



ARE YOU KEEPING YOUR CHILD SAFE AT NIGHT?

AN OVERVIEW OF CHILDREN'S NIGHTWEAR REGULATIONS IN NEW ZEALAND AND AUSTRALIA

Background

It is mandatory under the respective Australian and New Zealand Regulations that all children's nightwear complies with the Standard AS/NZS 1249:2003. It is illegal to sell children's nightwear that does not comply with these regulations.



All children's nightwear in New Zealand and Australia **must** carry a fire hazard label. The label is designed to provide information relating to the risk of death or injury from fire hazards of a particular garment.

Application of the Regulations

The specific Regulations applying in Australia and New Zealand law are:

- In Australia, the Trade Practices (Consumer Product Safety Standards) (Children's Nightwear and Paper Patterns for Children's Nightwear) Regulations 2007; and
- In New Zealand, the Product Safety (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 2008.

Anyone involved in advertising, manufacturing, distributing and retailing children's nightwear must comply with the specific requirements of the Regulations and AS/NZS 1249:2003. This includes the supply from retail shops, internet retail, market stalls and auctions sites.



The regulations cover children's nightwear sized between 00 and 14 (approximately 6 months to 14 years in age). Some day clothing that can be used as nightwear is also covered. The types of children's wear covered by the Standard and Regulations include (but are not limited to) pyjamas, nightdresses/nightshirts, dressing gowns, infant sleepbags, knitted or woven all-in-ones and loose-style boxer shorts.

Requirements of the Regulations and Standard

The Regulations and Standard set out what types of children's wear must carry labeling and what parts of the standard apply. **The requirements for Australia and New Zealand are different.** AS/NZS 1249:2003 sets out labeling specifications that children's nightwear must meet and the tests which have to be carried out to determine the fire hazard category. The categories are based on a garment fabric type, design and results from flammability testing.

Children's Nightwear in Australia

Nightwear within the Australian marketplace must carry one of two fire hazard labels. Which label is used depends on the category the piece of nightwear falls under, as set out in the Standard.

Nightwear covered in Category 1, 2 and 3 are classified as 'Low Fire Danger' and must carry a white label. Category 4 garments must carry a red 'High Fire Danger' label.



Children's Nightwear in New Zealand

As a result of some serious accidents in New Zealand, AS/NZS 1249:2003 was amended in 2008, with further specifications outlined in "Amendment A". This amendment applies in the New Zealand marketplace only, with the introduction of a new label for Category 2 and 3 garments. Consequently, nightwear within New Zealand must carry one of three fire hazard labels.

Nightwear covered in Category 1 is classified as 'Low Fire Danger' and must carry a white label. Children's nightwear falling into Categories 2 or 3 must carry an orange 'Caution' label. Category 4 garments must carry a red 'High Fire Danger' label.

Fire Hazard Labels

The fire danger labels must be in the correct colour and follow the exact wording as set out in the Regulations. Examples are set out in Figures 1 and 2 below for the Australian and New Zealand marketplaces respectively.



Children's Nightwear with No Labels or Non-Compliant Labels

The supply of children's nightwear without compliant fire hazard labels may place children at risk of injury or death from fire hazards. It is an offence under the Fair Trading Acts in Australia and New Zealand to supply children's nightwear without the proper fire hazard label. The ACCC (in Australia) or Commerce Commission (in New Zealand) may pursue prosecution against individuals and companies who do not comply with the Regulations.



Advice on Children's Nightwear - Testing and Compliance

NZWTA Ltd has a comprehensive understanding of the Regulations involved in children's nightwear and can provide advice to individuals or companies seeking clarification or guidance on these Regulations. NZWTA Ltd also conducts testing in accordance with AS/NZS 1249:2003 and the NZ amendment, with Test Reports providing the relevant results from testing to determine conformance to this standard.

Further Fact Sheets will be available on:

- (a) The tests conducted as part of AS/NZS 1249:2003 and the NZ Amendment 2008; and
- (b) Recently updates to the Standard, approved as AS/NZS 1249:2014

If you are involved with advertising, manufacturing, distribution, or sale of children's nightwear and want to ensure the garments are compliant with current standards and Regulations, *contact NZWTA Ltd on:*