

Fair Trading Act

Product safety standards – 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 help reduce the risk of injuries or death to infants and babies from the use of unsafe cots.

The product safety standard regulations set the official safety standard for household cots.

The Product Safety Standards (Household Cots) Regulations 2005 (**Regulations**) set sections of safety standard AS/NZS 2172:2003 *Cots for household use – Safety requirements* with amendments as the official product safety standard that suppliers of new and second-hand cots must comply with.

We use the term ‘product safety standard’ in this fact sheet to refer to the official product safety standard AS/NZS 2172:2003 (as amended) that is 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 NZ revise standards periodically. However, your legal obligations do not change until the Regulations are amended to refer to the 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 cots are covered by the product safety standard?

A cot is defined in the Regulations as a free-standing product with raised sides and ends that is designed as an enclosed sleeping facility for an infant or a child. The product safety standard applies to new and second-hand cots designed and intended to be used as a sleeping facility for an infant or child in the home.

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 also subject to the product safety standard.

What types of cots are excluded?

The product safety standard does not apply to the following types of cots:

- folding cots
- carry cots
- cradles
- bassinets
- antique or collectible cots, as long as they are labelled with a warning that is easy to read and displayed on the cot or packaging where it can easily be seen. The warning label must state:

WARNING

This cot may not be suitable for use as a sleeping facility for infants or children

Some key features of the product safety standard

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)

Space between the cot ends and sides and mattress sides no more than 20mm when the mattress is centred

Minimum depth of 600mm from the mattress base to the lowest point on any side or end

Permanent warning and information label on mattress base

No horizontal or diagonal bars or other fixtures that would allow a child to climb over the sides



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

Who must comply with the product safety standard?

Any person who supplies, offers to supply or advertises the supply of new or second-hand household cots covered by the product safety standard (cots) must comply.

This includes:

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

Offering cots 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 cot must meet and the tests to be carried out to determine whether a cot meets those requirements. In addition, new cots must have warning labels. The safety requirements differ depending on whether the cot is new or second-hand.

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

Cots must meet requirements relating to:

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

There are specific requirements for the dimensions of depth and spacing for the:

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

There must be no structures or components on the cot that could be used by a child as a foothold or toehold for climbing.

Movement of the dropside of the cot

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

Fastening devices used to access the cot

The access fastening device shall engage automatically when the dropside is raised. There must be either two fasteners or a system that requires two separate but simultaneous consecutive actions to access the cot.

Fastening mechanisms must require a reasonable force to operate or the fastening devices are inaccessible to the child in 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 ensure that a child's fingers, 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.

What information must be included on labels and markings on new cots?

There are a number of marking and warning labelling requirements set out in the product safety standard. The labelling requirements only apply to the sale of new cots. The key labelling requirements are summarised below:

Swing tag or label attached to the cot

The cot must have a swing tag or label attached to it that states the recommended mattress size and the manufacturer's name and contact details.

External packaging

External packaging must include the following information about the recommended mattress size:

WARNING: TO PREVENT SUFFOCATION AND FALLS, THE RECOMMENDED MATTRESS SIZE SHOULD BE XX mm WIDE, YY mm LONG AND NO MORE THAN ZZ mm THICK.

Information leaflet

New cots must come with an information leaflet that provides clear and complete assembly and maintenance instructions. This should include the recommended mattress size, a warning about the correct height adjustment for adjustable cots, the manufacturer's, importer's or distributor's name and contact address and guidance on the general safe use of the cot.

Permanent markings on mattress base

The upper surface of the mattress base (or both sides if the mattress base is reversible) must be permanently marked with the following information:

- if the cot is made in Australia or New Zealand, the name and contact details of the manufacturer, importer or distributor
- if the cot is made elsewhere, the country of origin and the importer's name and contact address.
- recommended mattress size
- a warning of the mattress thickness required to ensure the correct distance to the top of the cot in order to prevent falls
- for adjustable base cots, a warning about the correct height adjustment required to prevent falls
- the month and year of manufacture.

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

Although the manufacturer may carry out the required tests and place warning labels on the cots, every person who supplies a cot is responsible for making sure the cot being offered for sale is safe.

You should not assume that a cot 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 cot you have for sale, do not sell it. Confirm first with your supplier that the cot 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 cot on to a friend. Does the Standard apply?

Yes, you need to make sure your cot complies with the product safety standard 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.

What can happen if I sell a cot that does not comply with the product safety standard?

It is an offence under section 30 of the Fair Trading Act to supply, offer to supply or advertise for supply a household cot 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.

EXAMPLE

A retailer was fined \$39,000 for selling cots which failed to comply with the marking and labelling requirements of the product safety standard. The retailer also agreed enforceable undertakings with the Commerce Commission to carry out a series of testing and quality control procedures designed to ensure that all household cots comply.

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 cot 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 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.govt.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.

Any toys attached to a cot 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.

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Phone: 0800 943 600 Write: Enquiries Team, PO Box 2351, Wellington 6140 Email: contact@comcom.govt.nz

