

Western Australia

**Fair Trading (Textile Products and Other Goods
— Product Information) Regulations 1988**

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Fair Trading (Textile Products and Other Goods — Product Information) Regulations 1988

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NOTES

Western Australia

FAIR TRADING ACT 1987

**Fair Trading (Textile Products and Other
Goods — Product Information)
Regulations 1988**

Made by His Excellency the Governor in Executive Council.

Part1 — Preliminary

1. Citation

These regulations may be cited as the *Fair Trading (Textile Products and Other Goods — Product Information) Regulations 1988*.

2. Interpretation

(1) In these regulations, unless the contrary intention appears —

“covering” includes stopper, glass, cask, bottle, vessel, box, cover, container, capsule, case, frame or wrapper;

“distributor”, in relation to textile products, means —

- (a) any person who having in his possession, ownership or control imported textile products offers those products for sale either direct or through an agent or wholesaler or retailer;
- (b) or any contractor, jobber, or maker-up engaged in any preliminary or intermediate process to the ultimate stage of manufacture of those products;

“label” includes band or ticket;

“manufacturer”, in relation to textile products, means —

- (a) any person engaged in the process of spinning, weaving, knitting or felting of textile products for sale either direct or through an agent, wholesaler, or retailer; or
- (b) any contractor, jobber or maker-up engaged in any preliminary or intermediate process to the ultimate stage of manufacture of those products;

“percentage” means percentage by weight;

“sell” includes exhibit, expose or have in possession for sale or for any purpose of advertisement, manufacture or trade;

“speciality animal fibre” means cashmere, mohair, or the hair of the alpaca, camel, llama or vicuna.

- (2) The following goods are excluded from the definition of “textile products” in section 64 (2) of the Act —
- (a) men’s and boys’ wear —
handkerchiefs; collars; braces; belts; garter suspenders; arm bands;
 - (b) women’s and children’s wear —
handkerchiefs; corsets; brassieres; belts; handbags; collars; neckwear;
 - (c) textile materials commonly used in the manufacture of footwear;
 - (d) baby wear —
baby squares of flannelette, terry or muslin; baby bibs;
 - (e) household drapery —
towels; towelling; face washers; bath mats; mattress cases; mattress covers; bed ticking; ticking; serviettes; doilies; tray cloths; centres; runners; duchess sets; mosquito netting and covers made therefrom; butter muslin and gauze; floor cloths; dish cloths; dusters; cleaning cloths; cleaning cloth;
 - (f) furnishings —
oil baize; window blinds; shade blinds; sun blinds; awnings; shower curtains; underfelt made from waste underlinings; linoleum; coir mats and matting; paper felt (for underlinings);
 - (g) canvas goods —
duck; canvas; sail cloth; deck chair covers; beach and garden umbrella coverings;
 - (h) haberdashery —
ribbons forming part of a manufactured article; ornaments; artificial flowers;

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- (i) goods of industrial usage —
 - printers' and signwriters' cloth; bookbinding cloth; filter cloth; undertakers' cloth; sweat rags; mop cloth; ticket buckram;
- (j) medical and surgical goods —
 - bandages; dressings; sanitary pads; materials forming part of manufactured medical and surgical aids;
- (k) garment or headwear linings or trimmings —
 - woven, knitted, felted or other materials commonly used for the purpose of linings, interlinings or trimmings in the manufacture of, or making up of, garments or headwear;
- (l) jute products, including jute backing of carpets;
- (m) women's hats; and
- (n) miscellaneous goods —
 - cords; twines; lashings; firemen's hose; garden hose; pneumatic tyres; toys; woven labels; flex coverings; sporting goods used only for the purposes of sport and not including apparel; flags; gardening gloves.

Part 2 — Textile products

3. Declared goods

Goods made wholly or partly from the following materials are declared to be textile products for the purposes of the Act —

acetate; acrylic; chlorofibre; elastomeric; glass; metallic yarn; paper yarn; polyamide or nylon; polyester; polyolefin; polyvinyl alcohol; and rayon.

4. Product quality standard

The product quality standard to be used for textile products shall consist of the requirements as to the marking of textile products set out in these regulations.

5. Mark to be affixed to textile products

Subject to these regulations no person shall sell a textile product unless there is affixed to that textile product in the manner specified in these regulations a mark in the English language containing the particulars specified in these regulations.

Penalty: \$1 000.

6. Nature of mark

- (1) The mark affixed to a textile product shall —
 - (a) be in the form of a principal label or brand;
 - (b) be in legible characters, conspicuously placed so as to be clearly visible; and
 - (c) be affixed in as permanent a manner as possible to the textile product or, where that is not possible, to the principal covering in which the textile product is contained and in which it is usually sold by wholesale or retail.
- (2) There shall not be included on any label or brand used for the purposes of a mark any matter additional to the particulars

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required by these regulations if the additional matter would by illustration, by wording or by size of lettering, tend to contradict or obscure those particulars.

7. Mark as to wool or fibre content

- (1) The mark affixed to a textile product which contains 95 per cent or more by weight of wool shall include the words “Pure Wool” or the words “All Wool”.
- (2) Subject to subregulation (4), the mark affixed to a textile product which contains less than 95 per cent by weight of wool shall not include the words “Pure Wool” or the words “All Wool”.
- (3) Subject to subregulation (4), the mark affixed to a textile product which contains less than 95 per cent but not less than 5 per cent by weight of wool shall include a statement specifying —
 - (a) the percentage by weight of wool which is contained in the product; and
 - (b) the other fibres contained in the product in order of dominance by weight.
- (4) The mark affixed to a textile product which contains not less than 95 per cent by weight of wool and specialty animal fibres may, where the weight of wool is not less than 80 per cent of the weight of all fibres contained in the products, include the words “Pure Wool” or the words “All Wool”, and if the words “Pure Wool” or the words “All Wool” are so included, then subregulation (3) does not apply.
- (5) The statement required by subregulation (3) to be included in a mark shall specify the percentage by weight of wool —
 - (a) if the textile product contains a greater percentage by weight of wool than of any other fibre, first; but
 - (b) otherwise, last.

- (6) The mark affixed to a textile product which contains less than 5 per cent by weight of wool shall state the fibres other than wool, in order of dominance by weight followed by the words “less than 5 per cent wool”.
- (7) The mark affixed to a textile product which contains no wool shall include a statement specifying the fibre contained in the product, or if the product contains more than one fibre, the fibres in order of dominance by weight.

8. Mark where product contains loading, weighting or filling substance

- (1) The mark affixed to a textile product which contains loading or weighting substances other than ordinary dressing shall include the word “loaded” or the word “weighted”.
- (2) If a textile product contains a loading, weighting or filling substance or substances and the weight of any of those substances or any combination of all or any of those substances, being substances which are removable from the product by normal cleaning processes, exceeds 5 per cent by weight of the product, the mark shall include the expression “loose filling exceeds 5 per cent”.
- (3) For the purposes of this regulation, a dressing used to meet legitimate trade requirements, and which does not contain anything in the nature of adulteration or anything used for the purpose of deceiving as to the quality, substance or nature of the product shall be deemed to be an ordinary dressing.

9. Mark as to paper content

The mark affixed to a textile product which contains paper shall include a statement that the product contains paper.

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10. Mark affixed to artificial fibre

Where under these regulations a mark is required to be affixed to an artificial fibre, that fibre shall be specified, as may be appropriate, as being —

- (a) acetate;
- (b) acrylic;
- (c) chlorofibre;
- (d) elastomeric;
- (e) glass;
- (f) metallic yarn;
- (g) paper yarn;
- (h) polyamide or nylon;
- (i) polyester;
- (j) polyolefin;
- (k) polyvinyl alcohol; or
- (l) rayon,

and if none of those descriptions is appropriate to describe the composition of the fibre, the fibre shall be specified as being “artificial fibre” or “man-made fibre”.

11. Records to be kept

- (1) Every person who manufactures or distributes textile products shall keep and maintain in writing in the English language for at least 3 years all records and specifications of textile products delivered or sold by that manufacturer or distributor.
- (2) A person who contravenes subregulation (1) commits an offence.
Penalty: \$1 000.

12. Access for investigating officer to inspect records

- (1) Every person who manufactures or distributes textile products shall at all reasonable times give access to an investigating officer to inspect and check records required by these regulations to be kept by that manufacturer or distributor.
- (2) In subregulation (1), “**investigating officer**” means an officer authorized by the Commissioner under section 23 of the *Consumer Affairs Act 1971* to carry out investigations and inquiries.
- (3) A person who contravenes subregulation (1) commits an offence.
Penalty: \$1 000.

13. Use of false or incorrect mark

A person who affixes to a textile product a mark the particulars of which —

- (a) do not comply with these regulations; or
- (b) are false or incorrect,

commits an offence.

Penalty: \$1 000.

Part 3 — Bedding and upholstered furniture

14. Bedding and upholstered furniture

- (1) Every mattress which is filled with kapok, flock, hair or fibre shall have affixed to it a mark bearing one of the following descriptions according to its contents —

- (a) “kapok mattress”;
- (b) “flock mattress”;
- (c) “hair mattress”; or
- (d) “fibre mattress”,

and those descriptions shall not be used, except in relation to mattresses which are so filled.

- (2) Where a mattress is filled with a mixture of kapok and flock a mark shall be affixed to the mattress stating the respective percentages of kapok and of flock and containing the following description —

“ kapok and flock mattress ”.

- (3) Where a mattress is filled with hair and fibre a mark shall be affixed to the mattress stating the percentage of hair and the percentage of fibre and containing the following description —

“ hair and fibre mattress ”.

- (4) Where a mattress is filled with fibre or a percentage of fibre a mark shall be affixed to the mattress stating the class of fibre used.

- (5) Where wool is added to flock in the filling of a mattress a mark shall be affixed to the mattress stating the percentage of wool added and containing the following description —

“ kapok and wool mattress ”.

- (6) Where a mattress is filled with a combination of flock and kapok a mark shall be affixed to the mattress stating the

respective percentages of each and containing the following description —

“ kapok and flock mattress ”.

- (7) The requirements of subregulations (1) to (6) apply also to the filling used to stuff upholstered furniture as though the upholstery were a mattress, and the upholstery shall be labelled in a like manner according to the contents.

Part 4 — Marking of goods

16. Methods of marking

- (1) Where these regulations require a mark to be affixed to goods, the methods of affixing the mark shall be as follows —
 - (a) embossing, moulding, impressing, or blowing the mark with the substance of the goods;
 - (b) engraving, cutting, stamping, or tooling the mark on the surface of the goods;
 - (c) painting, stencilling, or printing the mark on the surface of the goods;
 - (d) securely attaching to or letting into the goods a label of durable material so that it is permanently affixed to the goods; or
 - (e) embossing, moulding, impressing, blowing, engraving, cutting, stamping, burning and printing, stencilling, or painting on the outside of any covering used to contain the goods.
- (2) The choices of method of affixing a mark to goods set out in subregulation (1) shall be resorted to in succession according to their appropriateness in the circumstances of the case.
- (3) Where the goods are of a kind requiring to have the mark indicated on the goods themselves but by reason of the material, colour or other characteristic of the goods the mark prescribed cannot be clearly and easily observed unless a permanent colouring medium is imposed, then some suitable colouring material shall, if reasonably possible, be imposed on the goods or used so as to effect the necessary result.
- (4) Where the method of marking chosen is that referred to in subregulation (1) (e), the mark must be affixed as if the covering itself were the goods and the method to be followed shall be as may be appropriate to the circumstances regard being had to the

material of which the covering is made, the available space, and its shape and size.

- (5) Where the goods are contained in a covering not merely supplied for the convenience of the customer, in addition to the mark being applied to the goods in the manner prescribed, the mark shall be embossed, impressed, moulded, stamped, engraved, imprinted, stencilled or painted on the outside of the covering.

17. Permanency and durability of mark

- (1) The following conditions shall be observed in regard to the durability and permanency of the mark —
- (a) the mark shall be affixed in a workmanlike manner so that it will not lend itself to being easily rubbed off, obliterated, detached or defaced; and
 - (b) where a label is used it shall be of a substantial kind and of a material reasonably suitable to withstand wear and destruction, having regard to the circumstances, the goods and the manner in which it is to be affixed.
- (2) If at any time a mark affixed to goods becomes detached, defaced, illegible, or obliterated, another mark in accordance with these regulations shall be affixed to the goods.

18. Certain expressions prohibited

A mark shall not contain —

- (a) the expressions “artificial wool”, “imitation wool”, “synthetic wool” or “substitute wool”; or
- (b) any other expression which —
 - (i) includes “wool”; and
 - (ii) is intended to be descriptive of the goods to which the mark is affixed or of a substance used in the manufacture of the goods,

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when the goods are not a textile product, or the
substance is not wool.

Notes

- ^{1.} This is a compilation of the *Fair Trading (Textile Products and Other Goods — Product Information) Regulations 1989* and includes the amendments referred to in the following Table.

Compilation table

Citation	Gazettal	Commencement
<i>Fair Trading (Textile Products and Other Goods — Product Information) Regulations 1988</i>	9 Sep 1988 p. 3523-7	9 Sep 1988