

# CONSUMER PRODUCT SAFETY STANDARD FOR SUNGLASSES AND FASHION SPECTACLES

## QUESTIONS AND ANSWERS FOR GUIDANCE PURPOSES

The following is a proposed set of Questions and Answers to give some guidance on how distributors can responsibly meet the requirements of the mandatory consumer product safety standard for sunglasses and fashion spectacles based on AS/NZS 1067:2003 *Sunglasses and fashion spectacles* (“the Standard”). The answers have been assembled as a pragmatic approach that takes into account balancing the following factors:

- (a) the cost burden to the industry of fully testing every parameter listed in the Standard for the thousands of different sunglass products sold in the Australian market each year
- (b) providing a responsible and reasonable level of assurance of compliance to the Standard that does not significantly increase the safety risk to consumers.

### **Q1: What are the mandatory compliance requirements?**

A1: There is a legal requirement under the Trade Practices Act 1974 for sunglasses and fashion spectacles that are supplied in Australia to comply with AS/NZS 1067:2003 with variations defined in Consumer Protection Notice No. 13 of 2003 as amended by Consumer Protection Notice No. 4 of 2005. **The Consumer Protection Notices specify the goods covered or exempted, reference the applicable published Australian Standard and vary or delete certain requirements in the published standard.** Links to the Consumer Protection Notices can be found on the ACCC website [www.accc.gov.au](http://www.accc.gov.au) - search for Consumer Protection Notice sunglasses & fashion spectacles.

Suppliers are advised to read the Consumer Protection Notices in conjunction with AS/NZS 1067:2003. The Australian Standard may be purchased from SAI Global on 131 242 (within Australia) or +61 2 8206 6010 (from outside Australia) or website <http://infostore.saiglobal.com/store/>

The Standard applies to the following:

- (a) Spectacles comprising tinted lenses of nominal zero power mounted in a spectacle frame
- (b) Individual tinted lenses of nominal zero power intended for use in sunglasses
- (c) Rimless sunshields and one piece visors
- (d) Clip-on and slip-on type sunglasses
- (e) Children’s sunglasses.

The Standard does not apply to the following:

- (a) Safety glasses and safety goggles intended to provide protection against optical radiation (AS/NZS 1337 and AS/NZS 1338 apply to safety glasses and safety goggles)
- (b) Eyewear for protection against radiation in solarium (AS/NZS 2635 applies to these lenses)
- (c) Ski goggles
- (d) Glasses for use as toys and clearly and legibly labelled as toys
- (e) Glasses or goggles for special use, including medical shields especially designed for use by vision impaired persons.

It is recommended that Distributors should have evidence that the above in-scope products have been tested to the requirements of the Standard to assure themselves that products, if tested by the ACCC or anyone else, will comply with the requirements of the Standard.

**Q2: What are the minimum recommended requirements for testing evidence?**

A2: Testing evidence should be in the form of a formal test report that should clearly state that the testing was performed according to the mandatory requirements of AS/NZS 1067:2003, the item(s) that were tested, be dated with the name and address of the test facility, a contact name and contact details, list the tests that were performed, the result of each test (including quantitative results where relevant) and whether the result complies with the Standard. Test reports should show that assembled sunglasses were tested for the relevant clauses in AS/NZS 1067:2003 where assembled sunglasses are required. It will not be sufficient to rely on test reports that reference only overseas standards since currently no overseas standard is equivalent to AS/NZS 1067:2003.

The test report provides the following:

- Confidence that the order will be of the same quality and performance standard as the pieces tested.
- A means of presenting to clients and Regulators that suppliers are aware of the legal obligations, that there is a culture of compliance in the business, and compliant stock is on offer.
- A tool to minimise the damage to the distributor's business if the stock is tested at random by a Regulator and found to fail.
- The category detail needed to mark the stock in accordance with the Standard.

**Q3: How will the ACCC determine whether a product complies with the Standard?**

A3: The ACCC and other State government agencies may conduct in-store assessments of sunglasses and look for obvious visual breaches of the Standard such as labelling or dimensional non-conformances. They may also investigate complaints or "tip-offs" from the public. If the ACCC suspects that a product does not comply with the Standard, it may seek proof of compliance from the supplier or have the product tested by an independent test facility qualified in that field of testing. If the test report indicates that the product fails the mandatory standard, the ACCC will contact the supplier to discuss appropriate remedial action such as withdrawal from sale of the goods or a consumer recall. Other enforcement action open to the ACCC can include administrative resolution, the provision of court enforceable undertakings or court action.

**Q4: Does the Distributor's testing need to be done by an accredited test facility?**

A4: Whilst it is recommended that the test facility is accredited to provide additional assurance, this is not mandatory. However the onus is on the distributor to ensure the testing is performed by a competent organisation that warrants its results. This does not preclude sunglass companies from conducting their own testing. In case of any legal dispute, and when

determining product non-compliance, the ACCC will rely on test results from a NATA-accredited (or other recognised accredited or suitably qualified) test facility. The decision of whether a product complies with the Standard is ultimately one for the Federal Court.

Note: In Australia, NATA accredits certain test facilities to perform tests in compliance with AS/NZS 1067:2003. Overseas test facilities may be accredited by similar national organisations. For a list of recognised accrediting organisations around the world, refer to NATA's Mutual Recognition Arrangements (MRA) Network in the International section of NATA's website <http://www.nata.asn.au>.

**Q5: Does testing need to be done on every product combination?**

A5: No. Whilst the intent is that all products should be tested because of the influence of many factors such as frame shape, lens material, lens colour, lens thickness and lens retention, it is often impracticable to do so in a cost-effective manner. Instead, risk-based, type-testing based on representative samples can be performed. Regardless of the testing program chosen, the supplier/distributor is still accountable for all their products being compliant with the Standard. Two suggested testing methods are proposed:

**RISK-BASED METHOD**

- Transmittance and Optical Power tests on one pair of each tint colour of darkest tint (or polarizing effect, photochromic darkness, or darkest gradient tint) in the product range
- Scattered Light on each lens material in the product range (Note: this is only required for lenses with labels, decorations or markings (other than those intended to be removed before use) within the two ellipses defined in clause 3.2.1 of the Standard)
- Eye coverage and Field of View on the smallest size frame(s) (as determined by lens dimension) in the product range. Note: Lenses with holograms or other transparent images applied to the outer (non-eye) side of the lens would generally pass the Field of View requirements provided that the other requirements of the Standard are met (especially Transmittance matching for pairs of sunglass lenses of all types, Uniformity of colour for pairs of sunglass lenses of all types and Scattered Light).
- Mechanical Requirements to be tested on the lens material, coating and frame combinations most likely to fail
- Ignition to be tested on each lens material and each frame material in the product range

**SAMPLE-BASED METHOD**

- AS/NZS 1067:2003 (as varied by the Consumer Protection Notices) compliance to be performed on a sample of 4% (to a maximum of 50 pairs) of a cross section of the product range, calculated from the number of different sunglass products (configurations)
- For example, if a supplier has 500 different products (combinations of frames, materials, tint densities, tint colours and lens thicknesses), the total number of pairs to be tested will be 20. For 2000 different products, the sample size will be 50.

**Q6: How often does this testing need to be done?**

A6: A recommended maximum interval between tests is two years, unless there is any change in manufacturer, materials, designs or manufacturing processes that may influence test results. If so, then testing should be repeated for the affected products.

Note: The ACCC makes no recommendation as to the testing methods to be used or the frequency of testing by suppliers. It is important for suppliers to adopt an effective quality assurance system to ensure that all products supplied comply with mandatory standards and that any claims of compliance can be supported.

There is no magic formula in deciding how to approach quality assurance and sampling. Good risk management is required. Each product needs to be considered on its merits. Factors include:

- Reliability of raw materials
- Reliability of suppliers
- Nature of the materials used – affected by changes in temperature, moisture, UV light, and so on, that may lead to, for example, shrinkage/expansion, instability, etc.
- Susceptibility to certain storage conditions
- Nature of testing – is it destructive, very expensive
- History of compliance, frequency of recalls – from own experience, regulators actions, recalls database, overseas data, etc.
- Size of tolerances or “margins for error”
- Level of hazard/s associated with the product

Guidance on quality assurance and product sampling is available from a number of Australian Standards based on the ISO 9000 series.

**Q7: What are the most common reasons for a product recall?**

A7: In the last 10 years nearly all product recalls in Australia have been due to lack of compliance with one or more of the following reasons because they can have important safety implications with the consumer:

- (a) Transmittance requirements including lens matching and uniformity of colour
- (b) Optical power (eg causing blurred vision)
- (c) Labelling requirements associated with the required warnings determined by transmittance performance (eg “Not suitable for driving at night” or “Must not be used when driving”).

(d) Eye coverage/field of view

**Q8: Section 4 of the Standard defines Marking and Labelling requirements, including the need to include the “identification of manufacturer or supplier”. Is the Brand name sufficient or does the name of the manufacturing company or supplier also need to be attached to the product?**

A8: The name of the Australian supplier (whether manufacturer, distributor, importer or retailer) should be attached to assembled sunglasses or supplied with individual sunglass lenses. Whether other forms of identification, such as a trademark or brand, is sufficient to comply would need to be assessed product by product.