

New Zealand Issued an Indefinite Prohibition Notice for Inclined Infant Sleep Products

Published in the New Zealand Gazette dated 2022-02-08, Notice No. 2022-go383 titled *Unsafe Goods (Inclined Infant Sleep Products) Indefinite Prohibition Notice 2022* revoked the previous Notice No. 2020-go3525, with a purpose to further mitigate the risk of infant deaths attributed to the use of **inclined infant sleep products**, in view of the fact that inclined infant sleep products have been implicated in at least 73 infant deaths in the USA, and those with similar designs and risk characteristics have been identified as being sold in New Zealand.

In this respect, the *Unsafe Goods Notice*, pursuant to section 31 of the Fair Trading Act 1986, now declares inclined infant sleep products to be **unsafe goods**, and **bans** the further supply of new or second-hand inclined infant sleep products indefinitely.

Definitions and Scope:

The notice applies to the supply of, or offer to supply, or advertisement to supply, inclined infant sleep products. The terms “Infant” and “Inclined Infant Sleep Products” are defined as below:

Term	Definition
Infant	A child under 1 year of age
Inclined Infant Sleep Products	Any products: 1. which are intended to contain an infant; and 2. which are designed, intended, marketed, or contain any representation that they are suitable for an infant to sleep in; and 3. which are freestanding, or designed to be attached to another structure; and 4. which have sleep surfaces angled more than seven degrees from the horizontal when — - the products are unladen; and - at any angle designed, intended or marketed for sleep; and - the products are at rest, in the case of products that rock or swing; and 5. excluding medical devices; and 6. excluding hammocks, being products constructed from a flexible material and suspended from above or either side

Furthermore, the following products are explicitly described as **not within the scope** of the notice:

1. Child restraints such as car seats or capsules, being products designed for the transport of children and that comply with the Land Transport (Road User) Rule 2004;
2. Wheeled products designed to transport children, such as prams or strollers;
3. Products that are designed to carry an infant on the body of another person, such as slings and baby carriers;
4. Products with an adjustable incline, where every angle designed, intended or marketed for sleep is equal to or less than seven degrees from the horizontal;

5. Products that are:
- i. designed, intended and marketed only for play and/or the amusement of infants and young children, such as bouncers and play seats;
 - ii. and not designed, intended, marketed, or containing any representation that they are suitable for sleep.
 - Note: The warning statements set out in the European Standard EN 12790:2009 Child use and care articles – Reclined cradles, or warning statements that include the phrase or part of the phrase “not for prolonged periods of sleeping”, do not constitute a representation that a product is suitable for sleep when: (a) marked on the product; and/or (b) included in the instructions for use.

Effective Date:

The notice came into force on the date of publication in the New Zealand Gazette, **2022-02-08**.

References:

<https://www.gazette.govt.nz/notice/id/2022-go383>

<https://www.gazette.govt.nz/notice/pdf/2022-go383>

STC (Hong Kong Standards and Testing Centre) is a not-for-profit, independent testing, inspection and certification organization. With a global network of ISO/IEC 17025 accredited testing laboratories and over 50 years of experience in consumer product testing, we can meet your conformity assessment needs with highly efficient and reliable service.

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