

21st December 2021

Inclined infant sleep products – unsafe goods notice

New Zealand College of Midwives

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The New Zealand College of Midwives is the professional organisation for midwifery. Our members are employed and self-employed and collectively represent over 90% of the practising midwives in this country. There are approximately 3,000 midwives who hold an Annual Practising Certificate (APC). These midwives provide maternity care to, on average, 60,000 women and babies each year. New Zealand has a unique and efficient maternity service model which centres care around the needs of the woman and her baby.

Midwives undertake a four-year equivalent undergraduate degree to become registered followed by a first year of practice program that includes full mentoring by senior midwives. The undergraduate curriculum meets all international regulatory and education standards. Midwives are authorised prescribers in relation to their Scope of Practice as determined by the Midwifery Council.

Midwives provide an accessible and primary health care service for women in the community within a continuity of carer model as Lead Maternity Carers. Midwives can also choose to work within secondary and tertiary maternity facilities, providing essential care to women with complex maternity needs.

The College offers information, education and advice to women, midwives, district health boards, health and social service agencies and the Ministry of Health regarding midwifery and maternity issues. Midwives interface with a multitude of other health professionals and agencies to support women to achieve the optimum outcome for their pregnancies, health and wellbeing



New Zealand
College of Midwives
TE KĀRETI O NGA KAIWHAKAWHANAU KI AOTEAROA

21st December 2021

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Tēnā koutou

The New Zealand College of Midwives (the College) welcomes the opportunity to provide feedback on inclined infant sleep products. Midwifery is a profession concerned with the protection, promotion and support of women's health, along with the health and wellbeing of their infants. Midwifery care plays an important role in health, wellness promotion, and education for women, their families and the community. The College has serious concerns about products in Aotearoa New Zealand, which are designed for infants and young children, and which may pose a safety risk which includes injury and/or death.

Feedback from the College is below.

Question 1 – Are you aware of any instances of an inclined infant sleep product causing harm, or death, in New Zealand?

We are aware of reported infant deaths in the US but not in Aotearoa New Zealand. This is likely due to the products being covered under an unsafe goods notice since December 2019.

Question 2 – Do you support our proposal to extend the unsafe goods notice indefinitely? Please provide any evidence backing your view, and any thoughts on the impact the proposal may have.

Yes – the College supports the indefinite ban. We consider that where vulnerable infants are concerned the precautionary principle is the only ethical option. This means that preventative action

must be taken until risks are better and fully understood. The best interests of children should be our primary concern and this requires regulation of industry and /or banning products that are deemed to pose health and safety risks.

Further comments

The following comments are out of the scope of this particular consultation, but the College would like to document our concern about unregulated, potentially unsafe products, aimed and marketed at parents of young infants in Aotearoa New Zealand. For example, feeding bottles with inaccurate measures leading to over or under-dilution of feeds for young infants was of concern in 2013. At that time, Consumer NZ pointed out that some bottles overestimated the fluid volume by up to 40 percent which may have serious health consequences for infants.¹ As far as we are aware this situation remains unresolved almost eight years later.

In a document produced by the Ministry of Health, with questions and answers about inaccurate markings on baby bottles (which appears to no longer be available on the MOH website or accessible with an internet search), the Ministry of Business, Innovation and Employment was quoted as stating that this issue fell outside of the scope of current consumer law; *“The provisions of the Fair Trading Act 1986 allow mandatory standards relating to products which may cause injury. Baby bottles which do not meet the EN14350 standard are not in themselves unsafe, rather they may have the potential in some cases to lead to adverse health effects.”*

Interestingly, on a separate but linked topic, Health Canada announced a recall of an illegal self-feeding baby bottle in 2015² and stated that, *“Products that position infant feeding bottles and enable infants to feed themselves without supervision are prohibited by law, ... adding that babies could choke or inhale the liquid in the bottles. Unattended infant feeding practices are discouraged by Health Canada and Canadian professional medical associations.”*

There are numerous self-feeding baby bottles on the market in Aotearoa New Zealand.

There have also been concerns about the Owlet Smart Sock Baby Monitor recently, with a warning issued to the company in the US by the FDA, related to the product being unapproved as a medical device.³ The company concerned has apparently stopped selling this product but it may still be available via third party retailers – a brief online search found three retailers in Aotearoa advertising this product.

¹ Consumer NZ. (2013). *Baby bottle accuracy*. <https://www.consumer.org.nz/articles/baby-bottle-accuracy>

² Toronto Sun. (2015). *Bed Bath & Beyond recalls illegal self-feeding baby bottle*. <https://torontosun.com/2015/03/30/bed-bath-beyond-recalls-illegal-self-feeding-baby-bottle>

³ <https://www.sec.gov/Archives/edgar/data/1816708/000119312521290446/d195235d8k.htm>

The College considers that if a number of potentially unsafe products designed for infants are available in Aotearoa New Zealand, then our consumer laws are failing to protect infants.

The College strongly supports the extension of the unsafe goods notice related to inclined infant sleep products.

Ngā mihi

Carol Bartle

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New Zealand College of Midwives

Te Kāreti O Nga Kaiwhakawhanau Ki Aotearoa