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Independent Consumer and Competition Commission Act 2002

NOTICE OF INTENTION TO DECLARE GOODS UNSAFE (CERTAIN UNSAFE BABY WALKERS)

PURSUANT to Section 114 (1) of the *Independent Consumer and Competition Commission Act 2002* ("ICCC Act"), the Independent Consumer and Competition Commission ("ICCC") proposes to publish in the *National Gazette* a Notice under Section 108 (5) of the *ICCC Act* in substantially the same form and substance as indicated below, declaring the goods described in the Notice to be unsafe in Papua New Guinea (PNG).

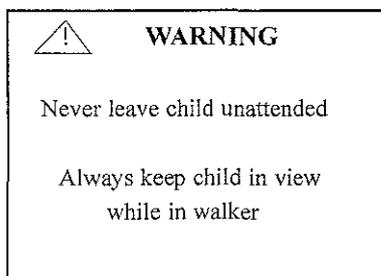
Declaration of unsafe Goods (Certain Baby Walkers Not Safe)

Pursuant to Section 108 (5) of the *ICCC Act*, the ICCC hereby declares as unsafe in Papua New Guinea ("PNG"), baby walkers of the type described in this Notice. A baby walker for the purpose of this Notice is an infant and nursery product which consists of a frame on wheels designed to support a child whilst the child's feet are touching the ground for infants and babies who are learning to walk. The product is propelled by the movement of the child on the wheels or castors.

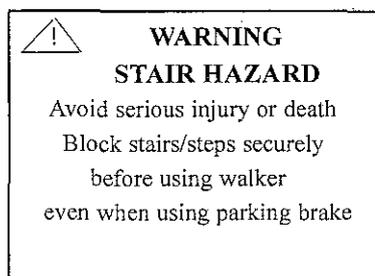
Such baby walkers cannot be supplied in PNG unless the baby walker:

- (1) is stable;
- (2) has an adequate braking mechanism (and in assessing 1 and 2 we will have regard to the product standard specification ASTM F977 - 12);
- (3) carries the following warning labels:

Label 1



Label 2



Notice of Intention to Declare Goods Unsafe (Certain Unsafe Baby Walkers) — continued
Declaration of unsafe Goods (Certain Baby Walkers Not Safe) — continued

- 3.1 The warning must be visible to the consumer when placing the child in the walker.
- 3.2 The safety alert symbol and the word 'WARNING' must be:
- . in black lettering
 - . on an orange background
 - . surrounded by a black border. The rest of the words must be black lettering on a white background.

3.3 Parking Brakes

If the walker has a parking brake, it must also be labelled with this warning:

- . **WARNING:** Parking brake use does not totally prevent walker movement.

Always keep child in view when in the walker, even when using the parking brake (only for baby walkers equipped with a parking brake).

- 3.4 The word 'WARNING' must be:

- . in black lettering
- . on an orange background
- . surrounded by a black border.

4. carries additional safety alert warnings that address the following:

- . use only on flat surface 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.

Note: The safety alert symbol is not required for the additional warnings and the wording does not have to be exactly as it appears above. However, the wording in the additional warnings must be:

- . In contrasting colours
- . Permanent
- . Conspicuous
- . In sans serif style font.

Summary of Reasons

Such baby walkers create instances of injury or death where:

- . the baby walker falls down stairs or off an elevated area, resulting in possible head injuries;
- . the baby walker is unstable and tips over also resulting in potential injury;
- . the child in the baby walker gains access to hazardous areas, products or objects which can cause injuries such as burns, electrocution, cuts and other wounds; and
- . the child can potentially be able to get out of the baby walker resulting in possible falls anywhere, and have the potential to be unsafe.

Subject to the above, any person or persons supplying baby walkers with unsafe features described in this Notice shall be in breach of this Notice and Section 108(1) of the *ICCC Act*, and may be liable to a penalty of up to K100,000.00 or imprisonment of up to 2 years, if found guilty by the court. Further, pursuant to Section 111(1) of the *ICCC Act*, action may be taken by the ICCC to recall these products. The ICCC therefore advises that these products should not be supplied in Papua New Guinea.

This Notice supersedes the Notice published in the *National Gazette* No. G45 on the 4th February, 2016.

Notice of Intention to Declare Goods Unsafe (Certain Unsafe Baby Walkers) — continued
Declaration of unsafe Goods (Certain Baby Walkers Not Safe) — continued

The ICC pursuant to Section 114 of the *ICCC Act* invites any person (who supplies or proposes to supply baby walkers of the kind described in this Notice) to notify the ICC within 10 days of the publication of this Notice in the *National Gazette*, if they wish for the ICC to hold a conference in relation to this Notice.

Dated this 4th day of December, 2017.

P. AIN,
Commissioner & Chief Executive Officer,
For and on behalf of the Independent Consumer and Competition Commission.

Independent Consumer and Competition Commission Act 2002

NOTICE OF INTENTION TO DECLARE GOODS UNSAFE (CERTAIN BUNK BEDS NOT SAFE)

PURSUANT to Section 114 (1) of the *Independent Consumer and Competition Commission Act 2002* (“*ICCC Act*”), the Independent Consumer and Competition Commission (“*ICCC*”) proposes to publish in the *National Gazette* a Notice under Section 108 (5) of the *ICCC Act* in substantially the same form and substance as indicated below, declaring the goods described in the Notice to be unsafe goods in Papua New Guinea (PNG).

The ICC invites any person who supplies or proposes to supply bunk beds of the kind described in the draft Notice below to notify the ICC within ten (10) days of the publication of this Notice in the *National Gazette*, if they wish for the ICC to hold a conference in relation to this Notice.

Declaration of unsafe Goods

Pursuant to Section 108 (5) of the *ICCC Act*, the ICC hereby declares as unsafe in Papua New Guinea (“PNG”), bunk beds of the type described in this Notice. A bunk bed for the purpose of this Notice is a set of components that are assembled or are ready for assembly into single beds or double/single combination beds that will be stacked one over the other, or any single bed other than a hospital bed—where the top of the mattress base is at least 700 mm above the floor surface.

Such a bunk bed cannot be supplied in PNG:

- if it has sharp edges or points;
- if it has protrusions of more than 8 mm capable for catching in clothing;
- if the materials used in construction or the design is not sufficiently strong to support the weight of a person who would normally occupy such a bed;
- where the minimum access opening (if provided) for the upper bunk is less than 300 mm or greater than 400 mm in width, unless the opening is between 300 mm and 400 mm; and
- where the gaps in the guard rails, for the upper bunk, are greater than 95mm and less than 230 mm excluding the access opening to the upper bunk.

Exemptions

This declaration does not apply to bunk beds that, without reaching the above prohibitions or requirements:

1. have adequate/permanent guard rail protection around all four sides that are not detachable without significant force;
2. have adequate and safe means of accessing the upper bunk;

Notice of Intention to Declare Goods Unsafe (Certain Bunk Beds Not Safe)—continued
Declaration of Unsafe goods—continued

3. The minimum vertical distance between the top of the mattress and the top of the guard rail is no less than 260 mm. If the bed is sold without a mattress, there should be a distinct mark along one side or at the end to indicate MAXIMUM MATTRESS HEIGHT. That mark must be no less than 260 mm below the height of the top rail.

Summary of Reasons

Certain bunk beds pose a risk of strangulation and entrapment and children can suffer serious injuries and death if they fall from a raised upper bed. These bunk beds that do not comply are still being supplied within the market as identified through a surveys conducted by the ICCC.

Subject to the above, any person or persons supplying bunk beds banned by this Notice shall be in breach of this Notice and Section 108 (1) of the ICCC Act and may be liable to a penalty of up to K100,000.00 or imprisonment of up to 2 years, if found guilty by the court. Further, pursuant to Section 111 (1) of the *ICCC Act*, action may be taken by the ICCC to recall these products. The ICCC therefore advises that these products should not be supplied in PNG.

Dated this 4th day of December, 2017.

P. AIN,
Commissioner & Chief Executive Officer,
For and on behalf of the Independent Consumer and Competition Commission.

Independent Consumer and Competition Commission Act 2002

**NOTICE OF INTENTION TO DECLARE GOODS UNSAFE
(FOOD PRODUCT LABELLING REQUIREMENTS)**

PURSUANT to Section 114(1) of the *Independent Consumer and Competition Commission Act 2002* (“*ICCC Act*”), the Independent Consumer and Competition Commission (“*ICCC*”) proposes to publish in the *National Gazette* a Notice under Section 108(5) of the *ICCC Act*, in substantially the same form and substance indicated below, declaring the goods described in the Notice to be unsafe goods in Papua New Guinea (PNG).

Declaration of Unsafe Goods

Pursuant to Section 108(5) of the *Independent Consumer and Competition Commission Act 2002*, I hereby declare as unsafe in Papua New Guinea (“PNG”) the following goods (and similar products) that fail to comply with these labelling requirements under the *Food Sanitation Regulation 2007*, *Food Sanitation Act 1991* and the *Packaging Act 1974*:

- (1) Any word, statement, information or direction that is required to appear as a label on a package or apparatus shall—
 - (a) in the case of infant formula requiring reconstitution, be in English;
 - (b) any imported food formula specifically packaged for export to Papua New Guinea, be in English;
 - (c) in the case of imported food and food additives other than those prescribed in Paragraph (a) and (b), be in English; and
 - (d) in the case of food and food additives produced, prepared, manufactured, processed or packed in Papua New Guinea, be in English;
- (2) A packer who packs an article shall ensure the pack containing the article is marked in the prescribed manner with a statement in English of the true weight or measure of the article;
- (3) Any package or apparatus containing food or food additives for sale shall bear on or attached to it a label containing a statement in English that identifies the country in which the food or food additive was made

or produced; and

Notice of Intention to Declare Goods Unsafe (Food Product Labelling Requirement)— continued
Declaration of Unsafe goods— continued

- (4) Any package or apparatus containing food or food additives for sale shall bear on or attached to it a label containing a description in English of the name and address of the vendor, manufacturer, packer or importer that includes the name, road or street, road or street number, locality and country, and business hours telephone contact number.

All labeling requirements mentioned above must be present on the label of any package or apparatus containing food products. Partial non-compliance of this Notice is deemed as non-compliance.

Nothing in this Notice shall limit the product labelling and other requirements under Section 12 (1) (a) to (i) and Section 12 (3) to (11) of the *Food Sanitation Regulation 2007*, the *Food Sanitation Act 1991* and the *Packaging Act 1974*, and the obligations of the supplier of goods to comply with them.

Exemptions

- (a) *Provided labelling complies with the above, labelling in other languages may also appear on packaging or apparatus.*
- (b) *Food that is prepared or offered for immediate consumption in catering establishments, restaurants, canteens, schools, hospitals and other institutions where the product is accompanied by sufficient information in English in relation to that product to enable the purchaser to determine the content of that particular product before purchasing it.*
- (c) *Provided labelling complies with the above, labelling in the form of a sticker placed on the product to reflect any one or more of the labelling requirements not stated on the product packaging or apparatus is adequate for the duration of this Notice.*

Summary of Reasons

Products that are incorrectly labelled may pose a risk to the safety of consumers. Consumers may not recognize ingredients that may cause an allergic reaction or may misinterpret warnings or instructions that accompany the products. Also they may not understand directions for food preparation or storage that appear on the packaging or apparatus.

Subject to the above, any person or person supplying food products that do not comply with the above labelling requirements shall be in breach of this Notice and Section 108 (1) of the *ICCC Act*, and may be liable to a penalty of up to K100,000.00 or imprisonment of up to 2 years, if found guilty by the court. Further, pursuant to Section 111(1) of the *ICCC Act*, action may be taken by the ICCC to recall these products. The ICCC therefore advises that these products should not be supplied in Papua New Guinea.

This Notice supersedes the Notice published in the *National Gazette* No. G173 on the 31st March, 2016.

The ICCC pursuant to Section 114 of the *ICCC Act* invites any person (who supplies or proposes to supply food products which do not contain the correct labelling requirements of the kind described in this Notice to notify the ICCC within (10) days of the publication of this Notice in the *National Gazette*, if they wish for the ICCC to hold a conference in relation to this Notice.

Dated this 4th day of December, 2017.

P. AIN,
Commissioner & Chief Executive Officer,