

# Product safety bulletin

## Infant sleep products

This bulletin alerts suppliers of infant sleep products to some of the potential **hazards** associated with these products. It also contains information about some of the **responsibilities** of suppliers.

If you are in the business of supplying infant sleep products in Australia, this bulletin is relevant to you.

Alternatively, if you are an organisation in contact with suppliers of infant sleep products in Australia, this bulletin is one that you can share with them.

### Key issues covered in this bulletin:

- Infant sleep products can place infants at risk of sudden unexpected death
- Warnings should be provided to consumers on the use of infant sleep products
- Suppliers' obligations under the Australian Consumer Law (ACL)

### What are infant sleep products?

Sleeping infants are at risk of sudden death due to suffocation, positional asphyxiation, entanglement or strangulation if they are left sleeping in unsuitable products.

There are many products that are marketed for infants (babies under 12 months of age).

Infant sleep products can be categorised into 3 broad categories:

- *infant inclined products*. These products can be designed for playing, resting, soothing or sleeping an infant. Some products that fall within this category include:
  - rockers
  - bouncers
  - swings
  - hammocks
  - recliners
  - infant bean bags

- *infant non-inclined sleep products*. These products are marketed for infants to use for sleeping and include products such as:
  - cots
  - co-sleepers
  - folding cots, including soft / padded inserts
  - bassinets including those which can elevate or incline an infant
  - cradles.
- *infant sleep related products*. These products may be marketed to assist in promoting infant sleep. Some examples of these products include:
  - anti-roll pillows
  - anti-flat head pillows
  - sleep positioners
  - nests or loungers
  - weighted blankets
  - soft toys or sleep comforters.

## Hazards

The design features which pose a risk include:

- *soft and padded surfaces* that can conform to the shape of an infant's head instead of remaining rigid. This can prevent infants from being able to turn or lift their face to breathe freely particularly if they roll over which increases the chance of suffocation and carbon dioxide rebreathing
- *incline of the products / curve of the backrest* which places the infant's head higher than their chest or tummy. Their head is more likely to drop onto their chest, which narrows their airways and restricts their breathing (slow suffocation), and/or allows babies to more easily roll into a position where their face has partial or complete contact with the side of the product that blocks or covers their airways
- *pillows* that lift the infant's head and can cover an infant's face and cause suffocation
- *weighted elements* that place pressure on an infant or restrict movement (such as weighted blankets) can restrict breathing and cause entanglement.

The marketing of a product with the above design features as safe or suitable to be in an infants' sleep environment, through language or imagery, may be misleading and suggest the product is suitable for infant sleep, contrary to public health guidance.

Based on reports from Child Death Review and Prevention Groups between 2001 and 2021, 151 infants in Australia died in inclined products such as rockers, bouncers, and on items that were propped (such as pillows).

## **Your responsibilities as a supplier**

The ACL provides a range of statutory guarantees to consumers when they purchase goods or services. For example, suppliers must ensure that goods are safe and of acceptable quality and fit for any disclosed purpose.

Representations or claims made in relation to the supply of consumer goods or services must also be truthful and must not be likely to mislead or deceive. This applies to advertisements or statements in any media (print, radio, television, social media and online) or on product packaging, and any statements made by a person representing your business.

Statements made regarding the characteristics of a product and its suggested usage must not mislead consumers into believing they are safe for use in an unsupervised sleeping environment. Claims may be express or implied, particularly through use of imagery. Misleading or false claims of this nature risk contravening the ACL.

## **ACCC enforcement action**

In [November 2023](#), online national retailer Riff Raff Baby Pty Ltd paid penalties of \$132,000 after the ACCC issued it with eight infringement notices for allegedly making false or misleading statements about its comforter toys being safe for sleep from birth.

Riff Raff advertised its sleep aid comforters for sale on its website, and Facebook and Instagram pages, with frequent images of sleeping babies and prominent statements including *"we always recommend the introduction of your Riff Raff Sleep Toy from birth where possible"*, *"...Did you introduce your Riff Raff from birth? If you didn't..., do you wish you had?"* and *"designed with safety in mind."*

The ACCC was concerned that these ads conveyed the misleading representation that the sleep aid toys were safe to be used in unsupervised sleep environments with infants under seven months old. This is contrary to longstanding public health advice, which indicates that toys or other objects, particularly soft toys, should not be placed in a sleep environment with a baby less than seven months old.

## **Your mandatory reporting responsibilities**

If you are a supplier of consumer goods, you also have mandatory product safety reporting obligations.

Under the ACL, a supplier must report any death, serious injury or serious illness associated with a consumer good or product related service that you have supplied within two days. More detailed information can be provided at a later date.

Mandatory reports are confidential and are not an admission of liability. If you don't submit a mandatory report when you should, you may be found guilty of a criminal offence or be fined.

You can submit a mandatory report and find out more about your requirements via the [Product Safety Australia website](#).

### **Tips for suppliers to consider**

Point of sale is an ideal time to alert consumers and emphasise important safety messages and safe/intended use instructions.

Some steps suppliers can take include:

- reviewing product lines based on Red Nose safe sleep recommendations (for example, see Attachment A)
- assessing whether a product could be misused and result in an increased risk of death or serious injury.
- providing clear and easy to understand warnings to consumers on potential risks associated with these products
- providing clear and easy to understand packaging and instructions on how to use the product safely
- ensuring marketing and promotional material of infant products is consistent with relevant health advice such as Red Nose safe sleep recommendations. Products should be correctly marketed at an appropriate age range according to relevant health advice.

### **Product safety standards**

Currently there are no Australian mandatory standards that specifically address the risks associated with all infant sleep products and particularly, infant incline products. There are [mandatory standards for household cots](#) and [folding cots](#). However, neither of these standards capture all known risks, and they do not cover all current and emerging Infant Sleep Products. The ACCC has been working with industry and consumers since 2021 to address this issue. We published an [Issues Paper](#) and [Consultation Paper](#) outlining this work.

As a supplier it is your responsibility to keep up to date with any new standards concerning infant sleep products, as may occur from time to time.

## **Product recalls**

If a product is unsafe or will or may cause injury to a person, it may be recalled. Recalls can be initiated voluntarily by the supplier, or in response to an order by the minister responsible for consumer protection.

Information on recalls can be found by visiting the [Product Safety Australia](#)

## **Resources**

Visit the ACCC's [Your First Steps](#) website, [Sleep related hazards in infant products page](#) and the following Red Nose Australia resources for additional information and advice on safe sleeping practices:

- [Red Nose safe sleep recommendations](#)
- [Baby Safe Sleeping Products | Red Nose Australia](#)
- [Media | Red Nose Australia](#) – Download the Safe Sleep Image Guide



# Sleep your baby safe.

Putting your baby to sleep flat on their back is the safest way for them to sleep.



Sleeping on an incline increases the risk of sudden death for your baby from:

- rolling into a position that blocks the airways
- dropping their head onto their chest, which restricts their breathing.



Reports indicate 151 babies in Australia have died in inclined products such as rockers, bouncers and on propped items.

Check out more information about keeping baby safe on our website.

[productsafety.gov.au](https://productsafety.gov.au)

