



Australian
Competition &
Consumer
Commission

Supplier guide

PRODUCT SAFETY:

Baby walkers

October 2018



www.productsafety.gov.au

Australian Competition and Consumer Commission
23 Marcus Clarke Street, Canberra, Australian Capital Territory, 2601

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Baby walkers

What is this guide about?

Mandatory consumer product safety standards can be introduced under the Australian Consumer Law (ACL) when it is considered reasonably necessary to prevent or reduce the risk of injury to a person. This guide provides a summary of the requirements for the supply of baby walkers. These products are also known as infant walkers.

A full list of mandatory standards and bans is available on pages 11–12.

Who should read this guide?

Suppliers of baby walkers should read this guide to familiarise themselves with the hazards and the mandatory requirements for this product.

What are baby walkers?

Under the mandatory standard, a baby walker consists of a frame on wheels designed to support a child who has not yet learned to walk.

This mandatory standard does not apply to baby jumpers or stationary infant activity centres.

What are the hazards?

Children can suffer serious injuries from accidents in baby walkers. For example, in the state of Victoria, there were 135 cases of injuries relating to baby walkers reported by public hospital emergency departments between 2000 and 2008.

Source: Victorian Emergency Minimum Dataset

Falls

Children can suffer head injuries and other serious injuries if the baby walker falls down stairs or tips over.

Access to dangerous areas or items

Children in baby walkers can gain access to hazardous areas or objects that they would not normally be able to reach, such as kitchen utensil drawers where sharp objects are stored, ovens and other appliances that could cause burns.

Developmental delays

Child safety experts recommend a stationary play centre as a safer alternative to baby walkers due to possible delays in learning to walk.

Mandatory standard

The mandatory standard for baby walkers can be found in Consumer Protection Notice No. 1 of 2013. It refers to a standard published by the American Society for Testing and Materials, ASTM F977-12, *Standard Consumer Safety Specification for Infant Walkers*.

Those key sections of the ASTM F977-12 (a voluntary standard) specifically called up by the consumer protection notice are mandatory. It is important to read both the notice **and** ASTM F977-12 together.

Options before 31 March 2014

Until 31 March 2014, baby walkers may still comply with the mandatory standard if they meet specified requirements of the older standard ASTM F977-00, published in 2000.

After 31 March 2014

From 1 April 2014 onwards, only baby walkers that meet the specified sections of the 2012 version of ASTM F977 will comply with the mandatory standard. If a baby walker does not comply with the mandatory standard it may not be legally sold in Australia.

Note: This supplier guide only refers to the mandatory requirements based on ASTM F977-12.

The table below provides a comparison with the requirements based on ASTM F977-00.

Clause in ASTM F977 referenced in the mandatory standard:

2012	2000
6.1 Stability	6.1 Stability
6.3 Prevention of Falls Down Steps	6.4 Prevention of Falls Down Steps
7.3 Stability Test	7.3 Stability Test
7.6 Step(s) Test	7.6 Step(s) Test
8.2 Warning statements	9.3 Warning statements

Meeting mandatory requirements

To comply with the mandatory standard for baby walkers, you and your business must meet all the requirements for design, testing and labelling.

The following are some key requirements of the mandatory standard.

Design

Braking mechanism

Baby walkers must have a braking mechanism that can prevent the baby walker from falling down stairs.

Testing

The mandatory standard specifies performance requirements for baby walkers which generally require assessment by professional test laboratories with relevant expertise and necessary apparatus. These tests include:

- tipping and toppling resistance
- braking and stopping mechanism effectiveness.

Labelling

In addition to the specific requirements below for certain warning labels, all warning statements must be:

- permanent
- conspicuous
- in contrasting colour(s)
- in sans serif font.

The word WARNING in each warning statement must be at least 5 mm high and the remainder of the text not less than 2.5 mm high.

Warning—stairs

Baby walkers must be marked with the following stair hazard warning label and exact words:



Example of a stair hazard warning label that meets the mandatory standard

The warning must be visible to the consumer when placing the child in the walker.

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.

The words 'even when using parking brake' are only required for baby walkers with parking brakes.

Warning—general

Baby walkers must be marked with the following warning with the exact words:



*Example of a general warning label that meets the mandatory standard
(Note: the orange background to the word 'WARNING' is not mandatory in this label)*

Additional warnings

Baby walkers must also be labelled with these additional warnings:

- Use 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.

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 brakes (only for baby walkers equipped with a parking brake).

Your responsibilities as a supplier

As a supplier, you are legally responsible for ensuring that the baby walkers you supply meet the mandatory safety standard requirements, which are enforceable by law.

Failure to comply can result in legal action, penalties and/or recalls. All suppliers in the supply chain from manufacturer to retailer are equally responsible for ensuring that products they supply meet the mandatory standard.

To do this, we strongly advise you to take the following steps:

- Read the requirements specified in the consumer protection notice printed in this guide.
- Have systems in place to visually check these products to ensure they comply with the requirements of this mandatory standard.
- Where necessary, use reports from reliable, independent testing laboratories to verify compliance.
- Register to receive automatic email updates from the Product Safety Australia website (www.productsafety.gov.au) to help ensure you are aware of the latest product safety information.

Consumer guarantees

All Australian traders, whether online or running a 'bricks and mortar' operation, must comply with Australian trading laws. Since 1 January 2011 this has included laws on consumer guarantees, which are part of the ACL (which forms Schedule 2 to the *Competition and Consumer Act 2010*). The consumer guarantees give consumers the right to a refund if a product is unsafe.

Every business that supplies goods—by selling, leasing or hiring—or services to consumers automatically provides certain guarantees about those goods or services.

Businesses that make goods, put them together or have their name on them also give certain guarantees. Importers give these same guarantees if the maker does not have an office in Australia.

If a consumer has a problem with a good, they are free to approach the seller or manufacturer/importer to obtain a remedy—and you cannot tell them otherwise.

For more information on consumer guarantees, please refer to the publication, *Consumer guarantees—business snapshot*, available on the ACCC website.

It is important to remember that if you don't comply with a consumer guarantee, your customers have a right to take action against you. This is the case even if the problem with the good was caused by the manufacturer.

The consumer guarantees do, however, provide sellers with rights against manufacturers or importers of goods if the seller provides a remedy to a consumer for a problem which was caused by the manufacturer or importer.

Product liability

Part 3-5 of the Australian Consumer Law (ACL) (which forms Schedule 2 to the *Competition and Consumer Act 2010*) contains provisions on product liability. Under these provisions, consumers can seek compensation or damages for personal injury or other loss caused by a safety defect in products supplied by a manufacturer.

Goods with a safety defect are those that are not as safe as what people are generally entitled to expect.

Generally the manufacturers or importers of products are liable under Part 3-5 of the ACL.

But if other suppliers, such as retailers, cannot identify the manufacturer or importer, they may be deemed liable for the damages.

Suppliers may reduce their exposure to product liability action by using these responsible and sensible business practices:

- conducting regular reviews of product designs and production
- implementing and reviewing quality assurance procedures
- testing products regularly to relevant standards, including batch testing
- conducting appropriate marketing
- providing clear and thorough user instructions
- where necessary, conducting a quick voluntary recall of any products that are defective or unsafe.

Consumer Protection Notice No. 1 of 2013

COMPETITION AND CONSUMER ACT 2010

Consumer Protection Notice No. 1 of 2013

SAFETY STANDARD: BABY WALKERS

I, DAVID BRADBURY, Assistant Treasurer, pursuant to subsection 104(1) of Schedule 2 to the *Competition and Consumer Act 2010* (the Australian Consumer Law), hereby:

- (a) **REVOKE** the safety standard for baby walkers made under section 104(1) of the Australian Consumer Law on 1 January 2011 by reason of Item 4 of Schedule 7 of the *Trade Practices Amendment (Australian Consumer Law) Act (No.2) 2010* (**see note 1**); and
- (b) **MAKE**, in respect of consumer goods of a kind specified in Division 1 of the Schedule to this Notice and for the purposes of section 106 of the Australian Consumer Law, a safety standard consisting of a set of requirements specified in Division 2 of the Schedule (**see note 2**).

COMMENCEMENT

This instrument commences on the day after it is registered on the Federal Register of Legislative Instruments (the commencement date).

APPLICATION OF THE SAFETY STANDARD

- (1) On and from the commencement date, a supplier of consumer goods of a kind specified in Division 1 of the Schedule to this Notice can comply with the safety standard made in accordance with paragraph (b) of this Notice by complying with either of the sets of requirements specified in Division 2 of the Schedule.
- (2) The set of requirements specified at paragraph (1) of Division 2 of the Schedule to this Notice will cease to operate on 1 April 2014.
- (3) On and from 1 April 2014, a supplier of consumer goods of a kind specified in Division 1 of the Schedule to this Notice must comply with the set of requirements specified at paragraph (2) of Division 2 of the Schedule.

THE SCHEDULE

Division 1: Particulars of the consumer goods

The following consumer goods are specified:

Baby walker means a device that:

- (1) 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 yet learned to walk; and
- (2) is propelled by the movement of the child.

Division 2: The Safety Standard

The following sets of requirements are the specified requirements for baby walkers:

- (1) The following sections of American Society for Testing and Materials ASTM F977-00, *Standard Consumer Safety Specification for Infant Walkers*, published in 2000:
 - (1) Section 6.1 *Stability*
 - (2) Section 6.4 *Prevention of Falls Down Step(s)*
 - (3) Section 7.3 *Stability Test*
 - (4) Section 7.6 *Step(s) Tests*
 - (5) Section 9.3 *Labelling*

- (2) The following sections of American Society for Testing and Materials ASTM F977-12, *Standard Consumer Safety Specification for Infant Walkers*, published in May 2012:
 - (1) Section 6.1 *Stability*
 - (2) Section 6.3 *Prevention of Falls Down Step(s)*
 - (3) Section 7.3 *Stability Test*
 - (4) Section 7.6 *Step(s) Tests*
 - (5) Section 8.2 *Labelling*

Notes:

1. The set of requirements for the safety standard revoked by paragraph (a) of this Notice are the same requirements as those which were prescribed as the consumer product safety standard for baby walkers for the purposes of section 65C of the *Trade Practices Act 1974*. Those requirements are contained in the *Trade Practices (Consumer Product Safety Standard) (Baby Walkers) Regulations 2002* (Cth).

2. In accordance with section 108 of the Australian Consumer Law, until 1 April 2014 suppliers may be required to nominate which set of requirements in Division 2 of the Schedule to this Notice the supplier intends to comply with as the supplier's method of complying with the safety standard.

Dated this 10th day of February 2013.

DAVID BRADBURY

Assistant Treasurer

Role of the ACCC

To minimise the risk of injury associated with consumer products, the ACCC undertakes a variety of activities:

- developing mandatory safety and information standards, when necessary
- informing and educating suppliers about emerging hazards and requirements of mandatory standards or bans
- liaising with suppliers to assist them in understanding how to comply with the standards or bans
- consulting with suppliers and other agencies to identify non-compliant goods
- promoting benefits of compliance with mandatory standards or bans
- assessing overall levels of marketplace compliance with mandatory standards or bans
- informing and educating consumers to choose only compliant products, report suppliers of non-compliant goods to the ACCC and always use products safely
- conducting compliance surveys or inspections to detect non-compliant products
- investigating allegations from consumers and suppliers about supply of non-compliant products
- investigating possible breaches found during compliance surveys or inspections
- seeking the immediate withdrawal of non-compliant or unsafe products from sale
- seeking the recall of non-compliant or unsafe products from the market
- taking action against suppliers including:
 - substantiation, infringement or public warning notices
 - court enforceable undertakings, injunctions and various other court orders
 - damages, compensation orders, disqualification orders and civil penalties
 - adverse publicity orders or requirements for corrective advertising
 - prosecutions resulting in criminal sanctions (fines).

Mandatory standards and bans

Mandatory standards

The following mandatory standards and bans apply nationally under the ACL.

- Aquatic toys
- Baby bath aids
- Baby dummies
- Baby walkers
- Balloon-blowing kits
- Basketball rings and backboards
- Bean bags
- Bicycle helmets
- Bunk beds
- Care labelling—clothing and textile products
- Child restraints for motor vehicles
- Children's household cots
- Children's nightwear and paper patterns for children's nightwear
- Children's portable folding cots
- Children's projectile toys
- Children's toys containing magnets
- Corded internal window coverings (blinds, curtains and window fittings)
- Cosmetics and toiletries—ingredient labelling
- Disposable cigarette lighters
- Elastic luggage straps
- Exercise cycles
- Hot water bottles
- Lead and certain elements in children's toys
- Motor vehicle recovery straps
- Moveable soccer goals
- Pedal bicycles
- Portable fire extinguishers (aerosol type)
- Portable fire extinguishers (non-aerosol type)
- Portable ramps for motor vehicles
- Portable swimming pools
- Prams and strollers
- Protective helmets for motorcyclists
- Reduced fire risk cigarettes
- Sunglasses and fashion spectacles
- Swimming aids and flotation aids for water familiarisation and swimming tuition
- Tobacco health warnings
- Toys for children under, up to and including 36 months of age
- Treadmills
- Trolley jacks

- Vehicle jacks
- Vehicle support stands.

Interim bans

Interim bans may be made by the state, territory or Commonwealth Minister. Their duration may be 60–120 days. Check the Product Safety Australia website (www.productsafety.gov.au) for details of any interim bans.

Permanent bans

- Baby dummies with unsafe decorations
- Baby dummy chains with unsafe decorations
- Candles with lead wicks
- Children’s plastic products with more than 1 per cent DEHP
- Children’s stationery sets containing undeclared knives or cutters with a metal blade
- Combustible candle holders
- Fire footbags and other such goods
- Gas masks with asbestos breathing devices
- Glucomannan in tablet form
- Inflatable toys, novelties and furniture containing beads
- Jelly cups containing konjac
- Miniature motorbikes (monkey bikes) with unsafe design features
- No holes tongue studs
- Novelty cigarettes
- Pools and spas with unsafe design features
- Sky lanterns
- Small, high powered magnets
- Smokeless tobacco products
- Tinted headlight covers
- Toothpaste containing Diethylene glycol (DEG)
- Toy-like novelty cigarette lighters
- Yo-Yo water balls.

Penalties

Supplying products that do not comply with a mandatory standard or ban is an offence under the ACL. Maximum fines for non-compliance are:

- \$500 000 for individuals.

For a body corporate, the greater of:

- \$10 000 000
- three times the value of the benefit received, or
- 10% of annual turnover in the preceding 12 months, if a court cannot determine the benefit obtained from the offence.

More information

For the latest information on bans, standards and recalls, visit www.productsafety.gov.au.

Key terms used in this guide

Below is a list of key terms that have been used in this guide.

Australian Consumer Law (ACL)	The ACL replaces previous Commonwealth, state and territory consumer protection legislation in fair trading acts. It is contained in a schedule to the <i>Trade Practices Act 1974</i> , which has been renamed the <i>Competition and Consumer Act 2010</i> (CCA).
baby walker	A baby walker is a device consisting of a frame on wheels designed to support a child who has not yet learned to walk. It is propelled by the movement of the child.
<i>Competition and Consumer Act 2010</i> (CCA)	The <i>Competition and Consumer Act 2010</i> (formerly the <i>Trade Practices Act 1974</i>) deals with almost all aspects of the marketplace: the relationships between suppliers, wholesalers, retailers, competitors and customers. It covers anti-competitive conduct, unfair market practices, industry codes, mergers and acquisitions of companies, product safety, product labelling, price monitoring, and the regulation of industries such as telecommunications, gas, electricity and airports.
consumer protection notice	A consumer protection notice is a notice that declares a particular standard prepared by Standards Australia (or other approved body), with any additions or variations specified in the notice, to be a prescribed standard.
mandatory consumer product safety standard	<p>The Commonwealth Minister can prescribe compulsory safety standards for consumer goods and product related services. Suppliers must not supply goods or services that do not comply with a safety standard for goods of that kind.</p> <p>Safety standards require goods to comply with particular performance, composition, content, design, construction, finish, labelling or packaging rules.</p> <p>Visit www.productsafety.gov.au for a list of products that mandatory safety standards currently apply to in Australia.</p> <p>Many mandatory standards are based on Australian voluntary standards published by SAI Global.</p>
supplier	Anyone in the business of selling, exchanging, leasing, hiring or hire-purchasing of goods or provisions, or of granting or conferring of services.
supply	Selling, exchanging, leasing, hiring or hire-purchasing of goods or provisions, or granting or conferring of services.

Contacts

Australian Competition and Consumer Commission

Product safety

For more information about mandatory standards, bans, recalls and emerging issues—and to subscribe to email alerts and RSS feeds—visit our websites:

www.productsafety.gov.au

www.recalls.gov.au

ACCC Infocentre: 1300 302 502

Callers who are deaf or have a hearing or speech impairment can contact us through the National Relay Service: www.relayservice.com.au

Voice-only (speak and listen) users phone: 1300 555 727 and ask for 1300 302 502

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