

# Notice to sellers

## at markets, fetes and shows

October 2007

### Product safety is your responsibility

It is an **offence** under the *Consumer Affairs Act 1971 (WA)* or the *Fair Trading Act 1987 (WA)* to:

- sell banned products; or
- sell restricted or regulated products, unless they comply with the above legislation.

*Sellers at markets, fetes or shows must not sell goods that are banned or do not comply with laws. These goods place customers at risk of personal injury or cause property damage.*

Product safety compliance inspections are conducted at markets, fetes and shows. Any trader caught selling banned products risks being issued with an infringement notice of \$1,000, or being prosecuted in the courts where penalties of up to \$20,000 for individuals and \$100,000 for corporations apply.

### You can help stop or restrict the supply of inappropriate or unsafe goods.

The products listed below have been found at markets, fetes, shows or other community events. Restrictions have been placed on the sale of a number of the products. Several have been permanently banned from sale. Others, although not regulated, are inappropriate for sale to children.

Product	Description of order/regulation
toys for children under the age of three	REQUIRES toys intended for children under three to meet various requirements of the AS/NZS ISO 8124.1.2002. Small toys, or small removable components of toys, may present a choking hazard for children under the age of three. A toy must not be capable of releasing a small part, which is a choking or inhalation hazard. As a guide, if a small toy or part of a toy fits into a 35mm film canister, it may constitute a choking or inhalation hazard.
projectile toys	REQUIRES in accordance with AS/NZS ISO 8124, that projectile toys: <ul style="list-style-type: none"> <li>• have labelling alerting users to any potential danger of misuse;</li> <li>• have a non-detachable protective-tip, covering a non-sharp front end;</li> <li>• <b>not</b> produce a hazardous sharp edge when projected;</li> <li>• <b>not</b> be able to discharge an improvised projectile that could exceed a free-flight distance of 300mm, when discharged at a height of 300mm;</li> <li>• <b>not</b> be capable of becoming a choking or inhalation hazard. As a guide, if the projectile, or part thereof fits into a 35mm film canister, it may constitute a choking or inhalation hazard.</li> </ul>
novelty / imitation dummies	<b>BANNED</b> from sale. Children may confuse such products with a baby's dummy and place the item in their mouth risking serious injury or death.
novelty or liquid filled balls or shapes	<b>BANNED</b> from sale if the liquid or novelty filled balls or shapes are connected by a stretchable or elasticised cord capable of extending to at least 500mm in length.
cigarette novelties	<b>BANNED</b> from sale if the imitation cigarettes contain Hydrated Magnesium Silicate, Talc or like substances.

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Product	Description of order/regulation
plastic novelties that expand in liquid	<b>BANNED</b> from sale if in their original form they have two or more dimensions each measuring less than 45mm and which expand in volume when immersed in water or placed in the mouth or swallowed.
disposable cigarette lighters	REQUIRES that all disposable cigarette lighters are child resistant and sets out detailed requirements for ignition and adjustment of the flame, abnormal burning, flame height, flame extinguishment, structural safety and identification of the manufacturer or distributor and safety labelling.
balloon blowing kits	<b>BANNED</b> from sale if the balloon blowing kits contain Benzene.
balloon blowing novelties	<b>BANNED</b> from sale if designed for blowing balloon-like shapes from a solution containing Acetone, Polyvinyl Acetate and/or Benzene. Examples include: 'Apollo Color Balloons'; 'Loony Balloony'; 'SSS Balloons'; and 'Super Elastic Bubble Plastic'.
bean bags	REQUIRES all bean bags and bean bag covers to have a child resistant slide-fastener on any opening and include the label: 'WARNING: small lightweight beads present a severe danger to children if swallowed or inhaled'.
candlesticks	<b>BANNED</b> from sale if the candlestick, or other accessory used to hold or decorate the candle, can ignite or melt when placed in contact with either heat or flame from the candle..
candles with wicks containing lead	<b>BANNED</b> from sale if the candlewick contains more than 0.06% lead by weight.
clothing and textile products	REQUIRES clothing and other textile products to be permanently labeled with care instructions appropriate to the article. Including prohibited treatments, washing instructions, drying instructions, ironing and dry-cleaning instructions. Requirements are detailed in AS/NZS 1957:1998.
children's night clothes	REQUIRES that children's nightclothes must be tested to ensure that they are a reduced fire hazard. Specific requirements are detailed in AS/NZS 1249-1999.
children's spring-loaded umbrellas	<b>BANNED</b> from sale if the children's umbrella opens with a spring-loaded mechanism, or other mechanisms, which provide a force to open the umbrella.
elastic luggage (occy) straps	REQUIRES Elastic Luggage Straps (Occy-Straps) to contain the following <b>permanently affixed</b> warning: 'WARNING: Avoid eye injury. DO NOT overstretch. ALWAYS keep face and body out of recoil path. DO NOT use when strap has visible signs of wear or damage'.
flotation toys and swimming aids	REQUIRES flotation toys and swimming aids for children to comply with AS1900-1991, particularly in relation to physical properties of the product and safety warning labeling.
lead in children's toys	<b>BANNED</b> from sale if the children's toy has assessable material which contains a lead migration level greater than 90mg/kg when tested against AS/NZS ISO 8124.3:2003.
sunglasses and fashion spectacles	REQUIRES sunglasses and fashion spectacles to comply with AS/NZS 1067:2003, particularly in relation to safety requirements and the accurate labeling of lens categories and descriptions, including but not limited to, UV protection levels and suitability for driving.
new products, toys & novelty items - duty of care	New potentially unsafe products, toys and novelty items enter the market place on a regular basis and these may not be regulated under product safety legislation. However, a duty of care needs to be exercised when selling these products. Items include: various types of knives; daggers; swords; laser pointers; drug paraphernalia; and butane gas mini blowtorches. Having these types of products available for sale needs to be carefully considered because they are capable of causing serious injury or death. The sale of these products to children/juveniles is inappropriate.

The Department of Consumer and Employment Protection is responsible for administering product safety laws. For reasons of safety, the sale of products can be banned, restricted, or regulated under the *Consumer Affairs Act 1971 (WA)* or the *Fair Trading Act 1987 (WA)*.

Details and listings of banned, restricted or regulated products can be obtained by contacting the Product Safety Unit on (08) 6364 3200 or by visiting [www.docep.wa.gov.au](http://www.docep.wa.gov.au).

This publication is available on request in other formats to assist people with special needs.

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