ul>
		Base	The outer surface of the base	<ul style="list-style-type: none"> <li>Information message</li> </ul>
5	<b>Small cylinder</b>	Front	The outer surface of the lid	<ul style="list-style-type: none"> <li>Warning statement</li> <li>Graphic</li> </ul>
		Back	The outer surface of the base	<ul style="list-style-type: none"> <li>Warning statement</li> <li>Explanatory message</li> </ul>

Item	Retail packaging	Outer surface	Surface	Health warning	
6	<b>Retail packaging for cigars, other than a cigar tube:</b>	(a) if the packaging is not cylindrical	Front	One of the largest surfaces	<ul style="list-style-type: none"> <li>Warning statement</li> <li>Graphic</li> </ul>
			Back	The surface directly opposite the front surface	<ul style="list-style-type: none"> <li>Warning statement</li> <li>Explanatory message</li> </ul>
		(b) if the packaging is cylindrical	Front	The curved surface that extends onesixth of the circumference of the retail package each side of the vertical centre line (the front line) of the largest brand name appearing on the surface	<ul style="list-style-type: none"> <li>Warning statement</li> <li>Graphic</li> </ul>
			Back	The curved surface that extends one sixth of the circumference of the retail package each side of a vertical line directly opposite the front line	<ul style="list-style-type: none"> <li>Warning statement</li> <li>Explanatory message</li> </ul>
7	<b>Cigar tube</b>	Front	The outer surface of the tube	<ul style="list-style-type: none"> <li>Warning statement</li> </ul>	
8	<b>Retail packaging for bidis</b>	Front	One of the largest surfaces	<ul style="list-style-type: none"> <li>Warning statement</li> </ul>	
9	<b>Retail packaging for smokeless tobacco</b>	Front	One of the largest surfaces	<ul style="list-style-type: none"> <li>Warning statement</li> </ul>	
		Back	The surface directly opposite the front surface	<ul style="list-style-type: none"> <li>Warning statement</li> </ul>	
10	<b>Other retail packaging not mentioned in this table</b>	Front	One of the largest surfaces	<ul style="list-style-type: none"> <li>Warning statement</li> <li>Graphic</li> </ul>	
		If:	Back	The surface directly opposite the front surface	<ul style="list-style-type: none"> <li>Warning statement</li> <li>Explanatory message</li> </ul>
		(a) the retail packaging has more than two outer surfaces, and (b) the largest outer surface other than the front and back has a minimum surface area of 2400 mm <sup>2</sup>	Side	One of those largest outer surfaces other than the front and back outer surfaces	<ul style="list-style-type: none"> <li>Information message</li> </ul>

## Health warnings—statements, graphics and messages

<b>Cigarette packets and cartons Tobacco pouches, cylinders and smoked tobacco products not mentioned below</b>	Refer to <b>parts 3 and 4</b> of the mandatory information standard on pages 14–29 for specific warning statements and accompanying graphics, explanatory and information messages.
<b>Cigars (other than cigar tubes)</b>	Refer to <b>part 5</b> of the mandatory information standard on pages 30–35 for specific warning statements, accompanying graphics and explanatory messages.
<b>Cigar tubes</b>	Refer to <b>part 6</b> of the mandatory information standard on page 36 for specific warning statements.
<b>Bidis</b>	Refer to <b>part 7</b> of the mandatory information standard on page 37 for specific warning statements.
<b>Smokeless tobacco</b>	Refer to <b>part 8</b> of the mandatory information standard on page 38 for specific warning statements.

## Text requirements

There are specific formatting requirements set out in Part 9 of the Tobacco Standard (from page 28 onwards) such as font type and size, fill and backgrounds required for the display of warning statements, explanatory messages and information messages.

In general, you must ensure that your statements and messages are:

- in Helvetica font
- clear and legible
- in the same point size throughout the statement, except where otherwise stated
- of such a size that the text fills, as nearly as possible, the background on which it is displayed.

Refer to Sections 9.10, 9.11 and 9.12 on pages 33–34 of the Tobacco Standard for specific requirements on statements and messages.

## Health warnings not to be obscured

A health warning required to be displayed on retail packaging must not be obscured or obliterated at the time of supply of the tobacco product. This requirement applies across the supply chain, including, but not limited to, the distribution and point of retail sale of the product.

Additionally, a health warning must not be obliterated, removed or rendered permanently unreadable when the retail package is opened in the normal way. Exceptions to this are provided for cigarette cartons and cigar tubes.

Refer to Section 9.2 on page 28 of the Tobacco Standard.

## Displaying health warnings on surfaces

There are various requirements on how health warnings must be displayed on different types of retail packaging. This includes the size of the warnings required on each surface and how the health warnings are arranged depending on the packaging shape, orientation and size.

To assist suppliers to meet these requirements, illustrative layouts are provided with indicative proportions for some types of retail packaging.

Refer to sections 9.13–9.30 on pages 35–40 of the Tobacco Standard for specific requirements.

If a section of the Tobacco Standard illustrates a layout for the display of a health warning on an outer surface:

- the outer edges of the illustration are the edges of the outer surface, unless the retail packaging is a small cylinder
- a health warning within a bordered area of the illustration must extend as close as possible to the edges of the bordered area
- health warnings and graphics that are shown in the illustration with a common border must join without space between them.

### Example

<b>Warning statement</b>
<b>Graphic</b>

In the illustration:

- the warning statement must extend as close as possible to the top and side edges of the outer surface, and
- the graphic must extend as close as possible to the side edges of the outer surface, and
- the warning statement and the graphic must join without space between them.

**Note:** The proportions shown above are an example only of a possible layout for the labelling requirements as there is significant diversity in the types and shapes of packaging.

Examples of how the health warnings may appear on some tobacco packaging may be viewed at the web address [www.yourhealth.gov.au](http://www.yourhealth.gov.au).

### Graphics—not to be distorted—may be cropped

Where a graphic must be displayed on retail packaging it must not be distorted.

In recognition of the range of retail packaging for tobacco products a graphic can be cropped if necessary to fit the graphic onto the packaging, provided the overall effect of the graphic is not affected.

Refer to Section 9.3 on page 28 of the Tobacco Standard. For guidance on cropping graphics, see ‘Your responsibilities as a supplier’ in this guide.

## Display of parts of graphics and 'Quitline' logo

Where a graphic shows text or numbers, they may be placed in a different position only if they are completely contained within the image or images in the graphic and the overall effect of the graphic is not affected by the new position of the text or numbers.

Where a graphic consists of a larger and a smaller image, the smaller image may be placed in a different position only if the smaller image is displayed entirely within the area of the larger image and the overall effect of the graphic is not affected by the new position of the smaller image.

If the Quitline logo is to be displayed on a graphic, the overlay may be placed in any position if the overlay is completely contained within the graphic and the overall effect of the graphic is not affected by the position of the overlay.

The Quitline logo is partially transparent. Below is an example of how it is to be displayed to allow the graphic to be seen underneath it:



Refer to Section 9.4 on pages 28–29 of the Tobacco Standard.

## Adhesive labels

Graphic health warnings displayed on a cigarette pack or a cigarette carton must be printed on the pack or carton. Health warnings required on other retail packaging must be printed on the retail packaging or printed on an adhesive label that is firmly affixed to the retail package.

Refer to Section 9.8 on page 32 of the Tobacco Standard for more information on adhesive labels.

## Transparent wrappers

Tobacco products may be wrapped in clear plastic or other wrappers.

If the wrapper is transparent and the items it covers are arranged in a way to ensure that the graphic health warnings on the retail packaging of those items are visible, then the wrapper complies with the Tobacco Standard.

A plastic or other wrapper that directly covers a single cigar does not have to display graphic health warnings if it is totally transparent and not coloured.

However, single cigars supplied by way of retail sale must be covered by at least one layer of retail packaging that is not a plastic or other wrapper when it is supplied to the purchaser.

A wrapper is still seen as totally transparent and not coloured if certain other listed markings appear on the transparent wrapper.

Refer to subsection 9.9 on pages 32–33 of the Tobacco Standard for further information on the use of transparent wrappers. Subsection 2.1 (3) on page 6 has additional information on wrappers on single sale cigars.

# Rotation of health warnings (manufacturers and importers)

The rotation of health warnings on tobacco products is an important element in maintaining the impact and effectiveness of the warnings in discouraging tobacco use. **It is the responsibility of manufacturers and importers of tobacco products to follow the system of rotation outlined in the Tobacco Standard.**

The health warnings and rotation requirements for each type of tobacco product are outlined in the table below.

Tobacco product	Health warnings—rotation requirements
<b>Retail packaging for cigarettes and loose tobacco</b>	Combinations of the first set of health warnings (see images below) in Part 3 of the Tobacco Standard (pages 10–15) must be displayed on the retail packaging of cigarettes and loose tobacco products manufactured in, or imported into, Australia. This applies to the <b>first eight months</b> of a year (an <i>even-numbered</i> year) commencing on <b>1 December</b> .

## First set of health warnings (Part 3 of the Tobacco Standard)

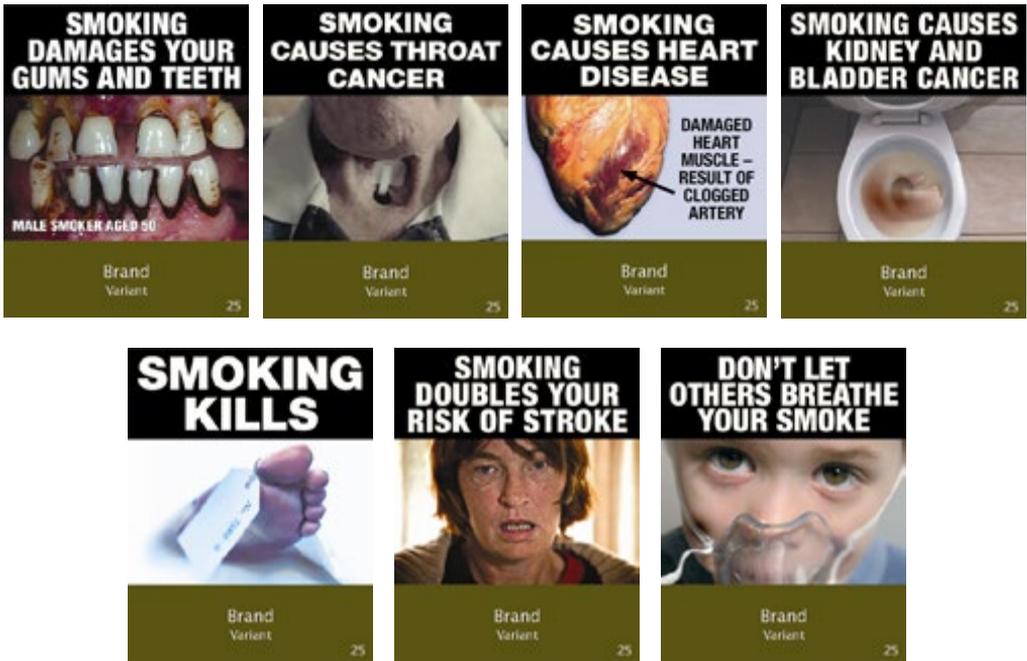


**Tobacco product**

**Health warnings—rotation requirements**

Combinations of the second set of health warnings (see images below) in Part 4 of the Tobacco Standard (pages 16–21) must be displayed on the retail packaging of cigarettes and loose tobacco products manufactured in, or imported into, Australia. This applies to the **first eight months** of a year (an *odd-numbered year*) commencing on **1 December**.

**Second set of health warnings (Part 4 of the Tobacco Standard)**



**Display of health warning combinations in part 3 or part 4**

In the **period of four months** beginning on **1 August** in an *even-numbered* or an *odd-numbered year*, retail packaging of cigarettes and loose tobacco products manufactured in, or imported into Australia, may display any combination of warning statements, explanatory messages, graphics and information messages outlined in Part 3 or 4 (see section 9.5 (8) of the Tobacco Standard).

Tobacco product	Health warnings—rotation requirements
Retail packaging for cigars (other than cigar tubes)	<p>Combinations of health warnings (see images below) in Part 5 of the Tobacco Standard (pages 22–24) must be displayed on retail packaging of cigars manufactured in, or imported into Australia, during the <b>period of 24 months</b> commencing on <b>1 December</b> in <b>each second subsequent year</b>.</p>
	
Retail packaging for cigar tubes	<p>The following warning statements in Part 6 of the Tobacco Standard (page 25) must be displayed on cigar tubes manufactured in, or imported into Australia, during the <b>period of 24 months</b> commencing on <b>1 December</b> in <b>each second subsequent year</b>.</p> <p>CIGAR SMOKING CAUSES MOUTH CANCER  CIGAR SMOKING CAUSES LUNG CANCER  CIGAR SMOKING IS NOT A SAFE ALTERNATIVE  CIGAR SMOKING CAUSES THROAT CANCER  CIGAR SMOKING DAMAGES YOUR TEETH AND GUMS</p>
Retail packaging for bidis	<p>The following warning statements in Part 7 of the Tobacco Standard (page 26) must be displayed on cigar tubes manufactured in, or imported into Australia, during the <b>period of 24 months</b> commencing on <b>1 December</b> in <b>each second subsequent year</b>.</p> <p>BIDI SMOKING CAUSES MOUTH AND THROAT CANCER  BIDI SMOKING CAUSES LUNG CANCER  BIDIS ARE NOT A SAFE ALTERNATIVE  BIDI SMOKING CAUSES EMPHYSEMA  BIDI SMOKING KILLS</p>

Tobacco product	Health warnings—rotation requirements
<b>Retail packaging for smokeless tobacco</b>	<p>The following warning statements in Part 8 of the Tobacco Standard (page 27) must be displayed on cigar tubes manufactured in, or imported into Australia, during the <b>period of 24 months</b> commencing on <b>1 December</b> in <b>each second subsequent year</b>.</p> <p>THIS PRODUCT CONTAINS CANCER CAUSING AGENTS</p> <p>THIS PRODUCT MAY BE HARMFUL TO YOUR HEALTH</p>

**Note:** All health warnings, regardless of the type of tobacco product, must be displayed in rotation so that each warning appears, as close as possible in equal numbers on each kind of tobacco product.

Tobacco products are of different kinds if they are sold under different brand names or variant names.

Refer to sub-sections 9.5(4-10), 9.6(3-6), 9.7(3-6) and 9.7A (1-3) on pages 29–31 of the Tobacco Standard for further information.

This system of rotation for all tobacco products will continue for the life of the Tobacco Standard.

# Your responsibilities as a supplier

As a supplier, you are legally responsible for ensuring that tobacco products you supply meet the mandatory requirements, which are enforceable by law. Failure to comply can result in legal action, penalties and/or recalls.

All suppliers are responsible for ensuring that products they supply meet the mandatory standard.

To do this, we strongly advise you to take the following steps:

- Read the requirements specified in the mandatory information standard.
- Do not rely on this guide alone.
- Have systems in place to visually check these products to ensure they comply with the requirements of this mandatory information standard.

Register to receive automatic email updates from the Product Safety Australia website ([www.productsafety.gov.au](http://www.productsafety.gov.au)) to help ensure you are aware of the latest product safety information.

## Graphics and cropping guide

Contact the Tobacco Reform Section in the Department of Health and Ageing (see page 20 of this Supplier Guide) to obtain the individual graphics and cropping guide to enable the production of graphic health warnings as required in the mandatory information standard.

## Further guidance to retailers

If you are a retailer, you are also responsible for ensuring the tobacco products you supply meet the Tobacco Standard. To ensure that the tobacco products you sell comply, you should always:

- Stipulate that any tobacco products you order must meet the mandatory standard.
- Ensure single cigars are placed in retail packaging when sold to the purchaser.
- If in doubt that products comply with the requirements of the standard, contact the manufacturer or importer to request an assessment and written confirmation of compliance

**Note:** There are a number of other mandatory standards and bans that regulate tobacco and tobacco related products. This includes requirements for chewing tobacco, reduced fire risk cigarettes, disposable cigarette lighters and toy-like novelty lighters.

For full details refer to the Product Safety Australia website ([www.productsafety.gov.au](http://www.productsafety.gov.au)).

## Role of the ACCC

To minimise the risk of injury associated with consumer products, the ACCC undertakes a variety of activities:

- developing mandatory safety and information standards, when necessary
- informing and educating suppliers about emerging hazards and requirements of mandatory standards or bans
- liaising with suppliers to assist them in understanding how to comply with the standards or bans
- consulting with suppliers and other agencies to identify non-compliant goods
- promoting benefits of compliance with mandatory standards or bans
- assessing overall levels of marketplace compliance with mandatory standards or bans
- informing and educating consumers to choose only compliant products, report suppliers of non-compliant goods to the ACCC and always use products safely
- conducting compliance surveys or inspections to detect non-complying products
- investigating allegations from consumers and suppliers about supply of non-compliant products
- investigating possible breaches found during compliance surveys or inspections
- seeking the immediate withdrawal of non-compliant or unsafe products from sale
- seeking the recall of non-compliant or unsafe products from the market
- taking action against suppliers including:
  - substantiation, infringement or public warning notices
  - court enforceable undertakings, injunctions and various other court orders
  - damages, compensation orders, disqualification orders and civil penalties
  - adverse publicity orders or requirements for corrective advertising
  - prosecutions resulting in criminal sanctions (fines).

## Product liability

Part 3-5 of the Australian Consumer Law (ACL) (which forms Schedule 2 to the *Competition and Consumer Act 2010*) contains provisions on product liability. Under these provisions, consumers can seek compensation or damages for personal injury or other loss caused by a safety defect in products supplied by a manufacturer.

Goods with a safety defect are those that are not as safe as what people are generally entitled to expect.

Generally the manufacturers or importers of products are liable under Part 3-5 of the ACL.

But if other suppliers, such as retailers, cannot identify the manufacturer or importer, they may be deemed liable for the damages.

Suppliers may reduce their exposure to product liability action by using these responsible and sensible business practices:

- conducting regular reviews of product designs and production
- implementing and reviewing quality assurance procedures
- testing products regularly to relevant standards, including batch testing
- conducting appropriate marketing
- providing clear and thorough user instructions
- where necessary, conducting a quick voluntary recall of any products that are defective or unsafe.

# Mandatory standards and bans

## Mandatory safety and information standards

The following mandatory standards and bans apply nationally under the ACL.

- Aquatic toys
- Babies' dummies
- Baby bath aids
- Baby walkers
- Balloon-blowing kits
- Basketball rings and backboards
- Bean bags
- Bicycle helmets
- Bunk beds
- Care labelling—clothing and textile products
- Child restraints for motor vehicles
- Children's household cots
- Children's nightwear and paper patterns for children's nightwear
- Children's portable folding cots
- Children's projectile toys
- Children's toys containing magnets
- Corded internal window coverings
- Cosmetics—ingredient labelling
- Disposable cigarette lighters
- Elastic luggage straps
- Exercise cycles
- Hot water bottles
- Lead and certain elements in children's toys
- Motor vehicle recovery straps
- Movable soccer goals
- Pedal bicycles
- Portable fire extinguishers (aerosol type)
- Portable fire extinguishers (non-aerosol type)
- Portable ramps for motor vehicles
- Prams and strollers
- Protective helmets for motorcyclists
- Reduced fire risk cigarettes
- Sunglasses and fashion spectacles
- Swimming aids and flotation aids for water familiarisation and swimming tuition
- Tobacco graphic health warnings
- Toys for children up to and including 36 months of age
- Treadmills
- Trolley jacks

- Vehicle jacks
- Vehicle support stands.

## Interim bans

Interim bans may be made by the state, territory or Commonwealth Minister. Their duration may be 60–120 days. Check the Product Safety Australia website ([www.productsafety.gov.au](http://www.productsafety.gov.au)) for details of any interim bans.

## Permanent bans

- Baby dummies with unsafe decorations
- Baby dummy chains with unsafe decorations
- Candles with lead wicks
- Chewing tobacco and snuffs intended for oral use
- Children's plastic products with more than 1 per cent DEHP
- Children's stationery sets containing undeclared knives or cutters with a metal blade
- Combustible candle holders
- Fire footbags and other such goods
- Gas masks with asbestos breathing devices
- Glucomannan in tablet form
- Inflatable toys, novelties and furniture containing beads
- Jelly cups containing konjac
- Miniature motorbikes (monkey bikes) with unsafe design features
- No holes tongue studs
- Novelty cigarettes
- Pools and spas with unsafe design features
- Sky lanterns
- Small, high powered magnets
- Tinted headlight covers
- Toothpaste containing Diethylene glycol (DEG)
- Toy-like novelty cigarette lighters
- Yo-Yo water balls

## Penalties

Supplying products that do not comply with a mandatory standard or ban is an offence under the ACL. Fines for non-compliance are:

- up to \$1.1 million for companies
- up to \$220 000 for individuals.

## Key terms used in this guide

Below is a list of key terms that have been used in this guide.

Tobacco product	In this mandatory standard, tobacco product means processed tobacco, or any product that contains tobacco, that is manufactured to be used for smoking, sucking, chewing or snuffing; and is not included in the Australian Register of Therapeutic Goods under the <i>Therapeutic Goods Act 1989</i> .
<i>Competition and Consumer Act 2010</i> (CCA)	The <i>Competition and Consumer Act 2010</i> (formerly the <i>Trade Practices Act 1974</i> ) deals with almost all aspects of the marketplace: the relationships between suppliers, wholesalers, retailers, competitors and customers. It covers anti-competitive conduct, unfair market practices, industry codes, mergers and acquisitions of companies, product safety, product labelling, price monitoring, and the regulation of industries such as telecommunications, gas, electricity and airports.
Mandatory information standard	A mandatory information standard outlines the minimum labelling requirements for a product. Often the term mandatory standard is used instead of the full form.
Supplier	Anyone in the business of selling, exchanging, leasing, hiring or hire-purchasing of goods or provisions, or of granting or conferring of services.
Supply	Selling, exchanging, leasing, hiring or hire-purchasing of goods or provisions, or granting or conferring of services by a person in Australia to another person in Australia.

Section 1.3 of the Tobacco Standard provides a number of additional definitions including manufacturer, information message, graphic health warnings and retail packaging.

# Contacts

## Australian Competition and Consumer Commission

### Subscribe online

For more information about mandatory standards, bans, recalls and emerging issues—and to subscribe to email alerts and RSS—visit our websites:

[www.productsafety.gov.au](http://www.productsafety.gov.au)

[www.recalls.gov.au](http://www.recalls.gov.au)

### Call us

ACCC Infocentre: 1300 302 502

Callers who are deaf or who have a hearing or speech impairment can contact us through the National Relay Service: [www.relayservice.com.au](http://www.relayservice.com.au)

Voice-only (speak and listen) users phone 1300 555 727 and ask for 1300 302 502.

### Join us via social media



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Watch our safety videos on the ACCC Product Safety YouTube channel



Like our Facebook page ACCC Product Safety



Download our Recalls Australia iPhone and Android app

## State and territory fair trading agencies

Postal and web addresses and phone numbers for the state and territory fair trading agencies, who are also responsible for the enforcement of the compiled 2011 mandatory information standard, are provided on page 22 of this Supplier Guide.

## Department of Health

For information and guidance on individual graphics and the cropping of graphics, contact:

Tobacco Reform Section  
Department of Health  
GPO Box 9848 Canberra ACT 2601

Tel: (02) 6289 1555 or free call: 1800 020 103

Or go to the web address: [www.yourhealth.gov.au](http://www.yourhealth.gov.au)

## Addresses

### National office

23 Marcus Clarke Street  
 Canberra ACT 2601  
 GPO Box 3131  
 Canberra ACT 2601  
 Tel: (02) 6243 1111  
 Fax: (02) 6243 1199

### New South Wales

Level 20  
 175 Pitt Street  
 Sydney NSW 2001  
 GPO Box 3648  
 Sydney NSW 2001  
 Tel: (02) 9230 9133  
 Fax: (02) 9223 1092

### Victoria

Level 35  
 The Tower  
 360 Elizabeth Street  
 Melbourne Central  
 Melbourne Vic 3000  
 GPO Box 520  
 Melbourne Vic 3001  
 Tel: (03) 9290 1800  
 Fax: (03) 9663 3699

### Western Australia

Third floor  
 East Point Plaza  
 233 Adelaide Terrace  
 Perth WA 6000  
 PO Box 6381  
 East Perth WA 6892  
 Tel: (08) 9325 0600  
 Fax: (08) 9325 5976

### Queensland

*Brisbane*  
 Level 24  
 400 George Street  
 Brisbane Qld 4000  
 PO Box 12241  
 George Street Post Office  
 Brisbane Qld 4003  
 Tel: (07) 3835 4666  
 Fax: (07) 3835 4653

*Townsville*  
 Suite 2, Level 9  
 Suncorp Plaza  
 61-73 Sturt Street  
 Townsville Qld 4810  
 PO Box 2016  
 Townsville Qld 4810  
 Tel: (07) 4729 2666  
 Fax: (07) 4721 1538

### South Australia

Level 2  
 19 Grenfell Street  
 Adelaide SA 5000  
 GPO Box 922  
 Adelaide SA 5001  
 Tel: (08) 8213 3444  
 Fax: (08) 8410 4155

### Northern Territory

Level 8  
 National Mutual Centre  
 9-11 Cavenagh St  
 Darwin NT 0800  
 GPO Box 3056  
 Darwin NT 0801  
 Tel: (08) 8946 9666  
 Tel: (08) 8946 9610  
 Fax: (08) 8946 9600

### Tasmania

Level 2  
 70 Collins Street  
 (Corner of Collins and  
 Argyle Streets)  
 Hobart Tas 7000  
 GPO Box 1210  
 Hobart Tas 7001  
 Tel: (03) 6215 9333  
 Fax: (03) 6234 7796

## State and territory fair trading addresses

### Australian Capital Territory

Office of Regulatory Services

GPO Box 158  
Canberra ACT 2601

Tel: (02) 6207 3000  
[www.ors.act.gov.au](http://www.ors.act.gov.au)

### New South Wales

NSW Fair Trading

PO Box 972  
Parramatta NSW 2124

Tel: 13 3220  
[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)

### Northern Territory

Contact the ACCC—see page 22

### Queensland

Office of Fair Trading

GPO Box 3111  
Brisbane Qld 4001

Tel: 13 QGOV (13 7468)  
[www.fairtrading.qld.gov.au](http://www.fairtrading.qld.gov.au)

### South Australia

Office of Consumer and Business Services

GPO Box 1719  
Adelaide SA 5001

Tel: 131 882  
[www.ocba.sa.gov.au](http://www.ocba.sa.gov.au)

### Tasmania

Office of Consumer Affairs & Fair Trading

GPO Box 1244  
Hobart Tas 7001

Tel: 1300 654 499  
[www.consumer.tas.gov.au](http://www.consumer.tas.gov.au)

### Victoria

Consumer Affairs Victoria

GPO Box 123  
Melbourne Vic 3001

Tel: 1300 558 181  
[www.consumer.vic.gov.au](http://www.consumer.vic.gov.au)

### Western Australia

Department of Commerce  
Locked Bag 14

Cloisters Square WA 6850  
Tel: 1300 304 054  
[www.commerce.wa.gov.au](http://www.commerce.wa.gov.au)

