

COMMONWEALTH OF AUSTRALIA

COMPETITION AND CONSUMER ACT 2010

SAFETY WARNING NOTICE

Pursuant to section 129(1)(b) of the Australian Consumer Law, which is Schedule 2 of the *Competition and Consumer Act 2010*, I, Michael Sukkar, Assistant Treasurer, publish this notice to warn of possible risks involved in the use of consumer goods of the kind specified below.

Particulars of the consumer goods – **Monster High Ghouls Nightie style number 121208**

The Monster High Ghouls Nightie style number 121208 (**Nightie**), pictured below, is a children's nightwear garment which does not comply with the applicable consumer product safety standard for children's nightwear.



Warning of the possible risks involved in the use of the Nighties

This Safety Warning Notice has been issued because testing of the Nighties indicates they do not meet the requirements of the *Consumer Goods (Children's Nightwear and Limited Daywear and Paper Patterns for Children's Nightwear) Safety Standard 2017* as they:

- they burn too quickly to be considered safe; and
- do not meet the fibre content requirements.

The Nightie poses a serious hazard to children, as it is highly flammable, burns too quickly when exposed to flame and does not meet the fibre content requirements as the fabric is too heavy to be considered safe under the safety standard.

If children wear the Nightie and are near heating or exposed to an open flame, they are at risk of suffering serious burns or death.

There is a concern that the Nighties pose an immediate and serious risk of injury or death to children, particularly as it is winter when children are more likely to be exposed to heating and open flames. Children are also likely to be spending more time at home in nightwear near heaters or open flames because of COVID-19 restrictions, particularly in Victoria.

These Nighties were most recently offered for sale on eBay in June and July this year. It appears a total of 53 Nighties were sold during this period, with 51 being sold by a Victorian seller.

Advice to consumers

- The Nighties were previously recalled in October 2015 by Designworks Pty Ltd and Kmart Australia Limited; in February 2017 by Brand Clearance Clothing Pty Ltd, a Victorian discount clothing store; and again in June 2019 by Brand Clearance Clothing Pty Ltd.
- If you have purchased one or more of these Nighties, you should immediately stop using the garment and contact Designworks customer service at (03) 8823 8200 or custservice@designwcc.com.au for a full refund.
- If you are buying children's nightwear, it is important to check that it has a fire warning label attached.
- Do not choose nightwear labelled 'high fire danger' if your child may be near a heat or ignition source.
- Choose well-fitting nightwear: the more loose-fitting the flammable clothing is, the higher the risk of burns if it catches fire.
- Remember even if you choose garments with a low fire danger label, they can still be flammable when children are near to a heat or ignition source.

Advice to suppliers

- These Nighties have been identified as having been for sale despite multiple recalls, apparently due to poor recall procedures by suppliers and sellers.
- Suppliers should ensure products recalled that do not meet the relevant safety standards are adequately either destroyed or adequately modified so as to comply with the relevant safety standards.

- Suppliers (manufacturers, wholesalers, distributors and retailers) are obliged to take the necessary precautions to ensure their products are compliant with applicable safety standards.
- From 1 January 2020, the *Consumer Goods (Children's Nightwear and Limited Daywear and Paper Patterns for Children's Nightwear) Safety Standard 2017* requires children's nightwear to be compliant with the AS/NZS 1249:2014 standard.

24/7/20

Date

A handwritten signature in blue ink, consisting of several stylized, overlapping loops and lines.

The Hon Michael Sukkar MP
Minister for Housing and Assistant Treasurer