

Unsafe Goods (Hot Water Bottles) Permanent Prohibition Notice 2016

This notice is issued pursuant to section 31 of the Fair Trading Act 1986 and relates to the prohibition of supply of a certain class of rubber and PVC hot water bottles.

Notice

- 1. Title**—This notice is the Unsafe Goods (Hot Water Bottles) Permanent Prohibition Notice 2016.
- 2. Commencement**—(1) This notice comes into force on the date of publication in the *New Zealand Gazette*.
(2) This notice may be amended or revoked by notice in the *New Zealand Gazette*.
- 3. Application**—This notice applies to rubber and polyvinyl chloride (PVC) hot water bottles supplied, or offered for supply, or advertised for supply, in trade.
- 4. Certain hot water bottles declared to be unsafe goods**—(1) Rubber and PVC hot water bottles are declared to be unsafe if:
 - a. they do not meet *BS1970:2012 Hot water bottles manufactured from rubber and PVC - specification* (as amended by Schedule 1); or
 - b. the documents required by Schedule 2 to be issued in respect of the hot water bottles have not been issued in accordance with that schedule, or are not held by the supplier or importer.

5. Revocation—The Unsafe Goods (Hot Water Bottles) Notice 2015, published in the [New Zealand Gazette, 18 June 2015, Issue No. 68, Notice No. 2015-go3520](#), is revoked.

Schedule 1

(1) For the purposes of this notice, Schedule 1 modifies the requirements set out in *BS1970:2012 Hot water bottles manufactured from rubber and PVC - specification* accordingly:

- a. Clause 8.1: omit “the identification of the European manufacturer, or the UK distributor for bottles manufactured outside the European Union, and”

Schedule 2

(1) The following documents are required to be issued for the purposes of 4(1)(b):

- a. A test certificate or report to BS1970:2012, issued by a laboratory that holds ISO 17025 accreditation to BS1970:2012 and that has been endorsed under the laboratory’s ISO 17025 accreditation; and that:
 - i. is dated no more than 36 months prior to the date of import of the hot water bottles;
 - ii. clearly identifies the product, including the make, model, material, capacity, closure type, and photograph(s) of the hot water bottles and markings thereon to which the test certificate or report applies;
 - iii. states the date, or date range, the testing was conducted; and
 - iv. states the full test results and that all relevant tests for the hot water bottles’ construction and closure type have been met as per BS1970:2012 as modified by Schedule 1.

(2) The documents must be held by the supplier or importer.

(3) The documents must be presented on request by the New Zealand Customs Service or the Commerce Commission.

Dated at Wellington this 14th day of December 2016.

HON PAUL GOLDSMITH, Minister of Commerce and Consumer Affairs.

Explanatory note

This note is not part of the notice but is for explanatory purposes only.

This notice revokes the Unsafe Goods (Hot Water Bottles) Notice 2015 and replaces it with a permanent prohibition of rubber and PVC hot water bottles, for supply in trade, that do not comply with clause 4. This permanent unsafe goods notice is issued under section 31 of the Fair Trading Act 1986 (“Act”). It is an offence under the Act to supply, or offer to supply, or advertise to supply, goods which are declared to be unsafe goods. Under the Act, a supplier includes an importer.

New Zealand Customs Service requirements

Section 33 of the Act prohibits the importation of goods into New Zealand that have been declared unsafe under Part 3. This section also deems unsafe goods to be prohibited from import under section 54 of the Customs and Excise Act 1996.

All persons importing hot water bottles for supply in trade after the date of this notice may need to provide the New Zealand Customs Service with acceptable documentation demonstrating that the import of those hot water bottles is not prohibited by this notice.

Commerce Commission requirements

Section 31(5) of the Act prohibits the supply, or offer to supply, or advertisement to supply goods in respect of which there is in force an unsafe goods notice. All persons supplying, or offering to supply, or advertising to supply hot water bottles to which this notice applies must comply with the requirements of the Commerce Commission.

2016-go7272
