



Australian  
Competition &  
Consumer  
Commission



## Balloon-blowing kits

The *Trade Practices Act 1974* provides for the introduction of consumer product safety standards where such standards are reasonably necessary to prevent risk of injury.

Balloon-blowing kits are subject to a consumer product safety standard that prohibits the use of the carcinogenic substance benzene.

Compliance with consumer product safety standards is mandatory. All suppliers — including manufacturers, importers, distributors and retailers — of balloon-blowing kits covered by the mandatory standard must ensure their products comply with the mandatory requirements.



## **The consumer product safety standard (mandatory standard)**

Balloon-blowing kits must comply with the Trade Practices (Consumer Product Safety Standard) Regulations 1979 made under the Trade Practices Act. The provisions for balloon-blowing kits were amended by the Trade Practices (Consumer Product Safety Standard) Regulations (Amendment), gazetted on 26 February 1997.

To help suppliers of balloon-blowing kits comply, a copy of the relevant section of the Trade Practices (Consumer Product Safety Standard) Regulations has been included in this guide.

## **Suppliers' responsibility**

This guide provides an overview of the mandatory requirements for the supply of balloon-blowing kits. It aims to increase supplier understanding of the coverage and application of the mandatory standard.

The guide is of a general nature and there may be important qualifications or exceptions to the mandatory standard that it does not cover. Therefore suppliers should always seek professional advice to ensure their product complies with the mandatory requirements.

Suppliers are responsible for ensuring their balloon-blowing kits meet the safety standard.

## **Coverage and requirements of the mandatory standard**

Balloon-blowing kits usually comprise a tube of synthetic substance and a straw. The user blows through the straw into a plug of the synthetic substance thus expanding it and forming a balloon.

The mandatory standard applies to all balloon-blowing kits and prohibits the use of benzene in the synthetic substance.

## **Retailer information**

Retailers have a responsibility to ensure that the goods they stock meet mandatory safety standards. To aid compliance retailers should always:

- stipulate that the goods they order meet the mandatory standard; and
- undertake visual checks to ensure compliance with the more obvious requirements.



## The ACCC's role

The Australian Competition and Consumer Commission (ACCC) is responsible for enforcing mandatory consumer product safety and information standards.

Because injury prevention is better than cure, the ACCC attaches great importance to promoting compliance with the safety provisions as well as to remedial enforcement action.

It conducts random surveys of retail outlets throughout Australia to detect non-complying products, to assess the overall level of marketplace compliance and to liaise with suppliers. It also investigates allegations by consumers and suppliers about non-complying goods.

The ACCC frequently seeks immediate withdrawal of defective goods from sale and recall of the goods. Other remedies available to the ACCC include injunctions, damages, a requirement for corrective advertising and various ancillary orders.

## Penalties

Supplying goods that do not comply with a mandatory standard is an offence under the Trade Practices Act and may result in fines of up to \$200 000 for corporations and \$40 000 for individuals.

## Product liability

Part VA of the Trade Practices Act contains provisions on product liability. Under the provisions consumers are able to seek compensation or damages for personal injury or other loss caused by a defective product.

Goods will be considered defective 'if their safety is not such as persons generally are entitled to expect'. This is an objective measure of the expectations of the general public and not of one individual.

Generally it is manufacturers or importers of products who are liable under Part VA. However, in instances where 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 through responsible and sensible business practices such as:

- regularly reviewing product design and production;
- implementing and reviewing quality assurance procedures;
- product testing to relevant standards;
- appropriate marketing; and
- providing clear and thorough user instructions.



## **Other legislation**

A State or Territory may have its own product safety standards. For information about State and Territory laws suppliers should contact the relevant consumer affairs or fair trading agency.

## **ACCC website**

Information on product safety and standards is available on the ACCC website: <http://www.accc.gov.au>

The site is regularly updated with news on mandatory standards, bans and recalls. Product safety media releases and links to other useful websites are also available.



## **Trade Practices (Consumer Product Safety Standards) Regulations 1979**

Regulation 10 sets out the requirements for balloon-blowing kits.

Regulation 10 is reproduced below and includes the amendment that was made by the **Trade Practices (Consumer Product Safety Standards) Regulations (Amendment)** Statutory Rule 1997 No. 20.

### **10 Consumer product safety standard for balloon-blowing kits**

- (1) For the purposes of section 65C of the Act, the consumer product safety standard specified in subregulation (2) is prescribed in respect of balloon-blowing kits.
- (2) The consumer product safety standard referred to in subregulation (1) consists of the requirement that the substance contained in balloon-blowing kits that is capable of being used to make inflated balloons shall not contain benzene.
- (3) In this regulation, *balloon-blowing kits* means goods that contain a substance capable of being used to make inflated balloons by the action of blowing the whole or a portion of the substance from a tube (not being a container) contained in the goods.

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## Mandatory standards and bans under the Trade Practices Act as at January 2000

### Mandatory Standards

- Balloon-blowing kits
- Bean bags
- Bicycles
- Bicycle helmets
- Child restraints for motor vehicles
- Children's nightwear — flammability
- Clothing and textile products — care labelling
- Cosmetics and toiletries
- Cots for household use
- Disposable cigarette lighters
- Elastic luggage straps
- Exercise cycles
- Fire extinguishers (portable)
- Flotation toys and swimming aids for children
- Jacks, including trolley jacks
- Motorcycle helmets
- Paper patterns for children's nightwear
- Ramps for motor vehicles
- Sunglasses and fashion spectacles
- Support stands for motor vehicles
- Tobacco products
- Toys for children under 3

### Permanent Bans

- 'Diveman' underwater breathing apparatus
- Gas masks which contain asbestos
- Glucomannan in tablet form
- 'Quickie' line release system
- Seat belt accessories, including 'Klunk Klip', 'Comfix', 'Auto Comfort'
- Sun visors including 'Autotrend Sun Filter' and similar internal visors
- Tobacco products (smokeless)
- Victim toys

### Interim Bans

- Candles with lead wicks

Further details on the mandatory standards and bans can be obtained from ACCC offices.

### ACCC website

Updates on product safety and standards can be obtained from the ACCC website:  
<http://www.accc.gov.au>



## ACCC contacts

### **ACT (National Office)**

Tel: (02) 6243 1111  
Fax: (02) 6243 1199

### **New South Wales**

Tel: (02) 9230 9133  
Fax: (02) 9223 1092

### **Tamworth**

Tel: (02) 6761 2000  
Fax: (02) 6761 2445

### **Queensland**

Tel: (07) 3835 4666  
Fax: (07) 3832 0372

### **North Queensland**

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### **South Australia**

Tel: (08) 8213 3444  
Fax: (08) 8410 4155

### **Tasmania**

Tel: (03) 6215 9333  
Fax: (03) 6234 7796

### **Victoria**

Tel: (03) 9290 1800  
Fax: (03) 9663 3699

### **Western Australia**

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Fax: (08) 9325 5976

### **Northern Territory**

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