



**Fair  
Trading**

Tel: 02 9895 0111 Fax: 02 9895 0222

TTY: 1300 723 404 ABN 81 913 830 179

[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)

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20 December 2016

## **Australian Consumer Law Interim Ban - Decorative Alcohol Fuelled Burners**

Dear Retailer

This letter is to advise of action being taken by NSW Fair Trading, under the Australian Consumer Law (ACL), to implement an interim ban on the sale of decorative alcohol fuelled burners.

On 21 December 2016, the Minister for Fair Trading, the Hon Victor Michael Dominello MP, exercised his powers under section 109 of the ACL to implement an interim ban on the sale of decorative alcohol fuelled burners which if used, have the potential to cause significant injury. Section 109 of the ACL enables the Minister to impose an interim ban if a reasonably foreseeable use (or misuse) of a consumer good will or may cause injury to any person. Portable decorative fuelled (alcohol) burners designed for table-top use are the subject of an immediate 60-day interim product safety ban.

As a result of this ban these burners cannot be offered for sale from 21 December 2016. Retailers and online traders based in Australia must cease sales immediately and remove the banned products from their shelves or delete them from online catalogues. Non-compliance with a ban can attract a monetary penalty of up to \$220,000 for individuals and \$1.1 million for corporations.

The interim ban affects portable (or table-top) devices designed for domestic use producing a flame using alcohol as fuel. The interim ban does not affect products with a power output of more than 4.5 kW and those used in the heating or warming of food.

Should you have any questions or require more information regarding the interim ban, please contact NSW Fair Trading on 13 32 20 or visit [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)

Yours sincerely,

**Rod Stowe**  
**Commissioner**  
**NSW Fair Trading**

21 December 2016

## AUSTRALIAN CONSUMER LAW (NSW)

### IMPOSITION OF INTERIM BAN ON DECORATIVE ALCOHOL FUELLED BURNERS

I, VICTOR MICHAEL DOMINELLO, Minister for Innovation and Better Regulation, pursuant to section 109(1)(b) of the Australian Consumer Law (NSW), impose an interim ban on consumer goods of a kind specified below, because on 20 December 2016 the Minister for Commerce in Western Australia imposed an interim ban on consumer goods of the same kind to commence on 21 December 2016 and that ban is still in force.

The effect of this Notice is to ban the supply of such consumer goods for a period of 60 days from the date of the notice.

#### Particulars of Consumer Goods

Devices designed for domestic use producing a flame using alcohol as fuel, primarily for decorative purpose, excluding the following:

- those with a power output of more than 4.5 kW
- those that require installation in a fixed position
- those designed for warming food.

#### Interpretation:

Devices designed for domestic use producing a flame using alcohol as fuel, primarily for decorative purpose and are also used for heating and display purposes. The fuel is typically ethanol in liquid or (less commonly) gel form. The most common form is methylated spirits (ethanol and around 10 per cent methanol) which may also be marketed as bio-ethanol or eco-fuel.

Dated this 21 day of December 2016



**The Hon Victor Michael Dominello MP**

Minister for Innovation and Better Regulation

# Product safety - Interim ban on decorative alcohol fuelled burners

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Following serious injuries to consumers, NSW Fair Trading supports the proposal by Consumer Protection Western Australia to restrict the supply of decorative alcohol fuelled burners following injuries to consumers. An interim ban on these types of products is now in place.

## Q&A's consumer related

### *What is an interim ban?*

Bans can be placed on products and product-related services if there is a risk that they may cause serious injury, illness or death.

### *What products are covered by the interim ban?*

At this stage, all decorative alcohol portable fuelled burners are banned, unless they:

- have a power output of more than 4.5kW
- require installation in a fixed position, such as a fireplace
- are designed for warming food.

### *Why are these product's banned?*

Using your alcohol fuelled burner could lead to serious injury. Since 2010 there have been at least 113 separate injuries attributed to these products and 115 burner related fires. This is the reason for the ban.

### *I have been using my ethanol burner for years, with no problems. Can I continue to use it?*

No, you should stop using your alcohol fuelled burner, even if you have been using it for a number of years.

### *What should I do with my alcohol fuelled burner?*

You should store your alcohol fuelled burner in a safe place and await further information.

### *Can I get a refund?*

Under the Australian Consumer Law, most products come with automatic guarantees that the item will be of acceptable quality and safe, among other things. In most cases, if these products are determined to be unsafe and are permanently banned, you will be able to return the product to the retailer for a full refund. More information is available on the consumer guarantees page on the Fair Trading website.

### *I bought an alcohol fuelled burner to give as a Christmas gift. What should I do now?*

If you have wrapped it, unwrap it. Do NOT give it as a gift.

You should take it back to the seller with proof of purchase to get your money back or an exchange in line with the store's returns policy

### *Is it OK to buy a second hand alcohol fuelled burner from a private seller?*

No, these products have been banned due to their potential to cause serious injury or even death. You should not put yourself or others at risk by purchasing an ethanol burner.

Report alcohol fuelled burners for sale by calling us on 13 32 20 or by lodging a complaint online at [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)

### *I have seen these products for sale at my local store, how do I report it?*

Report alcohol fuelled burners for sale by calling us on 13 32 20 or by lodging a complaint online at [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)

## Trader related

### *I sell alcohol fuelled burners, what should I do?*

Stop selling the products immediately. The interim ban took effect on 21 December 2016.

Under the Australian Consumer Law, penalties for selling banned products can be up to \$220,000 for an individual and \$1.1million for corporations.

### *How do I know if the alcohol fuelled burner I am selling is banned?*

You must stop selling decorative ethanol burners. The only exclusions to the interim ban are for burners that:

- Have a power output of more than 4.5kW
- Require installation in a fixed position, such as a fireplace
- Are designed for food warming.

Product safety recalls and bans can be found by visiting [www.productsafety.gov.au/](http://www.productsafety.gov.au/)