



National Gazette

PUBLISHED BY AUTHORITY

(Registered at the General Post Office, Port Moresby, for transmission by post as a Qualified Publication)

No. G353]

PORT MORESBY, WEDNESDAY, 14th AUGUST

[2013

Independent Consumer and Competition Commission Act 2002

Section 111(1)

NOTICE NO. 1 OF 2013 (KARICARE STAGE 1 BABY INFANT FORMULA PRODUCT RECALL)

THE Independent Consumer and Competition Commission (Commission) has become aware through Nutricia New Zealand's website www.nutriciababy.co.nz that certain batches of goods described as Karicare Stage 1 Baby Infant Formula produced by Nutricia New Zealand are contaminated and create an imminent risk of death, serious illness or serious injury to persons consuming the product.

Pursuant to Section 116(1) of the *Independent Consumer and Competition Commission Act 2002 (ICCC Act)* and a decision of the Independent Consumer and Competition Commission, I, Dr Billy Manoka, Commissioner, certify that a product recall notice under Section 111(1) of the *ICCC Act* in respect of Karicare Stage 1 Baby Infant Formula be published in the *National Gazette* without delay.

Notice and Direction to Recall Product

Pursuant to Section 111(1) of the *ICCC Act* the Commission hereby requires and directs all suppliers (distributors, wholesalers, retailers etc) of the product Karicare Stage 1 Baby Infant Formula in PNG to take action to immediately recall all of the products supplied in PNG, including immediately removing the products from shop shelves.

Suppliers Undertaking

The supplier(s) of Karicare Stage 1 Baby Infant Formula in PNG must undertake, at its own cost, the following:

- 1) Issue a public notice within 7 days of the date of publication of this notice in the *National Gazette* setting out the:
 - (a) Nature of the defect in and the dangerous characteristics of the Karicare Stage 1 Baby Infant Formula;
 - (b) Circumstances in which the use of the Karicare Stage 1 Baby Infant Formula is dangerous, and

Notice No. 1 of 2013 (Karicare Stage 1 Baby Infant Formula Product Recall)—continued

- (c) Calling for all consumers that purchased the Karicare Stage 1 Baby Infant Formula to come forward with relevant receipts or documents as proof of purchase for a refund.

Summary of Reasons

On 6th August 2013, Nutricia New Zealand reported on its website www.nutriciababy.co.nz that certain whey proteins used in its products may have had residues of the potential contaminated raw material leading to Botulism. Botulism is a severe, sometimes fatal, food poisoning caused by eating food infected with the bacterium *Clostridium Botulin*, which produces botulin toxin. The bacterium grows in food that has been improperly packed in canned foods.

This notice takes effect on and from the date of its publication in the *National Gazette*.

Any person or persons supplying this product in Papua New Guinea in breach of this notice, would be in breach of Sections 112 and 113 of the *ICCC Act* and liable for prosecution pursuant to Sections 132, 133 and 134 of the *ICCC Act* with a penalty of up to K100,000.00 or imprisonment of up to 2 years. The Commission therefore advises that this product should not be supplied in PNG.

Any queries in relation to this notice should be addressed to: Independent Consumer and Competition Commission, Consumer Protection Division, 1st Floor, Garden City, Angau Drive, P.O. Box 6394, Boroko, National Capital District. Telephone (675) 325 2144, Facsimile: (675) 325 3980.

Dated this 14th day of August, 2013.

Dr B. MANOKA, (PhD),
Commissioner & Chief Executive Office,
Independent Consumer and Competition Commission.

Independent Consumer and Competition Commission Act 2002

Section 108(5)

DECLARATION NOTICE NO. 4 OF 2013 (KARICARE STAGE 1 BABY INFANT FORMULA NOT SAFE)

PURSUANT to Section 116(1) of the *Independent Consumer and Competition Commission Act 2002 (ICCC Act)* and a decision of the Independent Consumer and Competition Commission (Commission), I Dr Billy Manoka, Commissioner, certify that the notice under Section 108(5) of the *ICCC Act* in respect of Karicare Stage 1 Baby Infant Formula be published without delay.

Declaration of Unsafe Goods

Pursuant to Section 108(5) of the *ICCC Act*, I hereby declare as unsafe in Papua New Guinea Karicare Stage 1 Baby Infant Formula.

Summary of Reasons

On 6th August, 2013, Nutricia New Zealand reported on its website www.nutriciababy.co.nz that certain whey proteins used in its products may have had residues of the potential contaminated raw material leading to Botulism. Botulism is a severe, sometimes fatal, food poisoning caused by eating food infected with the bacterium *Clostridium Botulin*, which produces botulin toxin. The bacterium grows in food that has been improperly packed in canned foods.

This declaration takes effect on and from the date of publication of this notice in the *National Gazette* and, unless earlier revoked, shall remain in force for 18 months.

Any person or persons supplying this baby formula in breach of this declaration notice, shall be deemed to be in breach of Section 108(1) of the *ICCC Act* and liable for prosecution pursuant to Division 2—Sections 132, 133 and 134 of the *ICCC Act* with a penalty of up to K100,000.00 or imprisonment of up to 2 years and further, pursuant to Section 111(1) of the *ICCC Act*, action will be taken by the Commission in relation to the recall of this product. The Commission therefore advises that this product should not be supplied in PNG.

Declaration Notice No. 4 of 2013 (Karicare Stage 1 Baby Infant Formula Not Safe)—*continued*

The Commission pursuant to Section 117(1)(a) of the *JCCC Act* invites any person (who supplies or proposes to supply Karicare Stage 1 Baby Infant Formula) to notify the Commission within 10 days of the publication of this declaration notice in the *Natioal Gazette*, if they wish for the Commission to hold a conference in relation to this declaration and product recall.

The notifications should be addressed to: Independent Consumer and Competition Commission, Consumer Protection Division, 1st Floor, Garden City, Angau Drive, P.O. Box 6394, Boroko, National Capital District. Telephone (675) 325 2144, Facsimile: (675) 323 0052.

Dated this 14th day of August, 2013.

Dr B. MANOKA, (PhD),
Commissioner & Chief Executive Officer,
Independent Consumer and Competition Commission.