

New upholstered furniture

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This guidance is for England, Scotland and Wales

Upholstered furniture is subject to strict safety standards. Regulations cover the flammability of upholstered furniture (which includes beds, sofa beds, cots, cushions and mattresses), and both new and used furniture has to comply.

There are five basic requirements that manufacturers of upholstered furniture must meet:

- filling materials must meet specified ignition requirements
- upholstery composites must be cigarette resistant
- covers must be match resistant (or may in some cases use a match-resistant interliner)
- a permanent label must be fitted to every item (except mattresses and bed-bases)
- a display label must be fitted to every item at the point of sale (except mattresses, bed-bases, pillows, scatter cushions, seat pads, loose covers sold separately and stretch covers)

The seller is responsible for ensuring upholstered furniture is labelled correctly when it is sold.

Upholstered furniture

The definition of upholstered furniture includes:

- upholstered seating, including chairs, settees, padded stools and ottomans, children's furniture, foot stools, sofa-beds, futons and other convertibles, bean bags, and floor cushions
- nursery furniture and upholstered items designed to contain a baby or small child, such as pushchairs, carry cots and babywalkers

- domestic upholstered furniture supplied in kit form for self-assembly
- upholstered head-boards, footboards and side rails of beds
- furniture for use in the open air (garden and outdoor furniture) suitable for use in a dwelling, upholstery in caravans (not vehicles or boats) and cane furniture that includes upholstery
- divans, bed-bases, mattresses, pillows and mattress pads (toppers) (filling material only)
- scatter cushions and seat pads (filling material only)
- permanent covers for furniture (textiles, leather, etc), loose and stretch covers for furniture, and covers for non-visible parts of furniture
- foam and non-foam filling material for furniture

Suppliers affected by the Regulations

The Regulations apply to the following:

- those in the business supply chain, from the supply of materials for use in furniture through to the supply of the finished article
- those who supply filling materials and fabrics to the furniture industry or direct to consumers
- those who supply re-upholstery and re-covering services
- those who hire out furniture in the course of a business. This includes furniture included in accommodation let in the course of business (holiday homes and residential furnished lettings), which means they apply to landlords, estate agents and letting agents

Please be aware that these Regulations apply only in the UK. Therefore any business engaged with wholesaling or retailing goods in the UK that have been purchased directly from EU suppliers will be treated as 'importers' for the purposes of these Regulations, and must comply with those applicable requirements.

General testing requirements

Manufacturers, importers and retailers in the UK need to ensure that:

- furniture containing foam fillings meets the requirements in Schedule 1 to the Regulations
- furniture containing non-foam fillings meets the requirements in Schedule 2 to the Regulations
- composite fillings of more than one filling material comply either by each individual filling separately complying or by the total composite being tested. Any foam incorporated in the composite must comply with Schedule 1 to the Regulations
- furniture containing upholstery composites passes the cigarette test in Schedule 4 to the Regulations
- furniture supplied with permanent, loose or stretch covers passes the match test in Schedule 5 to the Regulations

To determine whether furniture complies with the Regulations, it will require testing to the specified standards in the Regulations. This responsibility rests with the first supplier in the UK, which is either the manufacturer or the importer.

These tests should be part of an ongoing testing regime, ensuring continuing compliance.

Where furniture has been imported or supplied by a third party, it is important to establish that certificates supplied are valid. There should be a guaranteed system of traceability showing conformance, which may be difficult if relying solely on overseas test certificates. The certificates must also be in date and valid, so the documentation provided should be from an accredited laboratory.

Any filling or covering material supplied to be incorporated into furniture should have associated test certificates that show evidence of compliance. This should be traceable through the manufacturing process to the final finished products. In this case certificates should be provided as an ongoing process along with the supply of new materials.

Frequency of testing is not set out in the Regulations as the appropriate frequency will depend on factors such as the amount of the product produced, all of which, when risk assessed, should provide a reasonable frequency of test.

It is recommended that suppliers are clearly requested to notify purchasers of proposed changes to the materials, quality and composition of products. This should include a requirement to provide new certificates where there are substantive changes to the product specification.

Retailers are not responsible for testing upholstered products (unless they are also the importer) but they are obliged to ensure that the products they sell are safe.

Trading standards officers will be looking for test certificates from accredited laboratories that show traceability and are relevant to the product manufactured or imported and placed on the market. The documentation regarding quality assurance and traceability should be readily available to them on request.

Labelling requirements

Permanent labelling

The first supplier of the furniture in the UK is responsible for ensuring the finished product carries the permanent label, which must be:

- durable
- securely attached to an external surface of the furniture
- on each piece of furniture sold as a collection of items - for example, three-piece suites
- on loose and stretch covers for furniture

It may be incorporated into other labels (such as care labels). This is not required on mattresses, divans and bed bases, which are covered separately in British Standard BS 7177: *Specification for resistance to ignition of mattresses, mattress pads, divans and bed bases*.

There are two types of permanent label that manufacturers and importers can choose from. These are:

- a label giving full information about the furniture
- a shorter label giving the minimum information about the furniture

Full label:

CARELESSNESS CAUSES FIRE (a)

A N Other Ltd AB1 2XY (b)

AB 1234 (c)

1 March 1990 (d)

This article contains CM Foam which passes the specified test. All upholstery is cigarette resistant. (e)

All cover fabric is cotton and is match resistant. (f)

This article does not include a Schedule 3 interliner. (h)

Short label:

CARELESSNESS CAUSES FIRE (a)

Batch/ID No 0F 1234 (c)

To comply with the Furniture and Furnishings (Fire) (Safety) Regulations:

This article does not include a Schedule 3 interliner. (h)

All foams, fillings and composites have been tested to ensure compliance with the relevant ignitability test. All covers and fillings have been tested to ensure that they are cigarette resistant. All covers have been tested to ensure that they are match resistant. (g)

Further details are available from your retailer.

(a) the caution

(b) name and postcode of the first supplier in the UK

(c) batch or identification number

(d) date manufactured or imported

(e) description of filling material(s)

(f) description of covering material(s)

(g) a summary of the measures taken to ensure compliance with the Regulations

(h) whether the item contains a fire resistant interliner

A full description of what must be included in these labels is given in parts 2 and 3 of Schedule 7 to the Regulations.

Retailers of new upholstered furniture are responsible for ensuring that permanent labels are on and securely attached to items they supply.

The labelling provides relevant information to trading standards officers to show compliance and enable cross checking of the claims made on the label with the manufacturer's records

Display labelling

Display labelling indicates the ignition resistance of each item of furniture (including where part of a collection) and needs to be attached to all new furniture at the point of sale in a prominent position so that the label will be clearly visible to a potential purchaser.

Furniture that meets the filling requirements and is both cigarette and match resistant:



Furniture with certain cover fabrics where the cover fabric is not match resistant, but the furniture has an interliner that passes the specified test; the furniture meets the filling requirements and is cigarette resistant:



Furniture that meets the filling requirements and is cigarette resistant (for example, baby nests):



This is not required for mattresses, bed-bases, pillows, scatter cushions, seat pads, loose covers (sold separately from the furniture) and stretch covers.

The labels should be provided by the manufacturer / importer and the retailer must ensure they are fitted on display models.

Records

All manufacturers, importers and retailers are required to keep records such as invoices to ensure traceability of items of upholstered furniture. Manufacturers must also keep records that ensure materials used in the manufacture of particular batches of furniture are traceable.

The information would include:

- statements from suppliers
- results of any relevant tests that have been carried out on the furniture and its components
- the traceability of the test results to specific items of furniture. This should link the tests to the models with the variety of covers used
- the traceability of records to labels, batch numbers or marks attached to the furniture

Manufacturers and importers need to retain the information as is necessary to be able to trace and re-work, withdraw from the market or recall furniture that is found not to meet the necessary safety requirements.

Inspection of information

Trading standards officers have powers to inspect products and related documents.

Any person who supplies furniture (or loose covers or stretch covers) must make available to a trading standards officer, on request, the name and address of their supplier

General product safety

These Regulations require producers to only place safe items on the market. Compliance with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 means that the furniture is deemed safe in the UK.

There are further obligations imposed on 'producers' (which would include manufacturers and importers), which means they must:

- adopt measures to be informed of the risks that might be posed by products they have supplied, which includes:
 - considering sampling product on the market
 - investigating complaints
 - informing distributors of risks
- take appropriate action, which includes:
 - withdrawal
 - adequately and effectively warning consumers
 - recall
 - where producers know a product poses risks to the consumer, notify an enforcement authority in writing of this as well as the action that has been taken to prevent risk to the consumer

Further information

Detailed guidance can be found in the *Guide to the Furniture and Furnishings (Fire) (Safety) Regulations*.

This guidance was produced by the Department for Business, Enterprise and Regulatory Reform (as the Department for Business, Energy and Industrial Strategy was known at the time).

Penalties

Failure to comply with trading standards law can lead to enforcement action and to sanctions, which may include a fine and/or imprisonment. For more information please see 'Trading standards: powers, enforcement and penalties'.

Key legislation

Furniture and Furnishings (Fire) (Safety) Regulations 1988

General Product Safety Regulations 2005

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Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on amendments to legislation can be found on each link's 'More Resources' tab.

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