



13 June 2022

Director
Toppling Furniture Safety Review
Consumer Product Safety Division
Australian Competition & Consumer Commission
Via email: topplingfurniture@acc.gov.au

Dear ACCC,

RE: Consultation paper: Toppling Furniture - Assessment of Regulatory Options

Manufacturers and retailers should take responsibility for ensuring that the furniture they sell is safe and will not injure or kill people.

CHOICE welcomes the Australian Competition & Consumer Commission's ('**ACCC**') consultation on policy options to reduce the harms of toppling furniture. The lives of people and especially the lives of children, who are at a highest risk of serious injuries and death, must not be compromised by poor business practices. Minimum standards should be introduced for furniture that is at risk of toppling to prevent serious injuries and loss of life.

Which of the proposed options do you prefer and why?

CHOICE strongly supports the ACCC's preliminary view to implement Option 5(b). This option will establish a mandatory safety standard that sets out requirements for warning labelling, safety information and stability requirements, and the provision of an anchoring device to products.¹ It will also establish a mandatory information standards that sets out warning labelling and safety information requirements to be provided with the product and at the point of sale online and in-store.² CHOICE also supports including televisions within the scope of this reform.

CHOICE's 2021 submission to the ACCC Issues Paper on Toppling Furniture supported the approach of Option 5(b).³ Our submission recommended a mandatory safety standard for items at high risk of toppling and an information standard for items at moderate risk of toppling.⁴ Our views are informed by CHOICE's extensive product testing and reviews experience, and by experiences shared by 1,183 CHOICE members in a 2020 survey. CHOICE's survey found that many consumers were not provided with adequate safety information, written or verbal at the

¹Australian Competition and Consumer Commission, *Toppling Furniture Consultation Paper - Assessment of Regulatory Options* (April 2022) p. iii.

²Australian Competition and Consumer Commission, *Toppling Furniture Consultation Paper - Assessment of Regulatory Options* (April 2022) p. iii.

³CHOICE submission to the ACCC Issues Paper – Toppling Furniture and Televisions. Available at:

<https://www.choice.com.au/consumer-advocacy/policy-submissions/2021/august/submission-to-the-accg-on-toppling-furniture>

⁴CHOICE submission to the ACCC Issues Paper – Toppling Furniture and Televisions. Available at:

<https://www.choice.com.au/consumer-advocacy/policy-submissions/2021/august/submission-to-the-accg-on-toppling-furniture>

time of purchasing furniture or a television.⁵ Only 45% of respondents recalled being provided information about tip over hazards and 3% recalled the store assistant mentioning or recommending anchoring the product.⁶ CHOICE encourages the ACCC to refer to CHOICE's 2021 submission for more details.⁷

Option 5(b) is the most effective option to prevent severe injuries and deaths of people as a result of toppling furniture and televisions. It will place the appropriate level of responsibility on manufacturers and retailers to ensure that the furniture and televisions they sell are safe and stable by design. It will also require that essential safety information is provided to consumers in a clear and accessible manner.

CHOICE also strongly supports the ACCC's preliminary view that Option 5(b) should apply to all manufacturers and retailers selling furniture and televisions, including second-hand retailers. Regardless of whether furniture and televisions are sold as new or as used, they pose the same risk of severe injuries and loss of life.

Consumers must also not be charged more for furniture and televisions that are stable and safe to use, or for information that is required to minimise the risks of serious injuries or death. It is a reasonable expectation on manufacturers and retailers to ensure that consumers' lives are not threatened by toppling furniture and televisions.

Key recommendations:

- 1. The Government should require manufacturers and retailers which sell furniture and televisions that are at risk of tipping over to comply with Option 5(b). These requirements should also apply to second-hand retailers.**
- 2. The Government should consider measures that give consumers access to low or no-cost anchoring by qualified tradespeople. Measures may include rebates, incentives or the requirement for retailers who sell products to provide access to such services.**
- 3. The Government should introduce the voluntary standard, ISO 7170:2021, as a mandatory standard for minimum stability requirements of furniture and televisions.**

⁵The online survey was designed, executed and analysed by CHOICE's Consumer Insights Team. It was in field from May 26 to 2 June 2020. A total of n=1,183 respondents across Australia completed the survey. The majority of respondents (n=956) were invited via CHOICE's "Voice Your Choice" research panel which includes members and supporters of CHOICE. Further respondents replied to the survey via CHOICE's Facebook page. Survey participation was voluntary and non-incentivised.

⁶CHOICE, 2020 survey.

⁷CHOICE submission to the ACCC Issues Paper – Toppling Furniture and Televisions. Available at: <https://www.choice.com.au/consumer-advocacy/policy-submissions/2021/august/submission-to-the-accc-on-toppling-furniture>

Why are options 1 to 5(a) inadequate to keep people safe?

CHOICE does not support the above options as they are unlikely to minimise serious injuries and deaths of people. Options 1, 2, 3 and 5(a) do not meet minimum stability requirements and would continue to pose a high risk to consumers as furniture is likely not to be designed with safety in mind.⁸ CHOICE's 2020 member survey indicates that consumers are extremely concerned about furniture that is designed to be unstable.⁹ Furniture and televisions should be safe and stable based on normal or reasonably foreseeable scenarios and conditions, including toppling risks presented by children, pets or otherwise by usage. Anchoring kits should not be solely relied upon to secure furniture and televisions. Furniture and televisions must be safe by design and only require anchoring to provide extra security.

In addition, options 1, 2, 3 and 4 do not meet all or some of the fundamental requirements to keep people safe, such as provision of warnings about toppling hazards in-store or online, and having an adequate anchor device supplied or integrated into the design. CHOICE's 2020 survey indicates that only 5% of 395 respondents who purchased furniture or televisions in the last 12 months recall in-store warnings in the vicinity of large furniture or televisions advising consumers to use anchors to secure them.¹⁰ Only 3% recall the salesperson mentioning or recommending anchoring the item.¹¹ The survey also shows that consumers use anchoring kits that are provided. Those consumers who have not received these kits express their concern for the safety of their children and themselves. We anticipate that significant consumer harm would eventuate if Options 1 to 5(a) were to be implemented.

What are the appropriate warning labels and safety messages?

As one aspect of the policy solution CHOICE strongly supports warning labels affixed to products at risk of toppling. Warning labels should include information on preventing furniture and televisions tipping over incidents, especially where there is a risk to children under 5 years of age. Manufacturers and retailers must inform consumers about the tip over hazard and how it can be prevented, including the use of anchoring.

Safety information in the assembly instructions or manual should include information about the right type of fixings for different surface types and various ways of anchoring furniture and televisions. Consumers who are unable to assemble and safely anchor furniture and televisions to a wall themselves should have access to low or no-cost anchoring by qualified tradespeople. The Government should consider measures that may include rebates, incentives or the requirement for retailers who sell products to provide access to such services.

CHOICE supports labels and safety messages that are:

- eye-catching with bright colours that stand out;

⁸Australian Competition and Consumer Commission, *Toppling Furniture Consultation Paper - Assessment of Regulatory Options* (April 2022) p. iv.

⁹CHOICE, 2020 survey.

¹⁰CHOICE, 2020 survey.

¹¹CHOICE, 2020 survey.

- large in size for accessibility reasons;
- in diagram form; and
- written in plain English.

The Appendix has examples of effective labels and safety messages that are acceptable as starting points for each requirement.

Providing information to consumers should complement well-designed furniture and televisions that are stable and safe for consumers to use in the first place. Manufacturers and retailers must not solely rely on consumers reading and understanding the safety information.

What are the adequate stability requirements?

CHOICE supports an overall improvement in furniture and televisions stability to reduce the risk of severe injury and death. Furniture and televisions must be safe and stable by design. If furniture and televisions still require to be anchored to ensure the safety of people, multiple fixings for the most common wall types in Australia must be provided to consumers.

The voluntary standard, ISO 7170:2021, must be a mandatory standard. All furniture and televisions that are at a high or medium risk of toppling must be tested in accordance with these standards. The lives of people must not be compromised by poor business practices. Manufacturers must take responsibility for designing their furniture with safety in mind.

We commend ACCC's preliminary view to implement Option 5(b) to keep the Australian community safe. For further information please contact CHOICE on pveyret@choice.com.au or 0431 822 372.

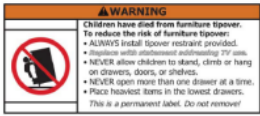



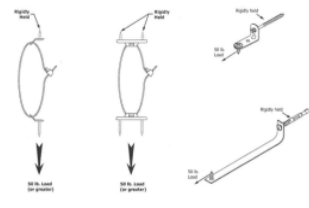
Yours sincerely,



Patrick Veyret
Head of Policy and Government Relations
CHOICE

Appendix 1 - Effective labels and warning messages

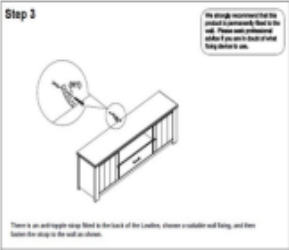

Below are examples of effective labels and warning messages that the ACCC could consider adapting for furniture and televisions at risk of toppling:

Examples	Source	CHOICE's reasoning
Permanent labels	ASTM F2057- 19 ¹² 	CHOICE supports permanent labels which clearly identify the hazards and contain suitable images. The example given for ASTM F2057:2019, and the images shown for the US CPSC survey for pictograms, would be acceptable as a basis for this requirement.
Pictogram	US CPSC survey ¹³ 	
Swing/hang tag	AS/NZS 4935:2009 - formatting  NRA Guide Example 1 - wording ¹⁴ 	CHOICE supports swing tags which clearly identify the hazards and contain suitable images. The example given for AS/NZS 4935:2009 - formatting and NRA Guide Example 1 - wording for swing or hang tags would be acceptable as a basis for this requirement.
Information for inclusion in instruction/assembly manual	ASTM F3096- 14 	CHOICE supports instructions and/or assembly manuals which clearly identify the hazards and contain suitable images. The example given for ASTM F3096- 14 and the NRA Guide for information, would be acceptable as a basis for this requirement.

¹²Australian Competition and Consumer Commission, Toppling Furniture Consultation Paper - Assessment of Regulatory Options (April 2022) Attachment A. p. 2.

¹³Australian Competition and Consumer Commission, Toppling Furniture Consultation Paper - Assessment of Regulatory Options (April 2022) Attachment A. p. 4.

¹⁴Australian Competition and Consumer Commission, Toppling Furniture Consultation Paper - Assessment of Regulatory Options (April 2022) Attachment A. p. 3.

	<p>NRA Guide¹⁵</p> 	
<p>Information to be provided at the point of sale</p>	<p>NRA Guide (the second example)¹⁶</p> 	<p>CHOICE supports point-of-sale information which clearly identifies the hazards and contains suitable images. The example given for the NRA Guide (the second example), would be acceptable as a basis for this requirement.</p>

¹⁵Australian Competition and Consumer Commission, Toppling Furniture Consultation Paper - Assessment of Regulatory Options (April 2022) Attachment A. p. 5.

¹⁶Australian Competition and Consumer Commission, Toppling Furniture Consultation Paper - Assessment of Regulatory Options (April 2022) Attachment A. p. 7.