



Australian  
Competition &  
Consumer  
Commission

# Product safety

## Treadmills

### Supplier guide



**LIFECORE Ex. 1007**

Australian Competition and Consumer Commission  
23 Marcus Clarke Street, Canberra, Australian Capital Territory, 2601

First published by the ACCC 2010

10 9 8 7 6 5 4 3 2 1

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#### **Important notice**

This publication has been updated to refer to the *Competition and Consumer Act 2010* which replaces the *Trade Practices Act 1974* on 1 January 2011. For more information on the Australian Consumer Law changes see [www.consumerlaw.gov.au](http://www.consumerlaw.gov.au)

The information in this publication is for general guidance only. It does not constitute legal or other professional advice, and should not be relied on as a statement of the law in any jurisdiction. Because it is intended only as a general guide, it may contain generalisations. You should obtain professional advice if you have any specific concern.

The ACCC has made every reasonable effort to provide current and accurate information, but it does not make any guarantees regarding the accuracy, currency or completeness of that information.

ISBN 978 1 921887 10 9

ACCC 11/10\_44181\_202

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## Treadmills

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# Contents

<b>Treadmills</b>	<b>2</b>
What is this guide about?	2
Who should read this guide?	2
What is a treadmill?	2
<b>What are the hazards?</b>	<b>2</b>
Friction burns	2
<b>Mandatory standard</b>	<b>3</b>
Does this standard apply to my business?	3
<b>Meeting mandatory requirements</b>	<b>3</b>
Permanent warning label	3
<b>Your responsibilities as a supplier</b>	<b>4</b>
Information for retailers	5
Providing safety advice to consumers	5
<b>Trade Practices (Consumer Product Safety Standards) (Treadmills) Regulations 2009</b>	<b>6</b>
<b>Role of the ACCC</b>	<b>9</b>
Mandatory safety standards	10
Mandatory information standards	12
Interim bans	12
Permanent bans	12
Penalties	12
<b>Key terms used in this guide</b>	<b>13</b>
<b>Contacts</b>	<b>15</b>

# Treadmills

## What is this guide about?

Under the Australian Consumer Law (ACL), mandatory consumer product safety standards are introduced when considered reasonably necessary to prevent or reduce the risk of injury. This guide provides a summary of the requirements for supply of treadmills.

## Who should read this guide?

Manufacturers, distributors, importers, wholesalers, retailers and hire companies of treadmills should read this guide to familiarise themselves with the mandatory safety requirements for this product.

## What is a treadmill?

Under the mandatory standard, a treadmill is defined as:

- an exercise device that consists of an endless conveyor belt that is rotated either manually or by a motor and on which a person can walk or jog in one place.

# What are the hazards?

The ACCC has identified significant hazards associated with treadmills, particularly for young children.

## Friction burns

A significant number of Australian children have suffered severe injuries, particularly friction burns to their hands and fingers, from treadmills. Injuries have occurred in many instances when a child has tried to touch or climb onto a treadmill in use by an adult and has not been seen from behind. Injuries have included:

- minor burns to more serious burns requiring skin grafts and extended periods of rehabilitation
- potential for the permanent loss of use of a hand or fingers.

# Mandatory standard

The mandatory standard for treadmills is made by the Trade Practices (Consumer Product Safety Standard) (Treadmills) Regulations 2009.

The mandatory standard applies to the supply of new and second-hand treadmills from 1 December 2009.

## Does this standard apply to my business?

Under the ACL, supply includes selling, exchanging, leasing, hiring out or offering for sale through hire purchase. If you are in the business of supplying treadmills, this mandatory standard applies to you.

# Meeting mandatory requirements

To comply with the mandatory standard for treadmills, you and your business must meet all the requirements for labelling.

The following is a key requirement of the mandatory standard.

## Permanent warning label

The permanent warning label must be displayed in a conspicuous location that is visible to the user of the treadmill when it is in use.

### Specific wording

The warning label must have specific wording that states:

‘WARNING: keep young children away from this machine at all times. Contact with the moving surface may result in severe friction burns.’

**WARNING:** keep young children away from this machine at all times. Contact with the moving surface may result in severe friction burns.

### Warning size and position

The word WARNING must be in bold, upper case letters not less than 5 mm in height and the other words must be in lower case letters not less than 2.5 mm in height.

The warning label must be separate from any other warning or label.

## Your responsibilities as a supplier

As a supplier, you are legally responsible for ensuring new and second-hand treadmills meet the mandatory safety standard requirements, which are enforceable by law. Failure to comply can result in legal action, penalties and/or recalls.

All suppliers are equally responsible for ensuring that the products they supply meet the requirements of the mandatory standard.

To do this, we strongly advise you to take the following steps:

- Read requirements specified in the consumer protection notice printed in this guide. If the notice declares all or part of an Australian Standard published by SAI Global as the mandatory standard, you must also read the requirements specified in the Australian Standard. You can buy copies of Australian Standards from SAI Global (call 131 242 or visit [www.saiglobal.com/shop](http://www.saiglobal.com/shop)).
- Have systems in place to visually check these products to ensure they comply with the requirements of this mandatory standard.
- Where necessary, use reports from reliable, independent testing laboratories to verify compliance.
- Register to receive automatic email updates from the Product Safety Australia website ([www.productsafety.gov.au](http://www.productsafety.gov.au)) to help ensure you are aware of the latest product safety information.

## Information for retailers

If you are a retailer, you are responsible for ensuring that the products you supply meet the requirements of mandatory safety standards. To ensure that the treadmills you sell comply with the mandatory standard, you should always:

- stipulate that any treadmills you order must meet the mandatory standard
- undertake visual checks of delivered stock where possible to check compliance with the requirements of the mandatory standard
- obtain and keep reliable written verification from independent sources that products have been tested to, and meet, the mandatory requirements.

## Providing safety advice to consumers

Retailers can provide additional safety advice to consumers, such as:

- wherever possible, use the treadmill in a room away from young children
- do not allow young children near a moving treadmill
- if possible, store the treadmill away from children.



# Trade Practices (Consumer Product Safety Standards) (Treadmills) Regulations 2009



## **Trade Practices (Consumer Product Safety Standard) (Treadmills) Regulations 2009<sup>1</sup>**

**Select Legislative Instrument 2009 No. 107**

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I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Trade Practices Act 1974*.

Dated 4 June 2009

QUENTIN BRYCE  
Governor-General

By Her Excellency's Command

CHRIS BOWEN  
Minister for Competition Policy and Consumer Affairs

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## Regulation 1

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### 1 Name of Regulations

These Regulations are the *Trade Practices (Consumer Product Safety Standard) (Treadmills) Regulations 2009*.

### 2 Commencement

These Regulations commence on day after they are registered.

### 3 Purpose

These Regulations prescribe a consumer product safety standard for treadmills.

### 4 Application

- (1) On and after 1 August 2009, these Regulations apply to treadmills that are:
  - (a) manufactured in Australia on or after that day; or
  - (b) imported into Australia on or after that day.
- (2) On and after 1 December 2009, these Regulations apply to all treadmills:
  - (a) manufactured in Australia, no matter when they were manufactured; and
  - (b) imported into Australia, no matter when they were imported.

### 5 Definitions

In these Regulations:

*Act* means the *Trade Practices Act 1974*.

*treadmill* means an exercise device that consists of an endless conveyor belt that is either rotated manually or by a motor and on which a person can walk or jog in one place.

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2	<i>Trade Practices (Consumer Product Safety Standard) (Treadmills) Regulations 2009</i>	2009, 107
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**6 Safety standard**

- (1) For paragraph 65C (2) (c) of the Act, a treadmill must display a permanent warning label that is conspicuous and visible to a user of the treadmill when the treadmill is being used.
- (2) The warning label must bear the following statement:  
“**WARNING:** Keep young children away from this machine at all times. Contact with the moving surface may result in severe friction burns.”
- (3) For the statement mentioned in subregulation (2):
  - (a) the word “WARNING” must appear in bold upper case letters and be not less than 5 millimetres in height; and
  - (b) the remaining words must be in lower case letters and be not less than 2.5 millimetres in height.
- (4) The warning label must be separate from any other warning or label on the treadmill.

**Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.

# Role of the ACCC

To minimise the risk of injury associated with consumer products, the ACCC undertakes a variety of activities:

- Consulting with suppliers and other agencies to identify non-compliant goods.
- Developing mandatory safety and information standards, when necessary.
- Informing and educating suppliers about emerging hazards and requirements of mandatory standards or bans.
- Liaising with suppliers to assist them in understanding how to comply with the standards or bans.
- Promoting benefits of compliance with mandatory safety standards or bans.
- Assessing overall levels of marketplace compliance with mandatory safety standards or bans.
- Informing and educating consumers to choose only compliant products, report suppliers of non-compliant goods to the ACCC and always use products safely.
- Conducting compliance surveys or inspections among retail outlets to detect non-complying products.
- Conducting compliance surveys or inspections of wholesalers and importers that have supplied non-compliant goods to retailers.
- Investigating allegations from consumers and suppliers about supply of non-compliant products.
- Investigating possible breaches found during compliance surveys or inspections.
- Seeking the immediate withdrawal of non-compliant or unsafe products from sale.
- Seeking the recall of non-compliant or unsafe products from the market.
- Taking action against suppliers including:
  - substantiation, infringement or public warning notices
  - court enforceable undertakings, injunctions and various other court orders
  - damages, compensation orders, disqualification orders, and civil penalties
  - adverse publicity orders or requirements for corrective advertising
  - prosecutions resulting in criminal sanctions (fines).

## Product liability

Parts 3–5 of the ACL (which forms Schedule 2 to the *Competition and Consumer Act 2010* (CCA)) contains provisions on product liability. Under these provisions, consumers can seek compensation or damages for personal injury or other loss caused by a safety defect in products supplied by a manufacturer.

Goods with a safety defect are those that are not as safe as what people are generally entitled to expect.

Generally the manufacturers or importers of products are liable under Parts 3–5 of the ACL. But if other suppliers, such as retailers, cannot identify the manufacturer or importer, they may be deemed liable for the damages.

Suppliers may reduce their exposure to product liability action by using these responsible and sensible business practices:

- conducting regular reviews of product designs and production
- implementing and reviewing quality assurance procedures
- testing products regularly to relevant standards, including batch testing
- conducting appropriate marketing
- providing clear and thorough user instructions
- where necessary, conducting a quick voluntary recall of any products that are defective or unsafe.

## Mandatory safety standards

- Aquatic toys
- Babies' dummies
- Baby bath aids
- Baby walkers
- Balloon-blowing kits
- Basketball rings and backboards
- Bean bags
- Bicycle helmets
- Bunk beds
- Child restraints for motor vehicles

- Children's household cots
- Children's nightwear
- Children's nightwear—paper patterns
- Children's portable folding cots
- Corded internal window coverings
- Disposable cigarette lighters
- Elastic luggage straps
- Exercise cycles
- Fire extinguishers—portable aerosol
- Fire extinguishers—portable non-aerosol
- Hot water bottles
- Jacks—trolley
- Jacks—vehicle
- Motorcycle helmets
- Moveable soccer goals
- Pedal bicycles
- Portable ramps for motor vehicles
- Projectile toys
- Prams and strollers
- Reduced fire risk cigarettes
- Sunglasses and fashion spectacles
- Swimming and flotation aids for water familiarisation and swimming tuition
- Toys containing magnets
- Toys for children—lead and certain elements
- Toys for children up to and including 36 months of age
- Treadmills
- Vehicle recovery straps
- Vehicle support stands

## Mandatory information standards

- Care labelling—clothing and textile products
- Cosmetics and toiletries—ingredient labelling
- Tobacco products—labelling

## Interim bans

- Interim bans may be made by the State, Territory or Commonwealth Minister. Their duration may be 60-120 days. Check the Product Safety Australia website ([www.productsafety.gov.au](http://www.productsafety.gov.au)) for details of any interim bans.

## Permanent bans

- Candles with lead wicks
- Fire footbags and other such goods
- Gas masks with asbestos breathing devices
- Glucomannan in tablet form
- Jelly cups containing konjac
- No holes tongue studs
- Smokeless tobacco products
- Tinted headlight covers
- Toothpaste containing DEG (Diethylene glycol)

## Penalties

Supplying products or product-related services that do not comply with a mandatory standard is an offence under the ACL.

Fines for non-compliance are:


- up to \$1.1 million for companies
- up to \$220 000 for individuals.

# Key terms used in this guide

Below is a list of some key terms that have been used in this guide.

Australian Consumer Law (ACL)	The ACL replaces previous Commonwealth, state and territory consumer protection legislation in fair trading acts. It is contained in a schedule to the <i>Trade Practices Act 1974</i> , which has been renamed the <i>Competition and Consumer Act 2010</i> (CCA).
<i>Competition and Consumer Act 2010</i> (CCA)	The <i>Competition and Consumer Act 2010</i> (formerly the <i>Trade Practices Act 1974</i> ) deals with almost all aspects of the marketplace: the relationships between suppliers, wholesalers, retailers, competitors and customers. It covers anti-competitive conduct, unfair market practices, industry codes, mergers and acquisitions of companies, product safety, product labelling, price monitoring, and the regulation of industries such as telecommunications, gas, electricity and airports.
mandatory consumer product safety standard	<p>The Commonwealth Minister can prescribe compulsory safety standards for consumer goods and product related services. Suppliers must not supply goods or services that do not comply with a safety standard for goods of that kind.</p> <p>Safety standards require goods to comply with particular performance, composition, content, design, construction, finish, labelling or packaging rules.</p> <p>Visit <a href="http://www.productsafety.gov.au">www.productsafety.gov.au</a> for a list of products that mandatory safety standards currently apply to in Australia</p> <p>Many mandatory standards are based on Australian voluntary standards published by SAI Global.</p>
mandatory consumer product information standard	Information standards require provision of prescribed information to consumers when they buy certain goods. This information is to protect consumers from injuries that could result if they use the product inappropriately.
supplier	Anyone in the business of sale, exchange, lease, hire or hire-purchase of goods or provision, granting or conferring of services.





supply	Sale, exchange, lease, hire or hire-purchase of goods or provision, granting or conferring of services.
treadmill	An exercise device that consists of an endless conveyor belt that is rotated either manually or by a motor and on which a person can walk or jog in one place.

# Contacts

## Australian Competition and Consumer Commission

### Product safety

For more information about mandatory standards, bans, recalls and emerging issues—and to subscribe to email alerts and RSS—visit our websites:

[www.productsafety.gov.au](http://www.productsafety.gov.au)

[www.recalls.gov.au](http://www.recalls.gov.au)

You can also follow us on Twitter: @ProductSafetyAU

ACCC Infocentre: 1300 302 502

Callers who are deaf or who have a hearing or speech impairment can contact us through the National Relay Service:

[www.relayservice.com.au](http://www.relayservice.com.au)

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## SAI Global

To obtain copies of  
mandatory Australian/New  
Zealand standards, contact  
SAI Global on 131 242 or  
visit the SAI Global website  
at [www.saiglobal.com/shop](http://www.saiglobal.com/shop).

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