



UPDATES TO REGULATIONS RELATING TO CHILDREN'S NIGHTWEAR

AN OVERVIEW OF RECENT CHANGES EFFECTING REGULATIONS IN NEW ZEALAND AND AUSTRALIA

Background

In 2015 NZWTA produced a Fact Sheet on the Regulations pertaining to the Australian and New Zealand Regulations for children's nightwear and the respective Standard AS/NZS 1249:2003 (and NZ Amendment 2008). Recent changes to this Standard and the Regulations in both countries have necessitated an update to the Fact Sheet.

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

The New Standard: AS/NZS 1249:2014

The new Standard AS/NZS1249:2014 supersedes the earlier 2003 version. Two amendments to the 2014 standard were introduced in November 2014 and September 2017 – both of these form the latest standard and must be adhered to in order to be fully compliant.



The Relevant Regulations

The specific changes to 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 **will be revoked on 31 December 2019**. From 1 January 2020, suppliers must only comply with the requirements in Consumer Goods (Children's Nightwear and limited daywear and Paper Patterns for Children's Nightwear) Safety Standard 2017.
- In New Zealand, the Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 2008 was revoked on 17 April 2017. **All suppliers must comply with the Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 2016.**

Key Changes to the Standard and Regulations

The Regulations and Standard set out what types of children's wear must carry labeling and what parts of the standard apply. Earlier versions of the Regulations meant that **the requirements for Australia and New Zealand were different, however they are now largely the same**. AS/NZS 1249:2014 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.





Categories

Nightwear for children (and some daywear) is still classified into one of four categories, according to garment type, fabric or design. They are summarised below:

Category 1 - Garments made from fabrics that are deemed to be low fire hazard;

Category 2 - Garments that are considered to be safe because of their form fitting design;

Category 3 - All-in-ones of sizes 00- 2, made from predominantly-knitted fabrics with a pile or nap;

Category 4 - Garments that are made from fabric or designs that are considered to have higher flammability risk than the other categories.

Note: Classification is on the basis of testing conducted according to AS/NZ 1249:2014. Some garments are so flammable they cannot meet any of the four categories. Under such circumstances these garments cannot be given a label and must not be sold.

Labelling of Children's Nightwear

The labels to be used on children's nightwear is now the same for New Zealand and Australia. Only two labels may be used (the earlier Standard applied three labels in New Zealand).



WHITE LABEL

Garments that meet Categories 1, 2 or 3 of the Standard require the white fire hazard label.



RED LABEL

Garments that meet Category 4 of the Standard require the red fire hazard label.

Other Changes

- Category 3 all-in-ones, size 00 – 2 made from knitted fabrics that do not have a pile or nap do not require a label;
- The flame spread test used in category 1 has been modified and now measures melting and dripping (of significance to thermoplastic fibres);
- The types of garments covered by the standard are listed and there is no separate definition of nightwear. It includes garments that are worn at night and not necessarily slept in;
- Trims have been reviewed and are more clearly defined;
- Where products are sold online, the fire hazard information is required to be displayed;
- Blankets and towels that incorporate a sleeve or arm opening are now included;
- The use of cellulosic, acetate and acrylic fibres in category 4 requirements has been simplified.

Advice on Children's Nightwear - Testing and Compliance

NZWTA Ltd has a comprehensive understanding of the Standard and Regulations involved in children's nightwear and can provide advice to those seeking clarification or guidance on these Regulations. NZWTA Ltd also conducts testing in accordance with AS/NZS 1249:2014 and its amendments, with Test Reports determining conformance to this standard.

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:*

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