

HOUSEHOLD COTS

A GUIDE TO COMPLYING WITH THE PRODUCT SAFETY STANDARD

PRODUCT SAFETY STANDARD: HOUSEHOLD COTS

This Product Safety Standard sets out requirements and tests for materials, design, construction, performance and labelling of household cots. The aim is to reduce the risk of injury or death to infants and babies from the use of unsafe cots.

It is mandatory under the Product Safety Standards (Household Cots) Regulations for all new and second-hand cots supplied in New Zealand to comply with specific sections of the Standard AS/NZS 2172:2003 *Cots for household use – Safety requirements*. It is illegal to supply a cot that does not comply with this Standard and the Regulations.

The Regulations set out what types of cots are covered by the Standard, and what parts of the Standard apply to New Zealand.

The Standard sets out the specifications a household cot must meet and the tests which have to be carried out to determine that the cot meets those specifications.

The Regulations are issued under the Fair Trading Act 1986.

SOME KEY FEATURES THAT MEET THE REGULATIONS

Space between bars between 50-95mm

No protrusions (which measure more than 5mm) that a child could fall on or could snag clothing (for example, nuts and corner posts)



Please note: this diagram does not cover all the requirements of the regulations, nor does it cover any of the requirements in detail.

The Regulations apply to any person who supplies, offers to supply or advertises the supply of new or second-hand household cots.

WHO DO THE REGULATIONS APPLY TO?

The Regulations apply to any person who supplies, offers to supply or advertises the supply of new or second-hand household cots. The Regulations apply to private sellers and to people in trade, eg, retailers, importers, distributors and manufacturers.

Supplying can be through displaying cots for sale in a shop, selling a cot at a garage sale or market or advertising a cot for sale on an internet auction site.

Offering cots for lease, rent, or cots being given away are also types of supply and these cots must also comply with the requirements of the Standard and the Regulations.

WHAT TYPES OF COTS ARE COVERED BY THE REGULATIONS?

The Regulations apply to new and second-hand cots designed and intended to be used in the home for a child's or infant's sleeping use.

Cots used outside the home, for example, in hotels, motels or day care centres, that are the same as those used in the home are included in the Regulations.

WHAT TYPES OF COTS ARE NOT COVERED BY THE REGULATIONS?

The Regulations do not apply to these types of cots:

- folding cots;
- carry cots;
- cradles;
- bassinets;
- antique or collectible cots, as long as they carry a warning label which is easy to read and displayed on the cot where it can easily be seen;
- cots specifically designed for day care centres, e.g., space-saver and hospital cots.

WHAT DOES THE SAFETY STANDARD REQUIRE?

The household cots safety Standard contains more details and requirements, some of which are very technical in their nature. You should read both the Regulations and the Safety Standard to make sure you understand all the requirements and testing. The Standard gives details on the following requirements:

CONSTRUCTION

All the components of the cot must be either permanently fixed, require a tool for putting together or taking apart, or require a method of assembly that cannot be tampered with by a child within the cot.

DIMENSION REQUIREMENTS

Includes specific dimensions of depth and spacing for:

- space between bars: must not be less than 50mm or exceed 95mm;
- distance between the edges of the mattress and any end or side of the cot must not exceed 20mm when the mattress is centered;
- distance between the bottom rails (when the cot is closed) and the mattress base cannot be less than 12mm or more than 30mm; and
- the distance between the floor and the cot's bottom rail at its lowest point must not be less than 50mm.

For a complete list of the dimension requirements you need to refer to the Standard.

There must be no structures or components that could be used to get a foothold or toehold for climbing.

MOVEMENT OF THE DROPSIDE OF THE COT

The cot's design and fastenings have to allow free movement of the dropside of the cot. The dropside guides have to be firmly fixed.

FASTENING DEVICES USED TO ACCESS THE COT

There must be either two fasteners or a system that requires two separate but simultaneous actions to access the cot.

HEIGHT OF THE BOTTOM RAILS

The bottom edge of the lowest rails must not be higher than the top of the mattress base.

PROTRUSIONS ON EITHER THE INSIDE OR OUTSIDE OF THE COT

Nothing on the cot can protrude more than 5mm, unless it is designed so clothing cannot be caught on it.

SHARP EDGES AND POINTS

There must be no sharp edges or points on the cot that could risk injury to a child, or that clothing could catch on.

WHAT TESTS MUST COTS PASS TO MEET THE SAFETY STANDARD?

New and second-hand cots must pass tests to check that a child's arms, legs or head will not get trapped in any holes or gaps in the cot.

New cots must also pass tests for impact, strength, durability of access fastenings and dropside mechanisms, dropside load and stability. Second-hand cots do not have to be tested for these issues.

WHO IS RESPONSIBLE FOR TESTING THE COTS AGAINST THE STANDARD?

In most cases it will be the manufacturer that carries out the tests and checks on cots to ensure they comply with the Safety Standard and the Regulations, but you are liable for any cot you sell that may not be safe.

If you are concerned that a cot you have for sale may not have been properly tested, do not sell it. Ask your supplier to provide information about the safety tests.

WHAT LABELS AND MARKINGS MUST BE ON THE COT?

NEW COTS: INFORMATION LABEL

The cot must come with an information leaflet, swing tag or external packaging that provides clear and complete assembly instructions and maintenance, safety and manufacturer's information.

These labelling requirements do not apply to second-hand cots.

NEW COTS: MARKING ON MATTRESS BASE

There must be manufacturer's information and warnings relating to the mattress size permanently marked on the mattress base.

This marking requirement does not apply to second-hand cots.

PLASTIC PACKAGING WARNING LABEL

Flexible plastic packaging or wrapping around a cot requires warning labelling relating to the dangers of suffocation.

This labelling requirement does not apply to second-hand cots.

ANTIQUÉ/COLLECTIBLE COTS WARNING LABEL

If you are selling antique or collectible cots, they must carry a warning label. If they do not carry a warning label, they will be considered second-hand cots and must comply with the relevant parts of the Safety Standard.

“WARNING: This cot may not be suitable for use as a sleeping facility for infants or children.”

WHO IS RESPONSIBLE FOR MAKING SURE THE COTS I SELL ARE SAFE?

It is your responsibility to make sure that any cot you offer for sale is safe and complies with the Standard and the Regulations.

If you are in business, you should not assume that a cot complies with the Standard and Regulations simply because it has been offered for supply.

The best way to make sure that the cot complies is to check whether it has already been tested and passed the requirements set out in the Standard. Ask to see the test results.

I WANT TO PASS MY SECOND-HAND COT ON TO A FRIEND. DOES THE STANDARD APPLY?

You need to make sure your cot complies with the Safety Standard and Regulations whether you are supplying the cot to a friend or to someone you don't know. Supply includes giving the cot to someone as a gift.

If you are in any doubt, do not sell it or give it away. You are personally liable if you supply any cot that does not comply with the Safety Standard.

WHAT HAPPENS IF I SELL A COT THAT DOES NOT COMPLY?

Supplying a cot that does not comply could place a child at risk of injury or death.

You will have breached the Regulations. It is an offence under section 30 of the Fair Trading Act to sell a cot that does not comply with the Standard and the Regulations.

The Commerce Commission, which enforces the Fair Trading Act, may take a prosecution against you in Court. Companies can be fined up to \$200,000 for each breach of the Act. Individuals can be fined up to \$60,000. For more information on the range of enforcement actions, from warnings through to prosecutions, see the Commission's website at www.comcom.govt.nz

In addition to any action taken by the Commerce Commission, you may have to conduct a recall of any cots that you have supplied which do not comply with the Standard. Information on carrying out a product recall is available from www.consumeraffairs.govt.nz/productsafety

WHERE CAN I GET MORE INFORMATION ON THE REGULATIONS AND THE STANDARD?

The Standard AS/NZS 2172:2003 *Cots for household use – Safety requirements* is available for purchase from Standards New Zealand by calling 0800 782 632 or via its website www.Standards.co.nz (enter keyword 2172).

You can access the Regulations and the Fair Trading Act online at the government's legislation website www.legislation.govt.nz. The information on this website is free.

You can buy a copy of the Regulations and the Fair Trading Act from selected bookshops.

For further information on the Fair Trading Act, you can visit the Commission's website at www.comcom.govt.nz

WHAT OTHER PRODUCTS ARE COVERED BY PRODUCT SAFETY STANDARDS?

There are five other Product Safety Standards for:

- children's toys;
- children's nightwear;
- baby walkers;
- pedal bicycles;
- cigarette lighters.

Any toys attached to a cot must comply with the Product Safety Standard for children's toys.

A factsheet is available for each Product Safety Standard. For more information on each Standard visit the Commission's website at www.comcom.govt.nz

For further information on the Fair Trading Act, visit the Commission's website at www.comcom.govt.nz

USEFUL TERMS

Antique cot – cot, more than 100 years old.

Breach – to break the law or not comply with an Act or Regulations.

Collectible cot – cot, less than 100 years old, supplied as a collector's item and not intended to be used for a child to sleep in.

Comply – to meet the obligations and rules.

Consumer – the person who buys goods from a retailer.

In trade – a person who runs a business selling goods or services such as a retailer, manufacturer, importer.

Mandatory – compulsory, a set of rules or guidelines that must be followed.

Regulations – legislation made under an Act, in this case the Fair Trading Act.

Supply – supply by sale, gifting, exchange, lease, hire or hire purchase.

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This fact sheet is part of a series looking at the Fair Trading Act. Other fact sheets can be downloaded from
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CONTACT

Contact the Commerce Commission with information about false or misleading trading practices.

TELEPHONE

Our Contact Centre during office hours on 0800 943 600

WRITE

To us at Contact Centre, PO Box 2351, Wellington 6140

EMAIL

Us at contact@comcom.govt.nz

This fact sheet is a guideline only, and reflects the Commission's view. The publication is not intended to be definitive, and should not be used instead of legal advice. It is traders' responsibility to remain up to date with legislation.

The purpose of the Commerce Commission is to promote dynamic and responsive markets so that New Zealanders benefit from competitive prices, better quality and greater choice. The Commission does this by enforcing legislation that promotes competition in New Zealand markets and prohibits misleading and deceptive conduct by traders.

Only the courts can make an authoritative ruling on breaches of the Fair Trading Act. Courts may fine companies found guilty of breaching provisions of the Fair Trading Act up to \$200,000 and individuals up to \$60,000.