Australian Customs Notice 1997 33

**AMENDMENTS TO THE CUSTOMS (PROHIBITED IMPORTS) REGULATIONS CONTROL OF DISPOSABLE CIGARETTE LIGHTERS**

The *Customs (Prohibited Imports) Regulations* ("the Regulations") have been amended to introduce controls on the importation of disposable cigarette lighters. Statutory Rules 1997 No. 22, which was gazetted on 26 February 1997, includes new regulation 4S with effect from 1 March 1997.

Regulation 4S of the Regulations prohibits the importation into Australia of certain disposable and novelty cigarette, cigar and pipe lighters which do not meet the construction and performance standards, including child resistant features, set out in the Regulations. These standards are designed to complement those introduced under the Trade Practices legislation (discussed below).

The importation of these lighters is prohibited unless the person importing the lighter has completed the required statutory declaration under regulation 4S or a Ministerial permission has been granted by the Minister for Small Business and Consumer Affairs.

There is an exception to the general prohibition on the importation of disposable cigarette lighters under subregulation 4S(2) for persons who are 18 years of age or older and who are passengers on a ship or aircraft. Such persons may import no more than five lighters at any one time.

A summary of the *Trade Practices (Consumer Product Safety Standard) (Disposable Cigarette Lighters) Regulations* is attached. Enquires regarding test procedures, construction and performance standards can be directed to the Federal Bureau of Consumer Affairs on **(06) 250 6986.**

Importers who require further information regarding these changes should contact the Commerce Prohibitions and Restrictions (Policy) Group, in Canberra, on (06) 275 6576.

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for (L B WOODWARD)

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**ATTACHMENT 1**

# Trade Practices (Consumer Product Safety Standard) (Disposable Cigarette Lighters) Regulations

**PART 1 - PRELIMINARY**

## Application

Import ban commences **1 March 1997.**

Retail ban commences **1 October 1997. Interpretation**

The following terms are defined:

***"adjustable lighter"*** means a lighter with provision for flame height adjustment;

***"American Standard"*** means the Consumer Product Safety Standard for Cigarette Lighters (16 CFR 1210):

1. *set out in Part 1210, Title 16 of the Code of Federal Regulations. and*
2. *published in the Federal Register of the United States of America, Vol 58., No 131, on 12 July 1993*

***"child"*** means an individual under the age of five years; ***"lighter"*** means a flame producing device that:

1. *is designed to light cigarettes, cigars and pipes; and*
2. *is designed;*
   1. *to be discarded when its supply of fuel is exhausted, or*
   2. *to incorporate a separate container of fuel that -is designed to be discarded when empty; or*
   3. *to have an entertaining audio or visual effect (other than production of a flame), for example, playing musical notes or displaying flashing lights; or*
   4. *to depict or resemble, in physical form or function, an article commonly recognised as appealing to, or intended for use by, a child, for example a cartoon character, toy, gun, watch, musical instrument, vehicle, toy animal, food or beverage;*

***"non adjustable lighter"*** means a lighter with no provision for flame height adjustment; ***"safe operation"*** means the operation of a lighter so that it:

1. *does not spit or sputter; and*
2. *does not produce an abnormal or unsafe flame;*
3. *cannot be operated easily by a child;*

***"spit or sputter",*** for a flame produced by a lighter, means the escape of liquid fuel from the lighter producing burning liquid droplets that separate from the flame.

**PART 2 - FLAME TESTING, STRUCTURAL SAFETY AND LABELLING**

This part does **not** apply to the **non-disposable novelty lighters described above. Ignition and adjustment of flame**

A **lighter** must be designed so that deliberate action is necessary to ignite and sustain a flame.

An **adjustable lighter** must be designed so that deliberate action is necessary to adjust the height of the flame. **Abnormal burning**

A **lighter** after being tested must not spit or sputter or produce an abnormal or unsafe flame. **Flame height**

The **height of the flame** produced by a lighter must not exceed:

1. *in the case of a non-adjustable lighter, 50 millimetres; and*
2. *in the case of an adjustable lighter:*
   1. *where the lighter is adjusted to produce the maximum flame height, 150 millimetres; and*
   2. *where the lighter is adjusted to produce the minimum flame height, 100 millimetres.*

If the flame height of an adjustable lighter has not been adjusted after being supplied in trade or commerce, the lighter must not, when first used after being supplied, produce a flame exceeding 125 millimetres in height.

## Flame extinction

Where a non adjustable lighter produces a flame for 10 seconds or an adjustable lighter produces a flame for 5 seconds at the maximum flame height adjustment or for 10 seconds at the minimum flame height adjustment the flame produced must extinguish after cessation of the action sustaining the flame within two seconds if the lighter has no flameguard or four seconds if it has a flameguard.

## Structural safety

A lighter must have no sharp external edges.

When tested, a lighter must not be damaged so as to affect its safe operation, must not spontaneously ignite and the internal pressure of its fuel reservoir must not suddenly decrease.

## Labelling

A lighter must incorporate (as a permanent part of the lighter) in a legible form:

1. *the name or other identification of the manufacturer or distributor of the lighter; and*
2. *where the lighter -is an adjustable lighter, symbols indicating the direction in which force is to be applied to increase or decrease the flame height and the effect of the application of force in that direction.*

In addition either-

1. *the following information that is enclosed by inverted commas must be displayed in a legible form on a lighter, or on an adhesive label affixed to the lighter:* "WARNING" *in capital letters and adjacent to the other information detailed below;* "KEEP AWAY FROM CHILDREN" *or* "KEEP OUT OF REACH OF CHILDREN" *in capital letters.*

"Ignite lighter away from face and clothing"

"Never expose to heat above 50 degrees C or to prolonged sunlight"; "Never puncture or put in fire";

*for a lighter that contains flammable gas under pressure -* "Contains flammable gas under pressure"

*for a lighter that contains flammable liquid -* "Contains flammable liquid" *for a self-extinguishing lighter -* "Be sure flame is out after use"

*for a non-self-extinguishing lighter -* "This lighter does not extinguish itself - close the cover to put out"

1. *if a lighter is contained in a package when it is sold at retail - the information in* paragraph (a) *must be clearly displayed on the package.*

**PART 3 - CHILD RESISTANCE**

## Application

This part only applies to a lighter to which the American Standard would apply if the lighter were imported into the United States of America after 12 July 1994.

## Child resistance

A lighter must have been tested in the manner set out in section 1210.4 of the American Standard and shown to be resistant to successful operation by at least 85 percent of the child-test panel.

The mechanism of the lighter must:

1. *reset itself automatically after each operation of the ignition mechanism of the lighter; and*
2. *not impair safe operation of the lighter when used in a normal and convenient manner; and*
3. *be effective for the functional life of the lighter; and*
4. *not be easily overridden or deactivated.*

## Certification

A certificate of compliance, within the meaning of the American Standard, must have been issued for the lighter in accordance with that standard. The importation of a lighter into Australia is prohibited unless the person importing the lighter has completed a statutory declaration to the effect that a certificate of compliance, within the meaning of the American Standard has been issued for the lighter in accordance with that standard. (See *Customs (Prohibited Imports) Regulations.*)

# SCHEDULE

A schedule of test procedures is attached to the Regulations.