



# National Gazette

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**[2013**

*Independent Consumer and Competition Commission Act 2002*

Section 108(5)

**DECLARATION NOTICE NO. 3 OF 2013 (CERTAIN BABY DUMMIES, SOOTHERS AND PACIFIERS NOT SAFE)**

**Declaration of Unsafe Goods**

PURSUANT to Section 108(5) of the *Independent Consumer and Competition Commission Act 2002 (ICCC Act)*, I hereby declare as unsafe in Papua New Guinea, certain baby dummies, soothers and pacifiers and a person shall not supply goods to be used as baby dummies, soothers or pacifiers unless:

- (a) the good is made of non-toxic materials;
- (b) the good contains no sharp edges, or points which could injure a baby;
- (c) the good is of sound construction such that no part of the good will become detached, torn or broken in use;
- (d) the good(s) is supplied in a closed pack;
- (e) the pack allows the enclosed good(s) to be seen clearly;
- (f) the good has a shield with a minimum width of at least 35 mm;
- (g) the good has ventilation holes as specified below\*;
- (h) the good has a firmly attached handle or ring of a size and shape that may be easily gripped and removed by an adult from the child in the event a good is taken whole into the mouth. However, the size of rings and handles must be such that they do not protrude so that if a child falls onto a good, it could be forced into the mouth, e.g. a ring must be hinged so that it folds back onto the shield and when folded does not protrude more than 16 mm from the shield;
- (i) the teat of the good(s) is constructed so that it does not contain flavours/fluid;
- (j) the teat is firmly attached to the shield such that it cannot separate to become a choking hazard;
- (k) the pack shows the name and address details of the Papua New Guinea manufacturer/distributor and country of manufacturer, if not Papua New Guinea;

**Declaration Notice No. 3 of 2013 (Certain Baby Dummies, Soothers and Pacifiers not Safe)—continued**

(l) the pack has clearly legible:

- (1) warning notice that tying dummies, soothers or pacifiers around the neck is a strangulation hazard, i.e. “WARNING, Do not tie dummy around Baby’s neck as it may strangle Baby”;
- (2) warning about replacing dummies regularly, e.g. 4 to 8 weeks (especially if infants have teeth);
- (3) instructions to check dummies before each use for damage, e.g. before each use, pull the dummy moderately and inspect to check for holes, tears, stickiness, a flat teat or other damage. Throw away if damage;
- (4) a unique batch number to facilitate recalls;
- (5) suitable instructions for cleaning and storing dummies, e.g. before each use, either boil the dummy for 5 minutes in water, or use sterilizing solution according to the manufacturer’s instructions;

\* *Ventilation holes*- The shield of a good shall have two ventilation holes positioned symmetrically, whereby:

- (i) the cross-sectional area of each ventilation hole is at least 19.6 mm<sup>2</sup>;
- (ii) periphery of each ventilation hole is at least 5 mm from the periphery of the shield; and
- (iii) the distance between the geometric centers of the pair or a pair of ventilation holes is at least 15 mm.

Additional holes may be provided which do not meet the above requirements.

Nor shall a person or persons supply a good to be used as a baby dummy, soother or pacifier:

- (a) that has decals, stickers or ornaments such as crystals, beads or “bling” which can detach in use to form small parts, which can be swallowed by a baby;
- (b) where the pack containing the good(s) includes any pin, ribbon, string, cord, chain, twine, leather, yarn or any other means of attachment.

*Summary of Reasons*

Certain baby dummies, soothers and pacifiers create a risk of choking, strangulation, injury and death, particularly for children under three (3) years old as they have not yet developed the reflex action to cough up objects that lodge in their throats.

Subject to the above, any person or persons supplying these certain baby dummies, soothers and pacifiers in breach of this notice, shall be deemed to be in breach of Section 108(1) of the *ICCC Act* and is liable for prosecution pursuant to Sections 132 and 133 with the penalties set out in Section 134. Furthermore, Section 111(1) of the *ICCC Act* allows for compulsory product recall by the Commission. The Commission therefore advises that these products should not be supplied in Papua New Guinea.

This declaration takes effect on and from the date of publication of this notice in the *National Gazette* and unless revoked, shall remain in force for 18 months.

Dated this 16th day of October, 2013.

Dr B. MANOKA, (PhD),  
Commissioner & Chief Executive Officer,  
Independent Consumer and Competition Commission.

*Independent Consumer and Competition Commission Act 2002*

## Section 108(5)

**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 (“*Commission*”) 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.

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

**DRAFT SECTION 108 (5) DECLARATION NOTICE NO.5 OF 2013 (CERTAIN BUNK BEDS NOT SAFE)****Declaration of Unsafe Goods**

PURSUANT to Section 108(5) of the *Independent Consumer and Competition Act 2002 (ICCC Act)*, I hereby declare as unsafe in Papua New Guinea (PNG), certain bunk beds. A bunk bed for the purposes 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 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:

- (a) Unless it has adequate/permanent guard rail protection around all four sides that are not detachable without significant force;
- (b) if it has sharp edges or points;
- (c) if it has protrusions of more than 8mm capable of catching in clothing;
- (d) 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;
- (e) unless there is adequate and safe means of accessing the upper bunk;
- (f) where the minimum access (if provided) for the upper bunk is no less than 300mm and no greater than 400mm;
- (g) unless the minimum vertical distance between the top of the mattress base and the top of the rail is not be less than 360mm (and 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’ which must be no less than 260mm below the height of the top rail);
- (h) where the gaps in the guard rails, for the upper bunk, are greater than 95mm (excluding the access opening to the upper bunk).

*Summary of Reasons*

Certain bunk beds create a risk of strangulation; entrapment as well as children can suffer serious injuries and deaths if they fall from a raised upper bed.

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

**Draft Section 108 (5) Declaration Notice No.5 of 2013 (Certain Bunk Beds not Safe)—*continued***

Subject to the above, any person or persons supplying those certain bunk beds are in breach of this notice and shall be deemed to be in breach of Section 108(1) of the *ICCC Act*, and is liable for prosecution pursuant to Sections 132 and 133 with the penalties set out in Section 134. Furthermore, Section 111(1) of the *ICCC Act* allows for compulsory product recall by the Commission. The Commission therefore advises that these products should not be supplied in Papua New Guinea.

The notifications should be addressed to:

Independent Consumer and Competition Commission, Consumer Protection Division, 1st Floor Garden City, Angau Drive. P.O Box 6394, Boroko, National Capital District. Telephone (675) 325 2144, Facsimile (675) 323 0052

Dated this 16th day of October, 2013.

Dr B. MANOKA, (PhD),  
Commissioner & Chief Executive Officer,  
Independent Consumer and Competition Commission.