

1990 - No. 11

**FAIR TRADING ACT 1987 - REGULATION**  
(Fair Trading (Product Information Standard - Footwear)  
Regulation 1989)

NEW SOUTH WALES



*[Published in Gazette No. 7 of 12 January 1990]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Fair Trading Act 1987, has been pleased to make the Regulation set forth hereunder.

G. B. PEACOCKE  
Minister for Business and Consumer Affairs.

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**Citation**

1. This Regulation may be cited as the Fair Trading (Product Information Standard - Footwear) Regulation 1989.

**Commencement**

2. This Regulation takes effect on 19 January 1990.

**Repeal**

3. The Trade Descriptions (Footwear) Regulations 1974 are repealed.

**Definitions**

4. In this Regulation:

"shoes" means boots, shoes, sandals or other footwear;

"socklining" means the thin slip of leather, paper or like material

which is affixed to the upper surface of the insole;

“sole” means all that part of a shoe which, when the shoe is worn, is under the foot, and includes the heel, but does not include:

- (a) the insole; or
- (b) the sock lining; or
- (c) thread, wax, rivets, pegs, nails, toe-plates, heel plates, heel tips or heel caps;

“upper” means the outer covering of that part of a shoe above the sole, but does not include any thread, lace, eyelet, buckle, button or other adornment.

### **Application of Regulation**

5. The product information standard prescribed by this Regulation applies:

- (a) to shoes manufactured in Australia; and
- (b) to shoes manufactured outside Australia, unless the shoes have applied to them a trade description in accordance with the Commerce (Trade Descriptions) Act 1905 of the Commonwealth.

### **Exceptions**

6. The requirements of clause 7 (1) (b) - (e) do not apply to the following shoes:

ski boots of moulded plastic uppers and rigid soles with or without replaceable sole sections, designed to fit ski bindings

### **Information standard**

7. (1) Shoes must be marked, in the manner required by clause 8, with the following information:

- (a) the words “made by” or “manufactured by” immediately followed by
  - (i) the name of the manufacturer of the shoes; or
  - (ii) if the manufacturer of the shoes carries on business as a manufacturer under a business name registered under the Business Names Act 1962, or under any similar law of another State, a Territory or the Commonwealth, and has not granted the right to use that business name to any other person - that business name;

- (b) in the case of shoes:
  - (i) the soles of which consist entirely of leather - the words “all leather sole”; and
  - (ii) the uppers of which consist entirely of leather - the words “all leather upper”; and
  - (iii) the quarter linings of which consist entirely of leather - the words “all leather quarter lining”;
- (c) in the case of shoes the soles of which do not consist entirely of leather:
  - (i) a true statement of the materials composing the sole; or
  - (ii) In the case of soles consisting entirely of a synthetic material - the words “synthetic sole”; or
  - (iii) the words “non-leather sole”;
- (d) in the case of shoes the uppers of which do not consist entirely of leather but consist entirely or partly of a material resembling leather:
  - (i) a true statement of the materials composing the upper; or
  - (ii) in the case of uppers consisting entirely of synthetic material - the words “synthetic upper”; or
  - (iii) the words “non-leather upper”;
- (e) in the case of shoes the quarter linings of which do not consist entirely of leather but consist entirely or partly of a material resembling leather:
  - (i) a true statement of the materials composing the quarter linings; or
  - (ii) in the case of quarter linings consisting entirely of synthetic material - the words “synthetic quarter lining”; or
  - (iii) the words “non-leather quarter lining”.

(2) For the purposes of this Regulation, a sole is to be considered to consist entirely of leather if the only material in the sole, other than leather, consists of any one or more of the following:

- (a) ordinary fillers of cork or waterproof felt;
- (b) canvas used to reinforce the insole of the shoe;
- (c) shanks made entirely of leatherboard, fibreboard, wood, metal or plastic, or any combination of those materials, and used only for strengthening the sole of the shoe at the waist;
- (d) wood, plastic or metal used in the heel of the shoe;
- (e) stiffening made entirely of leatherboard, fibreboard, metal, plastic, canvas or other similar substance, glue or other similar substance, or any combination of those materials, where the stiffening is used only for the purpose of supporting the upper of the shoe at the heel or toe.

**Form of information**

**8. (1)** The information required to be marked by clause 7 is to be in the English language and be appended to the shoe in clearly legible letters of not less than 10 point face measurement by being stamped, imprinted or embossed on any one of the following parts of the shoe:

- (a) the waist of the outsole of the shoe;
- (b) the inside of the upper above the inside waist of the shoe;
- (c) the heel seat or waist area of the sock lining or, if there is no sock lining, the heel seat or waist area of the insole.

**(2)** If the materials of a shoe are such that it is not reasonably practicable for the product information to be stamped, imprinted or embossed on the shoe, the information is to be appended to the shoe by stamping or impressing it on a label of rubber, plastic or durable cloth affixed by means of vulcanisation or adhesion.

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**NOTE**

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**EXPLANATORY NOTE**

The object of this Regulation is to prescribe a product information standard to be used for footwear and which will require shoes and other footwear to be marked with certain information (such as the materials used in them). The Regulation replaces the Trade Descriptions (Footwear) Regulations 1974 the provisions of which are substantially repeated by the new Regulation.

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