

Australian Competition and Consumer Commission  
MARS Matter Summary for Matter No: 1139124

Branch: Legal Branch  
Office: Canberra  
Requestor: William Herron

Item	Description
	Matter Id: 1139124
	Complainant: [REDACTED]
	Address: [REDACTED]
	Work Phone / Home Phone / Mobile / Fax / E-mail: [REDACTED]
	Method of Contact: Electronic Mail
	Matter Created By: Otero, Kylie in Canberra on 23-Aug-2011
	Complaint Date: 22-Aug-2011
	Ministerial: NO
	Trader: Not Applicable N/A/Unknown/Anonymous -
	Is the Complainant a Small Business? NO
	Is the Complaint ABOUT a Small Business? NO
	Is the matter about a Franchise? NO
	Conduct: 3-2 <input type="checkbox"/> 54 <input type="checkbox"/> Guarantee as to acceptable quality 3-3 <input type="checkbox"/> MISC <input type="checkbox"/> Product safety incident or near miss - clearinghouse
	ANZSIC Code: 1351
	Product / Service: clothing accessories

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Matter Description	<p>MODEL unknown            BRAND unknown            BATCH NAME/NUMBER unknown            MANUFACTURER unknown            DESCRIPTION            'slap            band' that wraps into a circle around the limb of the user</p> <p>PROBLEM</p> <p>a promotional 'slap band' that wraps into a circle around the limb of the user that if the outer wrap comes off exposes a sharp metal edge that has caused injury to a child's hand.</p> <p>WHY REPORTING            Almost had an accident: false            Received an injury: true            Believe it is banned or fails mandatory safety requirements: false</p> <p>INJURY OR ILLNESS            Yes, requiring surgery and stitches to the hand            Admitted to hospital: true</p> <p>ACTION TAKEN            Complained to supplier: false            Returned product to supplier: false            Asked supplier for a refund: false            Returned product to place of purchase: false            Other:            Notified all other clubs who have been associated with this promotion of potential dangers of this product provided and asked for it to be disposed of. Requested Public announcement of product related issue via the channel it has been distributed through.</p> <p>OUTCOME</p>
Response / Pamphlets Sent	<p>Discuss consumer guarantees and product safety. Adv C that T can choose remedy unless the fault is a major fault as defined in the consumer guarantees. Adv if the fault is major C can choose to obtain a refund or other appropriate remedy. Refer C to publications. ACCC typically does not get involved in individual disputes; rather we assess matters with respect to the enforcement and compliance policy. If C wants to pursue action write LOD&gt;OFT&gt;SCT. Logged for POC.</p> <p>chr11/3092</p>
	<p>Complaint Actions: Intelligence</p> <p style="padding-left: 40px;">Referred: NO</p> <p style="padding-left: 40px;">Escalated: NO</p> <p>Is the call from a disadvantaged or vulnerable consumer? NO</p> <p>Is the call about an on-line trader or e-commerce issue? NO</p>

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Matter Type: Complaint