



LABELLING REQUIREMENTS FOR SURFBOARDS

The *Commerce (Trade Descriptions) Act 1905* and *Commerce (Imports) Regulations 1940* set out the labelling requirements for certain goods imported into Australia. Customs administers this legislation.

Surfboards fall within the class of goods described in regulation 7(1)(ha)(ii) of the *Commerce (Imports) Regulations*. They therefore require a trade description with the name of the country in which the goods were made or produced, and a true description of the goods.

The trade description must be in the form of a principal label or brand affixed in a prominent position and in as permanent a manner as practicable to the goods, for example, beneath the final glaze on the surfboard.

While the term "true description" is not defined in the *Commerce (Trade Descriptions) Act* or the *Commerce (Imports) Regulations*, what is a true description will vary according to the goods.

A general guide is to provide a factual description that will help inform the consumer about the goods.

For example, a description of the composition of the surfboard, such as "Polyester Plastic Resin" or "Epoxy Plastic Resin", would meet the requirements of a true description.

Additionally, Regulation 8 specifies that the trade description must be:

- in the English language; and
- in prominent and legible characters (in the case of surfboards it is suggested that the size of the lettering should be no less than 3mm in height).

Any other information included on the label brand or packaging must not contradict or obscure the required trade description. This includes illustrations, wording or size of lettering.

In addition, the *Commerce (Trade Descriptions) Act* prohibits the importation of goods that bear a false trade description. A false trade description can be any description of goods that is false or misleading.

What if my goods have a false description?

The *Commerce (Trade Descriptions) Act* provides that goods imported in contravention of the *Commerce (Imports) Regulations* may be seized by Customs.

While Customs may permit the re-labelling of contravening goods where it is considered that the contravention was neither intentional or reckless, we recommend that you ensure your goods comply with the legislation prior to their importation.

Where re-labelling is permitted, goods can only be released once the trade description is correct and all Customs formalities have been completed. You may also be asked to provide evidence that you have instructed your suppliers to correctly label goods in future.

For more information

Click on the following links for information on related topics:

[Labelling Requirements for Exported Goods](#)
[False Trade Descriptions](#)

If you would like further information about importing goods into Australia, go to the Customs website at www.customs.gov.au

Alternatively you can email your inquiry to information@customs.gov.au or phone the Customs Information and Support Centre on 1300 363 263.