

The Fair Trading Act

Product safety standards – Baby walkers



This product safety standard helps prevent injuries to children when using baby walkers. Baby walkers allow children who cannot walk to move around faster, further and in different ways that they are able to on their own. As a result, children may hurt themselves when using a baby walker. To help reduce this risk, all baby walkers must meet the safety standards for design, construction and performance, and pass safety tests. Baby walkers must also be labelled with warnings about how to use them safely.

The product safety standard regulations set the official safety standard for baby walkers.

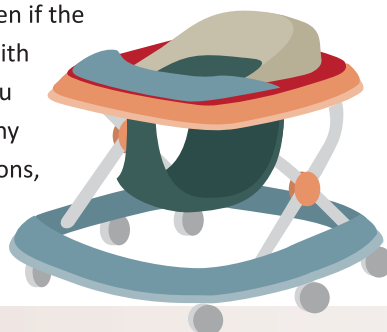
The Product Safety Standards (Baby Walkers) Regulations 2001 (**Regulations**) set sections of the American standard ASTM F977-03 *Consumer Safety Specification for Infant Walkers* (**American Standard**) as the official product safety standard that suppliers of all new and second-hand baby walkers must comply with.

We use the term 'product safety standard' in this fact sheet to refer to the sections of the American Standard that are identified by the Regulations.

Failure to comply with the product safety standard is a breach of the Fair Trading Act and is illegal.

If you comply with the product safety standard, you will meet your legal obligations.

Standards are revised periodically. However, your legal obligations do not change until the Regulations are amended to refer to a revised standard. This may not happen at the same time. When the Regulations are amended, we will update our fact sheet. Even if the Regulations do not require you to comply with the most recent standard, we encourage you to look at the revised standard and adopt any additional or higher product safety protections, even if they are not required by law.



What types of baby walkers are covered by the product safety standard?

A baby walker is defined in the Regulations as a device that:

- consists of a frame on wheels designed to support, inside the frame and with the child's feet touching the ground, a child who has not learned to walk; and
- is propelled by the movement of the child.

Who must comply with the product safety standard?

Any person who supplies, offers to supply or advertises the supply of new or second-hand baby walkers must comply with the product safety standard. This includes:

- manufacturers, importers and distributors who supply new baby walkers to retailers
- retailers who sell new or used baby walkers instore or online to customers
- individuals who offer second-hand baby walkers for sale at markets or on internet auction sites.

Offering baby walkers for lease, rent or as a gift is also considered an 'offer to supply'.

What are the safety requirements?

The product safety standard sets out the design and performance requirements a baby walker must meet and the tests to be carried out to determine whether a baby walker meets those requirements. In addition, every baby walker must have warning labels.

The product safety standard contains more details and requirements, some of which are very technical in nature. You should read the standard to make sure you understand all the requirements.

Baby walkers must meet:

- general requirements for latches and locking mechanisms, openings, exposed coil springs and protective components.
- performance tests for stability, structural integrity and preventing the baby from falling down steps. A baby walker must pass test that show its ability to remain in contact with, and be supported by, the floor.
- structural integrity and stability tests for loads, locking mechanisms, and rear tipping resistance. A baby walker must pass tests to show it can withstand a force before tipping over when it is against an immovable object, and that it can remain upright when forces are applied forwards and sideways.

What are the marking and warning labelling requirements?

Each baby walker must also be labelled with the following permanent warning statements:

WARNING
Never leave child unattended.
Always keep child in view while in walker

WARNING – STAIR HAZARD
Avoid serious injury or death.
Block stairs/steps securely before using walker

Baby walkers must also include warning labels about:

- using only on flat surfaces free of objects that could cause the walker to tip over.
- to avoid burns, keep the child away from hot liquids, ranges, radiators, space heaters, fireplaces, etc.

Who is responsible for making sure the baby walkers I supply are safe?

Although the manufacturer may carry out the required tests and place warning labels on the baby walkers, you are also responsible for making sure the baby walkers you supply, offer to supply or advertise to supply are safe and comply with the product safety standard.

You should not assume that a baby walker complies with the product safety standard simply because a supplier has offered to supply it to you. If you have any concern about the safety of a baby walker you have for sale, do not sell it. Confirm first with your supplier that the baby walker complies with the product safety standard. The best way to prove this is for your supplier to provide you with a copy of independent test results. You can also arrange your own testing.

I want to pass my second-hand baby walker on to a friend. Does the product safety standard apply?

Yes, you need to make sure that your baby walker complies with the product safety standard whether you are giving it to a friend or supplying it to someone you don't know.

What can happen if I supply a baby walker that does not comply?

It is an offence under section 30 of the Fair Trading Act to supply, offer to supply or advertise for supply a baby walker that does not comply with the product safety standard. The Commerce Commission, who enforces the Fair Trading Act, may take a prosecution against you in court.

There can be serious consequences for businesses that a court finds to have broken the law. Companies can be fined up to **\$600,000** for each breach and an individual up to **\$200,000**. Where a company is a repeat offender, directors and those involved in the management of the company can be banned from involvement in the management of any company for a period of up to 10 years.

In addition to any action taken by the Commerce Commission, you may have to conduct a recall of any baby walkers you have supplied which do not carry the correct labelling or have not been properly tested. Information on carrying out a product recall is available from Trading Standards at the Ministry of Business, Innovation and Employment.

www.consumerprotection.govt.nz

Where can I get more information about the product safety standard?

The American standard ASTM F977-03 is available to buy from Standards New Zealand by calling 0800 782 632 or via the website www.standards.co.nz

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.

Any toys attached to a baby walker must comply with the product safety standard for children's toys.

For more information on the product safety standard for toys visit the Commission's website at www.comcom.govt.nz/product-safety-standards.



This fact sheet provides guidance only. It is not intended to be definitive and should not be used in place of legal advice. You are responsible for staying up to date with legislative changes.

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