

Obligations for suppliers of do-it-yourself teeth-whitening kits in Australia under the *Competition and Consumer Act 2010*

Do-it-yourself (DIY) teeth-whitening kits are consumer goods and are therefore subject to statutory consumer guarantees that require suppliers to remedy consumers if goods are unfit for purpose or of unacceptable quality, including if they are unsafe. The *Competition and Consumer Act 2010* (CCA) also requires that all representations or claims made in relation to the supply of consumer goods are truthful. It is an offence to engage in misleading and deceptive conduct.

Cosmetics, including DIY teeth-whitening kits, are also subject to the *Trade Practices (Consumer Product Information Standards) (Cosmetics) Regulations 1991*, which requires that ingredients used in cosmetics are declared on the label. This mandatory information standard is intended to enable consumers to identify the presence of ingredients to which they may be allergic or sensitive, or otherwise concerned about, and to allow comparison of different products.

Suppliers of consumer goods are also required to report any serious injury, illness or death associated with consumer goods that they have supplied in Australia within two days of becoming aware of a reportable incident. A supplier who fails to fulfil this mandatory requirement may be found guilty of an offence and be liable for a penalty of up to \$16,500 for a body corporate or \$3,300 for a person other than a body corporate *for each offence*. Further information explaining your Mandatory Reporting obligations, including the online reporting form is available on the Product Safety Australia website at: <http://www.productsafety.gov.au/mandatoryreporting>.

Cosmetic ingredients must be legally permitted for use in Australia and meet requirements under the *Industrial Chemicals Notification and Assessment Act 1989* and comply with the Cosmetics Standards 2007. There are also legal requirements and restrictions for certain substances, such as hydrogen peroxide and carbamide peroxide, by virtue of the Poisons Standard 2011.

Information explaining your consumer product safety recall obligations, including the online recall notification form, can be found on the Recalls Australia website at <http://www.recalls.gov.au/content/index.phtml/itemId/1000103>.