

# BABY WALKERS

## A GUIDE TO COMPLYING WITH THE PRODUCT SAFETY STANDARD

### PRODUCT SAFETY STANDARD: BABY WALKERS

Baby walkers allow children a greater range of movement and speed than they normally would have. This product safety standard aims to minimise the risk of injury associated with children using baby walkers, for example, from falling down stairs or from tipping over.

It is mandatory under the Product Safety Standards (Baby Walkers) Regulations 2001 and the 2005 amendment for all new and second-hand baby walkers supplied in New Zealand to comply with specific sections of the American standard ASTM F977-03 *Consumer Safety Specification for Infant Walkers*. It is illegal to supply a baby walker that does not comply with this standard and the regulations.

The regulations define the term 'baby walker' and set out what parts of the American standard apply to New Zealand.

The standard sets out the specifications a baby walker must meet and the tests which have to be carried out to determine a baby walker meets those specifications.

The regulations are issued under the Fair Trading Act 1986.



### WHO DO THE REGULATIONS APPLY TO?

The regulations apply to any person who supplies, offers to supply or advertises the supply of new or second-hand baby walkers. The regulations apply to people in trade, for example retailers, importers, distributors and manufacturers, and to private sellers.

Supplying can be through displaying baby walkers for sale in a shop, selling at a garage sale or market or advertising a baby walker for sale on an internet auction site.

Baby walkers offered for lease or rent or baby walkers being given away are also types of supply. These baby walkers must also comply with the requirements of the standard and the regulations.

### WHAT TYPES OF BABY WALKERS ARE COVERED BY THE REGULATIONS?

The regulations define a baby walker as a device that:

- consists of a frame on wheels designed to support, inside the frame and with the child's feet touching the ground, a child who has not learned to walk; and
- is propelled by the movement of the child.

All baby walkers offered for sale in New Zealand whether they are new or used must comply with the standard and the regulations. You cannot sell a baby walker that does not comply with the specified clauses of the American standard ASTM F977-03.

The regulations apply to any person who supplies, offers to supply or advertises the supply of new or second-hand baby walkers.

## WHAT DOES THE BABY WALKER SAFETY STANDARD INVOLVE?

The safety standard attempts to minimise the risk of injuries associated with children using baby walkers – for example, from walkers tipping over or falling down stairs.

The regulations require baby walkers to comply with these parts of the American Standard ASTM F977-03:

- general requirements for latches, locking, openings, exposed springs and protective components.
- performance tests for stability, structural integrity and preventing the baby from falling down steps. A baby walker must pass tests that show its ability to remain in contact with, and be supported by, the floor when approaching or travelling over steps.
- structural integrity and stability tests for loads, locking mechanisms, rear tipping resistance and whether the baby walker remains stable when a baby leans over its edge. A baby walker must also pass tests to show it can withstand a force before tipping over when it is against an immovable object, and that it can remain upright when forces are applied forwards and sideways.
- warning information. A baby walker must carry written permanent warnings about its safe use.

The baby walker safety standard contains more details and requirements, some of which are very technical in their nature. You should read both the regulations and the safety standard to make sure you understand all the requirements and testing.

## WHO IS RESPONSIBLE FOR TESTING BABY WALKERS?

For any manufacturer to be able to supply baby walkers carrying information stating that they comply with the ASTM F977-03 standard, their baby walkers must pass the tests set out in the safety standard.

Although it is likely that the manufacturer will have carried out the tests, you are responsible for making sure any baby walker you supply, offer to supply or advertise to supply is safe and complies with the standard and the regulations.

If you are concerned that the required tests have not been carried out, do not sell the baby walker. Ask your supplier to provide information about the safety tests.

## WHO IS RESPONSIBLE FOR MAKING SURE THE BABY WALKERS I SUPPLY ARE SAFE?

It is your responsibility to make sure that any baby walker you supply complies with the standard and the regulations. If you are in business, you should not assume that a baby walker complies simply because the supplier has offered it for sale.

The best way to make sure that the baby walker complies with the standard and the regulations is to check whether it has already passed the tests set out in the standard. Ask to see the safety test results.

## CAN I GIVE MY BABY WALKER TO A FRIEND?

Make sure your baby walker complies with the safety standard and the regulations, regardless of whether you are giving it to a friend or supplying it to someone you don't know.

If you are in any doubt, do not sell it or give it away. You will be held personally liable for supplying any baby walker that does not comply with the standard and the regulations.

If you bought the baby walker **before March 2002**, it is unlikely it will comply with the standard and the regulations.

## WHAT HAPPENS IF I SUPPLY A BABY WALKER THAT DOES NOT COMPLY?

Selling a non-compliant baby walker could put a child at risk of injury or death.

You will also have breached the regulations. It is an offence under section 30 of the Fair Trading Act to supply, offer to supply or advertise to supply a baby walker that does not comply with the standard and the regulations.

The Commerce Commission, which enforces the Fair Trading Act, may take a prosecution against you in court. Companies can be fined up to \$200,000 for each breach of the Act. Individuals can be fined up to \$60,000. For more information on the range of enforcement actions, from warnings through to prosecutions, see the Commission's website at [www.comcom.govt.nz/enforcement-of-the-fair-trading-act](http://www.comcom.govt.nz/enforcement-of-the-fair-trading-act)

In addition to any action taken by the Commerce Commission, you may have to conduct a recall of any baby walkers that you have supplied which do not comply with the Standard. Information on carrying out a product recall is available from the Ministry of Consumer Affairs website [www.consumeraffairs.govt.nz//for-business/compliance/product-safety](http://www.consumeraffairs.govt.nz//for-business/compliance/product-safety)

### EXAMPLE

A retailer was fined for selling unsafe baby walkers. One baby walker collapsed with the baby in it only a few weeks after purchase. The retailer, who had made no attempt to find out if there was a safety standard, tried to repair the collapsed walker with a piece of string.

Following a complaint from the purchaser, the Commission purchased a baby walker from the retailer to test against the standard. The testing found that the baby walker was structurally weak: the seat came away from its mounting. Permanent warning labels, which must be on a baby walker to ensure safe use, were either missing or not in the right form.

## WHERE CAN I GET MORE INFORMATION ON THE STANDARD AND THE REGULATIONS?

The American standard ASTM F977-03 is available to buy from Standards New Zealand by calling 0800 782 632 or via the website [www.standards.co.nz](http://www.standards.co.nz)

You can access the regulations and the Fair Trading Act online at the government's legislation website [www.legislation.govt.nz](http://www.legislation.govt.nz). The information on this website is free.

You can buy a copy of the regulations and the Fair Trading Act from selected bookshops.

## WHAT OTHER PRODUCTS ARE COVERED BY PRODUCT SAFETY STANDARDS?

There are five other product safety standards covering:

- children's toys;
- children's nightwear;
- cots;
- pedal bicycles; and
- cigarette lighters.

Any toys attached to a baby walker must comply with the product safety standard for children's toys.

A fact sheet is available for each product safety standard. For more information on each standard visit the Commission's website at [www.comcom.govt.nz/product-safety-standards](http://www.comcom.govt.nz/product-safety-standards)

## USEFUL TERMS

- Breach – to break the law or not comply with an Act or regulations
- Comply – to meet obligations and rules
- Consumer – a person who buys from a retailer, an end-user
- In trade – a person who runs a business selling goods or services such as a retailer, manufacturer or importer
- Mandatory – compulsory, a set of rules or guidelines that must be followed
- Regulations – legislation made under an Act, in this case under the Fair Trading Act
- Supply – supply by gifting, sale (including online sales), exchange, lease, hire or hire purchase.

To check for updates to this fact sheet visit:

[www.comcom.govt.nz/product-safety-standards](http://www.comcom.govt.nz/product-safety-standards)

This fact sheet is part of a series looking at the Fair Trading Act. Other fact sheets can be downloaded from [www.comcom.govt.nz/fair-trading](http://www.comcom.govt.nz/fair-trading)

## CONTACT

Contact the Commerce Commission with information about false or misleading trading practices.

### TELEPHONE

Our Contact Centre during office hours on 0800 943 600

### WRITE

To us at Contact Centre, PO Box 2351, Wellington 6140

### EMAIL

Us at [contact@comcom.govt.nz](mailto:contact@comcom.govt.nz)

This fact sheet is a guideline only, and reflects the Commerce Commission's view. The publication is not intended to be definitive, and should not be used instead of legal advice. It is traders' responsibility to remain up to date with legislation.

The Commerce Commission enforces legislation that promotes competition in New Zealand markets and prohibits misleading and deceptive conduct by traders.

Only the courts can make an authoritative ruling on breaches of the Fair Trading Act. Courts may fine companies found guilty of breaching provisions of the Fair Trading Act up to \$200,000 and individuals up to \$60,000.