

Ian Potter
Assistant Coroner
Inner North London
By email only

07 November 2024

Dear Sir,

Regulation 28 Report

We refer to your Regulation 28 Report and respond to the matters of concern in your report in that:

- 1. The product in question, Sainsbury's Tropical Escape Bio Laundry Capsules, due to its eye-catching colours, appearance, and packaging, is being confused with food and risks being accidentally ingested by those with dementia or other cognitive impairment (as well as children).**

Sainsbury's and their suppliers adhere to the A.I.S.E. Liquid Detergent Capsule Product Stewardship Programme (LDC PSP) guidance in this area. For over 30 years, A.I.S.E. have made continual commitments on product safety that go beyond legislation and have launched a range of voluntary initiatives to engage with consumers and professional users on safe and sustainable habits, use and disposal of products and packaging. This voluntary product safety initiative includes guidance for retailers and producers of detergent capsules, which aims to support safe use and storage of LDCs by consumers to significantly reduce the incidence of accidental exposure to these products, in particular involving young children.

Brands and own brand retailers participating in the LDC PSP commit to:

1. applying a prominent and readily visible safe use patch (also referred to as the "Yellow Patch") on all LDC packaging as well as the industry's safe use icons keep out of reach of children", accompanied by the sentence: 'Keep away from children' (recommended) or the P102 sentence 'Keep out of reach of children', 2) the appropriate A.I.S.E. icon "close the pack", accompanied by the sentence: 'Close the lid properly' (for tubs) or 'Close the bag properly' (for stand-up pouches), 3) the title "HANDLE AND STORE SAFELY" (preferably in capital letters), 4) The statement: "@A.I.S.E." statement, 5) The URL: www.keepcapsfromkids.eu.
2. a closure of superior child-impeding efficacy.
3. measures to reduce the visibility of LDC through the product packaging: opaque packaging; obscure packaging; or any equivalent.

In addition, the capsules have Bitrex (a bittering agent that is activated on contact with the tongue) included in the capsule film to deter ingestion. The labelling below was included on our packaging in line with the AISE:



As a responsible retailer, we take the safety of consumers seriously and are sorry to learn of this incident.

2. There was no safety feature observed on the packaging that made accessing the content particularly difficult, which increases the risk of accidental or inadvertent ingestion.

We do not accept that there was no safety feature on the packaging. The product in question was contained in a Doypack with a child-impeding closure. However, the Doypack or carton closures are only a deterrent if they are properly closed and in line with the AISE protocol the first advice is always close properly and keep out of reach, both of which statements are on our products in picture and word formats.

We have since changed our packaging to remove plastic packaging to a cardboard box with a child impeding closure. The new cardboard box has undergone testing in line with the AISE Test Protocol for Child-Impeding Closures (CIC) and the product continues to meet the LDC PSP guidance.

We trust the above satisfies you that our packaging does meets the appropriate safety standards and demonstrates that no further action is required beyond that already detailed.

Yours faithfully

Sainsbury's Group Legal Services