



# Branch Guide

## Nearly New Sales

Appendix two: Products we can and can't sell



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## A.2.1 Introduction

Goods sold at NCT Nearly New Sales must, by law, be safe and fit for purpose. This appendix is intended to give regulations and recommendations in a clear fashion for NNS co-ordinators and sellers in order to protect NCT from potential litigation.



Please note that this guidance is for Ticket Sales, where NCT is acting as an agent for the seller and we are therefore responsible for the safety of the goods.

For Tabletop Sales, the sellers are selling their own goods, so the legal responsibility remains with them. However, to continue to protect the good name of NCT, please ensure your sellers sell high quality items. You MUST also display the relevant disclaimers from Appendix 1 (<http://babble.nct.org.uk/info-resources/branch-and-volunteer-support/tools-guides/guide-nearly-new-sales>).

## A.2.1 Why are there items which we cannot sell?

Second hand products are all governed by the General Product Safety Requirement which states, “No producer shall supply or place a consumer product on the market unless the product is a safe product.” Therefore, by law NCT is required to ensure that any goods sold are reasonably safe and meet any safety regulations which apply to that particular item.

## A.2.2 Products that we can sell

There are a few instances where NCT must adhere to specific legal controls and these are detailed below. In all other situations branches may control what items they sell. In general, items such as good quality baby & children’s clothes, children’s toys & equipment and books all tend to sell very well.

- In a change to previous guidance branches can sell second hand nightwear. Legally, second hand nightwear does not have to comply with the same regulations as new nightwear
- Following consultation with volunteers it has been decided that all second hand shoes can now be sold at Nearly New Sales, where previously we only allowed the sale of lightly worn shoes such as wellington boots, booties and jellies. As with other items of clothing it is unlikely that well worn shoes would sell well but the choice about whether to allow their children to wear second hand shoes will sit with the buyer.
- Door bouncers, sit in activity centres and baby walkers can also now be sold. To minimise the risk of accidents please ensure that door bouncers are sold with assembly instructions including a weight limit. There is no legal reason not to sell baby walkers. There is some concern over the number of accidents associated with their use but, again, this decision will remain with the buyer.

## A.2.3 Products that we cannot sell

### A.2.3.1 Recalled items

- Responsibility for recalled items will remain with the seller. Please direct sellers to your local trading standards office <http://www.tradingstandards.gov.uk/> or <http://recalledproducts.org/> for a list of UK and European recalled products.
- Please be particularly aware of:
  - Maclaren pushchairs – any of the following Maclaren models – Volo, Triumph, Quest Sport, Quest Mod, Techno XT, Techno XLR, Twin Triumph, Twin Techno and Easy Traveller – must be fitted with a hinge safety cover. Covers are available, free of charge, from the Maclaren website, <http://covers.maclaren.co.uk/> but must be fitted before the sale. Any of these pushchairs without the hinge cover should be removed from sale.
- From time to time we will inform you of high profile recalled items that we are made aware of

### A.2.3.2 Bag style baby slings

- Bag style slings are those with a deep pouch and an elasticated edge. Whilst these products have not been recalled, they may cause breathing difficulties in young babies. The brands and products which cannot be accepted are:
  - Infantino sling rider
  - Premaxx baby bag
  - Munchkin cargo sling
  - Boppy carry in comfort
  - Lamaze close comfort
  - Wendy Bellissimo sling

### A.2.3.3 Car seats, car booster seats, 'Isofix' bases or car seats from travel systems

(Sellers may offer the car seat of a travel system to its buyer for private sale unassisted by NCT)

- It is impossible to guarantee the safety of these products as they may have previously been in an accident and have invisible damage
- Older seats do not give the same level of protection as new ones. For example new seats now provide side impact protection, whereas previous seats did not. Also seats can deteriorate over time due to use and constant exposure to the sun which can affect the performance of safety critical plastic components such as buckles

### A.2.3.4 Riding hats or crash helmets

- As with car seats, it is impossible to tell if these products have been damaged in an accident therefore we cannot guarantee their safety

### A.2.3.5 Bottles, baby food and formula milk

- Baby food cannot be sold for hygiene reasons
- As an organisation which provides information on baby feeding, selling bottles, teats, foods labelled suitable for babies under 6 months or breastmilk substitutes including formula and follow-on formula would represent a conflict of interest. For further information please see the WHO code and Resolutions: [http://www.ibfan.org/issue-international\\_code-full.html](http://www.ibfan.org/issue-international_code-full.html) especially Resolution 58.32

## A.2.4 Products that we can sell if they meet the requirements

### A.2.4.1 Children's Toys if safe, complete and in good working order

- Second hand toys do not have to have a CE mark (this has been a requirement for new toys since 1990)
- Toys must meet the essential safety requirements found in Annex II of the Toy Safety Directive ([http://www.conformance.co.uk/directives/ce\\_toys.php](http://www.conformance.co.uk/directives/ce_toys.php)). Details are given of requirements for physical, mechanical, chemical and electrical properties, flammability, hygiene and radioactivity

### A.2.4.2 Second hand mattresses from cots, cribs or Moses baskets

- Following updated research from the Foundation for the Study of Infant Deaths, second hand mattresses can be sold providing they have a waterproof cover (eg. PVC) with no tears, cracks or holes.
- Mattresses should be clean and dry, firm (not soft) and not sagging.
- 'Ventilated' mattresses (the type with holes) should not be sold as it is not possible to ensure that the inside is kept clean

### A.2.4.3 Pedal Cycles

- Children's bicycles (where the saddle height is less than 635mm from the ground with tyres fully inflated) are not subject to cycle legislation. Instead they are covered by toy legislation so must meet usual safety requirements: no obvious damage, no sharp edges, no finger traps etc.
- Bicycles larger than this are subject to strict cycle safety requirements and offences are punishable by civil law
- In order to ensure that an adult bicycle is suitable for sale please complete the checklist (<http://babble.nct.org.uk/info-resources/branch-and-volunteer-support/tools-guides/guide-nearly-new-sales>) and keep a copy with your records.

### A.2.4.4 Prams & Buggies

- Must meet the requirements of the Wheeled Child Conveyances (Safety) regulations 1997
  - Must have a permanent label (usually on the frame or seat cover) stating compliance with British Standard 7409 or EN1888. The standard lays down requirements regarding the construction, performance and labelling for prams and pushchairs. Machines must also have a label headed 'Carelessness Causes Fire' which indicates that the fabric complies with flammability requirements
- In addition, prams and buggies should be checked for the following:
  - Brakes – these should work and be able to stop a loaded machine on a slope. The tyres should also be examined as these can affect the performance of brakes
  - Locking Devices – there should be two locking devices on each machine so that when the main lock is released, the secondary lock prevents the frame from collapsing
  - Harness – a secure safety harness must be fitted
  - General – look for damage from wear and tear. Check to ensure that a child's fingers cannot be caught anywhere. The frame should be secure and free from sharp edges or exposed parts

### A.2.4.5 Upholstered furniture including upholstered cots and highchairs

- Upholstered items include any with a covering fabric regardless of whether it covers a filling material

- Second hand furniture must comply with the same fire resistance checks as new furniture. Therefore, all items must include a permanent label headed 'Carelessness Causes Fire' with information about the products ability to pass flammability tests

#### **A.2.4.6 Clothing**

- Clothing must be clean, ironed and in good condition
- Regulations from 1976 specify that hoods of children's outer garments (44cm chest measurement or less) must not be designed to be secured by means of a cord drawn through the material. This is to prevent strangulation
- Regulations surrounding children's shoes and nightwear are discussed elsewhere

#### **A.2.4.7 Cosmetic products**

- Cosmetics include soap, toothpaste, shampoo, deodorants, perfumes and make up and can only be sold if unopened, originally for sale in the UK and before their use by date
- This conditions will ensure that the product meets comprehensive safety requirements for the sale of new cosmetics ([A Guide to the Cosmetic Products \(Safety\) Regulations 2008](#))

#### **A.2.4.8 Carrycot Stands**

- Stands must be labelled with the size of cot and weight loadings which can be accommodated
- They must have a guardrail or a means of stopping the cot from falling off the stand, have a suitable base and be a maximum of 432mm above floor level
- In order to comply with General Product Safety Regulations also ensure that the stand comes with instructions for use, that the frame is stable and has not been distorted or modified and that the carrycot can be effectively retained in position on the stand

#### **A.2.4.9 Mains Powered Electrical Equipment**

- Second hand electrical equipment must meet legal safety requirements. If unsafe goods are sold and go on to cause injury or damage you may be liable for compensation
- To safeguard against this please ensure that any electrical appliances have been tested and approved by a qualified electrician. This advice includes equipment that can also run on batteries

#### **A.2.4.10 Breast Pumps**

- Because of the difficulties of ensuring hygiene, second hand breast pumps may not be sold
- Brand new manual, battery powered or tested and approved mains powered breast pumps may be sold, including the bottles

### **A.2.5 Using private sale noticeboards**

You can make use of a private sale noticeboard in order for sellers to sell larger items and items like car seats which cannot be brought to the sale. Charge a fee for the opportunity to advertise but ensure that you make it clear that this is a private sale.