Children's Nightwear Proposed Label Information

Category	Description	Fire hazard information label
1	Garments made from fabric of the low fire hazard type and which comply with Section 1	**LOW FIRE DANGER**
2	Garments made from fabric which does not comply with Section 1 but which are designed to reduce fire hazard and which comply with Section 2	**CAUTION** NOT HEAT OR FLAME RESISTANT WEAR SNUG-FITTING TO REDUCE RISK
3	All-in-one garments made predominantly from knitted fabrics, in Sizes 00 to 2, which comply with Section 3	
4	Garments which do not comply with Sections 1 to 3, but which comply with Section 4	**WARNING** HIGH FIRE DANGER KEEP AWAY FROM FIRE 

The wording shall be clearly legible in upper case, monoline, geometric lineale typeface of medium width characters not less than 2.5 mm high. The word 'caution' shall be in bold, upper case, typeface.

The wording on labels for Category 2 and 3 garments shall be black on an orange label. The words may appear on more than one line.

The orange label colour shall be marigold, as specified in AS 2700 or light orange as specified in NZS 7702.

Review of the Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 2005

Background

The Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 2005 are being reviewed as a result of two incidents in 2007 involving children getting burnt when their nightwear caught alight. Both cases involved children wearing garments that were labelled *Low Fire Danger* in accordance with the requirements of the AS/NZS 1249:2003 category 2. Compliance with AS/NZS 1249:2003 is required by the children's nightwear regulations and testing of both garments showed that they met the requirements of the regulations and were labelled correctly.

In both cases, the parents of the children stated that they thought the label indicated the nightwear worn by the children was made of a fire resistant material. This was not the case, and is not required by the regulations.

Following its investigation of the two incidents, the Commerce Commission suggested that the regulatory requirements should be reviewed to ensure that they are providing clear consumer information.

Discussion with the Retailers Association, key retailers of children's nightwear and various organisations with interests in child safety also identified that there may be a problem with consumers misunderstanding the current labelling information.

As a first step in the review process, this paper summarises the current regulatory requirements and looks at different labelling and testing standards that are used internationally. The paper goes on to discuss international research on the effectiveness of labelling. It then considers labelling alternatives that could be applied to children's nightwear in New Zealand based on these international examples.

Any feedback on these alternatives will be appreciated and will be incorporated into a subsequent public survey.

The Current New Zealand Regulatory Requirements

The Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 2005 require children's nightwear to comply with AS/NZS 1249:2003 which sets out requirements with respect to materials used in and styling of children's nightwear. It also sets out labelling requirements. The Standard applies to children's nightwear garments in the sizes 00 to 14.

In brief, AS/NZS 1249:2003 sets out four categories under which children's nightwear must fit.

- Category 1 covers garments made from low fire hazard type material that must meet a not less than 12 second flame spread test as well as a 10 second after washing surface burning time test if the fabric has a pile or nap;
- Category 2 garments are those made from more flammable fabric than category 1 (there is not a flame spread test requirement). They need to be made from materials that meet a not less than 10 second after washing surface burning time test if the fabric has a pile or nap **and** must be designed in a way to reduce fire hazard (essentially must fit snugly);

- Category 3 covers baby and young infant garments made from knitted fabrics which must be close fitting for more than 80% of the garment. They need to be made from materials that meet a not less than 10 second after washing surface burning time test if the fabric has a pile or nap; and

- Category 4 covers garments not under categories 1 to 3. The materials used for nightwear must still meet a not less than 10 second after washing surface burning time test and there are restrictions on the use of fabrics with a cellulosic, acetate or acrylic fibre content. There are also restrictions on nightgown length and infant sleepbags.

Category 1, 2 and 3 garments are required to carry a label saying LOW FIRE DANGER. Garments in category 4 must be labelled WARNING HIGH FIRE DANGER KEEP AWAY FROM FIRE, as below.

As noted, the two incidents in 2007 involving children getting burnt when their nightwear caught alight related to category 2 nightwear. It is understood that both incidents involved flannelette pyjamas.

Explanation for category 2 styled type nightwear being classed as *Low Fire Danger*

Category 2 allows for snug fitting garments made of fabrics with a faster flame spread time. In general a snug fitting garment has a lower fire risk than a loose fitting garment made of the same fabric. A snug fitting garment is less likely to accidentally catch in a flame and if it does catch, the flame will spread at a slower rate (referred to as flame spread time) due to the tight fit limiting air circulation. For a fire to spread quickly it requires both fuel and air, a snug fitting garment restricts this air supply therefore increasing the flame spread time.

Perception problem with category 2 garments labelled *Low Fire Danger*

Anecdotal evidence shows that some consumers may be interpreting that the *Low Fire Danger* label means that the garment is made from low fire hazard or flame retardant fabric, as used for the category 1 garments (in other words the garments are made from material with a slower flame spread time). The confusion would appear to be that garments made from material with a lower flame spread and garments styled to reduce fire danger can both carry the same *Low Fire Danger* label.

International Approaches

Internationally a number of different approaches have been taken to regulate children's nightwear with no obvious consensus. There are shared approaches within regions:

- New Zealand and Australia both share a joint Standard with identical labelling requirements,

- USA and Canada both share the same testing method and similar styling measures,

- UK and Ireland both share similar labelling requirements although cite different test methods.

- Norway, Switzerland and Sweden do not have specific nightwear requirements but have set restrictions on materials used on clothing in general, Norway has tougher requirements for children's clothing including nightwear. The Netherlands simply state that any nightwear authorities do not consider to be fireproof cannot be sold.

Potentially the most unified approach is the recently created European Committee for Standardization (CEN) Standard EN 14878:2007. According to CEN, it is the responsibility of each country's national standard group to implement EN 14878 as a national standard and *to distribute and sell them and to withdraw any conflicting national standards.* However it is still unclear as to whether all CEN members will follow this model. Many of their national standard's requirements exceed that of EN 14878 which includes some styling requirements but does not include labelling requirements.

Specific Requirements

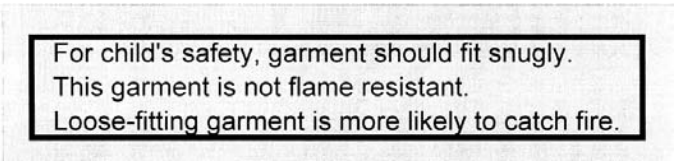
United States of America

In the United States of America, all children's nightwear must pass rigorous flammability testing including a test that incorporates both surface burning and flame spread. Any garment that fails this test is unable to be sold on the USA market. (The approach to surface burning flame spread tests is quite different from AS/NZS 1249:2003 and thus not easily comparable.)

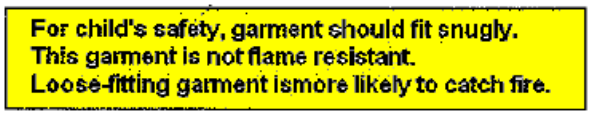
In addition to these requirements all children's nightwear is required to carry a permanent label with a unit identification number and instructions on how to take care of it to avoid reducing its flame resisting properties.

As well, children's nightwear is classified according to whether it is snug or loose fitting with labelling requirements applying to those snug fitting garments made of a high fire hazard fabric. Labelling requirements state that all snug fitting garments must carry a label with the size of the garment along with the following fire hazard labels:

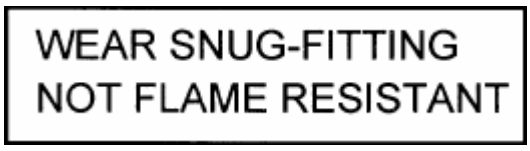
Hangtag: (to be prominently displayed on the garment)



Packaging: (adhesive)



Garment: (permanently attached)



The United States labelling above would appear to be designed to both inform that the garment is not flame resistant and to address the risk around children wearing nightwear that meets the styling requirements but is several sizes too large for them which increases the fire risk. The United States labels are the only examples found that state that the garment needs to be worn so that it is snug fitting.

The United Kingdom and Ireland

In the United Kingdom, all children's nightdresses, dressing gowns and similar garments must meet the requirements of BS 5722. The Standard covers flammability and styling requirements. However, pyjamas and cotton terry bath robes do not have to comply with the flammability standard.

If a product meets the requirements of BS 5722 it may be labelled **LOW FLAMMABILITY TO BS 5722**. If pyjamas and cotton terry bath robes fail the Standard, they must carry the label **KEEP AWAY FROM FIRE**.

Similar requirements exist in Ireland, except garments are tested to I.S. 148. As well, Ireland requires that all children's nightdresses and dressing gowns meet I.S. 148 and bear the label **LOW FLAMMABILITY TO I.S. 148**.

Although in the United Kingdom those garments required to meet BS 5722 are not required to be labelled as such, many manufacturers choose to label in order to confirm compliance.

Styling requirements are also included in the United Kingdom's Nightwear (Safety) Regulations 1985 concerning the maximum measurements of nightdresses, dressing gowns and babies' garments. (As noted, other styling matters are covered by BS 5722.)

Advertising in the United Kingdom that contains a direct ordering facility must include either the appropriate words or one of the following symbols:

United Kingdom high flammability label as used in advertising

United Kingdom low flammability label as used in advertising

The United Kingdom also requires **all** nightwear treated with flame retardant chemicals to carry the label DO NOT WASH AT MORE THAN 50°C. CHECK SUITABILITY OF WASHING AGENT.

Canada

The Canadian Hazardous Products Act includes styling requirements but does not have any specific flammability labelling requirements. Garments must simply be styled to a specified snug fit to meet requirements.

As well, Canada requires any fabric that is treated with a flame retardant chemical is labelled *Flame Retardant* and *Ignifugeant* so that special care can be taken when washing so as not to damage flame retardant finish.

Europe

As for Canada, the European Union EU 14878 includes styling requirements but does not have any specific flammability labelling requirements. Garments must simply be styled to a specified snug fit and pass flammability tests and meet requirements.

The Effectiveness of Product Warning Labels

There have been a number of studies undertaken on the effectiveness of product labelling. The following provides a brief assessment of a selection of studies chosen for their relevance to labelling to provide information on product safety warnings.

Impact – the ability of the warning label to attract the consumer's attention – and effectiveness – the ability of the label to affect a consumer's cognitive processes and change behaviour – are the two important elements which make up a good safety warning label[1].

The research indicates that the way people utilise warning labels is then largely dictated by factors in the environment around them, including. :

- The number of warnings the person is exposed to
- The past experience of the person
- The person's perception of the likelihood of risk
- The person's attitude toward risk
- Perceived cost in compliance (including the initial effort needed to read the label).[2]

For example, in purchasing products, one study[3] suggests parents base judgements on their own perceptions of risk rather than the product warning label . These findings suggest a need for increased public education to raise the public's perception of risk and that warning labels should be used as a supplement and not a substitute to other warning initiatives. The findings suggest that warning labels serve an important role in attracting attention, improving recall and act as a reminder.

On the other hand, another study[4] suggests that consumers' perception of risk may be low because of a lack of exposure to hazard identifiers and therefore recommends warning labelling and that warning labels can be placed strategically in order to confront the consumer during product use.

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[1] Frantz. J P, 'Effect of location and presentation format on attention to and compliance with product warnings and instructions', Journal of Saftey Research, (1993) vol.24, pages. 131-154; Ayres, Robinson, McCarthy and Wood, 'Risk and effectiveness criteria for using on product warnings', Ergonomics (1995) Vol.38, issue. 11, pages. 21634-2175.

[2] Shrensky, 'Boxed risk warnings: research findings', Communication Research institute(2007) http://www.communication.org.au/htdocs/modles/smartsection /item.php?itemid=67.

[3] Davies, Haines, Norris and Wilson, 'Safety pictograms: are they getting the message across?, Applied Ergonomics (1998) vol.29, issue. 1, pages 15-23

[4] Brown, Chandler and Crown, Consumer information and effects on knowledge and choice of fire resistant upholstery, Journal of consumer affairs(1991) vol. 25, issue 2, pages. 339-357.

The number of warnings

Other research[5] suggests warnings must be observed within the context of all other warnings and that the effectiveness of the hazard label will decrease with the number of hazard warnings which are included. This is because each label (or warning within a label) carries a cost for the consumers. Increased readability of a label reduces compliance cost, resulting in greater adoption of the labels recommendations. For instance people are less likely to comply with warnings on their helmets when there are already other warnings on their bikes. This is because the time and effort a person dedicates to examining a warning is reduced by the number of competing messages on the specific product or surrounding products.

Impact

With respect to impact, studies[6] suggest that the sum of various components contributes to the overall urgency of the label and that aesthetic components affect not only compliance but also assist in grabbing the consumer's attention in the first place. More visually compelling warning labels have a higher recall rate with visually appealing labels shown to deter some consumers from purchasing high fire risk goods. This impact is attributed to pictorial elements, a short message and readability. On the other hand, there was no evidence they influenced consumers in then actively selecting flame retardant upholstery fabrics.

The role of signal words

Signal words are often recommended for standards and guidelines on warning design because they are a way of quickly conveying the hazard involved to at risk persons.

- DANGER-immediate hazards that will result in severe personal injury or death
- WARNING-is intended for use on hazards that could result in sever personal injury or death
- CAUTION-is intended for hazards which could result in minor personal injury or damage

Signal words are thought to alter the impact of label design not just by grabbing the consumer's attention but by conveying the level of urgency or hazard. Inconsistencies in findings around the perceived meanings of signal words calls into question the real usefulness of signal words in conveying meaning or urgency.

Signal words are considered useful to children as they lack the ability to draw more significant meaning from more complex language targeted at adults. The elderly and Non-English speakers are another at risk group which may have difficulty reading labels; however non-native speakers in particular may interpret signal words differently[7].

A study[8] of 4th and 5th graders (children) and non-native speakers concluded that although respondents' hazard ratings for single words differed between groups, the order in which the urgency of the words was ranked did not. The list of words is included below.

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[5] Ayres, Robinson, McCarthy and Wood, 'Risk and effectiveness criteria for using on product warnings', Ergonomics (1995) Vol.38, issue. 11, pages. 21634-2175.

[6] Adams and Edworthy, 'Quantifying and predicting the effects of basic text display variables on the perceived urgency of warning labels: tradeoffs involving font size, boarder weight and colour', Ergonomics (1995), vol.30, No. 11, pages 2221-2237; and Brown, Chandler and Crown, Consumer information and effects on knowledge and choice of fire resistant upholstery, Journal of consumer affairs(1991) vol. 25, issue 2, pages. 339-357.

[7] Silver and Wogalter, 'Warning signal words: connoted strength and understandability by children, elders, and non-native English speakers', Ergonomics (1995) vol.38, no.11, pages 2188-2206.

[8] Ibid

Most hazardous

Poison
Dangerous
Danger
Stop
Hot
Warning
Never
Serious
No
Don't
Caution
Important
Alarm
Careful
Notice

Least Hazardous

Interestingly, it was noted that certain words such as 'WARNING' are used in multiple contexts to denote things other than a serious threat, and because of this the word WARNING may loose its impact; and so other signal words may be more useful in describing the severity of the threat.

Colour

Colour is also shown to denote the degree of hazard. Respondents clearly rate words represented in particular colours differently, with red being the most hazardous and white being the least. Respondents clearly associate the signal word DANGER with red.

-Red, orange, yellow and white represent the decreasing levels of hazard.

-Red, orange, green, black, blue represent the decreasing levels of hazard.

Tradeoffs between signal words and colours

Tradeoffs exist between the 'colour' and the 'signal word' variables which mean that colours will alter the consumer's perception of the signal word. For instance the word DEADLY in black denotes an equal level of hazardousness as that denoted by the word CAREFUL in red. Greater urgency is perceived for a red signal word with a black boarder. The perceived change from black to red increases with a larger font size[9].

Symbols and pictorials

There are three different kinds of pictograms:

- Descriptive: Where the image identifies the hazard

[9] Adams and Edworthy, 'Quantifying and predicting the effects of basic text display variables on the perceived urgency of warning labels: tradeoffs involving font size, boarder weight and colour', Ergonomics (1995), vol.30, No. 11, pages 2221-2237; and Brown, Chandler and Crown, Consumer information and effects on knowledge and choice of fire resistant upholstery, Journal of consumer affairs(1991) vol. 25, issue 2, pages. 339-357.

Flammable.

- Proscriptive: where a course of action is prohibited

Toy warning pictogram.

- Prescriptive: Where the image identifies a possible course of action is to be taken

An example of an abstract symbol (bio hazard)

One study[10] assessed the comprehension levels for 13 product related pictograms and looked at the effects of different styles of product related pictograms on noticeability and intended compliance; noting that there has been an increased desire to convey information through the use of symbols as the increase in global markets requires information to be accessible to a range of different language speakers.

The study found

- Overall comprehension tested as very low for 7 of the 13 pictorial labels tested. Of these 7 less than 29% of the sample understood, only 3 of the labels were understood by more than 66% of the respondents in the sample.
- 3 of the pictograms with the lowest comprehension scores were represented by an abstract graphic. More literal graphics can at least be intuitively understood whereas abstract graphics generally had to be learnt.
- The labels which were well designed and tested were the most effective rather than those influenced by conventionally used styles. (N.B_many signs have not been

[10] Davies, Haines, Norris and Wilson, 'Safety pictograms: are they getting the message across?, Applied Ergonomics (1998) vol.29, issue. 1, pages 15-23

formally tested. Only public information symbols have international standards for testing and only America has testing for safety symbols).

- Pictograms are more noticeable when used with text and at the same time text is more noticeable when used in conjunction with pictograms.
- There appears to be very few pictograms which are universally understood.
- Noticeability is not just related to style but is also affected by size, positioning and the amount of clutter on packaging. Size and positioning are often factors not covered in legislation.
- The use of borders around warnings can increase noticeability by differentiating the warning from the clutter.

Another study[11] noted that familiarity with the sign improves comprehension.

New Zealand Possibilities

As noted above, there is a possible misperception problem with the current children's nightwear labelling requirements, in particular the labelling requirements associated with category 2 nightwear.

The Ministry has developed the following areas of fire labelling options for discussion:

1. Continue with the status quo.
2. Changing the category 2 label to better explain the nature of the garment, possibly based on international examples (including options 4 and 5).
3. Removal of labelling requirements for categories 1 to 3. Garments will still need to meet the requirements of the Standard but would not be labelled with the exception of the category 4 garments.

Option one: Retain the status quo of current AS/NZS 1249:2003 labelling requirements

LOW FIRE DANGER

For Category 1 to 3 garments

For Category 4 garments

Explanation

The advantage of the status quo is that it uses the labelling requirements of AS/NZS 1249:2003 which have been developed over a number of years through an industry and consumer organisations' consultative process.

[11] Easterby, R. S. and Hakiel, S.R. 'Field testing of consumer safety signs: the comprehension of pictorially presented messages'(1981) vol. 12, issue.3, pages. 143-152.

As noted above, the disadvantage of the status quo is that some consumers seem to be interpreting *Low Fire Danger* to mean nightwear is made of a more fire resistant type material. Consumers cannot tell from the labelling whether a garment is made from a more fire resistant material or is styled to reduce fire hazard (but may be made from a less fire retardant material such as brushed cotton). There is nothing on the labelling to advise consumers that garments in categories 2 and 3 need to be worn snugly to reduce their fire hazard and that buying larger sizes negates the low fire danger attributes of the garment.

Option two: Changing category 2 and 3 labels based on international examples

- Category 4 garments retain *High Fire Danger Keep Away From Fire* labelling.

- Category 1 garments retain *Low Fire Danger* labelling.

LOW FIRE DANGER

- Category 2 and 3 garments labels to have a Caution label that incorporates that the garment is made of a fabric that is not fire resistant (so should not be exposed to direct heat) and the garment is required to fit snugly in order to lessen the fire risk. This label will be of a similar nature to the United States label examples.

CAUTION WEAR SNUG-FITTING
NOT FLAME RESISTANT

or

CAUTION WEAR SNUG-FITTING
NOT HEAT OR FLAME RESISTANT

A possible additional requirement could be to also require packaging and swing tag labelling as below.

For child's safety, garment should fit snugly.
This garment is not flame resistant.
Loose-fitting garment ismore likely to catch fire.

Explanation

The above category 2 and 3 label option is based on the labelling requirements used in the United States of America. The concept is for a permanently attached garment label that is simple and gets the key points across to the wearer/purchaser: of the garment not being flame resistant and the recommendation to wear the garment snugly (to gain the full benefits of the styling requirements). The addition of the word ‘Caution’ is to reflect the labelling effectiveness studies that showed the use of a signal word was particularly effective.

The possible packaging label would supplement the garment's label by providing additional information at the time of purchase around the safety of tighter fitting garments. A downside of this label is that it may be too lengthy and therefore be ignored by many. It is, however, nicely complementary to the garment's label and provides the user with a procedure for avoiding injury during product use as well as alerting them to the potential hazard. Its intent is similar to the planned packaging labels of the Farmers and The Warehouse warning that children in nightwear should be kept a suitable distance from heaters and fireplaces.

The advantage of option 2 is that it should reduce the misperception around current labelling in that it clearly differentiates the labels to be used for the different categories and potentially provides more useful information to consumers about the product. Importantly, it retains the *Warning High Fire Danger* label. It proposes that garments that have met the requirements of categories 2 and 3 have a caution signal and are clearly labelled as being required to fit snugly in order to reduce fire hazard. This approach draws on the studies of effective labelling.

Option 2 could readily be combined with a publicity campaign about children's nightwear and fire and heater danger.

The disadvantage of this option is that it would be inconsistent with the current labelling requirements of AS/NZS 1249:2003 that have been developed over a number of years.

Changing the label required for category 2 garments would also mean New Zealand requirements were inconsistent with Australian requirements. This would have Trans Tasman Mutual Recognition Arrangement (TTMRA) implications that would need to be addressed. Under the TTMRA, Australian made children's nightwear meeting the Australian regulatory requirements could be sold in New Zealand – in other words with the AU/NZS 1249:2003 labelling. This would mean that products in category 2 could still carry the *Low Fire Danger* label and that could create more confusion.

Option three:

- Category 4 garments retain High *Fire Danger Keep Away From Fire* labelling.
- All other nightwear must meet the requirements of the current nightwear regulations but are no longer prescribed a regulated label.

Explanation

If this option were to be adopted it would potentially remove the misperception around current labelling.

As with option 2, the disadvantage of this option is that it would be inconsistent with the current labelling requirements of AS/NZS 1249:2003 that have been developed over a number of years and changing the label required for category 2 garments would also mean New Zealand requirements were inconsistent with Australian requirements.

Also, compared with option 2, it would not provide consumer information that category 2 and 3 garments need to fit snugly in order to reduce their fire hazard.

This option does not include labels for category 1 garments. There would be nothing to stop suppliers labelling category 1 garments *Low Fire Danger*, in accordance with the Standard; but similarly there would be nothing to stop suppliers labelling category 2 and 3 garments as *Low Fire Danger*. The labelling misconceptions thus may not be avoided.

As well, any complementary publicity campaign around nightwear and fire and heater danger would be restricted as consumers would be unaware of which garments are required to fit snugly in order to reduce their fire hazard.

Removal of category 2 label

A variation on this option would be removing the labelling requirements for just category 2 garments. This approach would be consistent with other international practice. Most other countries allow garments made of fabric with a fast flame spread as long as these are styled to reduce fire hazard, but do not specifically label the garments as such. If this were to happen it would solve the misperception problem as the less flammable category 1 and 3 garments would be the only garments carrying the *Low Fire Danger* label. The current category 2 garments would still be required to meet the styling and other requirements set out in category 2 but there would no longer be a requirement to carry the label.

Option four

- Category 4 garments retain *High Fire Danger Keep Away From Fire* labelling.
- Category 1 to 3 garments are labelled with words to the effect of: *Meets Flammability Requirements of AS/NZS 1249.* (Based on the United Kingdom and Ireland approach.)

Explanation

This option has similar attributes to the United Kingdom's *Low Flammability to BS 5722* label. It also removes some of the misperception created through the use of *Low* in current fire hazard labels. However this option fails to completely resolve the issue of public misperception around the current labelling requirements for category 2 and 3 garments. Labels may still be misinterpreted as *Meets Flammability Requirements of AS/NZS 1249* could be interpreted by some to mean that as a garment has met the flammability requirements it is "flame proof". Similarly to option three, a label of this style does not suggest that category 2 and 3 garments need to fit snugly in order to reduce their fire hazard.

The United Kingdom *Keep Away From Fire* label for advertising pyjamas and cotton bathrobes was also considered. This could be adapted in New Zealand for category 2 products however this is similar to New Zealand's current label for category 4 garments *Warning High Fire Danger Keep Away From Fire* and does not fully describe the nature of category 2 garments.

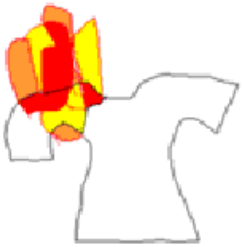
United Kingdom Label

New Zealand Label

Accordingly, it was not considered suitable.

Option five

- New symbol and words for the category 2 label



WEAR SNUG FITTING
NOT HEAT OR FLAME RESISTANT

(*needs some work)

Explanation

The Ministry developed the above following possible label alternative for category 2 garments which uses a symbol, on the basis of concerns that words are not effective for consumers with English as a second language.

The above label is based on the United States labelling with the phrase *Wear Snug Fitting Not Heat or Flame Resistant* (cf. US label: "*Wear Snug Fitting Not Flame Resistant"*). This wording makes special note to both the wearer and purchaser that the product is made of fire hazard material and must be worn in snugly to reduce fire hazard. Both the wording (specifically with the use of "*Heat"*) and symbol chosen aim to correct the potential misperception that only direct flame contact is a risk to fabric created by previous "flame only" labels. This label is intended to show the effect of wearing too close to heat or flame. This label could be used in combination with a hangtag or stick on label and publicity campaign explaining that loose fitting garments pose a greater fire risk and these particular garments should be worn to fit snugly.

The above labelling is very similar to option 2 but with the addition of a symbol. The literature suggests, however, that symbols as compared to signal words (such as Caution) are not very effective, due to poor consumer understanding of the symbols.

Conclusion

Internationally the consensus appears to be to have lower risk materials and styling requirements written into law but to not have any special label associated with garments that have met them (some countries use a more general label). Consumer product safety is achieved through the requirements rather than through labelling information. If New Zealand was to be consistent with this approach updated regulations would remove labelling requirements for category 2 garments. This would not provide consumers with any information as to the fire risk but would remove the current misleading labelling and potential misperceptions.

The United States of America is the only country that requires labels specifically stating that a garment has been styled to reduce fire hazard but is made of high hazard fabric.

New Zealand's current regulations incorporate materials, styling and labelling requirements. The product safety aspect of the regulations is achieved through the materials and styling requirements (sourced from the Standard AS/NZS 1249:2003). The labelling requirement is more of the nature of a consumer information requirement.

As noted, there is some question about whether the current labelling requirements are providing good, clear information. There are two possible ways forward:

Either to have more informative consumer information labelling requirements (options 2, 4 and 5);

Or to remove the consumer information labelling from children's nightwear except that which is high risk (option 3).

The former approach is preferred and the Ministry's preferred labelling alternative is option two. Option three is next preferred. These two options are considered most likely to reduce the issue of public misperception.

Option 2, which is based on the United States approach, is preferred in that it should correct the public misperception issue and ultimately produce a safer product than having no label. The label proposed includes information about the higher risk nature of the fabric and the recommendation for the garment to fit snugly.

It is recommended that options one, two, three and five are tested in a small public survey. Your comments on this paper along with any other suggestions around possible label designs would be appreciated by 31 January.

If you wish to discuss the paper or obtain further information please contact Paul Moreno (paul.moreno@med.govt.nz (04) 474 2833). Please forward all comments to Paul also.

Publicity campaign

The Ministry has prepared this paper conscious that any change to the labelling requirements need to be supported by a publicity campaign. The Ministry does not believe a publicity campaign will be effective based around the current category 2 label.

Update on Review of Children's Nightwear Regulations Project

Background

- In November and December 2007, the Ministry of Consumer Affairs convened two meetings with stakeholders and advised it was reviewing the Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 2005.
- Following from the meetings, the Ministry produced a consultation paper discussing the current regulatory requirements, international approaches to labelling children's nightwear, the effectiveness of product warning labels and setting out alternative New Zealand options for labelling compared to the current regulations. This paper was circulated to the stakeholder group for feedback.
- This update summarises the feedback obtained and the results of a pilot survey testing reaction to different labelling approaches.

Feedback on Ministry's Consultation Paper

The consultation paper set out five options for children's nightwear labelling -

- Option 1: Status Quo.
- Option 2: Change category 2 and 3 labels so that they clearly indicated the garment needs to be worn snug fitting. Option 2 also included a possible requirement for a packaging or swing tag label.
- Option 3: Keep High Fire Danger label for category 4 but no other prescribed labelling.
- Option 4: Keep High Fire Danger label for category 4 and category 1 to 3 garments are labelled meets flammability requirements of AS/NZS 1249.
- Option 5: A new symbol and words for category 2 label to indicated the need to wear snug fitting.

Feedback was received from 8 of the stakeholder groups.

All of the responses expressed concern with the current labelling requirements and thus rejected option 1. There was also a strong view that option 3 was unacceptable. It was noted that not labelling category 1, 2 and 3 garments would provide an information gap for consumers that could be interpreted that there is no fire danger associated with the nightwear. It was also noted that some choosing to follow the Standard and thus continuing to label Low Fire Danger would have the same misperception issues as option 1. There was also no support for option 5, with comments that the symbol may make things more confusing for the consumer.

Six of the responses supported the option 2 approach to amend the labelling requirements for category 2 and 3 garments to include snug fit information.

Of the responses supporting option 2, several made suggestions to improve this option.

One suggestion was to reorder the wording of the proposed label to say

‘Caution Not Heat or Flame Resistant
Wear Snug-Fitting’
or
‘Caution Not Heat Resistant
Wear Snug-Fitting’

This suggestion was made on the basis that the signal word would then relate immediately to the hazard and is then followed by the action recommended to lower the risk. It was also suggested that perhaps this label be in orange (orange being the colour associated with ‘caution’ as opposed to red for ‘warning’.

Another response suggested that flannelette nightwear should be removed from category 2 and reclassified as high fire danger.

One response that did not support option 2 was concerned about New Zealand having inconsistent labelling requirements to Australia and suggested keeping the current labelling but with a requirement for the option 2 supplementary swing tag labelling visible at point of sale to indicate that for child safety the garment should fit snugly.

Another of the responses gave partial support for option 2 but noted that the proposed option 2 wording was confusing and ambiguous. It was suggested a preferable option was the low fire danger labelling continuing supplemented by a Keep Away From Heat or Fire symbol based on the United Kingdom label and also the option 2 supplementary swing tag labelling visible at point of sale.

Using the Feedback

Taking into account the above feedback, the Ministry concluded that it was appropriate to undertake a pilot survey based on the option 2 approach. The aim of the pilot survey was to ascertain awareness and understanding of the current labelling requirements and to test reaction to the alternative option 2 labelling suggestion.

Using the feedback an updated option 2 label was developed for the pilot survey:

The words *To Reduce Risk* were added to improve clarity and remove a cause of confusion. The wording was rearranged with *CAUTION* at the top to gain attention and alert the wearer/purchaser to the level of care required. *Not Heat or Flame Resistant* was moved to the next line. This describes the characteristics of the garment. On the third line *Wear Snug-Fitting to Reduce Fire Risk* is the solution to improve safety.

It was also decided to test the suggestion of keeping the LOW FIRE DANGER label supplemented by a *Keep Away From Heat or Fire* symbol based on the United Kingdom label; and to test the original option 2 label.

Survey Results

A survey of 40 parents was undertaken during the week of 11 February 2008 in three Plunket Centres in the Wellington area. The survey is attached as appendix 1.

In response to the introductory general questions:

- 36 of the parents answered that they had purchased children's nightwear in the last two years?
- 30 of the parents said they would be likely to purchase nightwear that is too big, for their child to grow into?

Current Labelling

With respect to the current label LOW FIRE DANGER, 29 parents recalled seeing the label, 4 did not recall the label and 7 were unsure.

The following responses were received to the question 'if you saw this label on an item of children's nightwear would you think

	Yes	**No**	**Unclear**
Wearer can sit close to a heater with little risk of catching fire	18	19	3
Garment is made of fire resistant fabric	16	20	4
Garment has been treated with chemicals to reduce fire hazard	11	19	9
Garment will burn slowly enough for wearer to put it out or take it off	14	16	10
Garment must fit snugly to reduce the fire risk	4	29	7

Responses to the question how safe is a garment labelled LOW FIRE DANGER were:

Safe	Quite safe	Not so safe	Unsafe
7	**28**	**5**	**0**

Responses to the question does this label suggest the garment is more or less safe than a garment with no label were:

Safer	Less Safe	Unclear
34		**6**

Alterative Label

CAUTION WEAR SNUG-FITTING
NOT HEAT OR FLAME RESISTANT

In response to the above label 24 parents thought this was easy to understand, 12 did not and 4 were unsure. The following results were obtained regarding what the label meant:

	Yes	**No**	**Unclear**
Wearer can sit close to a heater with little risk of catching fire	1	36	3
Garment is made of fire resistant fabric	2	35	3
Garment has been treated with chemicals to reduce fire hazard	2	34	4
Garment will burn slowly enough for wearer to put it out or take it off	1	34	5
Garment must fit snugly to reduce the fire risk	24	7	9

Responses to the question how safe is a garment with the above were:

Safe	Quite safe	Not so safe	Unsafe
0	**9**	**21**	**8**

Responses to the question does this label suggest the garment is more or less safe than a garment with no label were:

Safer	Less Safe	Unclear
5	**24**	**11**

Alternative Label

CAUTION
NOT HEAT OR FLAME RESISTANT
WEAR SNUG-FITTING TO REDUCE FIRE RISK

In response to the above label 37 parents thought this was easy to understand, one didn't and 2 were unsure.

To the question was asked 'Is the extra information provided in the above label useful i.e. *Wear Snug Fitting* ***To Reduce Fire Risk*** compared to the previous label (where it simply says to *Wear Snug Fitting* without a clear reason why),' 35 said yes, 2 no and 3 unsure. Thirty five thought the label would catch their attention.

In response to a test question on the length of the label, 27 did not think it too wordy, 6 thought it was too wordy and 7 thought it possibly too wordy.

Alternative Label

Responses were as follows to the question if the following two labels were used together how safe is the garment?

Safe	Quite safe	Not so safe	Unsafe	Unclear/Confusing
2	**9**	**4**	**1**	**24**

Initial Conclusions

The survey results to date clearly reveal that there is a misperception around the meaning of the *LOW FIRE DANGER* label. Of particular interest is that nearly half of the participants thought it meant the wearer can sit close to a heater with little risk of catching fire and just over a third thought it meant the garment is made of fire resistant material.

Testing of the *CAUTION WEAR SNUG-FITTING NOT HEAT OR FLAME RESISTANT* gave better results in terms of perception, however, participants did not fully comprehend this label with only 24 out of 40 participants indicating they found the label easy to understand. Interestingly, over two thirds of participants thought the label meant a garment with such a label was not so safe or unsafe and just over half thought it meant the garment was less safe than an unlabelled garment. Most participants indicated that the label did not suggest the wearer of the garment could sit close to a heater with little risk of catching fire.

With respect to the label *CAUTION NOT HEAT OR FLAME RESISTANT WEAR SNUG-FITTING TO REDUCE FIRE RISK,* 37 out of the 40 participants indicated they thought this label easy to understand; and 35 thought the extra information compared to the aforementioned label useful.

With respect to the dual labelling *LOW FIRE DANGER* and KEEP AWAY FROM HEAT OR FIRE, discussion with survey participants suggested this gave an unclear or confusing message about the garment's safety. Many focused only on one of the labels leading to a variety of interpretations.

Next steps

The pilot survey has provided some useful initial results. It is intended to carry out further surveys at Kindergartens, Playcentres and Childcare Centres if access can be arranged. This will add to both the sample size and representiveness.

New Zealand Amendment to AS/NZS 1249:2003

Since the stakeholder meetings and the preparation of the consultation paper, Standards New Zealand has also advised that it can facilitate a New Zealand amendment to the AS/NZS 1249:2003 based on the option 2 approach and within a timeframe that the New Zealand amendment could be cited in amended Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations.

The Ministry of Consumer Affairs is very pleased that this work can be done and will work closely with Standards New Zealand to facilitate the amendment to the Standard.

The amendment will focus just on the labelling requirements as set out in tables 5.1 and 0.1 of the Standard. The timetable is to achieve the amendment by 3 June 2008.

The New Zealand amendment should assist discussions with Australia to promote a general revision of the Standard's labelling requirements.

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Manager Consumer Policy

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Policy Analyst

Appendix 1: Children's Nightwear Fire Hazard Labelling Survey

Have you purchased children's nightwear in the last two years?

Yes No

Would you be likely to purchase nightwear that is too big, for your child to grow into?

Yes No

Do you recall seeing this label on children's nightwear?

Yes No Unsure

<u>If you saw this label on an item of children's nightwear would you think:</u> (Please Tick Below)

	Yes	**No**	**Unclear**
Wearer can sit close to a heater with little risk of catching fire			
Garment is made of fire resistant fabric			
Garment has been treated with chemicals to reduce fire hazard			
Garment will burn slowly enough for wearer to put it out or take it off			
Garment must fit snugly to reduce the fire risk			

How safe is a garment with this label?

Safe Quite safe Not so safe Unsafe

Does this label suggest the garment is more or less safe than a garment with no label?

Safer Less Safe Unclear

Do you recall seeing this label on children's nightwear?

Yes No Unsure

CAUTION WEAR SNUG-FITTING
NOT HEAT OR FLAME RESISTANT

Is this label easy to understand? Yes No Unsure

<u>If you saw this label on an item of children's nightwear would you think:</u> (Please Tick Below)

	Yes	**No**	**Unclear**
Wearer can sit close to a heater with little risk of catching fire			
Garment is made of fire resistant fabric			
Garment has been treated with chemicals to reduce fire hazard			
Garment will burn slowly enough for wearer to put it out or take it off			
Garment must fit snugly to reduce the fire risk			

How safe is a garment with this label?

Safe Quite safe Not so safe Unsafe

Does this label suggest the garment is more or less safe than a garment with no label?

Safer Less Safe Unclear

CAUTION
NOT HEAT OR FLAME RESISTANT
WEAR SNUG-FITTING TO REDUCE FIRE RISK

Is the above label easy to understand? Yes No Unsure

Is the extra information provided in the above label useful i.e. *Wear Snug Fitting* ***To Reduce Fire Risk*** compared to the label on the previous page? (where it simply says to *Wear Snug Fitting* without a clear reason why)

Yes No Unsure

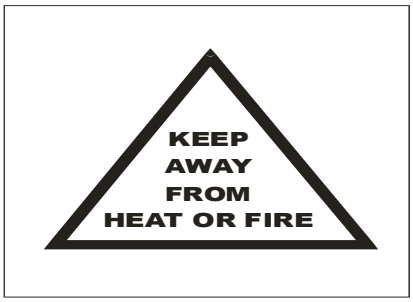
Would this label catch your attention? Yes No Unsure

Do you think this label is too lengthy in terms of wording?

Yes No Possibly

If the following two labels were used together how safe is the garment?

Safe Quite safe Not so safe Unsafe Unclear/Confusing



LOW FIRE DANGER

Thank you for your time