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Dear Secretary of State,

29th November 2021

Regulating the sale of unsafe goods on online marketplaces

The growth of online marketplaces has altered the way we shop, facilitating an increase in borderless trade and providing consumers with greater choice and convenience. However, there is a plethora of evidence that shows online marketplaces are a hotbed for unsafe products and this situation continues to place consumers at risk.

Existing legislation in this area is clearly inadequate, evidenced by the range of unsafe products being sold to consumers every day. In particular, online marketplaces are not recognised as actors in the supply chain, and so have no responsibility for ensuring the safety of products advertised and sold on their platforms.

This is evident from the Office for Product Safety and Standards' (OPSS) own investigations and research. Just last year, the OPSS found 166 non-compliant toys on online marketplaces, while 63% of sampled electrical products on online marketplaces were non-compliant, and nearly a quarter were unsafe. Investigations by other organisations have found products advertised and sold on online marketplaces which pose serious safety risks, ranging from children's toys to electrical goods. For example:

- Electrical Safety First recently published two reports – Online Marketplaces: The Evidence and Impact and Online Marketplaces: The Need for Change. These reports follow a series of investigations by the Charity. One investigation found that 14 out of 15 sampled electrical products purchased from online marketplaces were unsafe.
- Electrical Safety First has also found several recalled white goods listed on online marketplaces. In addition, further findings by the charity show that Brits continue to be duped by fake goods online with almost one in four having purchased an electrical product online, sold by a third-party seller that was advertised as genuine, only to discover that the product was counterfeit.
- Which? research published in September 2021 found that, from a survey of 2,000 UK adults, 68% had little or no trust that online platforms were taking steps to protect users from online harms including the sale of unsafe products, while 18% of respondents claim to have bought an unsafe product that posed a health or safety risk from an online marketplace in the past year.
- This follows a history of testing and investigations carried out by the consumer organisation that have repeatedly highlighted the range of unsafe products up for sale on these sites. This includes children's toys with levels of toxic chemicals that breach

EU safety limits, dangerous sleeping bags for newborn babies, teeth whitening kits that contain dangerous levels of hydrogen peroxide, smoke and carbon monoxide (CO) alarms that fail to detect smoke and CO during standard testing, and USB chargers that pose a fire or electrocution risk.

- The British Toy & Hobby Association (BTHA) recently published a report, *Still Toying with Children's Safety*, which looked at the sale of unsafe toys on online marketplaces. The report found that 88% of toys tested were illegal to sell in the UK with 48% of toys tested being unsafe for children to play with.
- The BTHA has been reporting unacceptable levels of unsafe toys sold via third-party sellers on online marketplaces since September 2018. In its latest report, they found that 69% of the toys recalled following BTHA notification over the past two years are seemingly still on sale.

This cannot be allowed to continue. Yet, on the week this letter was written, several unsafe products continued to be advertised on online marketplaces, examples of which are attached to this letter. These are products being sold directly to consumers, illustrating that consumers continue to be placed at risk.

We welcome the Government's commitment, as expressed in the UK's Product Safety Review: Call for Evidence Response, to ensuring that only safe products can be placed on the market now and in the future, including taking steps to address the rise of online markets. This would be another major step in the Government's commitment to ensuring the UK is the safest place in the world to be online, protecting consumers from unsafe products whilst ensuring the UK's product safety framework is fit for purpose.

Considering the revolutionary shift in digital markets and e-commerce, as well as the UK's exit from the EU, updating our product safety laws will be necessary and inevitable. These reforms must seek to regulate the sale of unsafe products on online marketplaces, and to make online marketplaces responsible for the safety of products offered for sale on their platforms.

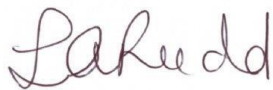
The Government must also guarantee that enforcement authorities have sufficient powers and resources. This will enable these authorities to effectively enforce the updated product safety legislation and support businesses to comply with these laws.

In turn, these measures would ensure that no matter whether a consumer buys a product online or on the high street, they are protected by consumer laws that ensure that goods are fit for purpose. This would provide certainty for online marketplaces, a level playing field for responsible businesses, and protection for consumers.

It is critical that these reforms are delivered at pace to prevent further lives being put at risk from dangerous products sold online. Consumers deserve equal protections regardless of whether they are shopping on an online marketplace or on the high street.

On this basis, we would welcome the opportunity to work collaboratively with the Government to explore ways to achieve our shared objective of ensuring consumers are safe online.

Yours Sincerely,



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Electrical Safety First

Kerri Atherton
Head of Public Affairs
British Toy and Hobby Association



Katrina Phillips
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