

More thought needed in choosing commercial seating for public places, says AFRDI

AFRDI is calling on people who supply and use fixed height seating in public spaces to exercise care in their choice of seating.

In a blunt message, Institute Chairman Peter McCutcheon says the process of exercising care really comes down to choosing a chair certified by AFRDI. AFRDI is the principal chair testing authority in Australia, and endorses products which test successfully with its AFRDI Blue Tick.

AFRDI tests based on national and international standards, and where these do not provide coverage, such as coping with the effects of increasing obesity, the institute develops its own standards.

“For the safety of their customers and themselves, commercial premises should only buy chairs which feature the AFRDI Blue Tick,” Mr. McCutcheon said.

Institute CEO Bob Panitzki added: “There have been recent reports of commercial seating causing injuries and failing, some resulting in financial penalty. It is paramount that people assess the likely use a chair will face, and purchase accordingly.”

AFRDI tests fixed height chairs to two standards – one assuming a maximum user weight of about 100 – 110kg, and the other, more severe standard, starting with extensive testing at the 135kg mark and offering options for people up to 160kg, 185kg and 300kg.

“We developed the more severe testing regime – AFRDI Standard 151 – because we believe it is not safe to assume that lightweight seating is necessarily suitable for all public seating, where there is generally no control over who sits where,” Mr Panitzki said.

“You can’t put up a notice in a café or a library suggesting so-called normal people sit here, and that the big chairs at the far end are for heavy people. It just doesn’t work that way, and for safety’s sake, we should assume that almost all public seating should be able to safely accommodate society’s larger individuals.”

Mr Panitzki said that while recent incidents involving chair safety - and including extreme injuries – were creating a sensational focus on safety, the broader issues of safety in public seating should also be addressed in a meaningful way: the simplest way being the purchase of tested and certified products.

Mother hopes daughter's death will increase focus on safety with domestic furniture

A Perth woman whose two-year-old daughter was crushed by a television hopes an inquest into the toddler's death will raise public awareness about the dangers of not securing appliances to a wall or furniture.

Megan Cammilleri's daughter Jasmine died of chest injuries after a 37-inch television fell on her in the family room of their Atwell home in February 2013. Mrs Cammilleri told the Perth Coroner's Court her daughter was a "dream" child who liked to climb on things.

She said the toddler had started climbing on the television cabinet a couple of months before the accident, but she said she did not recall ever thinking it was a problem because the TV was not very heavy.

The inquest heard on the day of her death, Mrs Cammilleri had left her daughter watching a DVD to go to an adjoining room to make a phone call and send an email. When she heard a scream and a loud thump she rushed into the room to find Jasmine lying on her back, unresponsive, with the TV, screen up, lying over her chest.



Mrs Cammilleri said when she bought the TV, she recalled the sales assistant talking about "brackets" for the television but she thought it "sounded just like aesthetics". Mrs Cammilleri said the family thought they'd do the recommended safety work later.

The inquest was told the instruction manual contained a warning recommending that the TV be attached to the floor, a wall or a desk, however Mrs Cammilleri said she did not recall ever reading the manual and it was "highly unlikely" her husband did either.

Mrs Cammilleri she said she now hoped the inquest would lead to people selling TVs to make "a bit more of an effort" to explain the need to secure them, using straps or brackets. "It's not just an aesthetics concern, it's for safety.

"You could say the TV itself is not particularly heavy, but if it gets your child in the wrong spot it can be lethal."

Chair collapse brings compensation payout

A Western Australian shire has been ordered to pay the Education Department almost \$220,000 after a self-assembled chair collapsed and injured a visiting teacher.

In June 2013, Northam High School teacher Jane Pisan was supervising students at a youth forum held at the Northam Recreation Centre.

The group was seated on chairs purchased by the shire in 2011 from Ikea, and they were regularly used in the recreation centre's indoor sports hall.

Ms Pisan was sitting on one of the chairs when it collapsed underneath her, causing a serious knee injury. She took action against the Education Department for workers compensation and was subsequently awarded \$218,213.74, which was paid by the department. The Education Minister then commenced action against the Shire of Northam, arguing its negligence in preventing Ms Pisan's injuries indemnified the department.

Same chairs had collapsed before, court told

The case was heard in the Perth District Court earlier this year, with counsel for the Minister, David Clyne, arguing the 270 Martin chairs purchased by the shire from Ikea — at a total cost of \$9,450, were ill-suited to be used on the sports hall's wooden floor. The chairs comprised a moulded plywood seat, which was screwed to two identical u-shaped tubes bolted together at right angles to create four legs, and were designed to be assembled after purchase using a supplied Allen key.

Mr Clyne also presented evidence that several other chairs purchased by the shire had previously collapsed in a similar manner to the chair Ms Pisan was sitting on before her injury.

In his findings, Justice Phillip McCann ruled the shire was aware of previous issues with the Martin chairs prior to the incident involving Ms Pisan, and should have reasonably suspected a problem.

New Indonesian timber import regulations may affect trade with Australia

New Indonesian government regulations now in force will require businesses importing certain regulated timber products into Indonesia to register with the Indonesian Minister of Trade and to undertake due diligence checks on the legality of their timber imports.

The regulations cover 358 tariff codes under chapters 44 (wood products), 47 (wood pulp), 48 (paper products) and 94 (furniture) of the Harmonised Tariff Code System. As part of this process, Indonesian importers may start requesting Australian businesses to provide certain documentation demonstrating the legality and sustainability of their products.

The Department of Agriculture and Water resources has recently written to businesses who have exported timber products to Indonesia over the last year to explain the situation and options for maintaining access to the Indonesian market. If you have any questions about the new regulations or how they might affect your business, please send an email to the department. illegallogging@agriculture.gov.au

When the big end of town calls for participants in a re-shoring project, you can probably bet there's a business trend emerging

For the past couple of years, we at AFRDI have looked on with interest as the United States, and to a lesser extent the United Kingdom, explore ways to bring manufacturing back on-shore, or to re-shore as the process is commonly known.

So it should not come as much of a surprise when America's largest retailer, Walmart, is now calling on entrepreneurs to pitch their USA-made products to the firm in a day-long event to be held at its Arkansas headquarters this (Northern) summer.

"We are opening our doors and making our buyers available to meet with suppliers with one goal in mind: buy more American products," said Cindi Marsiglio, Walmart's vice president of U.S. sourcing and manufacturing.

The event ties into a three-year-old policy by the mega-retailer to bring jobs back to the U.S. In January 2013, Walmart announced plans for purchase an additional \$50 billion in U.S. products over a period of ten years, cumulatively amounting to \$250 billion per year by the tenth year.

Walmart says it plans to meet that commitment in a variety of ways, including buying more from existing domestic suppliers, doing business with new domestic suppliers and helping current suppliers reshore their overseas production.

Safety with Cords and Blinds

Consumer Affairs Victoria are giving away a limited number of kits advising on safety with cords and blinds. Cords have been implicated in a number of deaths. Young children can strangle themselves with looped curtain and blind cords. At least 12 have died as a result in Australia since the year 2000, including two in Victoria in August and September 2009.

Copies of the guide can be obtained through an online order form at the following address

<https://www.consumer.vic.gov.au/shopping/product-safety-for-consumers/curtain-and-blind-cord-safety>, or by calling 1300 55 81 81



AFRDI activity for Random Audits

It is opportune to update members and clients with our policy.

For those who have certification agreements, the following applies:

- We have the right to request samples for audit
- If they don't match a tested description or performance, corrective action will be required, the significance of which to be determined by the nature of the breach

In addition, CEO Bob Panitzki said that currently, the auditing process also involved random inspections of online and printed advertising, principally to determine whether advertising claims complied with AFRDI's published guidelines, and also to ensure that advertising did not breach nationally accepted standards for truth in advertising. Where breaches are suspected the Institute contacts the party to outline the issue and seek appropriate corrective action.

Bob said there was an ongoing problem with doubtful claims on certain items, usually involving claims of AFRDI certification for ranges of products when only one item had been tested. Such practice, he said, undermined the value of certification, and devalued the contribution honest businesses made to consumer protection.

AFRDI will continue to press its point on compliance issues through the various channels.

AFRDI provides input to ACCC on bunk beds

The ACCC is reviewing the mandatory safety standard for bunk beds, and has developed a consultation document and draft regulation impact statement, while seeking input from stakeholders.

The ACCC sought feedback on four policy options:

- 1. Keep the current mandatory safety standard (status quo)
- 2. Remove the mandatory safety standard
- 3. Amend the mandatory safety standard by adopting sections of the voluntary Australian standard
- 4. Amend the mandatory safety standard by allowing compliance with either the updated voluntary Australian standard or trusted international standards.

AFRDI's submission supported option three and the Institute offered to work with the ACCC to develop a new mandatory standard.

Standards update

The review of AS/NZS 3813 Plastic Monobloc Chairs is complete. Committee approval is expected by July with publication soon after. AFRDI will then contact clients who have certified monobloc chairs and provide options for moving to the new standard.

The review of AS/NZS 4442 Office Desks and AS/NZS 4443 Office Panel Systems –workstations has advanced with a draft now circulated to sub-committee members. Feedback will then be reviewed at the next meeting of the sub-committee.

AFRDI fees to increase by 2%

An increase in fees of two per cent will apply from July 2016. We aim to keep increases to a minimum to assist the industry, however our costs have increased and some recovery of these is necessary.

Visit to AFRDI by Launceston City Council

Late April marked a visit to AFRDI by aldermen of the Launceston City Council. AFRDI is based in Launceston.

What was to have been a brief visit extended as the visitors quizzed AFRDI technical manager Ian Burton (obscured by *machine at left) and CEO Bob Panitzki (in the blue shirt) about the Institute's activities, and the benefits to consumers of testing and certification.

**The machine is a basketball impactor, which applies impact loading in a measured, repeatable fashion.*



Left: In the laboratory, the visitors saw an office chair undergoing extended testing.

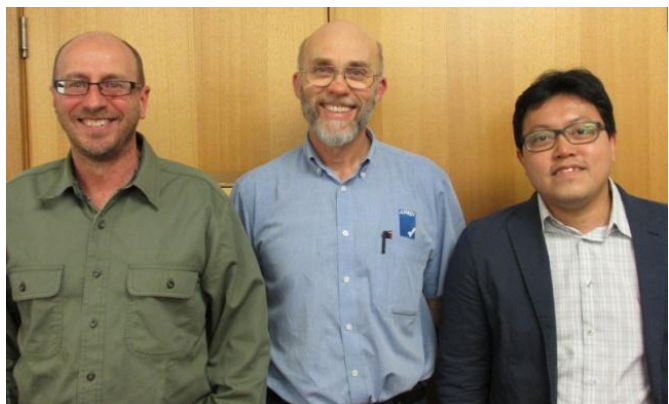


In this test, load is applied vertically, and on the backrest. As well, for Rated Load testing – the most severe – the vertical load will be applied at the front edge of the seat, so that an off-centre force is applied to both the adjustment mechanism and the gas lift. The tests simulate the way many users 'perch' rather than sit in a chair.

Used this way, earlier, less robust generations of chairs (pre-dating establishment of new performance norms under Rated Load testing) would sometimes prematurely fail.

Visit by Steelcase

Azim Rahman, Manager of Product Development (Seating) for Steelcase Asia Pacific visited the Institute in April. He spent the day discussing various technical issues with technical manager Ian Burton (left) and team leader Eric Paul.



Jill Stancombe retires after 21 years at AFRDI

AFRDI is now in its 26th year of trading, meaning that as administration officer, Jill has seen the Institute grow from a fledgling organisation servicing the furniture industry and consumers in Australia and New Zealand to one that now trades virtually world-wide, and has the capability to produce its own testing machines and to write technical standards that extend testing capabilities.

At a recent meeting of the AFRDI board in Launceston, directors and staff honoured Jill with a luncheon and gifts in appreciation of her long service.



Top: Jill with chairman Peter McCutcheon, AFRDI staffer Eric Paul and board member Patrizia Torelli (AFA CEO) in background.

Bottom left: A hand crafted Huon pine serving platter was presented to Jill.

Bottom right: Jill with deputy chairman Dane Walsh (left) and former deputy chairman Mark Copperwaite.



ACCC penalties reinforce AFRDI's insistence on correct claims for products

Seeming at times like a lone voice in the wilderness, AFRDI has been beating on business doors for the past five years to uphold the value of its intellectual property, as expressed through testing and certification, and through its well-known trade marks and logos.

There have been times that such an exercise, consisting of constant telephoning, emailing and letter writing – all costly in time, effort and money – would appear to have been without much visible fruit. But AFRDI is heartened by two recent incidents reported by the Australian Competition and Consumer Commission (ACCC) in February, in which the commission has applied substantial penalties to businesses for false description of goods, and for failure to ensure that products are safe.

In the interests of making clear the Australian Government's attitude towards misleading advertising and a perceived lack of reasonable concern for the safety of consumers, AFRDI publishes in full the ACCC's media releases on the following pages.

AFRDI's CEO, Bob Panitzki, says the ACCC's latest penalties reinforce the message AFRDI has been trying to get to Australian manufacturers, retailers and distributors: that intellectual property and trade marks should be respected, and that there is a community expectation that goods offered for sale will be safe.

"The misuse by a small number of businesses of AFRDI's logos and trademarks, and false claims made about products, do a great disservice to the majority of traders who play by the rules," Mr Panitzki said.

"We now find that many government agencies and the private sector specify appropriate AFRDI Standards in their tender documents, and that's a healthy sign. But good intentions don't mean a lot unless we as an industry all play the game, and help to weed out traders who think that the normal rules that govern trade don't apply to them.

"AFRDI feels now that the law has been laid down very clearly over what the community has a right to expect in terms of product quality, truth in advertising, and in ethical trading, with transgressions of these standards attracting appropriate penalties."

New admin staff at AFRDI

Jill Stancombe has retired as administration officer after 21 years, and is AFRDI's longest serving employee. Instructing the new joint office holders in the intricacies of an admin system that has grown in complexity with the company over 26 years has been one of Jill's tasks before leaving.

Cassie Ashdown (above right, with Jill) and Alex Munn (right) are working the position part-time. Cassie was formerly in real estate, whilst Alex worked in administration.

Contacting Cassie and Alex is simple. By email, it's admin@furntech.org.au, or the usual telephone number (03) 6326 6155.



The following media release from the ACCC was published in February. AFRDI publishes it in full in support of our constant attempts to try to eliminate false claims from advertising, and to underline the basic expectation that goods offered for sale will be safe.

Two retailers of adjustable beds and mobility products pay \$20,400 in penalties

Retailers Clews Holdings Pty Ltd (Clews), which supplies Seniors Plus products, and D Burnz Investments Pty Ltd (D Burnz), which supplies Better Living Australia products, have each paid \$20,400 in penalties following the issue of two infringement notices to each company by the Australian Competition and Consumer Commission.

The ACCC issued the infringement notices because it had reasonable grounds to believe that Clews and D Burnz had each made false or misleading representations about their adjustable beds and associated mobility equipment, in breach of the Australian Consumer Law.

“The ACCC’s action forms part of a broader investigation into a number of businesses selling adjustable beds and mobility equipment, often to elderly and potentially vulnerable consumers,” ACCC Deputy Chair Delia Rickard said.

Seniors Plus branded goods

From at least July 2015, brochures for Seniors Plus branded goods used the Commonwealth Coat of Arms accompanied by the words “Australian Government”, “Department of Health and Ageing” and “Therapeutic Goods Administration”. The words “TGA Approved products” were used elsewhere in the brochures. The ACCC considered that the brochures represented that the goods were sponsored or approved by the Therapeutic Goods Administration (the TGA), when this was not the case.

In addition, a logo containing an image of a kangaroo and four ticks accompanied by the words “Australian Standard and Design” was included in the brochures for Seniors Plus products. The ACCC considered that this represented that the products complied with an Australian Design Standard when in fact no such standard existed.

Better Living Australia branded goods

From at least July 2015, brochures for Better Living Australia branded goods contained an express representation that Better Living Australia branded adjustable massaging beds had been awarded a certificate by the TGA, when this was not the case. The brochures also contained a representation that motors in these adjustable massaging beds were made in Germany, when in fact they were made in China.

“False representations that therapeutic products have TGA or other government approval can mislead elderly or other vulnerable consumers when they are choosing to make what can be very significant purchases,” Ms Rickard said.

“Businesses should be aware that entry of a product in the Australian Register of Therapeutic Goods does not allow them to represent that those products are approved or sponsored by the TGA or the Commonwealth Government, and that such representations are likely to breach the Australian Consumer Law.”

The payment of a penalty specified in an infringement notice is not an admission of a contravention of the Australian Consumer Law. The ACCC can issue an infringement notice where it has reasonable grounds to believe a person has contravened certain consumer protection laws.

Background

The TGA, which forms part of the Australian Government’s Department of Health, is responsible for the regulation of therapeutic goods in Australia to ensure their safety, quality and effectiveness. Businesses wishing to promote and sell products with claimed therapeutic uses generally must have these products entered in the Australian Register of Therapeutic Goods (ARTG) prior to supply and use in Australia. Inclusion in the ARTG does not mean that the TGA endorses or sponsors the use of any kind of product.

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Woolworths misled consumers over product safety hazards – ordered to pay over \$3 million in penalties

The Federal Court has ordered Woolworths Limited (Woolworths) to pay total penalties of \$3.057 million for breaches of the Australian Consumer Law relating to safety issues with house brand products sold in Woolworths supermarkets, Big W and Masters stores.

The Court declared that Woolworths engaged in misleading and deceptive conduct and in some cases had made false or misleading representations about the safety of five of its house brand products - a deep fryer, drain cleaner, safety matches, a padded flop chair and a folding stool, over a period of 3 years.

The defects in Woolworths' products caused several serious injuries, including burns from hot oil when the handle of the deep fryer broke during use, and chemical burns - including to a young child - caused by a defective cap on the bottles of drain cleaner.

In some cases, Woolworths became aware of serious injuries resulting from defects in these products, but did not remove the products from sale and recall the products. These products were subsequently removed from sale and recalled, but not always before further injuries resulted from their defects. In these cases the Court found that Woolworths had misled consumers as to the suitability of the products.

In other cases, the Court found that express representations on the products or packaging were false or misleading. For example, the padded flop chair was described as capable of bearing the weight of 115kg when under testing it could not reliably support more than 92kg.

Justice Edelman also found that Woolworths contravened the Australian Consumer Law by failing to report serious injuries to the ACCC within two days of becoming aware that serious injuries may have been caused by these products. The Court found that Woolworths failed to do so on 8 occasions in relation to products, including a coffee plunger, cling wrap and some food products.

Justice Edelman found that...“The penalties I have imposed are designed in broad terms to achieve specific and general deterrence by requiring vigilance concerning quality management procedures to ensure the accuracy of representations and effective procedures for the recall or withdrawal of products and the notification of the ACCC. This is particularly so where products can affect consumer safety and the person deals in the sale of large volumes of consumer products”.

ACCC Chairman Rod Sims said “Australian consumers must be able to rely on the safety of goods supplied to them by retailers. By failing to recall and remove products from its shelves for some time after it became aware that the products were defective, Woolworths misled Australian consumers and placed their safety at risk. The significant penalties imposed in this case reflect the serious nature of Woolworths' conduct.”

Mr Sims said: “In the future, companies generally must do more to detect unsafe products and remove them from their shelves. The Court has ordered Woolworths to implement an upgraded, dedicated product safety compliance program, and its quality assurance processes will be monitored by an external auditor.

“The ACCC acknowledges that Woolworths moved to implement an improved product safety compliance program, and that it cooperated with the ACCC investigation and made admissions assisting in the resolution of the proceedings,” said Mr Sims.