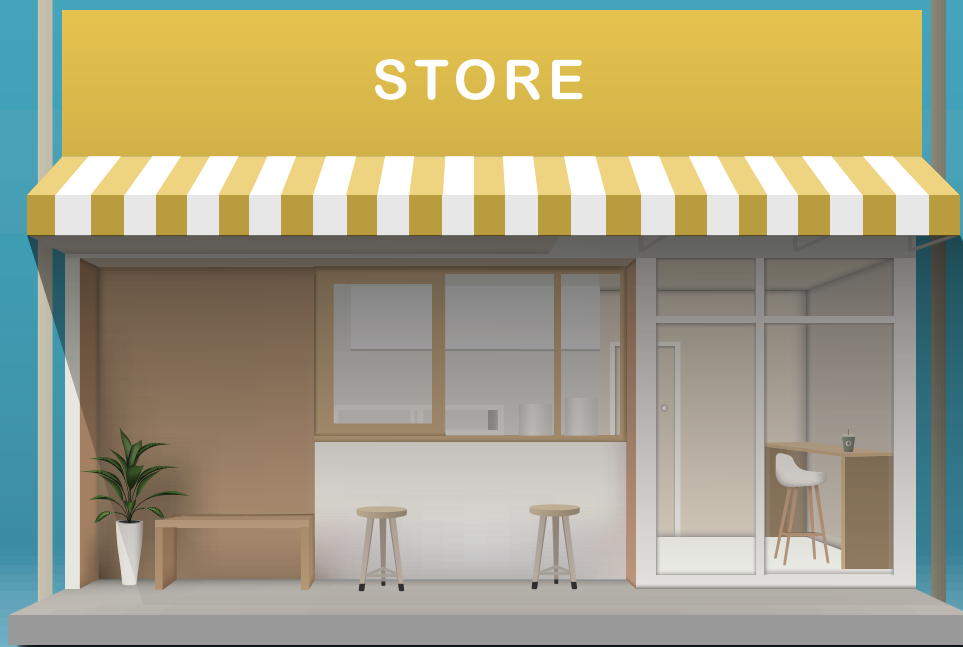


5G



80%

UNSAFE AND ONLINE

STORE

A Framework for Strengthening Product
Safety in the Online Marketplace

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Executive Summary

The growth of e-commerce has improved product accessibility but also opened doors for unsafe products to slip through national regulatory systems. Unlike physical stores, there is ambiguous liability for online platforms that enable noncompliant goods to reach consumers, heightening the risk of unsafe purchases, especially from international sellers with varying safety standards. This joint report from leading EU, UK, and US consumer organizations highlights critical safety concerns regarding the sale of unsafe consumer products through online marketplaces. Investigations across those regions reveal widespread risks in categories such as electronics, infant and children's products, toys, and more, with alarming findings that underscore the urgent need for stronger enforcement of safety regulations, increased accountability from online platforms, and effective regulatory frameworks that can keep pace with the rapid digitalization and globalization of trade.

Part 1 of this report compiles comprehensive evidence of unsafe products being sold on online platforms, drawing from numerous investigations and studies conducted in the EU, UK, and US. These investigations reveal a wide range of products, particularly in categories such as electronics, children's toys, and infant products, that fail to meet established safety standards. Despite numerous warnings and some product removals, these unsafe products continue to be sold on major platforms, highlighting the ongoing challenges of enforcement. The report emphasizes that these issues are not isolated incidents but part of a broader systemic problem facing the EU, UK, US, and other regions.

Part 2 of this report delves into the issue of counterfeit products available for sale on online marketplaces in the EU, UK, and US. Counterfeit products often fail to meet safety standards and pose significant health risks to consumers. The ease with which counterfeiters set up storefronts on online platforms further complicates enforcement, making it difficult for authorities to curb the spread of these dangerous products. Each region is grappling with the widespread availability of counterfeit goods, which not only undermine consumer trust but also pose severe risks to public safety.

Part 3 of the report explores the evolving regulatory and legal frameworks in the EU, UK, and

US, highlighting the significant challenges those regions face in ensuring product safety and consumer protection amid the rapid growth of e-commerce. The rise of online marketplaces has created a complex landscape, prompting those regions to implement a range of laws and regulations, such as the EU's Digital Services Act (DSA), the General Product Safety Regulation (GPSR), and the INFORM Consumers Act in the US. In the UK, the Product Regulation and Metrology Bill is still in the legislative process. Despite these efforts, enforcement remains challenging due to the high volume of online transactions, the global nature of e-commerce, and inconsistent jurisdiction over third-party sellers and online marketplaces. This section emphasizes the need for proactive regulatory measures, timely enforcement, clear online marketplace accountability, and ongoing cooperation between the EU, UK, US, and other global stakeholders.

Recommendations:

To address these safety concerns, the report calls for:

Cross-Border Cooperation: Online marketplaces are global platforms where sellers and buyers can interact across borders. A product sold in one country can be shipped and sold to consumers in another, creating a complex web of regulatory challenges. Products listed on online marketplaces coming from third countries often bypass local rules. Stronger cooperation between three of the biggest economic areas would help to enforce product safety rules more effectively. This report advocates for increased cooperation between the EU, UK, and US to address the global nature of the issue. Cross-border cooperation allows for a more efficient and strategic approach to monitor these platforms, enabling regulators to keep pace with the increasing complexity and scale of global e-commerce. This includes a formal exchange of data about non-compliant and dangerous products, coordinated investigations, for example through mystery shopping activities, and the joint recall of unsafe products from the market.

Empower Regulatory Agencies and Authorities: Many regulatory agencies and authorities lack the necessary mandate and human, financial, and technical resources to effectively address the growing challenges posed by online marketplaces. To enhance their ability to tackle these issues, it is crucial to empower these agencies and authorities

with a clear mandate. This must be backed with strong enforcement powers, including the ability to investigate, penalize, and remove unsafe or non-compliant products. This also includes ensuring the regulatory authorities have the capacity, expertise, and tools to manage the complexities of online commerce. In the US, the sole agency tasked with protecting the American public from hazardous consumer products, the Consumer Product Safety Commission (CPSC), must remain an evidence-based, independent body, and receive increased funding to effectively carry out its critical mission. In the EU, the EU Customs Reform should increase authorities' resources to better protect consumers. Customs and market surveillance authorities, and other relevant authorities, need to be better equipped to protect consumers against non-compliant and dangerous products imported into the EU. To fulfil their mission, they need more financial and human resources.

Compliance with Existing Safety Regulations: All products sold through online marketplaces must comply with the safety regulations of the country or region where the product is being sold. Online marketplaces should not be allowed to defer responsibility until after a product causes harm. Instead, online marketplaces must take proactive measures to verify that sellers and products comply with safety regulations before products are listed. Compliance with safety standards should be fully integrated into seller onboarding and product listing processes. Online marketplaces must continue to actively verify that sellers adhere to applicable safety standards after products are listed. The level of product safety for consumers using online marketplaces must be aligned with the safety standards found in traditional forms of commerce. Consumer protection should not be compromised in digital marketplaces.

Clear Accountability for Product Safety on Online Marketplaces: Responsibility for ensuring the safety of products sold on online marketplaces should rest with those best positioned to safeguard consumers. While manufacturers are best placed to ensure safety and compliance by design, online marketplaces should bear greater responsibility and liability for ensuring product safety, including clear safety legislation, rigorous verification processes, improved monitoring systems, transparent procedures for addressing safety concerns, and faster removal of non-compliant products in case

something goes wrong for consumers. Laws and consumer protections must be adequate to hold marketplaces accountable for unsafe products on their platforms. This also requires a clear definition of online marketplaces.

Stronger Enforcement: The EU, UK, and US must enhance enforcement mechanisms to hold online platforms accountable when third-party products sold on their sites are not compliant with safety regulations. This includes increasing penalties for non-compliance, providing better tools for consumer reporting, and establishing stronger inspection and auditing systems for online marketplaces. In the EU, a review of the Consumer Protection Cooperation (CPC) regulation could enable greater centralization of consumer law enforcement for certain cases. It could also provide a clearer legal basis for cooperation with UK and US enforcement authorities. In the US, stronger enforcement would involve expanding the authority and resources of agencies such as the CPSC to better monitor and penalize online platforms with non-compliant products.

Enhanced Third-Party Seller Verification: To stop unsafe products from reaching the market in the first place, online marketplaces should implement stronger vetting processes for third-party sellers before granting access to consumers, ensuring that only reputable and compliant vendors are allowed to sell products. This could involve background checks, requiring sellers to demonstrate compliance with relevant product safety laws and other applicable legislation (like DSA), and providing regular audits.

Collaboration with Consumer Organizations: Consumer groups must be actively involved in the policy development process for product safety on online marketplaces. Their perspectives and experiences provide essential insights into the real-world challenges consumers face, particularly in identifying risks and gaps in existing regulations. By involving consumer advocacy groups in the decision-making process, policymakers can ensure that regulations are more thorough, relevant, and focused on safeguarding consumer interests. This collaboration will also promote transparency, trust, and accountability, ensuring that consumer voices are heard in the creation of laws that impact their safety and well-being in the online marketplace.

These recommendations aim to enhance product safety, ensure accountability, and protect con-



sumers in the growing and evolving e-commerce environment.

About TACD

The Transatlantic Consumer Dialogue (TACD) is a forum of EU and US consumer organizations that develops and agrees on joint consumer policy recommendations for both the EU and US government. Launched in September 1998, TACD's inaugural meeting in Washington, DC brought together over 60 consumer representatives from the EU and US. Today, 76 organizations participate in TACD, representing the consumers' interest on both sides of the Atlantic.

TACD's primary goal is to provide a formal mechanism for consumer representatives from the EU and US to contribute to policy negotiations and agreements in both regions. It also seeks to enhance the visibility and influence of the EU and US consumer perspectives at the international level. TACD champions consumer interest in transatlantic decision-making and strikes to ensure that EU and US policy dialogue promotes consumer welfare on both sides of the Atlantic, while being informed of the impacts of policy decisions on consumers.

TACD regularly issues statements and recommendations on important food, digital, intellectual property, financial services, and product safety issues. In doing so, TACD provides a common voice and ensures that key consumer priorities are promoted

and advocated. Through meetings and multi-stakeholder conferences, TACD contributes to the exchange of information, dissemination of knowledge and sharing of expertise on key consumer issues in the EU and the US.

About the Project

In June 2024, TACD organized an internal member workshop to address increasing concerns surrounding the sale of illegal and dangerous products on major online marketplaces in the EU and the US. As the online marketplace industry continues to expand rapidly, consumer organizations are playing a crucial role in identifying and addressing the risks associated with unsafe and illegal products being sold online. This report brings together evidence from the EU, UK, and US, gathered by TACD members, highlighting the widespread prevalence of unsafe products on online platforms. Through collaboration and rigorous investigation, the evidence reveals alarming patterns of non-compliance with safety regulations, highlighting the vulnerabilities within these marketplaces. The findings emphasize the significant role that consumer organizations and other key stakeholders play in safeguarding public health and safety, especially in an era where online shopping is becoming the norm for consumers worldwide. This report aims to inform policymakers, regulators, and other key actors about the urgent need for enhanced protections in the rapidly evolving digital marketplace.

Introduction

The EU, UK, and US have safety regulations in place to protect consumers from harmful products. In the EU, the General Product Safety Directive (GPSD), the Market Surveillance Regulation and the DSA require that only safe products can be made available to consumers. It applies to a wide range of product categories, including electronics, toys, cosmetics, and more, complementing sector-specific laws.¹ The GPSD aims to protect consumers by establishing general safety requirements for products and setting out procedures for market surveillance, recall, and withdrawal of unsafe items.

In the UK, the General Product Safety Regulations set out obligations for economic operators, but product safety legislation is currently under review² and a Product Regulation and Metrology Bill is being scrutinized by the UK Parliament.

In the US, the Consumer Product Safety Act established the Consumer Product Safety Commission (CPSC), an independent federal regulatory agency tasked with protecting consumers against unreasonable risks of injury or death associated with consumer products.³ The CPSC develops mandatory safety standards and initiates recalls for products posing substantial risk to consumers. The Consumer Product Safety Improvement Act (CPSIA), signed into law in 2008, significantly strengthened consumer product safety regulations, particularly for children's products, including required third-party testing by accredited labs for compliance with safety standards.⁴

Despite these established safety frameworks, the rise of e-commerce has introduced new challenges. While online shopping offers unprecedented convenience, it has also made it easier for dangerous and non-compliant products to be sold to consumers. These products often evade the safety regulations in place, finding their way into homes through online marketplaces. This report, compiled by leading consumer organizations from the EU, UK, US, aims to shed light on this growing problem and its implications for consumer safety.

To overcome these challenges, stronger international collaboration is essential, along with greater transparency and accountability for online platforms. Ultimately, improving consumer protection in the digital era requires proactive regulatory measures, timely enforcement, and sustained

cooperation between the EU, UK, US, and other global stakeholders. Only through these coordinated efforts can all regions ensure that consumers enjoy the safety and confidence they deserve when shopping online.

Definitions

E-commerce models vary in their level of control and responsibility for product quality and consumer experience. The two main models are (1) online retailers (or online shops) and (2) online marketplaces.

Online Retailers or Online Shops: Online retailers or online shops operate under a distinct business model where they sell products directly to consumers, following a more traditional order fulfillment model. These platforms are typically responsible for the entire product lifecycle and maintain control over product quality, pricing, and shipping. Examples of online retailers include large e-commerce giants like Amazon (when acting as a direct seller) and specialized online stores like Apple's online store.

Online Marketplaces: Online marketplaces act as intermediaries between buyers and third-party sellers. These platforms provide a venue for multiple independent sellers to list and sell their products to consumers. The marketplace generally manages the platform's infrastructure, including website design, payment processing, and sometimes shipping or customer service. Examples of online marketplaces include Etsy and Amazon (when acting as a platform for third-party sellers).

Hybrid Platforms: Some platforms operate as both online retailers and online marketplaces. In this model, the platform sells products directly to consumers like an online retailer, while also offering a marketplace for third-party sellers. For example, Amazon operates as both a direct retailer and a marketplace for third-party sellers.

Third-Party Sellers: Third-party sellers are vendors or businesses that use online marketplaces to sell their products. These sellers are not employed by the marketplace platform but instead use the platform to reach an audience.

The varying e-commerce models create different levels of responsibility for ensuring product quality, consumer protection, and safety, which is critical to understanding the regulatory and legal challenges associated with online shopping.

Part I: Data and Evidence Compilation

The mounting evidence is undeniable: a growing collection of data—ranging from consumer complaints and media reports to government recalls, market surveillance findings, consumer surveys⁵ and real-life case studies—reveals the widespread nature of unsafe products from online marketplaces in the EU, UK, and US. This compilation of information highlights the scale of the issue, across a wide variety of product categories. While most of the studies can be dismissed individually for their small sample sizes, taken together they provide overwhelming evidence of the dangers of this issue.

Europe⁶ – Electronics

“A cell phone charger I bought from Temu has caused a kind of short circuit in my cell phone. It’s been broken ever since and can no longer be used. Very annoying.”⁷

Numerous tests conducted and published by European consumer groups and authorities have highlighted significant safety risks associated with electronics purchased from online marketplaces. The annual report of Safety Gate in 2024 supports these findings. The authorities of member states of the EU made a record-high 4,137 notifications to the Safety Gate in 2024, representing nearly a 50 percent increase compared to 2022.⁸

Key findings include:

2019 ICRT and BEUC study⁹: In a joint study¹⁰ with six European consumer groups¹¹ and the International Consumer Research and Testing (ICRT) network, Which? provided product testing for 35 electronic products, including, USB chargers, power adapters, and travel adapters sold online. The testing demonstrated that the products posed serious risks for consumers, such as electric shocks and fire hazards. Eleven out of 12 USB travel adapters could deliver shocks. Six out of 12 power banks were poorly constructed, with one even melting during testing. Eight of the 11 USB chargers were lookalike brands that failed to meet standard safety tests. Further, when disassembled, the distances between components were too small, potentially leading to an electric shock of users.



Picture: Which?/ICRT Picture on left shows the USB port of a power bank before the test. Picture on right shows port is melted after the test.

2020 UFC Que Choisir (FR) Test¹²: Testing of 20 USB smartphone chargers purchased by UFC Que Choisir on Amazon, Fnac, and other online marketplaces showed that only four were compliant with the regulations on labeling and electrical safety. Eleven products had serious electrical defects, including capacitors with insufficient insulation; a lack of protection against overloads, and the risk of short-circuits among the many defects. These defects pose serious risks for consumers as they might cause domestic fires or electric shocks.



Picture: UFC Que Choisir - USB chargers not compliant with EU safety regulations.

2022 Which? (UK) Christmas Tree Lights Test¹³: Ten out of 12 sets of lights Which? bought on AliExpress, Amazon, eBay and Wish failed to meet the requirements of the Electrical Equipment (Safety) regulations and could not legally be sold in the UK. The quality was so poor that the products posed both an electric shock risk to anyone using it and was also a fire hazard. Two sets of lights in particular would be dangerous for anyone using them. In addition, one set of lights bought from a seller on Wish was so badly made that it posed an electric shock risk to anyone using it and was a fire hazard. Further, there were issues with the instructions, packaging, and labelling. AliExpress, Amazon, eBay

and Wish have removed the 10 products found to be illegal for sale from their platforms.

German Federal Network Agency (Bundesnetzagentur)¹⁴: The German Federal Network Agency oversees market surveillance for electronics. The Agency conducts mystery shopping on online marketplaces annually. Since 2022, over 85 percent of the purchased products were found to be irregular.

2023 Consumentenbond (NL) Study¹⁵: Consumentenbond conducted a study in 2023 to investigate how online marketplaces control external sellers before admitting them on their platform. The main finding was that it is very easy to circumvent the rules of these online marketplaces and to sell dangerous products by using a different product code that can be purchased separately or by copying a CE marking from another product. Consumentenbond created a web shop for this project and offered nine products that were listed on Safety Gate, the European Union rapid alert system for unsafe consumer products. Seven of the products could be listed on Bol.com and Amazon Marketplace.

2023 Which? (UK) Electric Blankets Tests¹⁶: Out of 11 electric blankets and heated throws purchased by Which? from AliExpress, Amazon, Wish and eBay, nine were deemed unsafe and could not be sold legally in the UK. Three posed a risk of electric shock to consumers. The respective online marketplaces removed the products from their website.

2023 Which? (UK) Electric Heaters Study¹⁷: Which? found that all of the ten mini plug-in heaters they bought and tested failed the safety tests. All the products are illegal to sell in the UK and four heaters presented a risk of fire. These findings were made during winter as financially stressed consumers were seeking alternative, energy-efficient ways to heat their homes amid an unprecedented energy crisis. Further, Which? could detect fake review activities in relation to the listed products. The online marketplaces were asked for comment, but only Amazon, eBay and Wish responded and removed the products from their websites.

2024 Which? (UK) Undercover Investigation¹⁸: Even in case dangerous products have already been removed from the market, it might remain easy to relist them on online marketplaces as an investigation of Which? demonstrates. Which? conducted an undercover investigation as a seller on Amazon Marketplace, eBay, Etsy and TikTok Shop,

listing an electrical heater that appeared identical to one officially recalled by authorities due to serious safety concerns. The platforms only acted after Which? anonymously reported the product. In a later follow-up, published in January 2025, Which? successfully relisted an identical-looking heater using the same images on multiple online marketplaces.¹⁹



Picture: Which? picture showing a near-identical electrical heater to one that was removed due to safety issues.

2024 Which? (UK) Electric Heater Investigation²⁰: Which? purchased five electric heaters through TikTok Shop. Three of the products were found to be unsafe for consumers, posing risks of explosion, electrical shock, or fire. Three heaters came with instructions missing important safety warnings. In the same investigation, Which? purchased three electric heaters from Temu. All three heaters purchased on Temu were electrically unsafe and therefore pose a risk to users. After being informed Temu and TikTok both removed the products from their website.

Unbranded heaters from Temu could start a fire



Picture: Unbranded, unsafe electrical heaters in Which? testing.

2023 Which? (UK) Unsafe Carbon Monoxide

Alarms Test²¹: Which? purchased 149 unsafe, low-cost carbon monoxide alarms listed across eBay, Amazon, AliExpress and Wish in 2023. The alarms either failed to detect carbon monoxide gas or the alarm was not loud enough to pass Which?'s safety tests. This poses a risk to consumers, as carbon monoxide alarms must alert households to the presence of lethal, odourless gas that can cause death. All products were removed after Which? intervened. However, eBay's sales disclosure revealed at least 1,311 of these dangerous products were sold to consumers.

2023 Which? (UK) Smoke Alarm Investigation

2023 Which? (UK) Smoke Alarm Investigation²²: Five years on from first finding a dangerously unreliable smoke alarm being sold through eBay in 2018, a Which? investigation in 2023 again found the same unsafe product widely available across eBay, AliExpress, and Wish.com. The unbranded and dangerous smoke alarm, sometimes listed as the SS-168, repeatedly failed to detect smoke and sound the alarm when tested. This poses a high risk to consumers who rely on those alarms to detect fire in their home. Further, the instructions provided with the alarm were not in English. 20 of the first 250 cheapest listings on eBay for smoke alarms were for this alarm with prices starting at less than £5, and according to figures listed on eBay, 20 sellers had sold 1,379 dangerous alarms.

2024 Forbrugerrådet Tænk (DK) surveillance

products Test²³: Forbrugerrådet Tænk purchased two surveillance products, a camera and a bell through Temu. Both products need to be connected to the internet and an app on the phone. However, the two products did not work and came with incorrect labelling. After being informed about the test results, Temu stated that they removed all products from their website.

2025 Which? (UK) Energy saving plugs Investiga-

tion²⁴: In April 2025 Which? investigated 'energy saving' plugs that falsely claim to lower electricity bills, testing eight devices from AliExpress, Amazon, eBay, Shein, Temu and TikTok Shop. The findings showed that all of them fail to do what they advertise, and they failed to meet basic electrical safety standards, meaning they were illegal to sell in the UK. The first time Which? investigated these products was back in 2022²⁵, when energy prices were skyrocketing, and they were being marketed to people who wanted to bring down energy costs. The government later officially recalled four similar devices on AliExpress, eBay and Wish citing a 'serious risk of fire and electric shock'.

The Danish Safety Technology Authority²⁶: The Danish Safety Technology Authority has checked 100 products from ten online marketplaces, and the checks have shown that more than 90 percent of the products are illegal or outright dangerous. 90 percent of 40 products from online marketplaces did not comply with European legislation. It was only possible to find an EU person responsible for 30 percent of the cases, and only half of them were cooperative. It was only possible to identify the local trader in 30 percent of the cases and out of them 80 percent could not provide the technical documentation.

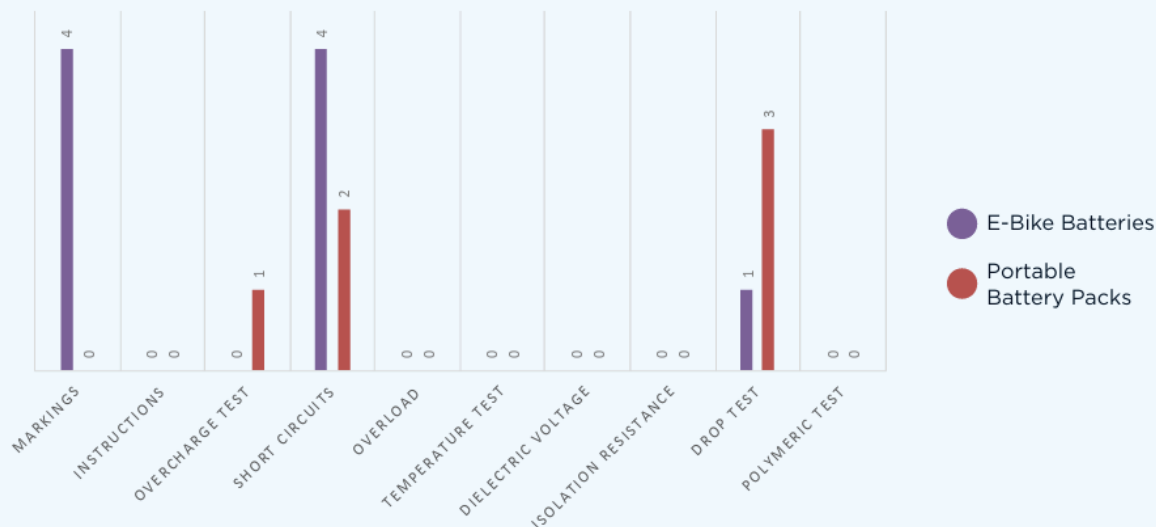
US - Battery and Electronics

*At least five reports were made to the US Consumer Product Safety Commission regarding combination smoke and carbon monoxide detectors failing to alarm in the presence of smoke. The alarms were purchased on an online marketplace and imported from China. Because the firm would not cooperate with the CPSC, a recall has not been issued.*²⁷

Recent investigations and studies have raised serious concerns about the safety of products sold on online marketplaces. From counterfeit smoke alarms and faulty electronics to dangerous lithium-ion and e-bike batteries, numerous safety failures have been uncovered, highlighting significant risks to consumers. These findings emphasize the urgent need for better enforcement of safety standards and greater accountability from online platforms.

2019 Wall Street Journal Investigation²⁸: To test the effectiveness of Amazon's safety practices, the Wall Street Journal analyzed listings on Amazon

Figure 1: E-Bike and Portable Battery Pack Non-Compliance



Picture: TIC Council, 2023 Market Study in the US.

between May and early August 2019 and hired a federally certified testing company to examine certain items bought on Amazon. Among the findings, the Wall Street Journal identified 1,412 electronics on Amazon falsely claiming UL certification or safety compliance.

2022 Massachusetts Department of Fire Service Warning²⁹: After several counterfeit alarms purchased on online marketplaces were found during home inspections prior to home sales, the Massachusetts Department of Fire Services warned residents about smoke and carbon monoxide alarms sold online.

2021 NBC News Investigation³⁰: NBC News found thousands of 18650 lithium-ion batteries—commonly used in laptops, power tools, e-mobility products—being sold on platforms like Amazon and Walmart, despite warnings from the CPSC that such loose batteries could cause serious injury or death and are not intended for individual sale to consumers. The product was available for sale from third party sellers on Amazon, as well as directly from Amazon, even though the platform claimed 18650 batteries are a prohibited item. NBC News bought 11 items from Amazon’s warehouse deals that came packaged with loose 18650 batteries and were labeled as “inspected.” All the batteries were tested at Columbia University’s engineering lab, which found that nine of the batteries were knockoffs.

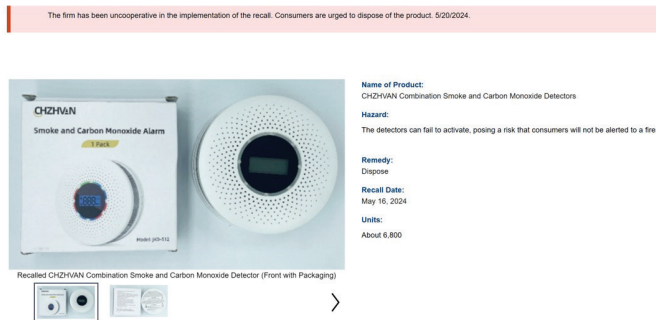
Knockoffs of the 18650 batteries, named for its size (18 x 65 millimetres), have been known to spark fires in purses and clothes.

2023 TIC Council Study³¹: TIC Council tested e-bike batteries and portable battery packs from two online platforms, adhering to industry standards like UL 62133 (for portable batteries) and UL 2271 (for e-bike batteries). Ninety percent of e-bike batteries (9/10) and 50 percent of portable battery packs (5/10) failed safety tests, with issues such as short circuit risks, overcharging, drop tests, and incomplete labeling. TIC Council also tested household appliances, including cellphone chargers, electric irons, and handheld hairdryers, against voluntary safety standards (e.g., UL 62368-1 for chargers, UL 60335-2-3 for irons). Fifteen percent of the tested appliances (5/36) had non-compliance issues. Specific concerns included: 25 percent of cellphone chargers had faults; 17 percent of handheld hairdryers failed abnormal operations tests; and 25 percent of chargers and eight percent of hairdryers lacked third-party certification markings.

See Picture at top of page: TIC Council, 2023 Market Study in the US.

CPSC Recalls and Unilateral Product Safety Warnings³²: In May 2024, 6,800 smoke and carbon monoxide detectors were recalled after failing to activate. The products were imported by Haik-

ouhuidishangmaoyouxiangongsi, a Chinese company. Although the company initially agreed to a recall and planned to issue refunds, it later backed out, preventing an official CPSC recall. As a result, affected consumers had no recourse. In 2023, the CPSC issued four warnings about seven different smoke and carbon monoxide detectors sold on Amazon, but no formal recall was issued due to the lack of cooperation from the companies involved.



Picture: US CPSC Recall.

Europe – Infant Products, Children’s Products, and Toys

Consumer groups, trade groups, and other stakeholders across Europe have conducted investigations into toys and baby products purchased from online marketplaces. The studies reveal serious safety risks, including choking hazards, swallowing dangers, and incorrect labeling.

2019 Forbrugerrådet Tænk (DK) Toys and Party Equipment Investigation³³: Forbrugerrådet Tænk tested several toys purchased from Wish, eBay, and Amazon, finding that nine out of 29 products (31%) contained illegal levels of phthalates. These chemicals, used to make plastic toys soft and bendable, are endocrine disruptors and harmful to reproduction, and are listed on the EU’s Substances of Very High Concern (SVHC) list. Phthalates are banned in Denmark for toys intended for children under 36 months. After reporting the findings to the Danish Environmental Protection Agency and contacting the companies involved, the toys were removed from the websites.

2020 Which? (UK) Baby Sleeping Bags Test³⁴: All nine baby sleeping bags purchased by Which? from Amazon Marketplace, AliExpress, Wish, Etsy and eBay failed the safety tests. This includes the neck opening being too wide which could lead to

a baby slipping down into the bag and suffocating. Further, the so-called tog ratings were inaccurate that could lead to a baby seriously overheating. The products were removed after being reported, except by Wish and Etsy.



Picture: Which? unsafe baby sleeping bag

2021 OCU (ES) Test³⁵: OCU purchased 20 toys from various stores and online marketplaces such as Amazon and AliExpress. OCU found nine safety issues including choking hazards because of small parts, forbidden substances, injury risks, and incorrect labeling, such as the recommended age. The toys purchased from AliExpress, Amazon, and Carrefour had the most failures.

2021 Which? (UK) Test³⁶: Which? purchased and tested 28 toys from AliExpress, Amazon, eBay and Wish. The tests demonstrated that more than 40 percent fail standard safety tests, the toys would be dangerous for children to play with. The risks included choking (ten toys), strangulation (two toys), and serious internal harm due to ingestible magnets or accessible batteries (two toys). After being informed about the products, the online marketplaces announced they were removing the items from their website.

2024 Follow-up Which? Test³⁷: Three years after its 2021 investigation, Which? purchased 23 toys from AliExpress, eBay, Fruugo, Temu, Tiktok Shop and Wish and conducted another test. Which? found serious safety problems in 12 toys including choking hazards, detachable magnets, and strangulation risk. These toys are dangerous for a child to play with.

2022 Which? (UK) Baby Carrier & Sling Test³⁸: Which? purchased 11 baby carriers and slings from

Amazon, eBay and AliExpress. Ten out of 11 tested products failed British safety and durability tests. The issues included straps falling apart, suffocation risks, and lack of instructions. Three out of 11 of the products tested failed every aspect of Which?'s product safety tests. The safety and durability issues Which? uncovered could cause serious injury to a baby or toddler, and include falling out of a broken carrier, trapping fingers in a tight mesh and suffocation. The only product that passed was later found to be a counterfeit item. After being informed about the products, AliExpress, eBay and Amazon removed the listings from their website.

2023 Darmstadt, Germany, Mystery Shopping ³⁹:

The regional government of Darmstadt bought and tested over 800 products, including toys, in cooperation with the German Customs Authority. The study found that 95 percent of the tested products were non-compliant with EU regulations. Common safety issues included a lack of instructions and a lack of EU representation.

2023 & 2024 Altroconsumo (IT) Temu Investigations⁴⁰:

In 2023, Altroconsumo conducted a comprehensive investigation, purchasing and testing 28 products through Temu such as toys, games, and cosmetics. The test results revealed that all products violated at least one EU regulation, were banned from the European market, or were illegal to sell in the EU. Issues included the absence or counterfeiting of CE marking, incorrect labeling, and violations of the EU Toy Safety Regulation. For example, a furry teddy bear and stationary products designed for children posed choking hazards due to small parts.

In 2024, Altroconsumo conducted a similar investigation and purchased 25 products from the same categories to track any improvements. Unfortunately, the results showed that the risks to consumers persisted, despite Temu's announcement to remove the products from their site. The tests showed similar concerns, including a lack of safety instructions, incorrect warnings, and unsafe labeling, particularly with products like balloons and pacifier chains that pose a risk of choking. Altroconsumo alerted Temu about these findings, and the platform subsequently removed the non-compliant products from its website.

2023 & 2024 Toy Industries of Europe (TIE) Investigations^{41 42}:

TIE purchased 19 toys from Temu in 2023 and sent them to independent laboratories. None of the toys fully complied with EU regulation

and could not be legally sold in the EU. Eighteen toys presented significant safety risks to children like choking, strangulation, and chemical dangers. Playing with these toys could lead to injuries. Eighteen of the 19 toys did not provide for an EU contact address, which is a requirement under the EU Market Surveillance Regulation.

In 2024, TIE purchased 102 toys from various online marketplaces, including Allegro, AliExpress, Amazon Marketplace, Bol.com, Cdiscount, Fruugo, LightInTheBox, Shein, Temu, and Wish. Independent laboratories conducted the tests that demonstrated the following key findings: a baby teething toy that could break into small parts can cause choking hazards. Magnets that pose a risk of intestinal perforation if swallowed or an electronic drawing board with accessible button batteries, which could cause severe injury or death when ingested.

2024 Forbrugerrådet Tænk (DK) Temu Investigations⁴³:

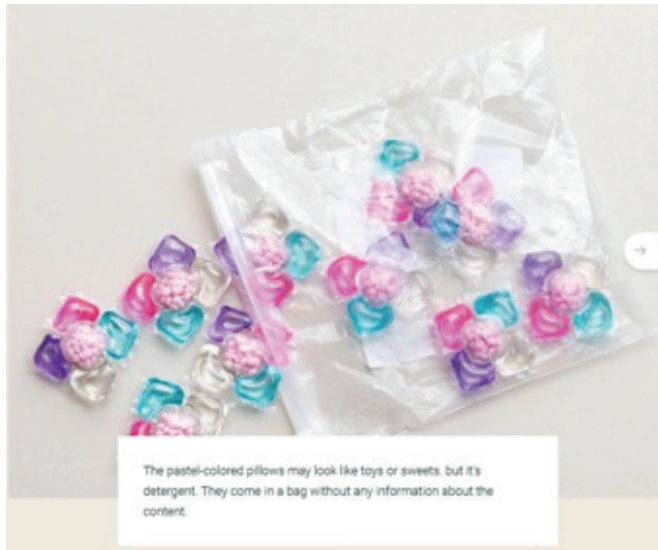
In 2024, Forbrugerrådet Tænk purchased and tested 38 products through Temu from four categories: toys, electronics, cleaning products, and cosmetics. Thirty of these products failed safety tests, and after being informed, Temu removed them from their website.



Picture: Forbrugerrådet Tænk, showing a caterpillar where one small eye could easily be detached.

The toys showed significant issues, with missing instructions, inadequate warnings, and inconsistent CE marking. Age restrictions were often contradictory, leaving consumers unsure whether the toys were safe for children under the age of three. Additionally, none of the warnings or instructions were in Danish, despite being sold in Denmark. The cleaning products also posed risks, with inadequate labeling and missing ingredient information,

while one detergent was packaged to look like a toy or sweet.



Picture: Forbrugerrådet Tænk, picture showing coloured detergent resembling baby toys.

2024 Forbrugerrådet Tænk (DK) Slime Toys

Test⁴⁴: Forbrugerrådet Tænk bought and tested 25 slime toys, comparing products bought in Danish stores (nine products) with those bought from Wish (three), Temu (seven), Shein (three), and Amazon (three). Over 60 percent of the slime toys bought outside the EU released chemicals such as boron⁴⁵ exceeding the allowed limits. Slime bought from Danish stores showed better compliance with safety standards. Shein, Temu, Amazon, and Wish removed the non-compliant products after being informed about the test results.



Picture: Forbrugerrådet Tænk, picture showing toys from Wish, Shein, Amazon, and Temu that have high boron release above the EU limit.

2024 Forbrugerrådet Tænk (DK) Temu Test⁴⁶:

Forbrugerrådet Tænk bought 16 disposable tableware products (used for children's parties and picnics) and types of baking paper from Temu.

Independent laboratories tested the presence of per- and polyfluoroalkyl substances, also known as PFAS⁴⁷. Five products contained PFAS levels 10 to 50 times higher than the allowed limit (210 to 1,300 mg/kg of total organic fluorine). Four products contained PFAS levels up to three times the permitted amount. Only one product had PFAS within the allowed limit. After being informed about the test results, Temu agreed to remove the non-compliant products from its website.

2024 EuroCommerce Study⁴⁸: EuroCommerce commissioned a study in which four toys were purchased through Temu and tested by laboratories. The study found that none of the purchased toys was compliant with EU regulations. The issues included broken toys, misleading age recommendations, and toxic substances like phthalates.

2024 OCU (ES) Investigation⁴⁹: OCU investigated whether car seats offered on online marketplaces have the required EU-approval (ECE R 129). The approval ensures that the car seat is safe to use for children and does not pose a risk for injuries in case of a collision. OCU found non-compliant car seats on AliExpress, lacking necessary the required label. Therefore, OCU issued a complaint to the Consumer Protection Cooperation Network (CPC) of the European Commission. This complaint is still being processed as of time of writing.

Temu Legal Issues⁵⁰: The Federation of German Consumer Organisations (vzbv) issued a legal warning against Temu on the grounds of missing CE-marking on a tablet advertised for children. Temu agreed in May 2024 to a cease-and-desist declaration. However, vzbv learned that Temu did not comply with the declaration, and therefore had to pay a contractual penalty in the amount of €5,100.

The Danish Environmental Protection Agency⁵¹:

The Nordic enforcement project was a joint enforcement project for the market surveillance authorities within the Nordic Enforcement Group⁵². The aim was to check the compliance level of chemical legislation in e-commerce in the Nordic countries as well as collecting best practices to enhance the enforcement of legislation regarding the e-commerce of consumer goods. The project focused on three types of business models: on-line platforms, traders (web shops) and dropshipping traders. The overall results showed a high non-compliance rate; 147 (71 percent) of the 210 controlled products inspected were found to be

non-compliant. When comparing the different types of e-commerce stores (marketplaces, dropshipping and web shops), the non-compliance rate was highest for the dropshipping stores, with a non-compliance rate as high as 81 percent, followed by 64 percent non-compliance for marketplaces and 59 percent for web shops. Most non-compliant product types were electronics (81 percent non-compliance) followed by jewelry (50 percent non-compliance). Other non-compliances were possible to detect on the website like biocides and plant protection products, whereas 100 percent non-compliances were found.

US – Infant Products, Children’s Products, and Toys

Recent investigations have uncovered significant safety concerns surrounding infant and children products sold on various online marketplaces. Despite efforts to regulate and enforce safety standards, the ongoing sale of hazardous goods underscores the challenges of ensuring consumer protection in the digital marketplace.

2019 CNN Car Seat Investigation⁵³: CNN commissioned a 30-mph crash test on a counterfeit 4-in-1 baby car seat and stroller sold on Amazon, shipped from China. The car seat broke into pieces during the test, failing to meet US safety standards. The car seat lacked the required US certification labels, and the European certification claimed on the listing was missing upon arrival. The counterfeit car seat also had an incorrect European registration number, which was a copy of another brand.



Picture: CNN test of a car seat purchased on an online marketplace that fractured in a 30mph crash test.

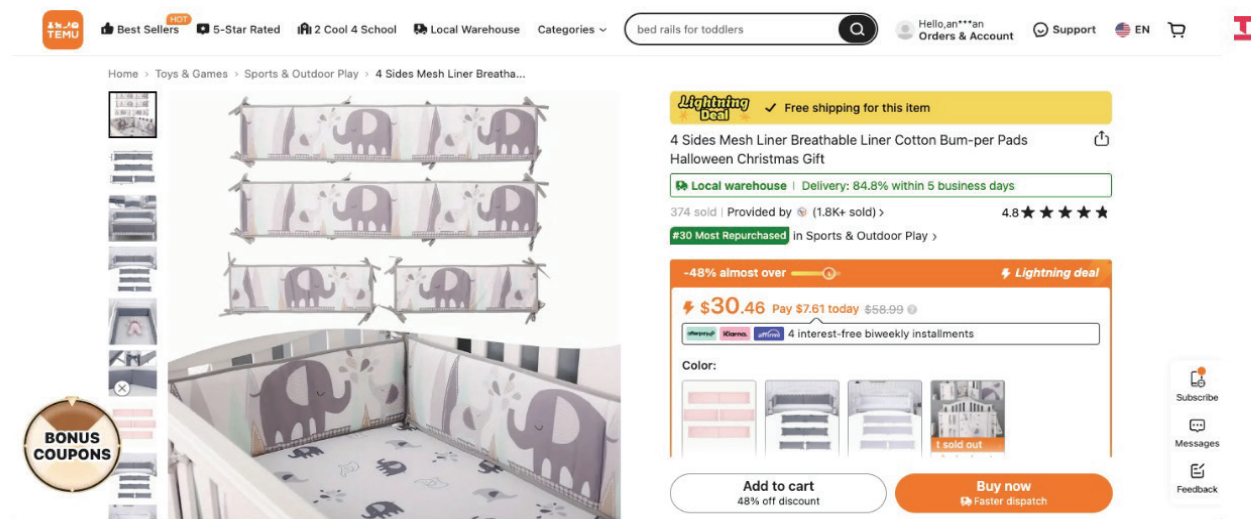
2019 CNN Investigation of Unsafe Toys⁵⁴: CNN purchased a six-pack of magnetic putty on Amazon. Testing revealed that the magnets did not meet federal safety standards for toys intended for children under 14 years old. The magnets exceeded federal strength limits and posed a risk of causing internal injuries if swallowed.

2019 Wall Street Journal Investigation⁵⁵: A Wall Street Journal investigation identified 4,152 unsafe products on Amazon, including 2,324 toys (64 percent of the toys analyzed) that failed to include choking-hazard warnings. Nearly 80 listings for banned magnetic balls or cubes were found. Four toys falsely claimed to be “FDA-approved,” even though the FDA does not approve toys. The investigation found 80 listings for infant sleeping wedges on Amazon, despite the FDA’s warnings about their suffocation risk. Amazon had previously claimed to have banned these products.

One of the products the Wall Street Journal identified as dangerous or mislabeled included a toy xylophone claimed to be made of safe, non-toxic material and FDA-approved, but it contained nearly four times the legally allowed amount of lead and failed to meet federal requirements for sharp points. Amazon initially did not remove the product after the Wall Street Journal shared the test results, citing a test report from a Chinese entity called Ailuki, which claimed no detectable lead levels. However, Amazon later took the product down in the U.S. and stated that it was requesting additional documentation from Ailuki. Ailuki provided the Wall Street Journal with a test report it had commissioned, claiming no detectable lead levels, but did not respond to subsequent requests for comment.



Picture: Wall Street Journal, testing showed elevated lead levels in a xylophone from a toy set like the one pictured.



Picture: The Information, Temu page selling banned crib bumpers in the US.

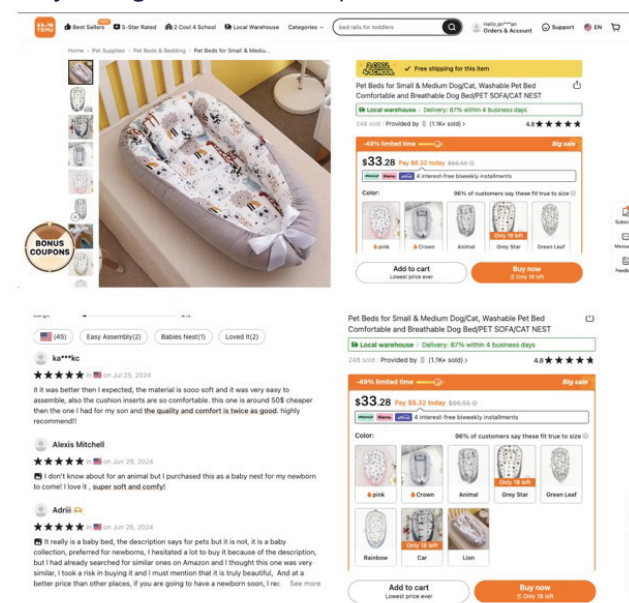
A musical instrument set from a company called Innocheer, listed as based in China, failed the Wall Street Journal's tests and is believed to have contributed to a child's lead poisoning in New York City, according to health officials. In May 2018, the city began investigating contaminated products, including the set purchased on Amazon. Further testing revealed that the set's maracas contained 411 times the legally allowed amount of lead.

2023 TIC Council Study⁵⁶: TIC Council conducted a market study on toys, purchasing 36 toys from four online platforms—two major global platforms and two toy-specialized platforms. The toys were tested for compliance with federal requirements under the Consumer Product Safety Improvement Act (CPSIA Section 106 and 16 CFR 1303) and the Consumer Product Safety Act (CPSA 16 CFR 1307 Part 13). The testing focused on lead content, soluble heavy metals, soluble cadmium, and phthalates in the toys and their easily accessible parts. Total lead, soluble cadmium, and soluble heavy metals were tested following ASTM F963-17 protocols, while phthalates were tested based on 16 CFR 1307, CA Prop 65, and DnOP guidelines. In total, 221 individual components from 36 products were tested for lead, 456 parts were tested for soluble heavy metals, 4 parts from two products were tested for soluble cadmium, and 158 parts were tested for phthalates. The results showed that approximately 8.33 percent of the samples contained lead above the acceptable threshold, and nearly 14% contained phthalates above the legal limit. Specifically, about three percent of the 221 parts tested for lead (seven parts) failed to meet statutory limits, and about eight percent of the 158 parts tested for phthalates (12 parts) exceeded statutory limits.

2024 The Information Investigation⁵⁷: In August 2024, The Information found at least four styles of padded crib bumpers being sold on Temu, which cannot legally be sold in the US. The CPSC had linked 83 infant deaths to crib bumpers before the US Safe Sleep for Babies Act was signed into law 2022.

See picture at top of page: The Information, Temu page selling banned crib bumpers in the US.

The Information also found baby loungers that had been recalled by the CPSC for suffocation risks, being sold on Temu as pet beds, despite resembling infant products. The consumer reviews of the product specifically mention using the product as a baby lounger instead of a pet bed.



Picture: The Information, Temu page selling baby lounger labelled pet bed

The Information found toddler and children's drawstring hoodies on Shein, which the CPSC had determined to be a strangulation hazard since 2011, after the deaths of at least 26 children.

Europe – Cosmetics, jewelry, shoes and clothes

Recent tests conducted by European consumer organizations have revealed significant safety and transparency issues with cosmetic products, jewelry and clothes sold on online marketplaces. Investigations in 2023, 2024 and 2025 found that many of those products lacked full ingredient lists, contained harmful chemicals and substances, or made misleading claims, raising serious concerns about consumer protection and regulatory compliance.

2023 Forbrugerrådet Tænk (DK) Cosmetics

Test⁵⁸: Forbrugerrådet Tænk purchased 47 popular cosmetic products (including facemasks, hair oils, lip balms, and creams) from online marketplaces such as Wish, Shein, Amazon, AliExpress, and Style Korean. The test revealed that many of these products contained harmful or unwanted chemicals. Eighteen products lacked a full ingredient list. Ten products contained PFAS. Nineteen products contained perfumes or substances that could be environmentally damaging.

2023 Altroconsumo (IT) Cosmetics Test⁵⁹: Altroconsumo tested 13 cosmetic products, including creams, make-up, and tooth cleaning products. Nine out of 13 products lacked a full list of ingredients or only provided partial information. Missing ingredient lists are a serious issue for consumers as cosmetics can contain substances banned in Europe.

2024 Altroconsumo (IT) Cosmetics Test⁶⁰: In 2024, Altroconsumo tested eight additional cosmetic products. Notably, seven products still lacked instructions or provided information only in Chinese. Further, claims like “oil-free” could not be substantiated by the ingredient list, which included mineral oil. After being informed, Temu removed the non-compliant products from their website.

2024 Forbrugerrådet Tænk (DK) Cosmetics

Test⁶¹: Forbrugerrådet Tænk bought and tested six creams and make-up. The products had an additional sticker with the list of ingredients, an improvement from previous tests. However, in two cases, the ingredient information was contradictory

and misleading. One product claimed to be silicone free but then listed silicone as an ingredient in the ingredients list.

2025 Forbrugerrådet Tænk (DK) Jackets Test⁶²:

Forbrugerrådet Tænk purchased and tested 26 waterproof jackets from Amazon, Shein and Temu (17) and on the Danish Market (nine) to compare whether there is a difference between jackets consumers buy in the EU or in third countries. The jackets were tested for the problematic substances PFAS. PFAS are chemicals that are used to make jackets water and dirt repellent. PFAS are associated with health risks such as weakened immune system, endocrine disrupting effects, and high cholesterol.⁶³ The test results demonstrate that consumers are most likely to purchase a jacket containing PFAS if they buy from Amazon, Shein and Temu: 75 percent of jackets from Amazon, Shein and Temu contain PFAS (13 out of 17 jackets). Twelve jackets from Amazon, Shein and Temu contain PFAS substances that are illegal in the EU. These jackets have been reported to the Danish Environmental Protection Agency. In Danish stores, PFAS was found in one out of nine jackets, but they comply with the legislation.

2025 Forbrugerrådet Tænk (DK) Jewelry Test⁶⁴:

In 2025, Forbrugerrådet Tænk purchased 23 pieces of jewelry, such as earrings, rings, necklaces and bracelets from AliExpress, Amazon.com, eBay, Shein, Temu and Wish and Danish stores Føtex, Gina Tricot, Glitter, H&M, Pilgrim and Zara. They were all tested for harmful heavy metals, such as nickel lead and cadmium. For consumers, it is not visible whether the products contain such metals. Six out of 16 pieces of jewelry bought on the online marketplaces contain high amounts of harmful heavy metals such as cadmium and release too much nickel. A single piece of jewelry from Amazon is right on the limit. Three pieces of jewelry sold as “925 sterling silver” are in fact almost only made of cadmium. The stamp is therefore not necessarily a guarantee of authenticity. Seven pieces of jewelry from the Danish market are completely without harmful heavy metals. A single piece of jewelry has low release of nickel.

2025 Forbrugerrådet Tænk (DK) Shoe Test⁶⁵:

In 2025, Forbrugerrådet Tænk purchased 16 pairs of shoes from AliExpress, Shein and Temu and from the European stores Zara, H&M and Only. They were all tested for chemicals that are banned in the EU and substances that are legal. Nine out of 11 shoes from AliExpress, Temu and Shein contain

harmful and illegal chemicals such as phthalates, chlorine paraffins, heavy metals and PAHs in the soles. None of the five pairs of shoes from the Danish market has illegal content. One shoe contains legal PFAS. After being informed about the findings, the online marketplaces removed the shoes from their website.

US – Helmets

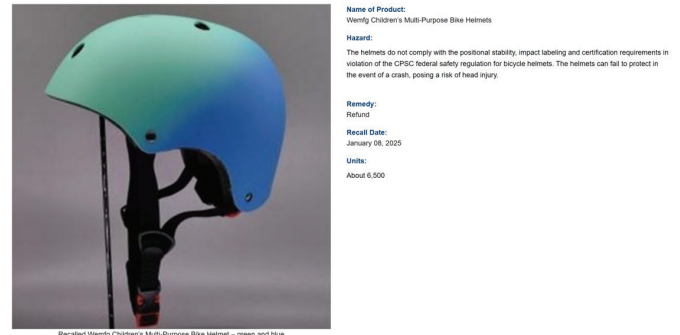
Recent investigations and reports have highlighted widespread safety concerns with helmets sold through online marketplaces. From unsafe motorcycle helmets to non-compliant bicycle helmets, these findings emphasize the risks posed by products failing to meet federal safety standards.

2019 Wall Street Journal Investigation⁶⁶: The Wall Street Journal found 4,152 unsafe products on Amazon, including a motorcycle helmet that was falsely labeled as compliant with Department of Transportation (DOT) standards. The family of Albert Stokes, a 23-year-old motorcycle crash victim, believe that his non-compliant helmet may have contributed to his tragic death. It was later confirmed not to be DOT compliant by the National Highway Traffic Safety Administration (NHTSA).

2024 PIRG Report⁶⁷: Over 140,000 bicycle helmets sold in the US since January 1, 2023, were recalled for failing to meet federal safety standards. Of the 25 brands recalled, all but one were manufactured in China, and almost all were sold through online marketplaces. Ten brands were sold on Amazon, and two brands were sold exclusively on Temu.

2025 Consumer Reports Test⁶⁸: Consumer Reports evaluated 21 helmets sold through various online marketplaces. Eight helmets were found to be non-compliant with US safety standards due to lack of required labeling. Some helmets were incorrectly labeled as compliant with European EN-1078 standards, which are less stringent than US standards. Helmets from eBay, Facebook Marketplace, Shein, Temu, and Walmart.com were identified as non-compliant. Missing required information included manufacturer's name, address, product serial number, and manufacturing date. After contacting the marketplaces, Shein, Temu, and Walmart removed non-compliant listings. eBay had already removed one listing and another from a different seller. Meta (Facebook Marketplace) did not respond to multiple requests.

2025 CPSC Recalls⁶⁹: In January 2025, there was a recall issued of 6,500 helmets purchased on Amazon from a Chinese company Wemfg.



Picture: US CPSC Recall.

US - Pool Drain Covers

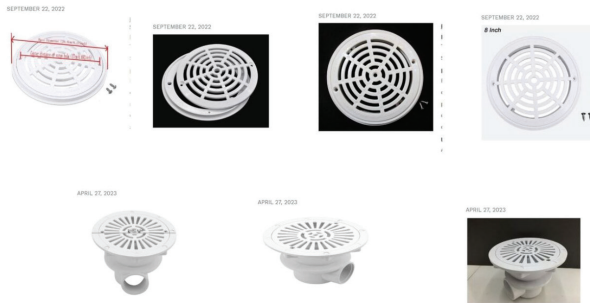
Investigations have uncovered the ongoing sale of illegal pool drain covers on major online platforms, despite being banned since 2007 due to serious, potentially fatal safety risks. Further scrutiny has led to CPSC recalls and increasing concerns about the effectiveness of enforcement on online marketplaces.

2023 InvestigateTV Pool Drain Cover Story⁷⁰: In January 2022, InvestigateTV (US) discovered about a dozen illegal pool drain covers—banned in 2007 after the deaths of children—being sold on eBay and Amazon. In March 2023, the US CPSC issued violation letters to Mumusuki, a company based in China. Although Mumusuki posted a recall announcement on its Amazon page, by August 2023, InvestigateTV found one of their pool drains for sale that resembled the recalled product. InvestigateTV purchased the pool drain for \$26.90, and it appeared to be a banned item that also failed to meet mandatory US safety labeling requirements. When contacted about the sale of the illegal product, Mumusuki responded, “i have no way to help you. Best wishes.”

InvestigateTV also reported that the CPSC had issued recalls for seven pool drain covers sold on Amazon by China-based sellers that violated US law. Over the previous two years, these retailers sold 7,400 illegal pool drain covers in the US.

Pool and Spa Drain Covers Recalled Due to Violation of the Virginia Graeme Baker Pool and Spa Safety Act

Hazard: The recalled drain covers do not conform to the entrapment protection standards of the Virginia Graeme Baker Pool and Spa Safety Act (VGBA), posing an entrapment hazard to swimmers and bathers.



Picture: InvestigateTV, CPSC Recall.

Part II: Counterfeits

A 2023 report from Michigan State University's Center for Anti-Counterfeiting and Product Protection (A-CAPP) analyzed global risks of trademark counterfeiting.⁷¹ In a survey across 17 countries and conducted in seven languages (N=13,053), more than two-thirds of participants reported being deceived into purchasing counterfeit products. Overall, 74 percent of respondents had purchased counterfeits, either knowingly or unknowingly. Counterfeit products—often substandard or made with unsafe materials—can be found on online marketplaces, where they can bypass traditional safety checks. E-commerce has transformed the counterfeit goods market, shifting it from one in which consumers knowingly purchased counterfeit items in person to one where counterfeiters can deceive consumers into believing they are purchasing authentic and safe goods. This section explores the issue of counterfeit products on online marketplaces, examining their impact on consumer rights and safety.

Europe – Counterfeits

“Dear Sir or Madam, I bought a Marc Jacobs brand bag online from Kaufland Marktplatz. It has now come to light that the bag is a counterfeit. The bag has differences in the spelling and Marc Jacobs himself has confirmed the counterfeit to me. Kaufland sweeps everything under the carpet and wants me to send the bag back, claiming it is an original. Wrong writing on the bag: “The Marc Jacobs” original is just Marc Jacobs and “Tote bag” original is the tote bag. Please find attached pictures of my bag and a screenshot of the manufacturer.”⁷²

Counterfeits are a significant issue for consumers in the EU. Most fake products that infringe the intellectual property rights of small and medium sized enterprises (SMEs) and are seized at EU borders are purchased online.⁷³ This issue becomes even more pronounced during periods such as Black Friday and Christmas, when sales are at their peak. According to Federación de Consumidores y Usuarios (CECU) and Andema, the availability of counterfeit goods tends to rise during these times. The pandemic has altered consumer habits, with many consumers looking to save money during economic crises, leading to an increase in demand for counterfeit products.⁷⁴

Counterfeits not only harm businesses but also often fail to meet safety standards. In fact, 97 percent of counterfeit or unsafe products identified in the EU Rapid Alert System database pose serious risk to consumer health and safety.⁷⁵ For example, in 2020, Which? purchased six popular products on Wish, including a child car seat, two sets of headphones, a smartphone, a smartwatch and a wireless speaker. The wireless speaker arrived three months late, and the smartwatch did not arrive at all. The smartphone and the two headphones were counterfeit while the child car seat did not meet the legal requirements in the UK.⁷⁶

The problem extends beyond counterfeit goods. Illegal and age-restricted products, including weapons, are also being advertised online marketplaces. A 2023 investigation by Which? uncovered the sale of illegal knives and axes being sold with no apparent age verification. In the UK and other European countries, selling or owning age-restricted items or illegal weapons can result in criminal charges. Yet, Which? found these items available for sale on Temu, raising concerns about the effectiveness of age checks and safety measures on online platforms.⁷⁷

In conclusion, the rise of counterfeit products on online marketplaces is an escalating concern for consumers in the EU. As demonstrated by the cases above, consumers are increasingly exposed to counterfeit goods, while the responsibility of platforms to address these issues remains woefully insufficient. The consequences go beyond financial losses, as counterfeit products often fail to meet safety standards, posing significant risks to consumer health and safety. This highlights the urgent need for stronger enforcement mechanisms and clearer accountability for online marketplaces,

to ensure consumer rights are protected and the integrity of digital marketplaces is upheld.

US – Counterfeits

*A fire in a New York home tragically claimed the lives of two siblings. During the investigation, the New York Fire Department found a charred electric scooter and charger bearing a counterfeit safety certification label. Investigators believe that the fire may have been caused by another charger, also featuring the same fake certification.*⁷⁸

In the US, counterfeits also pose a significant threat to public safety. The National Crime Prevention Council, a nonprofit organization dedicated to creating safer communities, estimates that fraudulent products cause over 70 deaths and 350,000 serious injuries in the US every year.⁷⁹

A 2020 investigation by The New York Times Wirecutter highlighted the dangers of counterfeit products sold online.⁸⁰ Wirecutter purchased a fake ‘Ove’ Glove from Amazon for \$5 less than the original, trademarked product. Michael Hirsh, the vice president of the legal manufacturer, Joseph Enterprises, discussed the challenges faced in addressing counterfeit products on Amazon, saying “once they’re off, they come back under a different brand and name.” Additionally, Hirsh shared that “customers have literally been burned by using an inferior product.”

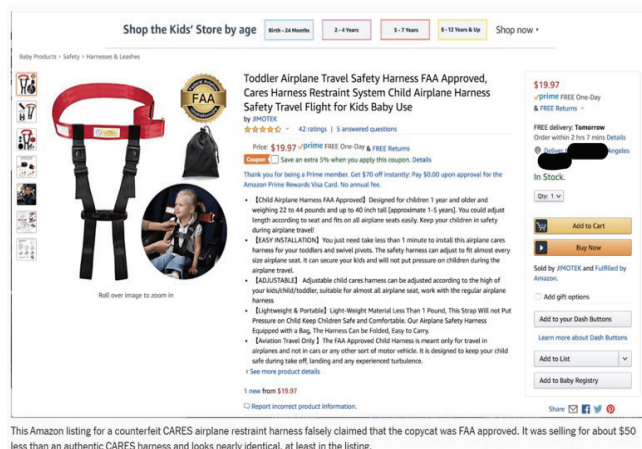


The real ‘Ove’ Glove and the fake ‘Ove’ Glove look nearly identical. Photo: Ganda Suthivarakom

Picture: NYT Wirecutter demonstrating the identical appearance of the patented ‘Ove’ Glove and fake ‘Ove’ Glove.

Similarly, Wirecutter found a counterfeit “Toddler Airplane Travel Safety Harness,” with a fake Federal Aviation Administration (FAA) approval label being sold on the platform. The product, a copy of

the Kids Fly Safe CARES Airplane Safety Harness, was removed after Wirecutter contacted Amazon and the FAA. However, the copycat product quickly resurfaced under a different name and without the fake FAA label.



This Amazon listing for a counterfeit CARES airplane restraint harness falsely claimed that the copycat was FAA approved. It was selling for about \$50 less than an authentic CARES harness and looks nearly identical, at least in the listing.

Picture: NYT Wirecutter, Toddler Airplane Travel Safety Harness with fake FAA approval label.

Wirecutter also purchased a knockoff of a patented child booster seat on Amazon. The counterfeit product lacked the reinforced metal and safety labels required by law. Additionally, a commenter on a 2018 Wirecutter guide noticed that the recommended umbrella had changed design. Upon investigation, it was discovered that the newer model was sold by a counterfeiter on Amazon, despite using the same listing as the original.

According to a 2020 report from the U.S. Department of Homeland Security, US consumers shopping on e-commerce platforms and online marketplaces now face a significant risk of purchasing counterfeit or pirated goods.⁸¹ These illicit products pose a serious threat to public health and safety. Online marketplaces make it easy for counterfeiters to create storefronts and compete with legitimate businesses, often with minimal identifying information to sell, allowing counterfeiters to quickly create multiple accounts. This makes it difficult for intellectual property rights holders to enforce protections, as counterfeiters can swiftly move to new profiles if their previous ones are blocked. Moreover, counterfeiters have found ways to bypass customs enforcement, making it harder for US Customs and Border Protection (CBP) to identify counterfeit goods.

Other investigations have uncovered the dangers of counterfeit products. In 2018, the Government Accountability Office (GAO) purchased a sample

of four types of consumer products—shoes, travel mugs, cosmetics, and phone chargers—from third-party sellers on five popular e-commerce websites.⁸² Twenty of the 47 items purchased were counterfeits.⁸³ In a 2022 study, the American Apparel & Footwear Association and Intertek, a global total quality assurance provider, tested 47 counterfeit items for hazardous chemicals and heavy metals.⁸⁴ The results showed that 17 products (36.2%) failed to meet US product safety standards.

In conclusion, counterfeit products present a significant and growing threat to public safety in the US, as demonstrated by tragic incidents and numerous investigations. Counterfeit goods sold through online marketplaces not only infringe on intellectual property rights but also often fail to meet critical safety standards, posing serious risks to consumer health. With counterfeiters increasingly exploiting the vulnerabilities of e-commerce platforms, stronger enforcement, better detection systems, and increased accountability for online marketplaces are needed to protect consumers from these dangerous and deceptive products.

Part III: Regulatory and Legal Framework, Gaps, and Challenges

The EU, UK, and US have recognized the need for robust frameworks to ensure that products meet established safety standards and do not pose risks to public health. However, the rapid expansion of online marketplaces, particularly in a globalized trade environment, has made it difficult to keep pace with the scale and complexity of the problem.

Through a comprehensive analysis of the regions' regulatory and legal frameworks, this section examines the effectiveness of current regulations, challenges in enforcement, and emerging solutions in the global fight to safeguard consumers. The analysis underscores the importance of strong cross-border cooperation and the pressing need for reforms to adapt to the ever-evolving e-commerce landscape, ensuring that online marketplaces are held accountable for the safety of products they platform. Continued collaboration between the EU, UK, and US will be crucial in addressing the systemic challenges posed by the rapid growth of cross-border e-commerce and in ensuring that consumer rights are effectively protected.

EU – Framework

EU Digital Services Act (DSA)⁸⁵

The DSA took effect in 2022 and, since February 2024, applies to all online platforms. The DSA poses due diligence obligations on online marketplaces regarding activities on their platform in a three-party relationship. These obligations are aimed at protecting European consumers from illegal activities, unsafe or illegal products and false or misleading information. In general, online marketplaces are not held responsible for illegal products or content uploaded by users, if they do not have actual knowledge of the illegal content and take immediate action to block or remove it once they become aware (Art. 6 DSA). Marketplaces may not benefit from the liability exemption, if an average consumer may have the impression that the product or service is provided by the online marketplace itself or by someone acting under its control (Art. 6 (3) DSA). Additionally, the DSA requires online marketplaces to verify the identity of sellers or traders and ensure a consumer-friendly website design (Art. 30, 31 DSA).

From a consumer perspective, however, these rules do not go far enough in addressing the challenges posed by the direct import of unsafe products from third countries via online marketplaces. To better protect consumers, online marketplaces should be required to:

- Comply with specific monitoring obligations. Assess whether traders on their platform adhere to product safety and consumer rights regulations.
- Verify the validity of trader information and ensure illegal products or services are not being offered before consumers access them.
- Proactively remove unsafe products from other sellers and prevent the sale of the same or similar items.
- Ensure that removed products and services do not reappear days or weeks later.
- Verify the existence, appointment, and listing of a responsible economic operator.

These measures are essential to strengthen consumer protection and ensure that online marketplaces are held accountable for the safety and legality of the products they host.

General Product Safety Regulation (GPSR)⁸⁶

The General Product Safety Regulation (GPSR) came into effect on December 13, 2024, replacing the EU General Product Safety Directive. The GPSR is a pivotal piece of consumer protection legislation because it requires all products on the market to be safe and is a tool which legislators can use to cover loopholes in other safety legislation. It is based on the precautionary principle and requires a product responsible person to be present in the EU. It complements the rules of the Digital Services Act (DSA) with regard to online marketplaces and their obligations. For example, online marketplaces must cooperate with national market surveillance authorities and should proactively check if dangerous products already listed on the EU Safety Gate are available on their platforms. The GPSR is complemented by sector-specific and product-related regulations, such as the Toys Regulation and the Cosmetics Regulation, which further define safety requirements for particular product categories.

The GPSR does not fully address the challenges posed by online marketplaces. One key limitation is that online platforms are not considered an economic operator (unless they act as a fulfilment service provider), meaning they are not legally bound by the obligation to put only safe products on the market. The regulation primarily relies on due diligence obligations. As a result, there are significant gaps in ensuring consumer protection.

EU Market Surveillance Regulation

The EU Market Surveillance Regulation is designed to empower national market surveillance authorities to identify non-compliant products and prevent their sale. The European Commission is currently evaluating the effectiveness of this regulation. In particular, Article 4 (Tasks of Economic Operators) requires amendment. The definition of economic operators needs to be revised to include manufacturers, importers, distributors and online marketplaces as all have an important role to play in ensuring products safety, product traceability and product liability. This would ensure greater accountability for the safety and legality of products offered through online platforms.

EU Customs Union

The European Single Market operates under the EU Customs Union, where customs authorities in each member state cooperate, and there are no

internal controls within the EU. The documentation for all products is checked at the external borders. However, with the rise of e-commerce and online shopping, the EU Customs Union faces new challenges that the EU aims to address through the EU Customs Reform.

Since 2023, EU institutions are working on a reform of the EU Customs Union. This reform foresees to classify online marketplaces as “deemed importers.” This could create obligations for online marketplaces to ensure compliance with the legislations applied by customs authorities. They would also become responsible for the payment of all applicable fees, including customs duties, instead of consumers. The reform could also lead to the abolition of the de minimis exemption, which would mean that all imported products, even below the value of 150 euros, would be subject to custom duties. The reform’s goal is to ensure that consumers can rely on products sold through online platforms to meet all EU safety standards, strengthening consumer protection and improving compliance within the internal market.

EU Product Safety Pledge

The EU Product Safety Pledge is a voluntary commitment by online marketplaces to enhance consumer safety by addressing the risks of unsafe non-food products sold online. Initially launched in 2018, it was updated in 2023 as the Product Safety Pledge+, which includes expanded commitments beyond existing EU safety legislation. The key features of the EU Product Safety Pledge are that signatories voluntarily commit to detecting and removing unsafe products from their platforms quickly, cooperation between online marketplaces, national authorities, and the European Commission, clear mechanisms for consumers to report unsafe product listings, seller education regarding EU product safety laws, and exploration of new technologies to better detect unsafe products. Major retailers like Amazon, Rakuten, and AliExpress are signatories.

The pledge is not legally binding. Because the pledge relies on voluntary commitments, there is no mandatory enforcement, and unsafe products remain available for sale.

UK – Framework

The UK framework reflects the legislative framework when the UK left the EU with the General Product Safety Regulations providing an over-arch-

ing framework for product safety legislation and setting out obligations for certain economic operators, along with sector-specific provisions e.g. for toys, cosmetics.

Policy responsibility, along with some enforcement responsibility, sits with the Office for Product Safety and Standards (OPSS), an office within the Department for Business and Trade. Local authority Trading Standards Services have day to day responsibility for enforcement and where a business operates at a national level can enter voluntary Primary Authority Partnerships, to provide a central point of contact, as is the case with Amazon and eBay for example. A National Trading Standards team also conducts specialist work on e-crime, which can include online marketplaces.

Public interest organizations, including Which?, but also other bodies such as Electrical Safety First, the Chartered Trading Standards Institute, London Fire Brigade and the British Toy and Hobby Association have long highlighted the limitations of this framework in relation to online marketplaces as well as in relation to fulfillment centers. EU legislation placing obligations on these intermediaries was updated after Brexit and so does not apply, along other obligations within the EU market surveillance regulation. Product liability obligations for traders to reflect the growth of digital services have also not been updated yet for the UK, and online marketplaces may still often be able to take advantage of the intermediary exemptions in the UK version of e-Commerce legislation retained from EU law.

In 2021, the OPSS issued a call for evidence on the product safety regime post-EU exit. In 2023, it consulted on a Product Safety Review, which identified specific areas where the regime needed updating, including in relation to online marketplaces, where it sought views on whether a duty of care should be applied to online marketplaces. This was followed by a Product Regulation and Metrology Bill being published in 2024 which would enable the government to update product safety legislation, as well as wider product regulation, including placing obligations on online marketplaces.

The Bill is currently going through the UK Parliament. It defines online marketplaces, but currently does not place specific duties on online marketplaces. The public interest groups above have been calling for these to be included on the face of the Bill, rather than being left to secondary legisla-

tion, given the urgent need to strengthen consumer protection. They have also called for product liability obligations to be extended to online marketplaces.

US – Framework

Consumer Product Safety Commission & Crucial Legislation

In the United States, the Consumer Product Safety Commission (CPSC) is the primary federal agency responsible for consumer product safety. Established in 1972 under the Consumer Product Safety Act (CPSA), the CPSC is an independent, bipartisan regulatory agency. Its mission is to protect the public from unreasonable risks of injury or death associated with consumer products.⁸⁷ Consumer products are those manufactured or intended for consumer use, except for those specifically excluded by statute.⁸⁸

By law, the CPSC consists of five members appointed by the President with the advice and consent of the Senate.⁸⁹ No more than three commissioners may belong to the same political party at any given time.⁹⁰ Commissioners can only be removed by the President for neglect of duty or malfeasance in office, but for no other cause.⁹¹ This design ensures that the CPSC's decision-making is balanced and insulated from partisan influence, allowing it to focus on protecting the public based on scientific evidence and safety expertise, rather than political considerations.⁹²

The CPSC accomplishes its mission through a combination of monitoring, research, investigations, enforcing mandatory standards, and overseeing product recalls.⁹³ The CPSA, among other provisions, prohibits the sale, distribution, or importation of consumer products that do not comply with safety rules or corrective action orders issued by the CPSC.⁹⁴ Violations of the CPSA can result in civil and criminal penalties. Other federal agencies, such as the Food and Drug Administration (FDA), regulate other product categories, such as food, drugs, and cosmetics.⁹⁵

The most recent significant amendment to the CPSA, the Consumer Product Safety Improvement Act (CPSIA) of 2008, enhanced the CPSC's authority by establishing new safety standards, especially for children's products.⁹⁶ Congress enacted the CPSIA largely in response to the "Year of the Recall," when millions of consumer products, including

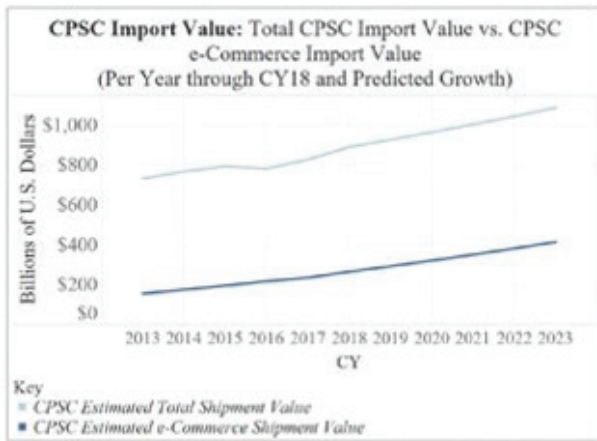


Figure 1: Import Value under CPSC's Jurisdiction

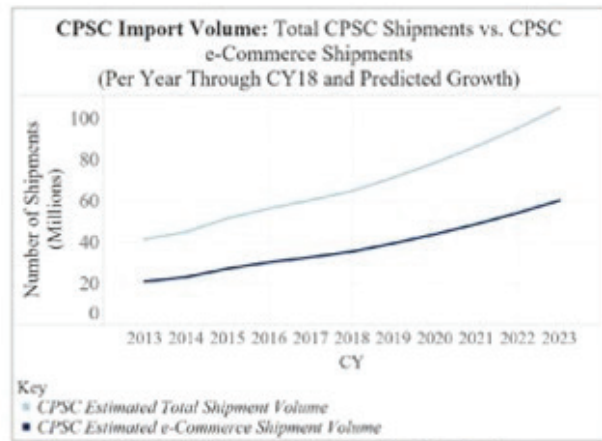


Figure 2: Import Volume under CPSC's Jurisdiction

Picture: CPSC EXIS e-Commerce Report.

many children's toys imported from China, were recalled in 2007.⁹⁷ The CPSIA requires mandatory third-party testing for certain children's items and Children's Product Certificates for all children's product sold in the US.

The CPSC and CPSIA do not address the unique challenges posed by ensuring product safety on online marketplaces. These laws were primarily designed for traditional retail environments and do not fully account for the complexities of e-commerce, where third-party sellers can easily reach US consumers with minimal oversight. Additionally, the de minimis exemption, which allows products valued under \$800 to bypass formal customs entry procedures, has previously led to a significant increase in goods entering the US, overwhelming agencies like the CPSC. Although the CPSC has increased enforcement efforts and issued guidelines for online sellers, its limited resources and reliance on outdated frameworks restrict its ability to effectively protect consumers.

CPSC - Office of Import Surveillance

CPSC's Office of Import Surveillance (EXIS) is responsible for coordinating with Customs and Border Protection (CBP) to prevent hazardous products from entering the US.⁹⁸ In Fiscal Year 2024, EXIS conducted over 65,000 import examinations, 14,000 of which targeted de minimis shipments.⁹⁹ EXIS also conducted, in conjunction with CBP, two special operations at express carrier facilities, where large volumes of de minimis e-commerce shipments make entry into the US.¹⁰⁰

EXIS faces significant challenges in addressing product safety issues related to online marketplaces. One major issue is the exponential growth of foreign de minimis shipments—packages valued under \$800, which are subject to minimal inspection and lack detailed entry data—has overwhelmed federal agencies' capacities to monitor and intercept hazardous goods. The total volume of imported de minimis shipments doubled from 503 million shipments in Fiscal Year 2019 to over 1 billion shipments in Fiscal Year 2023.¹⁰¹ With this explosive growth, it is estimated that the value of e-commerce shipments regulated by CPSC reached \$415 billion by calendar year 2023, representing nearly 38 percent of the total value of imports under the agency's jurisdiction.¹⁰²

This report does not discuss evolving US customs policy under the current Administration.

See picture at top of page: CPSC EXIS e-Commerce Report.

CPSC - eSAFE

CPSC's eCommerce, Surveillance, Analysis, Field, and Enforcement (eSAFE) team plays a critical role in protecting consumers by monitoring online marketplaces for unsafe, recalled, or non-compliant products. In Fiscal Year 2023, the eSAFE team screened more than 3 million listings on websites and requested nearly 60,000 Internet site takedowns, resulting in removal of more than 57,000 listings for recalled or violative products.¹⁰³ In Fiscal Year 2024, the eSAFE team completed more than 56,000 product listing takedowns requests for banned or previously recalled consumer prod-

ucts.¹⁰⁴ These takedown requests were generated from over three million platform screenings by CPSC and resulted in the removal of more than 58,000 units of consumer products from e-Commerce.¹⁰⁵

Despite eSAFE's work, however, the problem of unsafe product listings online persists. While online marketplaces are often quick to respond and remove CPSC-flagged products, sellers frequently relist the same items under a new name or on a different marketplace, making it difficult to fully eliminate the problem.¹⁰⁶

Legal and Regulatory Challenges to CPSC

Amazon v. CPSC

Amazon is currently involved in litigation with the CPSC over the company's responsibility for hazardous products sold on its platform. On July 30, 2024, the CPSC unanimously ruled that Amazon is a "distributor" under the CPSA, making it legally responsible for recalling over 400,000 potentially dangerous items sold by third-party sellers through its Fulfilled by Amazon program.¹⁰⁷ These products included faulty carbon monoxide detectors, unsafe hair dryers, and flammable children's sleepwear.

In March 2025, Amazon filed a lawsuit against CPSC in a Maryland District Court, arguing that it is merely a "third-party logistics provider" and not a distributor under the CPSA, and therefore should not be held accountable for these recalls.¹⁰⁸ The company also contends that the CPSC's structure is unconstitutional, claiming that it allows Commissioners to act as "judge, jury, and prosecutor in the same proceeding."¹⁰⁹ This case has significant implications for e-commerce platforms and their liability for product safety, potentially setting a precedent for how online marketplaces are regulated in the future.¹¹⁰

CPSC Under Current Administration

In a draft budget proposal for Fiscal Year 2026, the Trump Administration calls for the elimination of CPSC.¹¹¹ Under the plan, CPSC's functions would be absorbed into a new division within the Department of Health and Human Services (HHS), ending its independence and bipartisan structure.¹¹² Because CPSC was established by Congress in 1972 as an independent regulatory agency, only Congress has the legal authority to dissolve or reassign its statutory duties.¹¹³ Further, HHS currently lacks the stat-

utory authority and specialized mandate to enforce the consumer product safety laws that Congress specifically assigned to CPSC.¹¹⁴ The proposal to eliminate the CPSC and integrate its functions into HHS is an evolving matter.

On May 8, 2025, President Donald Trump fired all three Democratic CPSC Commissioners.¹¹⁵ The ongoing legal proceedings regarding the CPSC Commissioner firings represents a developing situation, with outcomes and implications that remain uncertain at this time.

INFORM Consumers Act

The INFORM Consumers Act, which went into effect on June 27, 2023, requires online platforms to collect, verify, and disclose certain information about high-volume third-party sellers, defined as those with 200 or more separate sales and at least \$5,000 in gross revenue over a continuous 12-month period.¹¹⁶ The Act mandates that marketplaces gather details such as sellers' bank account information, tax identification numbers, and contact information. For sellers with annual revenues exceeding \$20,000, platforms must display the seller's name, physical address, and contact details on product listings or in order confirmations. The law aims to combat the sale of counterfeit, stolen, or unsafe products by increasing accountability and providing consumers with more information about the sellers they interact with online.

The Act primarily focuses on verifying seller information and providing consumers with a means to report suspicious activity, but it does not directly tackle the issue of product safety standards or quality control. It lacks provisions for physical inspection or testing of products before they are listed for sale, leaving a gap in proactive safety measures. Furthermore, while the Act imposes penalties for non-compliance, it does not explicitly hold online marketplaces liable for defective or unsafe products sold by third-party sellers on their platforms.

Product Liability

Courts in different states have reached varying conclusions on online marketplace liability, creating a patchwork of standards nationwide.¹¹⁷ Courts in some states have ruled that online platforms lack the necessary control over the products to be classified as "sellers" under traditional liability standards.¹¹⁸ This situation has created a gap in

consumer protection, as third-party sellers may be unresponsive to complaints, disappear after selling defective products, or ignore legal actions if they are outside US jurisdiction. The current legal landscape leaves consumers with varying levels of protection depending on their location, highlighting the need for updated rules to address the evolving e-commerce ecosystem.

UNCTAD

The United Nations Conference on Trade and Development (UNCTAD) is actively addressing product safety concerns on online marketplaces through several initiatives. Specifically, UNCTAD is promoting international cooperation to prevent the cross-border distribution of unsafe products, consistent with the United Nations Guidelines for Consumer Protection.¹¹⁹ Consumers International, the global membership organization for consumer groups worldwide, actively contributes to that discussion and highlights the consumer voice. In February 2025, UNCTAD published a report, “Emerging trends and challenges in consumer product safety,” which examines the risks posed by unsafe products in e-commerce.¹²⁰ The report provides policy recommendations to harmonize safety standards across jurisdictions, enhance regulatory frameworks to adapt to e-commerce and digital trade, support policymakers in creating consumer-centered safety measures, and strengthen international cooperation on consumer product safety.

Despite significant progress in addressing consumer product safety through policy frameworks, international cooperation, and capacity-building

initiatives, persistent challenges remain. Specifically, regulators worldwide continue to face difficulties holding foreign third-party sellers and online marketplaces accountable for unsafe products.¹²¹

OECD

The Organisation for Economic Co-operation and Development (OECD) has also been actively addressing product safety concerns on online marketplaces through various initiatives. In October 2021, OECD coordinated an international online product safety sweep involving 21 countries and partner economies to assess the availability of unsafe products online.¹²² The sweep revealed a high rate of non-compliance with product safety standards, prompting the OECD to call for increased efforts from online marketplace to identify and remove unsafe product listings. In response to these challenges, the OECD developed a Communiqué on Product Safety Pledges, providing a framework for online marketplaces to commit to ensuring the safety of products sold on their platforms.¹²³ Additionally, the OECD published policy guidance on consumer product safety pledges.¹²⁴

While the OECD has made notable efforts to address unsafe products in online marketplaces through policy frameworks, international collaboration, and voluntary initiatives, there remain persistent gaps in enforcement. Inconsistent adoption of safety measures and systemic challenges in cross-border e-commerce hinder the sufficiency of these efforts.

Part IV: Conclusion & Recommendations

The growing prevalence of unsafe consumer products available for purchase online poses significant risks to public health and safety in the EU, UK, US, and beyond. This joint report has thoroughly examined the evidence surrounding the prevalence of these products, highlighting the challenges faced by the EU, UK, and US in addressing this increasingly complex issue. Through a comprehensive analysis of the existing legal and regulatory frameworks in the EU, UK, and US, it is evident that, while, those regions have made considerable strides in protecting consumers, significant gaps remain—especially in the context of online marketplaces.

In the EU, regulatory efforts such as the DSA, GPSR, and the Market Surveillance Regulation have provided a more robust framework for consumer protection. However, important loopholes remain, and enforcement mechanisms are often hindered by the rapid growth of online commerce and the difficulty of tracking and regulating third-party sellers operating across borders. Similarly, in the US, the CPSC and recent legislation like the INFORM Consumers Act aim to improve product safety and seller transparency. However, the reliance on outdated frameworks, combined with challenges in monitoring cross-border e-commerce and the expansion of low-cost, low-volume shipments, limits the effectiveness of current regulations and laws. In the UK, the Product Regulation and Metrolology Bill is being scrutinised by the UK Parliament. Whilst the Bill defines online marketplaces, it does not impose specific duties on them. Public interest groups have been calling for these responsibilities to be explicitly included rather than left to secondary legislation, and also to extend product liability obligations to online marketplaces, highlighting the urgent need for stronger consumer protections.

These regions face unique challenges when it comes to addressing the sale of unsafe products online. The global nature of e-commerce, coupled with the minimal regulation of third-party sellers and online marketplaces, means that unsafe products can quickly reach consumers, often without sufficient oversight. The rise of platforms that prioritize speed and convenience over product safety and consumer protection complicates regulatory efforts. Ultimately, the key to enhancing consumer

protection in the digital age lies in proactive regulatory measures, timely enforcement, clear online marketplace accountability, and ongoing cooperation between the EU, UK, US, and other global stakeholders. Only through these efforts can those regions hope to provide consumers with the safety and confidence they deserve when shopping online.

Recommendations

Cross-Border Cooperation: Online marketplaces are global platforms where sellers and buyers can interact across borders. A product sold in one country can be shipped and sold to consumers in another, creating a complex web of regulatory challenges. Products listed on online marketplaces coming from third countries often bypass local rules. Stronger cooperation between three of the biggest economic areas would help to enforce product safety rules more effectively. This report advocates for increased cooperation between the EU, UK, and US to address the global nature of the issue. Cross-border cooperation allows for a more efficient and strategic approach to monitor these platforms, enabling regulators to keep pace with the increasing complexity and scale of global e-commerce. This includes a formal exchange of data about non-compliant and dangerous products, coordinated investigations, for example through mystery shopping activities, and the joint recall of unsafe products from the market.

Empower Regulatory Agencies and Authorities: Many regulatory agencies and authorities lack the necessary mandate and human, financial, and technical resources to effectively address the growing challenges posed by online marketplaces. To enhance their ability to tackle these issues, it is crucial to empower these agencies and authorities with a clear mandate. This must be backed with strong enforcement powers, including the ability to investigate, penalize, and remove unsafe or non-compliant products. This also includes ensuring the regulatory authorities have the capacity, expertise, and tools to manage the complexities of online commerce. In the US, the sole agency tasked with protecting the American public from hazardous consumer products, the Consumer Product Safety Commission (CPSC), must remain an evidence-based, independent body, and receive increased funding to effectively carry out its critical mission. In the EU, the EU Customs Reform should increase authorities' resources to better protect

consumers. Customs and market surveillance authorities, and other relevant authorities, need to be better equipped to protect consumers against non-compliant and dangerous products imported into the EU. To fulfil their mission, they need more financial and human resources.

Compliance with Existing Safety Regulations: All products sold through online marketplaces must comply with the safety regulations of the country or region where the product is being sold. Online marketplaces should not be allowed to defer responsibility until after a product causes harm. Instead, online marketplaces must take proactive measures to verify that sellers and products comply with safety regulations before products are listed. Compliance with safety standards should be fully integrated into seller onboarding and product listing processes. Online marketplaces must continue to actively verify that sellers adhere to applicable safety standards after products are listed. The level of product safety for consumers using online marketplaces must be aligned with the safety standards found in traditional forms of commerce. Consumer protection should not be compromised in digital marketplaces.

Clear Accountability for Product Safety on Online Marketplaces: Responsibility for ensuring the safety of products sold on online marketplaces should rest with those best positioned to safeguard consumers. While manufacturers are best placed to ensure safety and compliance by design, online marketplaces should bear greater responsibility and liability for ensuring product safety, including clear safety legislation, rigorous verification processes, improved monitoring systems, transparent procedures for addressing safety concerns, and faster removal of non-compliant products in case something goes wrong for consumers. Laws and consumer protections must be adequate to hold marketplaces accountable for unsafe products on their platforms. This also requires a clear definition of online marketplaces.

Stronger Enforcement: The EU, UK, and US must enhance enforcement mechanisms to hold online platforms accountable when third-party products sold on their sites are not compliant with safety regulations. This includes increasing penalties for non-compliance, providing better tools for consumer reporting, and establishing stronger inspection and auditing systems for online marketplaces. In the EU, a review of the Consumer Protection Cooperation (CPC) regulation could enable greater centralization of consumer law enforcement for certain cases. It could also provide a clearer legal basis for cooperation with UK and US enforcement authorities. In the US, stronger enforcement would involve expanding the authority and resources of agencies such as the CPSC to better monitor and penalize online platforms with non-compliant products.

Enhanced Third-Party Seller Verification: To stop unsafe products from reaching the market in the first place, online marketplaces should implement stronger vetting processes for third-party sellers before granting access to consumers, ensuring that only reputable and compliant vendors are allowed to sell products. This could involve background checks, requiring sellers to demonstrate compliance with relevant product safety laws and other applicable legislation (like DSA), and providing regular audits.

Collaboration with Consumer Organizations: Consumer groups must be actively involved in the policy development process for product safety on online marketplaces. Their perspectives and experiences provide essential insights into the real-world challenges consumers face, particularly in identifying risks and gaps in existing regulations. By involving consumer advocacy groups in the decision-making process, policymakers can ensure that regulations are more thorough, relevant, and focused on safeguarding consumer interests. This collaboration will also promote transparency, trust, and accountability, ensuring that consumer voices are heard in the creation of laws that impact their safety and well-being in the online marketplace.

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TACD Trans Atlantic
Consumer Dialogue

ENDNOTES

- 1 BEUC, “Is it safe to shop on online marketplaces?” (February 2021) retrieved online: <https://www.beuc.eu/reports/it-safe-shop-online-marketplaces>.
- 2 Which? The Department for Business and Trade (DBT)’s consultation to the Smarter Regulation: UK Product Safety Review - Which? response (24 October 2023) retrieved online: <https://www.which.co.uk/policy-and-insight/article/the-department-for-business-and-trade-dbts-consultation-to-the-smarter-regulation-uk-product-safety-review-which-response-aSbFT8s8xC8A>.
- 3 The CPSC jurisdiction covers over 15,000 types of consumer products, excluding items regulated by other federal agencies, such as food, drugs, motor vehicles, and firearms.
- 4 Consumer Federation of America, “The Consumer Product Safety Improvement Act Fact Sheet” (13 August 2012) retrieved online: <https://consumerfed.org/testimonial/the-consumer-product-safety-improvement-act-fact-sheet/>.
- 5 Which? Safe shopping in the evolving digital space: Balancing convenience and consumer safety in Online Marketplaces (May 2024) retrieved online: <https://media.product.which.co.uk/prod/files/file/gm-0259a521-b010-4fcb-8e2f-de8653f87830-omp-policy-report.pdf>
- 6 For purposes of this report, the term “Europe” includes the United Kingdom, which is no longer a member of the European Union.
- 7 Verbraucherzentrale Verbraucheraufruf, Temu, Amazon, TikTok Shop & Co.: Wie sicher sind die Produkte? (January 2025) retrieved online: <https://www.verbraucherzentrale.de/marktbeobachtung/temu-amazon-co-wie-sicher-sind-die-produkte-96033>.
- 8 European Commission, “The Safety Gate Rapid Alert System in 2024” (April 2025) retrieved online: <https://ec.europa.eu/safety-gate/#/screen/pages/reports>.
- 9 Which?, “Killer chargers, travel adaptors and power banks rife on online marketplaces” (2 September 2019) retrieved online: <https://www.which.co.uk/news/article/killer-chargers-travel-adaptors-and-power-banks-rife-on-online-marketplaces-aJtUU8K0Mfyx>.
- 10 BEUC, “Two-thirds of 250 products bought from online marketplaces fail safety tests, consumer groups find” (24 February 2020) retrieved online: <https://www.beuc.eu/press-releases/two-thirds-250-products-bought-online-marketplaces-fail-safety-tests-consumer-groups>.
- 11 BEUC members: TestAchats/TestAan-koop, Altroconsumo, Consumentenbond, Forbrugerrådet Tænk, Stiftung Warentest, Which?.
- 12 Que Choisir, Risque d’incendie et de choc électrique (23 January 2020), retrieved online: <https://www.quechoisir.org/enquete-chargeurs-de-smartphones-risque-d-incendie-et-de-choc-electrique-n75099/>, for further details see test results under: <https://www.quechoisir.org/enquete-chargeurs-de-smartphones-1-modele-sur-2-dangereux-n75091/>.
- 13 Which? “Illegal Christmas lights sold on AliExpress, Amazon, eBay and Wish” (13 December 2022) retrieved online: <https://www.which.co.uk/policy-and-insight/article/illegal-christmas-lights-sold-on-ali-express-amazon-ebay-and-wish-aaK1o0L0hWCM>.
- 14 Bundesnetzagentur, “Statistik der Marktüberwachung (2022, 2023, 2024)” retrieved online: <https://www.bundesnetzagentur.de/DE/Fachthemen/Telekommunikation/Technik/Marktueberwachung/node.html>.
- 15 Consumentenbond, “Onveilige producten makkelijk te verkopen via Amazon.nl en Bol.com” (4 July 2023) retrieved online: <https://www.consumentenbond.nl/nieuws/2023/onveilige-producten-makkelijk-te-verkopen-via-amazon.nl-en-bol.com>.
- 16 Which?, “Electric blankets sold on AliExpress, Amazon eBay and Wish fail Which? tests” (27 January 2023) retrieved online: <https://www.which.co.uk/policy-and-insight/article/electric-blankets-sold-on-aliexpress-amazon-ebay-and-wish-fail-which-tests-acx1a9m4VETV>.
- 17 Which?, “Illegal and dangerous electric heaters for sale on online marketplaces during energy crisis, Which? finds” (23 February 2023) retrieved online: <https://www.which.co.uk/policy-and-insight/article/illegal-and-dangerous-electric-heaters-for-sale-on-online-marketplaces-during-energy-crisis-which-finds-a1Pty9r2BLHC>.
- 18 Which? “How we were able to easily list illegal products for sale on online marketplaces” (30 January 2025) retrieved online: <https://www.which.co.uk/news/article/how-we-easily-listed-an-illegal-product-on-online-marketplaces-a8cJp4R3hhAX>.
- 19 Which?, “How we were able to easily list illegal products for sale on online marketplaces” (30 January 2025) retrieved online: <https://www.which.co.uk/news/article/how-we-easily-listed-an-illegal-product-on-online-marketplaces-a8cJp4R3hhAX>.
- 20 Which?, “Electric heaters sold on TikTok and Temu could explode, cause electric shocks or start a fire” (14 May 2024) retrieved online: <https://www.which.co.uk/news/article/electric-heaters-temu-tiktok-shop-a6c744h4Olcl>.
- 21 Which?, “Dangerous carbon monoxide alarms sold on eBay, Amazon, AliExpress and Wish, Which? warns” (11 August 2023) retrieved online: <https://www.which.co.uk/policy-and-insight/article/dangerous-carbon-monoxide-alarms-sold-on-ebay-amazon-aliexpress-and-wish-which-warns-aHxSe6m9lggi>.

- 22 Which?, “The deadly smoke alarm still being sold on eBay” (18 May 2023) retrieved online: <https://www.which.co.uk/news/article/the-deadly-smoke-alarm-still-being-sold-on-ebay-a1edi0J7HTr6>.
- 23 Forbrugerrådet Tænk “Undersøgelse: 30 ud af 38 varer fra Temu fejler” (19 August 2024) retrieved online: <https://taenk.dk/forbrugerliv/elektronik-og-dig-itale-tjenester/undersogelse-varer-fra-temu-fejler>
- 24 Which?, “Illegal and potentially dangerous ‘energy-saving’ plugs still widely available” (12 May 2025) retrieved online: <https://www.which.co.uk/news/article/illegal-and-potentially-dangerous-energy-saving-plugs-still-widely-available-aRj6E8g6e7AX>.
- 25 Which?, “Potentially dangerous ‘energy-saving boxes’ on Amazon and eBay as energy price crisis bites” (22 September 2022) retrieved online: <https://www.which.co.uk/news/article/potentially-dangerous-energy-saving-boxes-on-amazon-and-ebay-as-energy-price-crisis-bites-a7tdz8P0qiKF>.
- 26 Sikkerhedsstyrelsen “Sikkerhedsstyrelsen dumper ni ud af ti produkter fra onlinemarkedspladser” (16 December 2024) retrieved online: <https://www.sik.dk/nyheder/sikkerhedsstyrelsen-dumper-ni-ud-ti-produkter-onlinemarkedspladser>.
- 27 CPSC, CHZHVAN Combination Smoke and Carbon Monoxide Detectors Recalled Due to Failure to Alert to Fire; Sold Exclusively on Amazon.com by Haikouhuidishangmaoyouxiangongsi (14 May 2024) retrieved online: <https://www.cpsc.gov/Recalls/2024/CHZHVAN-Combination-Smoke-and-Carbon-Monoxide-Detectors-Recalled-Due-to-Failure-to-Alert-to-Fire-Sold-Exclusively-on-Amazon-com-by-Haikouhuidishangmaoyouxiangongsi>.
- 28 Wall Street Journal, “Amazon Has Ceded Control of Its Site” (23 August 2019) retrieved online: https://www.wsj.com/articles/amazon-has-ceded-control-of-its-site-the-result-thousands-of-banned-unsafe-or-mis-labeled-products-11566564990?mod=article_inline.
- 29 Commonwealth of Massachusetts, Department of Fire Services, “Fire Officials: Look Twice When Buying Smoke and CO Alarms Online” (30 August 2022) retrieved online: <https://www.mass.gov/news/fire-officials-look-twice-when-buying-smoke-and-co-alarms-online>.
- 30 Today, “Experts warn against buying loose lithium ion batteries that cause fire hazard” (15 February 2021) retrieved online: <https://www.today.com/news/loose-lithium-ion-batteries-cause-fire-hazard-being-sold-major-t208884>.
- 31 TIC Council, “Market Study in the United States” retrieved online: <https://www.tic-council.org/news-and-events/news/tic-council-publishes-us-market-study-2023#:~:text=Consumer%20product%20conformity%20assessment%20practices,high%20levels%20of%20non%2Dconformities>.
- 32 CPSC, CHZHVAN Combination Smoke and Carbon Monoxide Detectors Recalled Due to Failure to Alert to Fire; Sold Exclusively on Amazon.com by Haikouhuidishangmaoyouxiangongsi (14 May 2024) retrieved online: <https://www.cpsc.gov/Recalls/2024/CHZHVAN-Combination-Smoke-and-Carbon-Monoxide-Detectors-Recalled-Due-to-Failure-to-Alert-to-Fire-Sold-Exclusively-on-Amazon-com-by-Haikouhuidishangmaoyouxiangongsi>.
- 33 Forbrugerrådet Tænk, “Test: Unwanted chemicals in toys from eBay, Amazon and Wish” (21 June 2019), retrieved online: <https://taenk.dk/kemi/english/test-unwanted-chemicals-toys-ebay-amazon-and-wish>. For further product pictures (in Danish) see <https://taenk.dk/test/kemitest-legetoej-fra-ebay-amazon-og-wish>.
- 34 Which?, “Which? safety test uncover dangerous baby sleeping bags” (7 September 2020) retrieved online: <https://www.which.co.uk/news/article/which-safety-tests-uncover-dangerous-baby-sleeping-bags-axkJZ8U3ZejJ>
- 35 OCU, “Juguetes inseguros de venta online” (14 December 2021) retrieved online: <https://www.ocu.org/consumo-familia/bebes/noticias/seguridad-juguetes-online>.
- 36 Which?, “Safety alert: Serious button battery and magnet dangers in online marketplace toys” (5 August 2021) retrieved online: <https://www.which.co.uk/news/article/safety-alert-serious-button-battery-and-magnet-dangers-in-online-marketplace-toys-aY4Yp3x0Ug0g>.
- 37 Which?, “Over 90% of toys we bought from online marketplaces ‘illegal’ to sell in the UK” (12 December 2024) retrieved online: <https://www.which.co.uk/news/article/toys-bought-from-online-marketplaces-illegal-to-sell-in-uk-a5IhD8f2klyZ>
- 38 Which?, “Coming apart at the seams - 91% of cheap baby carriers and slings tested by Which? fail basic safety standards” (29 May 2022) retrieved online: <https://www.which.co.uk/policy-and-insight/article/coming-apart-at-the-seams-91-of-cheap-baby-carriers-and-slings-tested-by-which-fail-basic-safety-standards-al4100D2WDuK>.
- 39 Regierungspräsidium Darmstadt, „Marktüberwachung Produkte von Online-Plattformen aus dem asiatischen Raum im Fokus“ (18 September 2024) retrieved online: <https://rp-darmstadt.hessen.de/presse/produkte-von-online-plattformen-aus-dem-asiatischen-raum-im-fokus>.
- 40 Altroconsumo, “Temu: qualità scarsa e sicurezza a rischio. L’analisi di 28 prodotti acquistati sull’ecommerce nel 2023” (16 May 2024) retrieved online: [https://www.altroconsumo.it/hi-tech/internet-telefono/news/temu; Altroconsumo“Temu: ancora troppi i pericoli sulla piattaforma. La nuova inchiesta su 25 prodotti acquistati nel 2024” \(23 July 2024\) retrieved online: <https://www.altroconsumo.it/hi-tech/internet-telefono/news/temu-recensione-prodotti-2024>.](https://www.altroconsumo.it/hi-tech/internet-telefono/news/temu; Altroconsumo“Temu: ancora troppi i pericoli sulla piattaforma. La nuova inchiesta su 25 prodotti acquistati nel 2024” (23 July 2024) retrieved online: https://www.altroconsumo.it/hi-tech/internet-telefono/news/temu-recensione-prodotti-2024)

- 41 Toy Industries of Europe, “95% of toys bought from new online platform break EU safety rules” (20 February 2024) retrieved online: <https://www.toyindustries.eu/95-of-toys-bought-from-new-online-platform-break-eu-safety-rules/>, more details of the test results can be found under: <https://cdn.toyindustries.eu/wp-content/uploads/2024/02/TEMU-non-compliant-toys-public.pdf>
- 42 Toy Industries Europe, “80% of toys bought from third-party traders on online marketplaces fail EU safety standards and could be a danger to children” (17 October 2024) retrieved online: <https://www.toyindustries.eu/80-of-toys-bought-from-third-party-traders-on-online-marketplaces-fail-eu-safety-standards-and-could-be-a-danger-to-children/>; for more information see datasheet “Data insights: toy safety on online marketplaces” (October 2024) retrieved online: https://cdn.toyindustries.eu/wp-content/uploads/2024/10/TIE-data-sheet-online-toy-shopping_final.pdf; list of unsafe toys, retrieved online: <https://assets.toyindustries.eu/resources/2024/TIE%20-%20list%20of%20unsafe%20toys%20bought%20-%202017%2010%202024%20-%20clarified%20version.pdf>
- 43 Forbrugerrådet Tænk, “Undersøgelse: 30 ud af 38 varer fra Temu fejler” (19 August 2024) retrieved online: <https://taenk.dk/forbrugerliv/elektronik-og-dig-itale-tjenester/undersoegelse-varer-fra-temu-fejler>.
- 44 Forbrugerrådet Tænk, “Avoid Slime Toy Bought outside the EU” (1 November 2024) retrieved online: <https://taenk.dk/kemi/visit-our-english-version/avoid-slime-toy-bought-outside-eu>.
- 45 Borate compounds such as borax and boric acid are used in slime to preserve it and prevent the growth of bacteria or mold in the aqueous product and to give it its characteristic texture.
- 46 Forbrugerrådet Tænk, “PFAS found in disposable tableware from Temu” (10 September 2024) retrieved online: <https://taenk.dk/kemi/visit-our-english-version/pfas-found-disposable-tableware-temu>.
- 47 PFAS can give products like disposable plates and straws a water- and stain-resistant surface to make the products capable of withstanding contact with wet or greasy food. However, PFAS - also known as “forever chemicals” - accumulates in our bodies over time and can lead to lowered immune function, increased cholesterol levels, liver damage, and several other health problems. PFAS are prohibited in Denmark in paper and cardboard that come into direct contact with food.
- 48 Kaupan Liitto, “Competitive advantage of Asian e-commerce Test purchases from the Temu.com marketplace” (17 September 2024) retrieved online: <https://www.eurocommerce.eu/compliance4all/>
- 49 OCU, “OCU alerta de que se venden sillitas sin homologar” (5 December 2024) retrieved online: <https://www.ocu.org/coches/sillas-de-coche/noticias/denuncia-sillas-no-homologadas>.
- 50 Vzbv, “Verstoß gegen Unterlassungserklärung: vzbv verhängt Vertragsstrafe gegen Temu” (18 December 2024) retrieved online: <https://www.vzbv.de/pressemitteilungen/verstoss-gegen-unterlassungserklaerung-vzbv-verhaengt-vertragsstrafe-gegen-temu>.
- 51 Joint Nordic Control - Dropshipping and other e-commerce (11 March 2025) retrieved online: <https://pub.norden.org/temanord2025-510/index.html>
- 52 Denmark, Finland, Norway and Sweden.
- 53 CNN, “Fake and dangerous kids products are turning up for sale on Amazon” (23 December 2019) retrieved online: <https://www.cnn.com/2019/12/20/tech/amazon-fake-kids-products/index.html>.
- 54 Id.
- 55 Wall Street Journal, “Amazon Has Ceded Control of Its Site” (23 August 2019) retrieved online: https://www.wsj.com/articles/amazon-has-ceded-control-of-its-site-the-result-thousands-of-banned-unsafe-or-mislabelled-products-11566564990?mod=article_inline.
- 56 TIC Council, “Market Study in the United States” retrieved online: <https://www.tic-council.org/news-and-events/news/tic-council-publishes-us-market-study-2023#:~:text=Consumer%20product%20conformity%20assessment%20practices,high%20levels%20of%20non%2Dconformities>.
- 57 The Information, “On Shein and Temu, Deadly Baby and Toddler Goods Are Easy to Find” (13 August 2024) retrieved online: <https://www.theinformation.com/articles/on-shein-and-temu-deadly-baby-and-toddler-goods-are-easy-to-find?rc=rumdW6>.
- 58 Forbrugerrådet Tænk, “Cosmetics from outside the EU is potentially harmful” (22 September 2023) retrieved online: <https://taenk.dk/kemi/visit-our-english-version/cosmetics-outside-eu-potentially-harmful>.
- 59 L’analisi di 28 prodotti acquistati sull’e-commerce nel 2023 (16 May 2024) retrieved online: <https://www.altroconsumo.it/hi-tech/internet-telefono/news/temu>.
- 60 Altroconsumo, “Temu: ancora troppi i pericoli sulla piattaforma. La nuova inchiesta su 25 prodotti acquistati nel 2024” (23 July 2024) retrieved online: <https://www.altroconsumo.it/hi-tech/internet-telefono/news/temu-recensione-prodotti-2024#>.
- 61 Forbrugerrådet Tænk, “Undersøgelse: 30 ud af 38 varer fra Temu fejler” (19 August 2024) retrieved online: <https://taenk.dk/forbrugerliv/elektronik-og-dig-itale-tjenester/undersoegelse-varer-fra-temu-fejler>.
- 62 Forbrugerrådet Tænk, “Most waterproof jackets from Amazon, Shein and Temu contain harmful PFAS” (6 May 2025) retrieved online: <https://taenk.dk/kemi/visit-our-english-version/most-waterproof-jackets-amazon-shein-and-temu-contain-harmful-pfas>.
- 63 Therefore, Denmark has decided to ban PFAS in clothing from 2026. The EU is also working on a broader ban on PFAS.

- 64 Forbrugerrådet Tænk, “Test: Over hvert tredje smykke fra online platforme er ulovlige” (16 May 2025) retrieved online: <https://taenk.dk/test/kemitest-smykker/uagte-smykker-kan-indeholde-skadelige-tungmetaller>.
- 65 Forbrugerrådet Tænk, “Ni ud af 11 sko fra online platforme indeholder ulovlige stoffer” (28 Ma 2025) retrieved online: <https://taenk.dk/test/kemitest-sko/sko-online-platforme>.
- 66 Wall Street Journal, “Amazon Has Ceded Control of Its Site” (23 August 2019) retrieved online: https://www.wsj.com/articles/amazon-has-ceded-control-of-its-site-the-result-thousands-of-banned-unsafe-or-mis-labeled-products-11566564990?mod=article_inline.
- 67 US PIRG, “Bike helmets recalled: 140,000 and counting don’t meet safety standards; 14 separate recalls” (1 May 2024) retrieved online: <https://pirg.org/edfund/articles/bike-helmets-recalled-more-than-140000-and-counting-dont-meet-safety-standards/>.
- 68 Consumer Reports, “Why Buying a Bike Helmet Online Could Be Dangerous” (16 January 2025) retrieved online: <https://www.consumerreports.org/health/bike-helmets/bike-helmets-that-dont-meet-safety-standards-still-sold-a1078683925/>.
- 69 CPSC, “Multi-Purpose Children’s Helmets Recalled Due to Risk of Head Injury; Violation of Federal Regulations for Bicycle Helmets; Sold Exclusively on Amazon.com; Imported by Wemfg” (8 January 2025) retrieved online: https://www.cpsc.gov/Recalls/2025/Multi-Purpose-Childrens-Helmets-Recalled-Due-to-Risk-of-Head-Injury-Violation-of-Federal-Regulations-for-Bicycle-Helmets-Sold-Exclusively-on-Amazon-com-Imported-by-Wemfg?utm_campaign=M1&utm_content=recalls&utm_medium=email&utm_source=govdelivery&utm_term=20250108.
- 70 InvestigateTV, “Defective: Dangerous consumer products find their way into America by ship and through online retailers” (28 August 2023) retrieved online: <https://www.investigatetv.com/2023/08/28/defective-dangerous-consumer-products-find-their-way-into-america-by-ship-through-online-retailers/>.
- 71 Michigan State University, Center for Anti-Counterfeiting and Product Protection, “Global Anti-Counterfeiting Consumer Survey 2023” retrieved online: <https://a-capp.msu.edu/article/global-anti-counterfeiting-consumer-survey-2023/>.
- 72 The individual case descriptions from the consumer advice centers (Germany) are detailed descriptions of particularly conspicuous circumstances from consumer advice, which can be evaluated qualitatively. It is not possible to draw conclusions about the frequency with which such cases occur in consumer advice centers or in the population as a whole.
- 73 EUIPO & OECD “Misuse of E-Commerce for Trade in Counterfeits” (2021) retrieved online: https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/observatory/documents/reports/misuse-e-commerce-trade-in-counterfeits/EUIPO_OECD_misuse-e-commerce-trade-in-counterfeits_study_en.pdf.
- 74 Cecu and Andema “CECU y Andema alertan al consumidor ante un Black Friday con una “alarman-te” proliferación de falsificaciones en Internet” (19 November 2020) retrieved online: <https://www.andema.org/actualidad/notas-de-prensa/cecu-y-andema-alertan-al-consumidor-ante-un-black-friday-con-una>.
- 75 Cecu and Andema, “La pandemia ha provocado cambios en los hábitos de consumo a una velocidad sin precedents” (19 November 2020) retrieved online: <https://www.andema.org/actualidad/notas-de-prensa/cecu-y-andema-alertan-al-consumidor-ante-un-black-friday-con-una>.
- 76 Which?, “Fake, illegal and dangerous products sold on Wish.com” (27 August 2020), retrieved online: <https://www.which.co.uk/news/article/fake-illegal-and-dangerous-products-sold-on-wish-com-a5KJF3w9SyQu>
- 77 Which?, “Illegal weapons and age-restricted items sold without checks on Temu” (17 November 2023) retrieved online: <https://www.which.co.uk/news/article/illegal-weapons-on-temu-a7khit5nP65>.
- 78 CBS News, “\$2 trillion worth of counterfeit products are sold each year. Can AI help put a stop to it?” (12 December 2023) retrieved online: <https://www.cbsnews.com/news/ai-counterfeit-detection-amazon/>.
- 79 National Crime Prevention Council, “Take a bite out of counterfeits!” retrieved online: <https://www.ncpc.org/get-the-facts/thecost/>.
- 80 New York Times, “Welcome to the Era of Fake Products” (11 February 2020) retrieved online: <https://www.nytimes.com/wirecutter/blog/amazon-counterfeit-fake-products/>.
- 81 Department of Homeland Security, “Combating trafficking in counterfeit and pirated goods report” (24 January 2020) retrieved online: <https://www.dhs.gov/publication/combating-trafficking-counterfeit-and-pirated-goods>.
- 82 US Government Accountability Office, “Intellectual Property: Agencies Can Improve Efforts to Address Risks Posed by Changing Counterfeits Market” (27 February 2018) retrieved online: <https://www.gao.gov/products/gao-18-216>.
- 83 GAO notes in its report that all 47 items were shipped from US addresses, signifying that any items manufactured outside the United States were imported before being sent to them. Rights holders confirmed that at least a portion of the authentic versions of the products purchased are manufactured abroad.
- 84 American Apparel & Footwear Association, “Fashion Industry Study Reveals Dangerous Chemicals, Heavy Metals in Counterfeit Products” (23 March 2022) retrieved online: https://www.aafaglobal.org/AAFA/AAFA_News/2022_Press_Releases/Fashion_Industry_Study_Reveals_Dangerous_Chemicals_Heavy_Metals_Counterfeits.aspx?Web-siteKey=49c45f4d-69b3-4c66-823a-6d285960fed2.
- 85 Digital Services Act (EU) Regulation 2022/2065, retrieved online: https://commission.europa.eu/publications/legal-documents-digital-services-act_en.

- 86 General Product Safety Regulation (EU) 2023/988, retrieved online: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2023.135.01.0001.01.ENG&toc=OJ%3AL%3A2023%3A135%3ATOC.
- 87 Consumer Product Safety Act, codified at 15 U.S.C. §§ 2051-2089.
- 88 15 U.S.C. § 2052 (defining “consumer product”).
- 89 15 U.S. Code § 2053.
- 90 Id.
- 91 Id.
- 92 Consumer Reports, “Lawmakers and Advocates Denounce a Plan to Eliminate Critical Product Safety Agency,” (May 1, 2025) retrieved online: <https://www.consumerreports.org/product-safety/lawmakers-and-safety-advocates-fight-to-save-cpsc-a6199303353/>.
- 93 CPSC, “About CPSC” retrieved online: <https://www.cpsc.gov/About-CPSC>.
- 94 Congressional Research Service, “The Consumer Product Safety Act: A Legal Analysis” (24 April 2018) retrieved online: <https://crsreports.congress.gov/product/pdf/R/R45174>.
- 95 FDA, “What does FDA regulate?” (29 March 2024) retrieved online: <https://www.fda.gov/about-fda/what-we-do/what-does-fda-regulate>.
- 96 CPSC, “The Consumer Product Safety Improvement Act” retrieved online: <https://www.cpsc.gov/Regulations-Laws--Standards/Statutes/The-Consumer-Product-Safety-Improvement-Act>.
- 97 Consumer Federation of America, “10th Anniversary of Consumer Product Safety Improvement Act” (14 August 2018) retrieved online: https://consumerfed.org/press_release/10th-anniversary-of-consumer-product-safety-improvement-act/#:~:text=This%20law%20was%20passed%20in,of%20children's%20jewelry%20made%20with.
- 98 CPSC Office of Import Surveillance, “CPSC e-Commerce Assessment Report” (November 2019) retrieved online: <https://www.cpsc.gov/s3fs-public/CPSC-e-Commerce-Assessment-Report.pdf>.
- 99 CPSC, “Fiscal Year 2024 Annual Performance Report” (17 January 2025) retrieved online: <https://www.cpsc.gov/s3fs-public/FY-2024-APR-508-compliant.pdf>.
- 100 CPSC, “Operating Plan Fiscal Year 2025” (revised 25 February 2025) retrieved online: <https://www.cpsc.gov/s3fs-public/FY-2025-Op-Plan-revised-02-25-25.pdf?VersionId=eoC76aLTUB8Bq.If8WV6gezkm9klj.1>.
- 101 CPSC, “Performance Budget Request to Congress Fiscal Year 2025” (11 March 2024, revised 25 February 2025) retrieved online: https://www.cpsc.gov/s3fs-public/FY-2025-Budget-Request-revised-02-25-25.pdf?VersionId=_73szwLLNh8Jz7fNU_KqKTYfGwqJ7leZ.
- 102 CPSC Office of Import Surveillance, “CPSC e-Commerce Assessment Report” (November 2019) retrieved online: <https://www.cpsc.gov/s3fs-public/CPSC-e-Commerce-Assessment-Report.pdf>.
- 103 CPSC, “Performance Budget Request to Congress Fiscal Year 2025” (11 March 2024, revised 25 February 2025) retrieved online: https://www.cpsc.gov/s3fs-public/FY-2025-Budget-Request-revised-02-25-25.pdf?VersionId=_73szwLLNh8Jz7fNU_KqKTYfGwqJ7leZ.
- 104 CPSC, “Fiscal Year 2024 Annual Performance Report” (17 January 2025) retrieved online: <https://www.cpsc.gov/s3fs-public/FY-2024-APR-508-compliant.pdf>.
- 105 Id.
- 106 CPSC Commissioner Alexander Hoehn-Saric, “Testimony of Alexander D. Hoehn-Saric at the Energy and Commerce Committee Hearing on The Fiscal Year 2025 Consumer Product Safety Commission Budget” (23 July 2024) retrieved online: <https://www.cpsc.gov/About-CPSC/Chairman/Alexander-Hoehn-Saric/Testimony/Testimony-of-Alexander-D-Hoehn-Saric-at-the-Energy-and-Commerce-Committee-Hearing-on-The-Fiscal-Year-2025-Consumer-Product-Safety-Commission-Budget>.
- 107 CPSC, “CPSC Finds Amazon Responsible Under Federal Safety Law for Hazardous Products Sold by Third-Party Sellers on Amazon.com” (30 July 2024) retrieved online: <https://www.cpsc.gov/Newsroom/News-Releases/2024/CPSC-Finds-Amazon-Responsible-Under-Federal-Safety-Law-for-Hazardous-Products-Sold-by-Third-Party-Sellers-on-Amazon-com>.
- 108 CBS News, “Amazon sues government safety agency over having to recall products from other sellers” (18 March 2025) retrieved online: <https://www.cbsnews.com/news/amazon-product-recalls-consumer-product-safety-commission/>.
- 109 Id.
- 110 Consumer Federation of America, “Americans Deserve Safe Products on Online Marketplaces: Amazon’s Legal Fight Puts Consumer Safety at Risk” (18 March 2025) retrieved online: <https://consumerfed.org/americans-deserve-safe-products-on-online-marketplaces/>.
- 111 Lin-Fisher, Betty. (2025 April 30). Safety of Americans, especially children, at risk with Trump proposal, advocates say. USA Today. <https://www.usatoday.com/story/money/2025/04/30/trump-proposal-product-safety-cpsc/83366145007/>.

- 112 Consumer Federation of America, “Leaked Trump Administration Document Exposes Plans to Eliminate the Consumer Product Safety Commission” (17 April 2025) retrieved online: https://consumerfed.org/press_release/leaked-trump-administration-document-exposes-plans-to-eliminate-the-consumer-product-safety-commission/; National Consumers League, “NCL blasts proposal to eradicate the Consumer Product Safety Commission (CPSC)” (18 April 2025) retrieved online: <https://nclnet.org/national-consumers-league-blasts-proposal-to-eradicate-the-consumer-product-safety-commission-cpsc/>; Consumer Reports, “Consumer Reports urges the White House to abandon its plans to eliminate the independent, bipartisan Consumer Product Safety Commission” (21 April 2025) retrieved online: https://advocacy.consumerreports.org/press_release/consumer-reports-urges-the-white-house-to-abandon-its-plans-to-eliminate-the-independent-bipartisan-consumer-product-safety-commission/.
- 113 CPSC, “Who We Are – What We Do for You,” retrieved online: <https://www.cpsc.gov/Safety-Education/Safety-Guides/General-Information/Who-We-Are---What-We-Do-for-You>; Consumer Product Safety Act, 15 U.S.C. §§ 2051–2089.
- 114 Consumer Reports, “Lawmakers and Advocates Denounce a Plan to Eliminate Critical Product Safety Agency,” (1 May 2025) retrieved online: <https://www.consumerreports.org/product-safety/lawmakers-and-safety-advocates-fight-to-save-cpsc-a6199303353/>.
- 115 Lin-Fisher, Betty. (2025 May 14). “Three U.S. Consumer Product Safety Commissioner have been fired by Trump. What to know.” USA Today. <https://www.usatoday.com/story/money/2025/05/09/trump-fires-three-democrats-cpsc/83537936007/>.
- 116 Federal Trade Commission, “What Third Party Sellers Need to Know About the INFORM Consumers Act” (August 2023) retrieved online: <https://www.ftc.gov/business-guidance/resources/what-third-party-sellers-need-know-about-inform-consumers-act>.
- 117 Consumer Reports, “Marketplace Accountability in a Digital World” (November 2024) retrieved online: <https://advocacy.consumerreports.org/wp-content/uploads/2024/11/Marketplace-Accountability-in-a-Digital-World.pdf>.
- 118 Center for Data Innovation, “From Cart to Claim: Addressing Product Liability in Online Marketplaces” (24 June 2024) retrieved online: <https://www2.datainnovation.org/2024-online-marketplace-liability.pdf>.
- 119 UNCTAD, “Workshop on enhancing consumer product safety on online platforms” (17 April 2024) retrieved online: <https://unctad.org/meeting/workshop-enhancing-consumer-product-safety-online-platforms>.
- 120 UNCTAD, “Emerging trends and challenges in consumer product safety” (2025) retrieved online: <https://unctad.org/publication/emerging-trends-and-challenges-consumer-product-safety>.
- 121 Id.
- 122 OECD, “Online product safety sweep report” (26 June 2023) retrieved online: https://www.oecd.org/en/publications/online-product-safety-sweep-report_c1faa51e-en.html.
- 123 OECD, “Working Party on Consumer Product Safety Communiqué on product safety pledges” (16 June 2021) retrieved online: [https://one.oecd.org/document/DSTI/CP/CPS\(2021\)4/FINAL/en/pdf](https://one.oecd.org/document/DSTI/CP/CPS(2021)4/FINAL/en/pdf).
- 124 OECD, “Policy guidance on consumer product safety pledges” (7 July 2022) retrieved online: https://www.oecd.org/en/publications/policy-guidance-on-consumer-product-safety-pledges_055a8a15-en.html.

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