



**THE FAIR TRADING ACT (CHILDREN'S NIGHT CLOTHES
PRODUCT SAFETY STANDARDS) REGULATIONS 1987**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 21st day of April 1987

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 29 and 30 of the Fair Trading Act 1986, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and on a recommendation of the Minister of Consumer Affairs, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—These regulations may be cited as the Fair Trading Act (Children's Night Clothes Product Safety Standards) Regulations 1987.

(2) These regulations shall come into force on the 1st day of May 1987.

2. Interpretation—(1) In these regulations, unless the context otherwise requires—

“Children's night clothes” means a pair of pyjamas, an over-garment of pyjama style, a nightdress, or a dressing gown, which, under Standard Specification for Children's Night Clothes Having Low Fire Risk (NZS 8705), is suitable for children aged 12 months to 14 years inclusive:

“Fabric that melts” means thermoplastic fabric that, when tested by the method described in Part 2 of the Standard Specification for

Methods of Test for Combustion Characteristics of Textile Materials (NZS 8703), shows any tendency to melt or to allow molten material to drip:

“Low fire risk fabric” means a fabric which meets the Test Requirements specified in the Standard Specification for Low Fire Risk Fabrics for Children's Night Clothes (NZS 8704):

“Marking” means a trade description, instruction or warning:

“Piece” in relation to children's night clothes, does not include belts, cords, sashes, or other trimmings or attachments.

(2) A reference in these regulations to children's night clothes, shall, in the case of a garment having more than 1 piece, be construed as a reference to each piece of the garment.

3. Part of Standard Specification for Children's Night Clothes Having Low Fire Risk (NZS 8705) declared to be product safety standard for certain children's night clothes—Part 2 of Standard Specification for Children's Night Clothes Having Low Fire Risk (NZS 8705) in so far as it relates to design is hereby declared to be a product safety standard for children's night clothes which are not made wholly from low fire risk fabric or which do not comply with the provisions relating to trimmings and attachments contained in Part I of the Standard Specification for Children's Night Clothes Having Low Fire Risk (NZS 8705).

4. Product safety standards for children's night clothes prescribed—The following product safety standards are hereby prescribed for children's night clothes—

- (a) Children's night clothes not made wholly from low fire risk fabric or which do not comply with the provisions relating to trimmings and attachments contained in Part I of the Standard Specification for Children's Night Clothes Having Low Fire Risk (NZS 8705), being children's night clothes which comply with Part 2 of Standard Specification for Children's Night Clothes Having Low Fire Risk (NZS 8705) in so far as it relates to design, shall have affixed to them a marking containing the words “designed to reduce fire risk, keep away from fire”:
- (b) No marking affixed to any children's night clothes to which paragraph (a) of this standard applies shall include the words “low fire risk” or any words implying that the fabric has a low fire risk:
- (c) Every marking attached to any children's night clothes made wholly from low fire risk fabric and which comply with the provisions relating to trimmings and attachments contained in Part I of the Standard Specification for Children's Night Clothes Having Low Fire Risk (NZS 8705) shall, if it relates to the fire risk of the fabric, include the words “low fire risk garment”:
- (d) Children's night clothes made wholly from low fire risk fabric and which comply with the provisions relating to trimmings and attachments contained in Part I of the Standard Specification for Children's Night Clothes Having Low Fire Risk (NZS 8705) shall, if the fabric has been treated by chemical or other means to reduce fire risk, have affixed to them a marking with the following instructions and warnings—

- (i) Where the effect of the treatment would or might be lessened by the use of soap in washing the children's night clothes, the words, "do not use soap, wash in synthetic detergent":
- (ii) Where the effect of the treatment would or might be lessened by boiling the children's night clothes, the words, "do not boil":
- (iii) Where the effect of the treatment would or might be lessened by cleaning the children's night clothes by the use of any other material or method in ordinary use for cleaning children's night clothes, a warning against cleaning the children's night clothes by the use of that other material or method:
- (e) Children's night clothes made of or which contain fabric that melts shall have affixed to them a marking containing the following words "Warning, do not wear under any fabric that burns":
- (f) Every marking which is required to be affixed to any children's night clothes shall be in easily legible lettering of a height of not less than 3 millimetres and shall be—
 - (i) Marked in indelible ink on the children's night clothes to which it relates; or
 - (ii) Stitched into the fabric of the children's night clothes by means of thread of a colour contrasting with the colour of the garment; or
 - (iii) Marked or stitched in the manner prescribed by subparagraph (i) or subparagraph (ii) of this paragraph on or into a permanently affixed label which shall be legible after testing by the test method described in the Standard Specification for Children's Night Clothes Having Low Fire Risk (NZS 8705):
- (g) Where more than one marking is prescribed in respect of any children's night clothes, the markings shall be in close proximity to each other:
- (h) A prescribed marking shall not be combined with or accompanied by any other matter if that other matter would, by illustration, by wording, or by size of lettering, tend to contradict or obscure the required marking:
- (i) Where any children's night clothes which are required to be marked in accordance with paragraph (a), paragraph (d) or paragraph (e) hereof are exposed for sale at retail in a package, and the prescribed marking on the children's night clothes is not readily visible, the package shall be prominently marked with the instructions and warnings prescribed in respect of those children's night clothes.

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 May 1987, prescribe, under the Fair Trading Act 1986, product safety standards for children's night clothes.

Regulation 3 declares, under section 30 of that Act, the provisions of Part 2 of Standard Specification for Children's Night Clothes Having Low Fire Risk (NZS 8705) relating to design to be a product safety standard for children's night clothes which are not made wholly from low fire risk fabric (as that term is defined) or which do not comply with the provisions relating to trimmings and attachments contained in Part 1 of the Standard Specification for Children's Night Clothes Having Low Fire Risk (NZS 8705).

Regulation 4 prescribes, under section 29 of the Act, product safety standards for children's night clothes. These may be stated in the following terms—

- (a) Children's night clothes not made wholly from low fire risk fabric (as that term is defined) or which do not comply with the provisions relating to trimmings and attachments contained in Part 1 of the Standard Specification for Children's Night Clothes Having Low Fire Risk (NZS 8705) and which comply with the provisions of Part 2 of Standard Specification for Children's Night Clothes Having Low Fire Risk (NZS 8705) relating to design are required to have affixed a marking containing the words "designed to reduce fire risk, keep away from fire";
- (b) No marking may be affixed to any children's night clothes of the kind described in paragraph (a) above which includes the words "low fire risk"; or words implying that the fabric of the garment has a low fire risk;
- (c) Every marking attached to any children's night clothes made wholly from low fire risk fabric (as that term is defined) and which comply with the provisions relating to trimmings and attachments contained in Part 1 of the Standard Specification for Children's Night Clothes Having Low Fire Risk (NZS 8705) shall, if it relates to the fire risk of the fabric, include the words "low fire risk garment";
- (d) Children's night clothes made wholly from low fire risk fabric (as that term is defined) and which comply with the provisions relating to trimmings and attachments contained in Part 1 of the Standard Specification for Children's Night Clothes Having Low Fire Risk (NZS 8705), if the fabric has been treated by chemical or other means to reduce fire risk, are required to have affixed to them a marking with the following instructions and warnings—
 - (i) If the effect of the treatment would or might be lessened by the use of soap in washing the garment, the words "do not use soap, wash in synthetic detergent";
 - (ii) If the effect of the treatment would or might be lessened by boiling the garment, the words, "do not boil";
 - (iii) If the effect of the treatment would or might be lessened by cleaning the garment by the use of any other material or method in ordinary use for cleaning such garments, a warning against cleaning the garment by the use of that other material or method;
- (e) Children's night clothes made of or which contain fabric that melts are required to have affixed a marking containing the words, "warning, do not wear under any fabric that burns".

These standards replace the Safety of Children's Night Clothes Act 1977 which is repealed by the Fair Trading Act 1986 on 1 May 1987.

It is an offence under the Fair Trading Act 1986 to supply or offer to supply or advertise to supply goods in respect of which a product safety standard is prescribed otherwise than in compliance with that standard. The remedies available in civil proceedings under Part V of that Act may be sought against such a person.

In addition, under section 32 of that Act a person who has supplied goods which do not comply with a product safety standard may be required to recall the goods or disclose to the public information relating to them or repair the goods or refund the purchase price of the goods.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 23 April 1987.

These regulations are administered in the Department of Trade and Industry.