



**PRODUCT SAFETY STANDARDS (CIGARETTE LIGHTERS)
REGULATIONS 1998**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 14th day of December 1998

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 29 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 the recommendation of the Minister of Consumer Affairs, makes the following regulations.

ANALYSIS

1. Title
2. Interpretation
3. Application
4. Parts of International Standard for Lighters—Safety Specification (ISO 9994:1995E) declared product safety standard for cigarette lighters
5. Labelling
6. Child resistance
7. Certification

8. Compliance with specifications

SCHEDULE

Clauses of International Standard for Lighters—Safety Specification (ISO 9994:1995E) and Variations

REGULATIONS

1. Title—These regulations may be cited as the Product Safety Standards (Cigarette Lighters) Regulations 1998.

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

“The Act” means the Fair Trading Act 1986:

“American Standard” means the Consumer Product Safety Standard for Cigarette Lighters (16 CFR 1210)—

(a) Set out in Part 1210, Title 16 of the Code of Federal Regulations; and

(b) Published in the Federal Register of the United States of America, Vol. 58, No. 131, on 12 July 1993:

“Child” means an individual who is under 5 years of age:

“Cigarette lighter” means a flame-producing device that is designed to light cigarettes, cigars, and pipes; and is either—

(a) Disposable; or

(b) Designed to be refilled with fuel and has a customs value of less than \$3.50:

“Customs value”, in relation to a cigarette lighter, means the Customs value determined in accordance with the Second Schedule of the Customs and Excise Act 1996:

“Disposable”, in relation to a cigarette lighter, means a cigarette lighter which is designed—

(a) To be discarded when its supply of fuel is exhausted; or

(b) To incorporate a separate container of fuel designed to be discarded when empty.

(2) Unless the context otherwise requires, terms and expressions that are not defined in these regulations but that are defined in the Act have the same meaning as in the Act.

3. Application—(1) These regulations apply to—

(a) The wholesale supply of cigarette lighters on and after 15 February 1999; and

(b) The supply of cigarette lighters on and after 15 May 1999.

(2) These regulations do not, however, apply to cigarette lighters—

(a) Carried in the baggage or effects of a person arriving in New Zealand where the number of cigarette lighters carried is 4 or less; or

(b) That are component parts in the manufacture of cigarette lighters for which a certificate of compliance has been issued under regulation 7 (1).

4. Parts of International Standard for Lighters—Safety Specification (ISO 9994:1995E) declared product safety standard for cigarette lighters—The clauses of the International Safety Standard for Lighters—Safety Specification (ISO 9994:1995E) set out in the Schedule together with the variations specified in that schedule are a product safety standard for cigarette lighters for the purposes of section 29 of the Act.

5. Labelling—A cigarette lighter must be labelled in accordance with section 1210.12 (c) of the American Standard.

6. Child resistance—(1) A cigarette lighter must be of a kind that has been—

- (a) Tested in the manner set out in section 1210.4 of the American Standard; and
 - (b) Shown to be resistant to successful operation by at least 85% of the child test panel when tested.
- (2) The mechanism designed or intended to make the cigarette lighter resistant to successful operation by a child must—
- (a) Reset itself automatically after each operation of the ignition mechanism; and
 - (b) Not impair safe operation of the cigarette lighter when used in a normal manner; and
 - (c) Be effective for the functional life of the cigarette lighter; and
 - (d) Not be easily overridden or deactivated.

7. Certification—(1) A certificate of compliance, within the meaning of the American Standard, must have been issued for the cigarette lighter in accordance with that standard.

(2) The certificate of compliance must be produced—

- (a) By the importer of the cigarette lighter to an officer of the New Zealand Customs Service on the entry of the cigarette lighter into New Zealand; and
- (b) By the importer or supplier of the cigarette lighter within 10 days after being requested by a Customs officer or officer of the Commission.

8. Compliance with specifications—A cigarette lighter for which a certificate of compliance has been issued must meet the specifications required under section 1210.15 of the American Standard for that lighter.

Reg. 4

SCHEDULE

CLAUSES OF INTERNATIONAL STANDARD FOR LIGHTERS—SAFETY
SPECIFICATION (ISO 9994:1995E) AND VARIATIONS

Clause	Variation
2	By omitting subclauses 2.1, 2.2, and 2.3.
3	By omitting Note 4 from subclause 3.2. By omitting from subclause 3.2.2.1 the expression “100 mm”, and substituting the expression “125 mm”. By omitting Note 5 from subclause 3.2.2.3. By omitting subclauses 3.3.1, 3.3.2, 3.3.3, 3.3.4, 3.3.5, and 3.6.
4	By omitting all of subclauses 4.2, 4.3, 4.5, 4.8, and 4.9.
5	By omitting from subclause 5.2.2 (c) the expression “5 mm”, and substituting the expression “10 mm”. By omitting all of subclauses 5.5, 5.6, 5.7, 5.11, and 5.12.

MARIE SHROFF,
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 prescribe product safety standards for cigarette lighters. They apply to the wholesale supply of cigarette lighters on and after 15 February 1999 and the supply of all cigarette lighters on and after 15 May 1999. The standards apply both to disposable cigarette lighters and to refillable cigarette lighters with a customs value of less than \$3.50.

The standards specify requirements for safe performance, labelling, and child resistance in readily obtainable cigarette lighters that must be met for the purposes of preventing or reducing the risk of injury to children and other persons.

There are 2 exemptions provided for in *regulation 3*. The product safety standards do not apply to personal items carried by passengers entering New Zealand or to cigarette lighters that are merely a component part of another cigarette lighter. The second exemption is to ensure that the product safety standards do not inhibit design innovations which result in a new product that meets the child resistance requirements of the product safety standards.

Regulation 4 declares certain clauses of the International Safety Standard for Lighters—Safety Specification (ISO 9994:1995E) to be a product safety standard. The applicable clauses and variations to those clauses are set out in the *Schedule*.

Regulation 5 requires cigarette lighters to be labelled in accordance with the requirements of the American Standard. These labelling requirements enable a cigarette lighter to be traced back to the manufacturer.

Regulation 6 requires that a cigarette lighter be tested in accordance with the American Standard that establishes a test intended to ensure that cigarette lighters are resistant to successful operation by children younger than 5 years of age. It also sets out some specific performance requirements for the mechanism which makes the lighter child-resistant.

Regulation 7 requires a certificate of compliance, within the meaning of the American Standard, to have been issued for the cigarette lighter in accordance with that standard. The certificate must accompany imports and be produced on request.

Regulation 8 provides that, where a certificate of compliance has been issued, the cigarette lighter must comply with the specifications required under the American Standard.

It is an offence under section 40 of the Fair Trading Act 1986 to supply, or offer to supply, or advertise to supply, goods in respect of which a product safety standard has been prescribed unless the standard is complied with.

Section 32 of that Act empowers the Minister of Consumer Affairs, in the case of goods that do not comply with a product safety standard, to require the supplier—

- to recall the goods
- to disclose to the public information relating to the goods
- to repair, replace, or refund the price of the goods.

In addition, the Act provides for the granting of injunctions and other remedies that may be obtained against persons who contravene Part III of the Act.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 17 December 1998.

These regulations are administered in the Ministry of Consumer Affairs.