

Product liability update

August 2016

Electrical appliances

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Ikea recalls drawers after child deaths

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Second recall for Vauxhall Zafira

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M&S recalls fishcakes

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Any comments or queries?

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Electrical appliances

Two men died in a flat fire above a funeral director's office in Llanrwst, Wales, in October 2014. A pre-inquest hearing in May 2016 was told the fire started in a tumble dryer. A full inquest is due to be held later this year.

Jeremy Hilton, Chair of the Local Government Association's Fire Service Management Committee has said in a recent LGA press release that: "People using faulty tumble dryers are unwittingly playing Russian roulette". He called upon leading manufacturers "to recall affected models as soon as possible to protect their customers".

Government statistics show that there were 2,190 tumble dryer fires between 2012 and 2014 (equating to three a day) and the LGA is calling on manufacturers to recall affected tumble dryers, rather than running lengthy repair programmes, which it says are putting the lives of millions of customers at risk. It is also calling for all white goods to have fire-proof markings on them, including the manufacturer, model and serial number, so they can be identified more easily if they are damaged after causing a fire.

Research undertaken by Which? says that it could take Whirlpool more than three-and-a-half years to service and modify all of its fire-risk vented and consumer tumble dryers. It reported that 5.3m fire-risk dryers were sold to UK consumers between 2004 and 2015, made up of 127 models from Hotpoint, Indesit, Creda, Swan and Proline.

Whirlpool told Which? That its "engineers are modifying 4,300 tumble dryers per day and have resolved 310,000 cases so far. It says that 1.4m customers have registered to have their machines serviced and it has contacted 3.5m customers. Whirlpool also says that, by its calculations, well over one million of the 5.3m fire-risk dryers would have already been replaced or taken out of service, 'in line with industry wide obsolescence rates' since 2004."

In response to such statistics, the Retail Ombudsman has recently launched "UK Recall", an online registration system for electrical appliances, so that it might maintain a central register of electrical appliances owned by consumers.

Users will be kept informed of any recall or safety alerts affecting their appliances and can also search the database of recalls.

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Can sugar consumption be advertised as beneficial?

A spoonful of sugar might help the medicine go down. You just can't advertise it. At least not according to the European Commission.

The European "Food Claims Regulation" prohibits food manufacturers from making health claims in respect of their products unless they are authorised by the Commission.

In order to become authorised the claims must undergo a scientific assessment by the European Food Safety Authority.

Dextro Energy submitted the following claims in relation to its glucose products: "Glucose is metabolised within the body's normal energy metabolism"; "Glucose contributes to normal energy-yielding metabolism"; "Glucose is metabolised within the body's normal energy metabolism during exercise"; "Glucose supports normal physical activity"; and "Glucose contributes to normal muscle function during exercise".

These claims were assessed and approved by the European Food Safety Authority (EFSA). However, despite receiving approval from the EFSA, the Commission refused to authorise the claims.

In the Commission's view these claims were contrary to the message being conveyed by national and international authorities that the public should be reducing their intake of sugar. They held that such claims could cause confusion because of the apparently conflicting message, which could not be alleviated by additional statements or warnings.

Dextro Energy applied to the General Court of the European Union to overturn the Commission's decision. However, it was unsuccessful as the court agreed that claims which only highlight the benefits of glucose consumption were misleading.

Whilst "Brexit" has thrown the question of European Regulation for UK manufacturers into the air, it seems unlikely that UK manufacturers will be able to export goods to the EU that do not comply with the Union's regulations.

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Ikea recalls drawers after child deaths

Ikea is recalling 29m "Malm" chests of drawers in North America and 1.7m Malm dressers in China after the death of three children in the US.

In addition to the three deaths since 2014, Ikea had received reports of 41 tip-over incidents involving the "Malm" chests and dressers, resulting in 17 injuries to children between the ages of 19 months and 10 years, the US Consumer Product Safety Commission (CPSC) said.

The CPSC has launched an education programme to promote awareness of the problem across the industry. Ikea said it would help promote the campaign across the world.

Since 2002, Ikea has sold 65m sets of Malm drawers worldwide.

An initial company statement read: "Ikea US and Ikea Canada will launch a local recall of chests of drawers in North America only."

"Ikea chests of drawers are safe when anchored to the wall per the assembly instruction, using the tip over restraint provided with the product."

This recall has now been extended to China as a result of pressure from regulators.

Consumer advocacy groups in the UK and Australia have questioned why Ikea has not undertaken a worldwide recall.

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Second recall for Vauxhall Zafira

Vauxhall has upgraded the inspection and reworking programme for its Zafira 'B' model to a full safety recall.

Around 130 fires have been reported in Zafira 'B' models, on sale from 2008 to 2013. In December last year Vauxhall initiated an inspection and rework programme, contacting owners of almost 235,000 affected cars. This has now been upgraded to a full safety recall.

The Driver and Vehicle Standards Agency has agreed with Vauxhall's investigations which identified the cause of the fires as faulty repairs of a thermal fuse in a resistor that forms part of the heating and ventilation system in cars with manual air conditioning or no air-conditioning.

Vauxhall Chairman Rory Harvey told Auto Express: "We recognise that some of these cars could be on their third, fourth or even fifth owners and people may be driving vehicles which have been improperly repaired without their knowledge or before they bought the vehicle. That's why we wanted to instigate this recall".

Vauxhall hopes that the recall action can be completed within three months.

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M&S recalls fishcakes

Marks & Spencer (M&S) has recalled thousands of fishcakes after three batches of them were found to contain traces of egg, which wasn't mentioned on the label.

Manufacturers are required to declare if products contain egg - as it is one of the 14 main allergens.

In a recall notice, M&S said: "Customer safety is of paramount importance to Marks & Spencer and we take all issues regarding the production of our food extremely seriously.

"Marks & Spencer has issued an allergy alert for its 2 Skipjack Tuna Fishcakes given the presence of egg in a small number of packs, which is not mentioned on the label."

The Food Standards Agency said: "The product contains egg, which is not mentioned on the label, making it a possible health risk for anyone with an allergy or intolerance to egg."

Just a few weeks earlier, Morrisons was forced to recall its "4 Salmon Skewers in a BBQ dressing" due to a failure to mention milk correctly as an allergen.

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