



# Victoria Government Gazette

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## Fair Trading Act 1999

### ORDER PROHIBITING THE SUPPLY OF DANGEROUS GOODS

I, Marsha Thomson, Minister for Consumer Affairs, pursuant to the powers conferred on me by Part 3 Division 1 of the **Fair Trading Act 1999** hereby make an order prohibiting the supply in Victoria of goods, as defined in the Schedule 1 of this order, unless the goods comply with the conditions set out in Schedule 2 of this order.

I make this order noting that the supply of the goods the subject of this order has been permanently prohibited (subject to conditions) by reason of their being dangerous under a law of the State of New South Wales by notice dated 8 March 2004 published in the New South Wales Government Gazette on 12 March 2004, thereby satisfying the requirements of section 40(1) and 40(2)(b) of the **Fair Trading Act 1999**.

Dated 1 June 2005

MARSHA THOMSON MP  
Minister for Consumer Affairs

#### SCHEDULE 1

For the purposes of this order, "the goods" means a baby bath support, baby bath seat, baby bath cradle or other device designed to support babies while they are being bathed.

#### SCHEDULE 2

##### Interpretation

In this Schedule, "Warning" means a warning containing –

- (a) a notice stating "WARNING – Children have DROWNED while using bath aids. This is NOT a safety device. ALWAYS keep baby within arm's reach. NEVER leave baby in care of children"; and
- (b) 2 safety alert symbols, with the symbols placed immediately to the left and right of the notice.

For the purposes of paragraph (b) of the definition of "Warning", the safety alert symbol comprises an exclamation point inside an equilateral triangle with a base of at least 30 millimetres, as follows –



##### Conditions

1. The goods and any packaging in which the goods are supplied must bear the Warning.
2. On both the goods and any packaging in which the goods are supplied –
  - (a) that part of the Warning consisting of the notice must bear –
    - (i) the word "WARNING" in capital letters of at least 10 millimetres in height;
    - (ii) the words "DROWNED", "NOT", "ALWAYS" and "NEVER" in capital letters of at least 5 millimetres in height;
    - (iii) the remaining words must be in lower case of at least 2.5 millimetres in height;

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- (b) the Warning must be –
  - (i) permanently affixed to the goods and any packaging;
  - (ii) prominently and conspicuously displayed; and
  - (iii) in a contrasting colour to the colour of the goods and of any packaging.
- 3. The Warning on the goods must –
  - (a) be on the upper surface of the goods;
  - (b) be visible to any person when a baby is in the goods; and
  - (c) not contain any ink, colouring or other material that may run or fade when the goods are subjected to bathing conditions.
- 4. Any packaging in which the goods are supplied or any sign, advertisement or statement relating to or attached to the goods must not contain any indication by words, pictures or otherwise that is inconsistent with the Warning.
- 5. If the packaging in which the goods are supplied is colourless and transparent and the Warning on the goods is clearly legible to a person through the packaging, the Warning is not required on the packaging.

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Explanatory Note

This order permanently prohibits the supply of goods designed to support babies while they are being bathed unless they are labelled with a warning about their use. The object of the order is to reduce the incidence of drownings which occur when infants are being bathed in these products without adequate supervision.

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Level 2 1 Macarthur Street  
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