

Don't toy with

**CHILDREN'S
SAFETY**

The British Toy & Hobby Association's commitment to stamp out the sale of unsafe toys on online platforms

Executive summary

Online marketplaces supply products in different ways¹. In certain models, the host company (which owns and operates the platform) sells products which it has purchased for onward sale. However, in other models, product lines are loaded onto the platform by third party sellers directly. These sellers are, in many cases, not based within the EU and are therefore difficult to contact, work with or, in the case of enforcement, prosecute. These product lines are often found on the platform’s “marketplace” and listed with no (or very little) pre-listing controls. Accordingly, any product can be uploaded whether or not it complies with the product safety laws of the jurisdictions in which the products are being sold.

Children in the UK are at risk of death and serious injury from the sale of unsafe toys through online marketplaces. Currently, online marketplaces that allow third parties to sell products through their platforms have limited insight into the quality and safety of those products and little incentive to assume any responsibility for them because of the lack of accountability.

The British Toy & Hobby Association (BTHA) is demanding that the Government take action to protect children from the threat of physical harm by taking steps to stamp out the sale of unsafe toys sold on online platforms; by making the online marketplaces accountable for the products sold through their platform by third-party sellers. We have set out some of the steps we think the Government should take now to tackle the sale of unsafe toys being sold through online marketplaces on page 10 – in section - “the solution.”

The increasing presence of unsafe toys on the UK market is also a real threat to responsible UK businesses in the UK’s £3.3bn toy industry. As well as endangering the lives of children, which is the BTHA’s primary concern, they risk disincentivising investment by UK toy companies in innovative new design, due to the risk of unfair competition. Britain’s legitimate toy companies invest considerable resource and funds in ensuring their products meet the standards required by EU/UK product safety laws. Unlawful traders are already undermining the UK’s reputation for high safety standards as they enter the

UK market. Consumers are buying from companies they believe to be trusted brands, without realising they are in fact buying from unscrupulous third-party sellers who are often untraceable or based in jurisdictions beyond the reach of UK enforcement agencies.

The current retail environment is now divided between the traditional retailer, which has legal obligations which it must comply with, and the online marketplaces that do not have clearly defined legal responsibilities and who consequently allow unregulated and unchecked stock to be loaded on their platforms by third-party sellers. The traditional retailers have gained the trust of consumers and we believe consumers have naturally extended that trust to online marketplaces and are not really aware of the lack of regulation and the associated risks. We have therefore added some tips for consumers to Appendix 6 to use to help reduce the risk of buying from online marketplaces whilst the BTHA tries to tackle the issue at governmental level.

The BTHA is concerned that the current unsatisfactory situation, which is becoming a bigger problem with the increasing demand for online shopping, is not dissimilar to the landscape of the toy industry in the 1980s where there were a number of safety incidents which led to the EU’s implementation of the Toy Safety Directive².

The BTHA has conducted its own research which has shown how large a problem this is. Since August 2018, we have test purchased 200 toys from three of the largest online platforms that operate in the UK³ to assess their conformity to UK legislation and whether they raise safety issues. A complete overview of the methodology and results of that research is set out in full at Appendix 2. In summary, of the toys bought from third-party sellers, 58% failed to comply with UK safety requirements⁴. Non-conformity issues included; lack of traceability warnings, counterfeit copies of genuine products and lack of warnings markings, amongst others. We did not go on to test all these toys and therefore cannot determine if there were additional safety concerns.

22% of the toys in the study had serious failures that could threaten the physical safety of children, such as:

- small parts and small balls in toys for under-3s – a choking hazard;
- easily removable button cell batteries – which can cause death by burning through the esophagus; and
- overly powerful magnets – that can cause serious injury or death if swallowed, by sticking children’s intestines together.

Online Platforms Project Summary

Platform	Sample size	Initial assessment, verified by panel		Independent laboratory testing		total		Under investigation
		Illegal	Unsafe	Tested	Failed Test	% Unsafe	% Non-compliant	Possible Counterfeit
Amazon*	100	28	18	14	10	18%	46%	2
eBay*	50	11	12	10	6	24%	46%	4
AliExpress*	50	31	15	10	7	30%	92%	8
Total	200	70	45	34	23	22%	58%	13

Illegal = failure to comply with Toy Safety Directive requirements e.g. labelling, traceability address, CE mark

Unsafe = obviously fails safety standard or presents a hazard that may cause injury to consumers

* Results shared with platform, Trading Standards and the Office for Product Safety & Standards

1. A more detailed overview is set out in Appendix 1

2. At that stage toys moved from using just two safety standards BS5665 and HD271 to requiring full specified technical files, requiring certain labelling, the use of approved testing houses, the requirement to hold data for enforcement and the CE mark. This started the EN71 series of safety standards as well. At that time there were two types of toys that could be purchased, those with minimal information and testing and those from early adaptors of the Directive that were applying all requirements. Retailers had to purchase much more selectively and non-compliant suppliers and product had to be identified and deleted from ranges. The current situation takes us back to a two-tier system where we have certain companies working hard and spending an enormous amount to comply with the safety requirements and those who have easy access to the UK market without complying and consequently reopening that safety risk.

3. The full list of currently known active online marketplaces is set out in Appendix 3

4. Toys (Safety) Regulations 2011 (SI 2011/1881)

The Government has published a White Paper on Online Harms setting out its intentions to take to make the UK the safest place in the world to go online. It proposes the introduction of a new regulatory framework to improve safety online given the pervasiveness of illegal and harmful activity and content, which can threaten national security or the physical safety of children. Its current focus, however, is on the threat posed to national security and the safety of children by the prevalence of illegal or harmful content across social media and does not address the concerns identified in this paper, although it helpfully notes the harms it has identified are neither exhaustive nor fixed.

As part of this initiative, the Government must also take steps to:

- force online marketplaces to take greater responsibility for the products sold on their platforms by third-party sellers; and
- ensure third-party overseas sellers who make their products available on the UK market are incentivised to ensure compliance with the UK's existing toy safety requirements.

The first step towards doing so is to broaden (as necessary) the remit of the existing regulatory framework regarding toy safety in liaison with EU counterparts to ensure a consistent approach is adopted across the EU market.

Government should also recognise that the scope of 'online harms' needs to include the sale via online marketplaces of unsafe products made for children and give the existing enforcement agencies (footnote 5) and/or any newly appointed regulator the necessary powers to hold online marketplaces to account and to take enforcement action against third-party sellers in breach.

This document is intended as a standalone White Paper and has been prepared by the BTHA to draw awareness to the serious risks posed by the sale of unsafe toys on online marketplaces. While the Government's Online Harms White Paper and its objectives are timely, the issues raised in this paper ought to be considered and taken forward as a priority. Some of the steps we suggest can be progressed without delay and do not depend on Government resolving some of the different and complex issues that arise from the proposals set out in its Online Harms White Paper, such as the establishment of a new, independent regulator.

5. Trading Standards

Toy Trade UK = £3.3bn (note 1)



65% of consumers are reassured when buying from a trusted website²

43% of consumers are spending more online²

50% of consumers believe that anything on an online platform will be safety checked and 30% don't know²

74% of consumers buy toys from Amazon²

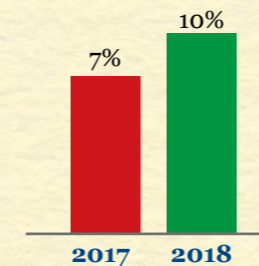
77% of consumers are more concerned about a market stall purchase than an online purchase²

5-6% of toys found to be counterfeit (note 4)

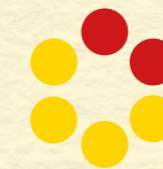
22% of online purchases found to be unsafe (note 4)

58% of online purchases found to be illegal (note 4)

Unknown countries of origin⁶



Unknown countries of origin 7% (2017) – 10% (2018)⁶



2 in 5 recalls are from companies that cannot be traced so can be considered non-reputable⁶

European Recalls in 2018 = Toys 709

Recalls linked to Toy association members 4%⁶



- UK Recalls = 2.7%⁷
- 15 UK recalls of which 1 was a BTHA member⁸

Note 1: Source NPD figures

Note 2: BTHA Online Distribution Research of 307 consumers

Note 3: Source NPD figures

Note 4: BTHA Online toys project work

Note 5: BTHA Online toys project work

Note 6: EU RAPEX Safety Gate recall data

Note 7: TIE figure

Note 8: research online

A summary of the current legal framework

Toy Safety

EU-wide toy safety standards are currently governed by the Toy Safety Directive⁶ which was implemented into UK legislation by the Toys (Safety) Regulations 2011⁷ (“the Regulations”) with effect from 19 August 2011. The Regulations apply, with some exceptions, to products that are designed or intended for use in play by children under 14 years of age.

The Regulations impose obligations on four types of ‘economic operators’ who might be involved in the supply chain and who market, place, or make a toy available on the EU market. They are:

- manufacturers;
- importers;
- distributors; and
- authorised representatives (who might be appointed by a manufacturer for the purpose of having an EU presence).

A full definition of each role is described in Appendix 4. The Regulations prescribe certain safety standards (such as the need for warnings about any hazards or risks associated with a toy) and prohibit the placing of toys on the EU market unless they comply with the safety standards. Some of the safety standards include:

- the requirement for any instructions for use, safety information and warnings to be marked clearly in English; and
- the requirement to have marked on the toy (or its packaging/accompanying documentation) the manufacturer’s name and a single address at which the manufacturer can be contacted.

Under the Regulations, the ‘manufacturer’ has primary responsibility to ensure conformity with safety standards. However, an ‘importer’ has a duty to ensure the manufacturer has complied with its various obligations and the importer must also ensure that its name and address is also marked on the toy (or its packaging/accompanying documentation).

The value of having an address within the EU is that it increases traceability for buyers and enforcement agencies in the event that something goes wrong.

Distributors have more limited obligations but nevertheless have a duty to act with due care in relation to the compliance of toys they make available on the EU market. This includes the duty to verify that the manufacturer and importer have taken certain steps to comply with key safety requirements.

Trading Standards, as the relevant enforcement authority, have various powers to require manufacturers, importers or distributors to take steps to rectify non-compliance or eliminate any risk posed by a toy.

Currently there is a lack of clarity as to the role of the online marketplace in the overall supply chain, and many of the online marketplaces do not consider that they fall within the scope of any of the existing ‘economic operators’ under the Regulations. As a result, they do not take steps to discharge the various obligations attached to those roles.

⁶ Directive 2009/48/EC
⁷ SI 2011/1881

Liability claims

There are three main ways in which an entity involved in the supply of toys can incur civil liability for defective products under English law. They are:

- Strict-liability claims under Part I of the Consumer Protection Act 1987;
- Negligence; or
- Breach of contract.

In addition to the issues regarding the lack of clarity about what (if any) responsibility the online marketplaces have in the context of such claims, civil enforcement can be expensive to the consumer and its effectiveness is significantly limited where a particular manufacturer, trader or seller is located overseas and/or cannot be traced.

Consumer Rights and Protection

In the UK, the Consumer Rights Act 2015 gives consumers a range of protections and other rights in relation to consumer contracts for the sale and supply of goods and services which apply to the sale of toys. In view of this, consumers have legal rights if an item they buy is:

- broken or damaged (‘not of satisfactory quality’)
- unusable (‘not fit for purpose’)
- not what was advertised or doesn’t match the seller’s description.

The problem

There are a growing number of unsafe toys being sold in the UK by third-party sellers on well known and trusted online marketplaces and other smaller players entering this online market. While the problem of cheap, unsafe and fake products is not new, the growth of online marketplaces has significantly exacerbated the problem by giving third-party sellers a legitimate online shop window to the world, with little accountability and traceability. These platforms have made it significantly harder for consumers to identify non-compliant and counterfeit products and for existing regulators to take effective action. This is an increasing concern. In a 2019 survey by the BTHA, 74% of parents said they bought their children's toys online and that this is an increasing trend (Appendix 5).

Consumers often believe they are buying from a trusted international brand, when the reality can be very different. In fact, the sellers are often overseas vendors that ship direct, or via the online marketplaces' fulfilment channel. This means UK customers have limited ability to pursue their right to a refund or to bring liability claims against overseas sellers in the event that a child is injured or worse⁷. Often there is a lack of traceability making it difficult, or impossible - leaving to one side the issue of costs - for the consumer to contact the seller when something goes wrong. Trading Standards officers do not

have powers to take action overseas and limited resources means they are not always sufficiently equipped to take enforcement action domestically.

In the 'offline' world, toy makers and retailers have legal obligations and responsibilities if they sell products that are dangerous or fake. Direct online retailers have the same responsibilities, including when online marketplaces act as the direct seller. When online marketplaces fulfil this role they have bought directly from a toy supplier, and have responsibility for checking the safety of that item before they sell it on to a consumer – in this regard online marketplaces act responsibly and have strict safety requirements for their suppliers.

However, when third-party vendors sell to the consumer, they are the ones responsible for the safety of the products. Third-party vendors can be any individual or company wishing to sell products via the marketplace platform. As already noted, these companies and individuals are often based outside the jurisdiction of our enforcement bodies making it impossible to take action when something goes wrong. In this scenario the online marketplaces generally do not accept that they have any legal obligation to check the safety of the items being sold by third-party sellers as they do not consider they are any of the 'economic operators' who have various duties to

ensure compliance under the Regulations. Accordingly, online marketplaces are hosting the sale of toys that do not comply with the safety standards. Tests undertaken by the BTHA (see Appendix 2 for more information) have found that the non-conformity issues can range from not having contact addresses to a failure to give adequate warnings, such as choking hazards.

This situation is exacerbated by the online platforms not policing their own sites well enough and not having legal accountability for the unsafe and counterfeit products for sale on their platform. We note, for example, in its 2019 annual report filed in the US earlier this year, Amazon acknowledged they may be *“unable to prevent sellers in our stores or through other stores from selling unlawful, counterfeit, pirated, or stolen goods...”*⁸

The lack of accountability means consumers (and, in particular, their children) are exposed to the risks presented by unsafe toys, whether that be serious personal injury or worse, a fatality. Buyers can also be left without the same level of consumer protection they should be entitled to and may believe they have, and that they do have with other UK retailers. There may be no way of returning faulty, dangerous or counterfeit goods or of seeking compensation from the seller in the case of an injury. In the same way that online streaming or news

sites are coming under increasing pressure to take greater responsibility for the content on their platforms, online retailers must be held accountable for the products sold under the umbrella of their name and overseas sellers should be incentivised to ensure compliance with the UK's existing toy safety requirements.

Unless the online marketplace operates a money back guarantee scheme⁹, the consumer is often unable even to request a refund for a faulty or unsafe product sold by a third-party seller if they cannot establish contact with the seller (as is frequently the case with overseas sellers). However, money back guarantee schemes are voluntary, and in any event, do not cover liability, such as for personal injury.

In the case of a serious injury or fatality when a consumer, or law enforcement, might want to take further action and the seller or manufacturer cannot be found, the online marketplace is unlikely to be held liable in their place. Without a sufficient level of accountability, the marketplaces do not have to take the steps necessary to ensure that products being sold through their platforms are either legal or safe before they go on sale.

⁸ <https://ir.aboutamazon.com/static-files/0f9e36b1-7e1e-4b52-be17-145dc9d8b5ec>

⁹ We note, for example, Amazon offers an A-Z Guarantee Protection Scheme and eBay offers a Money Back Guarantee Scheme (but only where purchases are made through PayPal).

The solution:

Closing the third-party seller liability gap

There are two branches of enforcement in the case of the sale of unsafe toys:

1. Regulatory enforcement by Trading Standards or other agencies/regulators in relation to breaches of the product liability/toy safety requirements;
2. Civil enforcement by a consumer as a result of damage/injury caused by defective products (whether by virtue of the product liability regime, a claim in negligence or for breach of contract) or enforcement of other rights, e.g. under the Consumer Rights Act 2015.

The difficulties presented by the current way in which toys are sold through online marketplaces affect both branches of the enforcement process given the limitations (i) to Trading Standards' powers (and lack of funds) to take action overseas and/or against the large online marketplaces; and (ii) to the prospects of consumers successfully enforcing their rights. Government must take steps to address the difficulties faced in relation to both scenarios.

This includes ensuring that both third-party sellers and online marketplaces are accountable and are incentivised to ensure compliance with toy safety requirements given their role in the supply chain. We address possible solutions in relation to each below.

The third-party seller

Third-party sellers should be held primarily responsible for the safety of their products. This reflects that they are the person/body who either manufactures the product or otherwise makes it available for sale on the market. Accordingly, Government should take steps to strengthen the powers of existing enforcement agencies to ensure

they can take action against overseas sellers who try to avoid traceability.

Presently, Trading Standards or the equivalent enforcement agencies across Europe have little power to take action against overseas sellers who have no EU presence (whether or not they can be traced). Equally, consumers have little prospect of enforcing their legal rights to claim refunds, etc. and to enforce liability in the event of injury or fatality when an overseas seller is not required to provide the same basic details as UK manufacturers, including their address, and so cannot be traced.

Some of the steps government could take to address these issues include:

- Strengthening the powers of existing enforcement agencies (such as Trading Standards), by increased funding, to ensure they are equipped to and can take action against overseas sellers who try to avoid traceability. This might be, for example, by way of intergovernmental cooperation with a view to reaching agreement on cross-border enforcement arrangements (e.g. by way of Memoranda of Understanding between the relevant enforcement agencies).
- Exploring the ways in which UK enforcement authorities can engage bilaterally with overseas counterparts, e.g. through international networks;
- Developing (where necessary) cross-border civil enforcement agreements to assist in the enforcement of judgments against third-party sellers who are found to be liable in the UK courts;
- Considering other steps that can be taken to tackle non-compliant third party sellers without a legal presence in the UK, such as introducing new legislation to require any person selling products on the UK online marketplace to always have a verified and up-

to-date UK/EU address with a physical entity who is responsible for that item. They should also have an email address and telephone number to ensure traceability prior to being able to list an item for sale in an initial “pre-listing” process.

The online marketplaces

The BTHA believes that online marketplaces also have a duty of care to their customers to ensure that toys that are available to purchase via their platforms are safe. Online marketplaces have a key role to play in ensuring compliance with safety requirements given the strength of their position in the supply chain and the ability of the online marketplace to develop and implement, for example, pre-listing processes which would involve simple checks to ensure compliance by third party sellers. In particular, online marketplaces should not be able to profit from sales from such third-party sellers with no accountability when something goes wrong.

Without case law from either the domestic courts or, for the moment, the European Court of Justice, confirming that online marketplaces fall within the role of a “distributor” and, in some circumstances, “importer” under the Toy Safety Directive/Regulations, there will be little incentive for online marketplaces to voluntarily accept responsibility for the obligations attached to those roles.

However, if the Government agrees that online marketplaces should fall within the scope of either a “distributor” or “importer” that could be achieved without requiring amendment to the existing Regulations, by Government preparing and publishing industry guidance clarifying this. In doing so, this would require online marketplaces to fulfil, as a minimum, their duty as ‘distributor’ (i.e. to act with due care in relation to the compliance of toys they make available on the market and to face enforcement action from Trading Standards in the event of non-compliance).

In verifying compliance by third-party sellers, online marketplaces could be expected as a minimum to:

- pre-screen third-party sellers before they are allowed to sell goods in the UK to ensure they have the ability to contact the seller should there be a customer

complaint;

- ensure that on any of their platforms with a .co.uk website suffix all products sold have the correct legal markings for selling in the UK (the UKCA mark/ CE mark and a UK or EU address for traceability); and
- ask a third-party seller if they hold the correct conformity assessments and technical files. If the third-party seller cannot confirm this or is found to have lied, then the online marketplace should remove the seller’s ability to sell on their site either for a temporary period or, in the case of multiple offences, permanently.

If Government considers that the scope of the existing regulatory framework is not wide enough to sufficiently capture the role of online marketplaces in the supply chain, then we invite Government to consider passing appropriate legislation to amend the existing framework either to broaden the scope of the existing definitions of “distributor” and/or “importer” or to introduce a further category of economic operator, perhaps following consultation with European counterparts with a view to adopting a consistent approach across the EU market. BTHA notes in particular that the challenges presented by the development of e-commerce has already resulted in a Commission Notice on the market surveillance of products sold online¹⁰ which recognises some of the difficulties posed by sellers who are based outside the EU.

Further, or in the alternative, the Government could widen the scope of the definition of “online harms”¹¹ (in the Government’s recently published Online Harms White Paper) to cover the threat to child safety identified in this paper and to include a range of additional enforcement powers to any new regulator. We explore this in more detail in the following section.

Faced with this level of liability and oversight from a new independent regulator, responsible online marketplaces would be expected to bring in their own safeguards to ensure compliance with the law or to demonstrate that they have taken reasonable steps to do so.

¹⁰ 2017/C 250/01

¹¹ See the Government’s consultation paper on “Online Harms” which was published jointly by DCMS and the Home Office on 8 April 2019.

Extending the scope of 'online harms'

Online marketplaces are aware of the problem. They are some of the most highly sophisticated and automated companies in the world, but unfortunately voluntary agreements and in-house solutions have not solved an escalating problem.

As the responsible toy sector, we must take steps to ensure children are not seriously hurt or killed by unsafe toys.

The Government has now published its Online Harms White Paper, which sets out its intention of making the UK the safest place in the world to go online. We believe that this objective cannot be achieved unless the Government takes necessary steps to tackle the sale of unsafe toys by third-party sellers on online marketplaces.

The BTHA believes there is an alternative, or in addition to the possible solutions identified above that sit within the existing regulation of the industry. Government could widen the scope of 'online harms' that is used within the Online Harms White Paper to include products sold online that fail to comply with UK safety standards and legislation (in particular unsafe toys); and to include enforcement powers in relation to breaches in the scope of any new oversight regulator.

Currently, the list of harms is primarily linked to social media activity and includes issues such as cyberbullying, online abuse, harassment, trolling and sexting. However, in his introduction to the Government's response to the Internet Safety Strategy Green Paper in May 2018, the then Secretary of State for Digital, Culture, Media and Sport, The Rt Hon Matt Hancock MP, wrote: "...we will also publish a full White Paper later this year as a precursor to bringing forward online safety legislation that will cover the **full range** of online harms".

It is clear that the issue of unsafe and counterfeit toys sold online constitutes an online harm based on the principles

set out in the Green Paper and should therefore be incorporated into the scope of 'online harms' set out in the Government's White Paper:

1. What is unacceptable offline should be unacceptable online;
2. All users should be empowered to manage online risks and stay safe; and
3. Technology companies have a responsibility to their users, and for the content they host.

The BTHA believes that the definition of online harms should be extended to:

- cover the potential physical harm that can be caused to children (and parents) from purchasing unsafe toys from third-party sellers on global marketplaces
- prevent further harm being caused to the reputation and goodwill of legitimate toy manufacturers in the UK by companies who undercut prices by failing to adhere to safety standards

Extending the definition in this way would be entirely compatible with the principles outlined in the Green Paper, specifically:

- that it should be as unacceptable for a company to evade responsibility for the products sold under their brand online as it is offline; and
- technology companies should have a responsibility to their users for the products sold on their retail platforms in the same way as they should have for the content they host on social media platforms.

Other countries with huge online markets are already realising the need for such a move. From 1 January 2019, e-commerce platforms in China have been held jointly

responsible for the sale of counterfeit goods listed on their websites. Previously, as in the UK, only individual sellers were liable for damages when found to be selling counterfeits. The new e-commerce law¹² means that online platforms must respond to reports of violations or face penalties of up to \$30 million.

The role of a new regulator

BTHA welcomes the Government's proposal to establish a new statutory duty of care to make companies take more responsibility for the safety of their users and tackle harm caused by content/activity on their services. We also welcome Government's intention to establish an independent regulator to oversee and enforce compliance with that new duty of care.

In widening the definition of 'online harms' to include unsafe toys (thus bringing this issue within the scope of the regulator's remit), we believe the threat of enforcement action would be a good incentive for online marketplaces to take reasonable steps to ensure the products that are available to be purchased on their platforms are safe.

The remit of the new regulator would need to fit within the existing regulatory framework. We consider that the new regulator's remit could sit alongside Trading Standards' existing enforcement powers, whose role it would remain to enforce compliance with the product liability regime and in particular the Toys (Safety) Regulations 2011.

With respect to toy safety, a regulator should be able to take enforcement action against online marketplaces who fail to take reasonable steps to ensure that products being made available for sale on their platforms are safe.

There would likely need to be mechanisms in place for the two bodies to co-operate and exchange intelligence/information as appropriate in order to inform what enforcement action (and by whom) may be appropriate.

Mechanisms are also needed to inform what steps should reasonably be expected to be taken by online marketplaces in relation to toy safety to discharge their duty of care.

Any newly appointed regulator would need sufficient powers to enforce breaches. Our non-exhaustive list of suggested powers includes:

1. The power to issue general and sector-specific codes of practice on what steps online companies are expected to take to discharge their duty of care towards their users in ensuring a safe online space (including making sure products available to purchase comply with relevant safety standards);
2. The power to oversee and take steps to ensure compliance by online marketplaces with the duty of care and published codes of practice (e.g. by having a power to require the disclosure of relevant information from the online marketplace and the power to issue breach notices requiring remedial action within a stated period);
3. The power to require online marketplaces to establish effective and easy-to-access internal complaints procedures as the first stage(s) of the dispute resolution process;
4. In the event that an online marketplace is unable or unwilling to resolve a complaint, the power to receive and investigate complaints of breaches of the duty of care and to make recommendations against a body found to be in breach, with the risk that non-compliance with the regulator's recommendations may result in an adverse public report (and the consequent reputational damage that would follow);
5. The power to impose fines (whether subject to a maximum cap or not) by reference to the severity of the breach and the risk posed to the safety of children by that breach and the annual turnover of the seller/company. However, any fine would need to be large enough to be a deterrent.

¹². E-Commerce Law of the People's Republic of China (effective from 1 January 2019).

The benefits

- Tackling the risk of serious physical harm (or fatality) to children (and their parents) posed by the prevalence of unsafe, non-compliant toys online
- Removing unfair competition from legitimate British toy firms
- Returning approx. £400 million of toy sales revenue to the economy, that is currently lost to counterfeit sales each year
- Returning significantly more revenue each year by removing illegal and unsafe toys from the market (our estimate is that this could be worth up to £850 million to the UK toy economy if the illegal traders are removed and the online marketplaces pay accordingly)
- Enhancing Britain's reputation for high safety standards
- Positioning the UK Government as a world leader, taking action on an issue which is a problem across the globe

About the BTHA

- Founded in 1944, the British Toy & Hobby Association (BTHA) is the official organisation representing toy manufacturers. The BTHA's members range from large international toy firms to small family-run businesses.
- The legitimate toy industry is worth £3.3 billion, with around 80% of the toy industry falling into the small to medium sized category.
- The UK is the largest toy market in Europe, and fourth largest toy market worldwide, behind United States, China and Japan.
- Online sales of toys are increasing year on year and accounted for 37% of total toy sales last year.

Appendix 1:

Overview of online marketplaces' supply chain models

Traditional Retailers

The retail environment has undergone vast changes as many retailers move to include an online presence. Many new retailers have no high street presence and exist solely online.

Much of the existing legislation refers to the traditional retailer approach. In these cases, retailers will buy stock from suppliers, store that stock in their own warehouse arrangements and distribute it to stores. Retailers will buy stock from suppliers in the UK, the EU and globally.

Products will have different brands – they can be the retailer's "own-brand", small tertiary brands and the biggest global brands. Traditional retailers will apply differing levels of technical controls based on the brand and the location of purchase and based on their obligations under the Toy Safety Directive (TSD).

The highest level of control is applied to own-brand items where factory approval, product specifications, mandatory third-party testing, inspection, safety assessments and bills of materials are all collected and held by the retailer due to their "manufacturer" status under the TSD.

For other purchased lines where there is no EU presence for the actual manufacturer the retailer will become

the "importer". Importers are required to add their EU address to the product and hold certain documentation and ensure other safety requirements are being met by the manufacturer.

Finally, for the other brands with an EU presence the retailer will become a "distributor". Distributors have obligations to check labelling and to work with enforcement but little else.

All traditional retailers will take responsibility for unsafe products and often the retailer is the first port of call for any enquiry from consumers.

These obligations have worked well and give clear responsibility to those in the supply chain. Enforcement by the bigger UK retailers has been thorough and has protected consumers effectively for many years.

See the following tables for further details and the [BTHA Obligations of Economic Operators Primary Authority Assured guidance](#).

Table 1: How to identify your Operator type

- (a) Select the business model which most closely reflects the circumstances in which the product and/or order is brought to market.
- (b) Identify the earliest point in the product cycle at which you take responsibility for the product. N.B. you may take responsibility for actions even though you might not directly carry them out. Reference the table to determine your Operator type for that product.

A Typical Business Model		B Product Cycle				
Type	Description	Design & Development	Production	Bring into EU	Storage & Transport	Retail
1	EU Production Product developed, produced and sold entirely within the EU.	Manufacturer			Distributor	
2	Developed & Domestic Product developed and sold within the EU by an EU operator, but produced outside the EU.	Manufacturer			Distributor	
3	3rd Party & Domestic [No product alteration] Unaltered product developed by a supplier, then sold within the EU by an EU operator [see note1].	Manufacturer		Importer	Distributor	
4	3rd Party & Domestic [With product alteration] Supplier product specifically modified (see note 1) for or by an EU operator and sold within the EU.	Manufacturer			Distributor	
5	Direct Import / FOB Product developed by a Non-EU operator sold outside of the EU for Direct Import by another EU operator.	Manufacturer			Importer	
6	Direct Import / FOB – Manufacturer an EU entity Product developed by an EU operator sold outside of the EU for Direct Import by another EU operator (see note 2).	Manufacturer			Distributor	
7	3rd Party (Sale Commission) FOB Product developed by EU or Non-EU operator sold outside of the EU by an EU or Non-EU sales agent, for direct import by an EU operator.	Manufacturer			Importer	
8	Manufacturer's Authorised Representative in EU Where a Manufacturer mandates an EU entity to be their Authorised Representative.	Manufacturer		Authorised representative	Distributor	
9	Own Brand Product Product supplied in own brand/label or retailer branded product.	Manufacturer				

Conditional Notes:

1 An Importer or Distributor who modifies the product and by doing so alters its compliance, assumes the responsibilities of the Manufacturer. The addition of legal labels to the retail pack does not constitute modified product. Modifications which may affect compliance are changes in materials, colour, age grading, own branding etc.

2 Where an EU entity presents itself as the Manufacturer (by affixing their name, address etc.) they are considered to place the product on the market even if they do not physically import the product. In this case there is no Importer.

Table 2: Determine your Obligations

Obligation	Manufacturer		Importer		Distributor		Authorised Representative	
	Ensure toys comply with essential safety requirements		Place only compliant toys on the market		Take Due Care		As mandated	
Draw up Technical Documentation.	A4 (2) A21	Obligated	A6 (2)	Ensure its done	No obligation		A5 (2)	Cannot be mandated
Retain Technical Documentation for 10 years.	A4 (3)	Obligated	A6 (8)	Ensure it can be made available	No obligation		A5 (3)	Must be mandated
Carry out the conformity & safety assessments.	A4 (2) A18 A19	Obligated	A6 (2)	Ensure its done	No obligation		No obligation	
Draw up EC declaration of conformity.	A4 (2)	Obligated	A6 (8)	Keep a copy	No obligation		A5 (3)	If mandated
Retain the EC declaration of conformity for 10 years.	A4 (3)	Obligated	A6 (8)	Keep a copy	No obligation		A5 (3)	Keep a copy
Affix conformity marking (CE), batch or model number to toy or packaging.	A4(2) A4 (5)	Obligated	A6 (2)	Ensure its done	A7 (2)	Verify its done	If mandated	
Ensure conformity of series production.	A4 (4)	Obligated	No obligation		No obligation		No obligation	
Add name and address onto toy or packaging.	A4 (6)	Obligated	A6 (2) A6 (3)	Obligated	A7 (2)	Verify its done	A4 (6)	If mandated
Ensure the required documents (instructions and safety information) accompany the toy in the correct languages.	A4 (7) A11 (2)	Obligated	A6 (4)	Obligated	A7 (2)	Verify its done	If mandated	
Bring non conforming toys into compliance. Inform authorities if there is a safety risk. Recall or withdraw. Provide information to authorities on request.	A4 (8) A4 (9)	Obligated	A6 (2) A6 (7) A6 (9)	Obligated	A7 (2) A7 (4) A7 (5)	Obligated	A5 (3)	Must be mandated
Sample test marketed toys (taking into account risk).	A4 (4)	Obligated	A6 (6)	Obligated	No obligation		If mandated	
Keep register of complaints, non-conforming toys and recalls. Inform Distributors of this monitoring.	A4 (4)	Obligated	A6 (6)	Obligated	No obligation but recommended		If mandated	
Don't jeopardise compliance during storage or transport.	No obligation but recommended		A6 (5)	Obligated	A7 (3)	Obligated	No obligation but recommended if appropriate.	
Identify the other Economic Operators in the supply chain.	A9	Obligated	A9	Obligated	A9	Obligated	Obligated	

Online Marketplaces

Online marketplaces provide an online platform through which consumers or other businesses can view and buy products from a range of sellers.

The platform is used by a number of companies, the platform owner themselves in some cases (i.e. when acting as a direct retailer) and other sellers – third-party companies - in others. There are a number of differing business models within an online platform under which a customer will receive their toys;

1. Direct Retailer

This is when an online marketplace acts as a retailer. They buy toys directly from a supplier (UK, EU or worldwide) and sell that toy to a consumer. In this scenario there are clear obligations which they need to undertake.

2. Fulfilment House

This is when the online marketplace provides a fulfilment service to the sellers on the marketplace. The third-party

seller (see below) places the item on the platform for sale but instead of shipping a sold item themselves the toys are stored in the warehouse facilities of the online marketplace. Once a customer buys a toy on the platform the online marketplace accepts, fills and ships the order.

3. Third-party vendor

Third-Party vendors are those that load their own products onto the platform. They will then either use the fulfilment service above or they receive orders directly from a customer and fulfil those orders directly to the buyer. When not using the fulfilment services the only involvement with the platform owner is to provide details to list the item on the platform, to start selling, and to provide a fee for the listing and a percentage of the sale value to the platform. They can be UK manufacturers or other retailers, importers, globally based companies or individuals working from home. No verification of the product, the labelling or the compliance status is currently mandated by law.

Appendix 2:

The BTHA research into safety of toys sold through online marketplaces

1. Project Methodology and Background

(full results table at end of section for each marketplace)

200 toys were purchased from third-party sellers on three of the largest online marketplaces – Amazon (100), eBay (50) and AliExpress (50).

Toys were purchased at random, but efforts were made to get a wide variety of types and categories of product from various third-party sellers, for a range of ages. No particular type of toy or ones where common non-compliances are known were actively pursued.

Once the toys were received, the packaging was checked for basic toy labelling compliance in accordance with the Toy Safety Directive 2009/48/EC – assessing warnings and markings and European address details, etc. In addition, advertised ages and addresses on the website were compared to actual details listed on packaging. Full details were recorded, and a spreadsheet summary was compiled for each toy (see below).

Toys were then categorised as either “compliant”, “illegal” or “unsafe”. Illegal toys do not meet legislative requirements usually due to the lack of appropriate labelling. Unsafe toys do not meet the requirements of a safety standard or obviously would fail a safety standard if tested.

It should be noted that for the toys that appear to be compliant no checks have been made regarding whether they are counterfeit or copycat lines and no additional testing has been applied.

Following the purchase and analysis of the toys a number were selected by the BTHA for further independent laboratory testing by Bureau Veritas, an independent accredited test house, to determine if the products were non-compliant or presented a risk to children.

Not all applicable tests were applied to all toys. Instead a targeted approach was used, the toys being subjected only to tests where it was considered the risk of failure could be high given the type of toy. In addition, as only one of each type of toy was submitted, only certain tests could be carried out as further samples would be required to carry out additional testing.

All decisions were verified by a panel of industry experts. This panel included BTHA Toy Safety Advisors, a laboratory representative, Trading Standards, a retail technical expert and BTHA member technical expert.

2. Summary of findings

(full results table at end of section for each marketplace)

Platform	Sample size	Initial assessment, verified by panel		Independent laboratory testing		total		Under investigation
		Illegal	Unsafe	Tested	Failed Test	% Unsafe	% Non-compliant	Possible Counterfeit
Amazon*	100	28	18	14	10	18%	46%	2
eBay*	50	11	12	10	6	24%	46%	4
AliExpress*	50	31	15	10	7	30%	92%	8
Total	200	70	45	34	23	22%	58%	13

Illegal = failure to comply with Toy Safety Directive requirements e.g. labelling, traceability address, CE mark

Unsafe = obviously fails safety standard or presents a hazard that may cause injury to consumers

* Results shared with platform, Trading Standards and the Office for Product Safety & Standards

a. Detailed findings – Amazon

Of the 100 toys test purchased 46 failed to comply with the requirements of the Toy Safety Directive and of those 18 were assessed to have additional serious safety concerns identified after initial inspection. A further toy was identified as a possible counterfeit toy and one was confirmed as a counterfeit by the brand owner. 14 toys were selected for independent laboratory testing and 10 toys failed that testing.

100 toys were purchased from Amazon by searching “Top 100 Toys” listings. Two separate listings were identified. The first was found with a “Google” search of “Amazon Top 100 Toys” and the second was found by searching “Top 100 toys” within Amazon. It was considered likely that consumers would apply either one of the two searches and as a result 50 toys were purchased from each list.

Full details for each non-conformant toy can be seen in the product listings below.

18 toys (4 of which were subsequently sent for independent testing) were determined to have a serious safety concern due to the following:

- Hazards not suitable for children under 3 years old, but no correct related age warning
- Age warnings shown but marketing on the toy or website shows younger children using the item
- Product warnings required in safety standards not correct or contravening EN71-1
- Protective goggles appearing to not meet any PPE protective standards
- Product feature contravening safety standards
- No screw closure for battery compartment
- Poor quality allowing immediate failure
- Delivered damaged with very strong metallic smell

In addition, 28 toys (10 of which were subsequently sent for independent testing) have been found to have illegal non-compliances based on the following packaging markings or product features:

- No traceability addresses at all
- No EU address (non-EU address only)
- Incomplete EU addresses
- No traceability or safety information on pack or no packaging at all
- Over stuck safety and address information
- Missing CE marks
- Missing or incorrect warnings
- Missing or incorrect age gradings (in particular 3+)
- Incorrect CE mark and/or 0-3 warning logo size
- No evidence of certain legislation (cosmetics) being applied

Findings following testing

- 10 of the 14 toys sent for further testing failed against applicable safety standards and legislation
- All 4 toys initially determined by the BTHA to be a serious safety risk prior to the testing failed when independently tested and therefore verified the BTHA initial assessment
- 5 of the 10 toys with a technical fail prior to the testing went on to fail on safety grounds
- 2 products failed environmental standards

Safety failures were due to the following:

- Toy bag – lack of ventilation presenting a risk of asphyxiation
- Small parts – choking risk
- Risk of finger entrapment
- Cords – strangulation risk
- Plastic bags under legal thickness - risk of asphyxiation
- 3 years and over warning not present – resulting in multiple risks, usually choking
- Accessible stuffing in plush toy presenting a risk of asphyxiation
- Battery temperature rise too high – risk of burns
- Surface temperature of toy too high at 133°C (limit 50°C) – risk of burns

- Magnets released as small parts too high strength – intestinal perforation risk linked to fatalities
- Phthalates content too high – toxicological hazard
- Lack of adult supervision and use within own depth warning – risk of drowning
- Lack of fire warning – burning hazard risk of burns
- Lead content too high – toxicological hazard
- Inadequate electrical product warnings and safety instructions – electrical hazard
- Accessible wiring - electrical hazard
- Accessible button cell batteries – oesophageal and digestive tract corrosion, linked to fatalities

Environmental failures were due to the following:

- RoHS chemical content failure – environmental hazard

Note that if full testing – all toys to all applicable standards and clauses - were carried out, further failures could be expected.

Other observations

It was noticed that some business addresses stated under the business on the platform appear to be different to those on packaging, non-existent or in addition, some addresses were not obvious actual addresses. For instance:

nanshanquxilijiedaoxilixinweiwangtanggongyequ, 18dongsanlou399fang, shenzhenshi, guangdongsheng. 518000, China

Certain products could be considered a “grey area” in terms of their categorisation as a toy. In these cases, it should be noted that they are within a “toy” listing, aimed at children under 14 years, and based on the marketing and style of product, it is very likely that BTHA members or retailers would categorise them as a toy.

small part)

In addition, 11 toys have been found to have illegal non-compliances based on the following packaging markings or product features:

- No traceability addresses at all
- No EU address (non-EU address only)
- Incomplete EU addresses
- No traceability or safety information on pack or no packaging at all
- Missing CE marks
- Missing or incorrect warnings
- Incorrect CE mark and/or 0-3 warning logo size incorrect
- No evidence of certain legislation (Fire & Furnishings) being applied

Other observations

4 toys were identified as potential counterfeit items due to missing brand names, very poor quality or lack of licensing information, all have been notified to the brands. 3 have been confirmed as counterfeit by the brands to date.

Findings following testing

- 6 of the 10 toys sent for further testing failed against applicable safety standards and legislation.
- Safety failures were due to the following:
 - 3 years and over warning not present – resulting in multiple risk, usually choking
 - Magnets released as small parts too high strength – intestinal perforation risk linked to fatalities
 - Plastic sheeting / bag thickness - presenting a risk of asphyxiation
 - Inadequate electrical product warnings and safety instructions – electrical hazard
 - Illegal protruding parts under EN71-1 – choking hazard
 - Phthalates content too high – toxicological hazard
 - Accessible stuffing in plush toy presenting a risk of asphyxiation

These are:

- Children’s Analogue Quartz Wrist Watch
- Comfysail Anti-lost Kids Backpack
- Top Star Sweet / Candy Tree Easy DIY kit Plus Chupa Chup lollies
- Rainbow Fruity Glitter Lip Gloss
- TOG gift toys. Binoculars
- LOYO Hair Chalks

b. Detailed findings eBay

Of the 50 toys test purchased 23 failed to comply with the requirements of the Toy Safety Directive and of those 12 have additional serious safety concerns. A further toy was identified as a possible counterfeit toy whilst three more were confirmed as counterfeit by the brand owner. 10 toys were selected for independent laboratory testing and 6 toys failed that testing.

Full details for each non-conformant toy can be seen in the product listings in the table below.

12 toys were perceived to have a serious safety concern due to the following:

- Product warnings required in safety standards not correct or contravening EN62115 Safety of Toys
- Electrical Hazards not suitable for children under 3 years old (small parts), but no correct related age warning
- Age warnings shown but marketing on the toy or website shows younger children using the item
- Unsealed battery compartment used above a baby’s head
- Product warnings / product features required in safety standards not correct or contravening EN71-1 Safety of Toys. Mechanical & Physical e.g. magnets, fibrous filling accessibility, warnings in the wrong language, protruding parts, plastic sheeting too thin
- Failure to REACH Phthalates content
- Poor quality allowing immediate failure (breakage of

c. Detailed findings - AliExpress

Of the 50 toys test purchased 46 failed to comply with the requirements of the Toy Safety Directive and of those 15 have additional serious safety concerns. A further four toys were identified as possible counterfeit toys and three toys were confirmed as counterfeit by the brand owner. 10 toys were selected for independent laboratory testing and 7 toys failed testing.

Full details for each non-conformant toy can be seen in the product listings in the table below.

15 toys were perceived to have a serious safety concern due to the following:

- Product warnings required in safety standards not correct or contravening EN62115 Safety of Toys
- Electrical Hazards not suitable for children under 3 years old, but no correct related age warning
- Age warnings shown but marketing on the toy or website shows younger children using the item
- Product warnings / product features required in safety standards not correct or contravening EN71-1 Safety of Toys. Mechanical & Physical e.g. magnets, plastic bags, mouth actuated toys, toy shape and size illegal, filling materials, small parts, cords and loops
- Magnets that were too strong and accessible
- Chemical content (phthalates)
- Poor quality allowing immediate failure (access to stuffing through seam on delivery)

In addition, 31 toys have been found to have illegal non-compliances based on the following packaging markings or product features:

- No traceability addresses at all
- No EU address (non-EU address only)
- Incomplete EU addresses
- No traceability or safety information on pack or no packaging at all
- Missing CE marks

- Missing or incorrect warnings
- Missing or incorrect age gradings (in particular 3+)
- Incorrect CE mark and/or 0-3 warning logo size
- No evidence of certain legislation (Fire & Furnishings) being applied
- No battery compartment screw (possible safety failure)

Other observations

7 Toys were identified as potential counterfeit items due to missing brand names, very poor quality or lack of licensing information, all have been notified to the brands. 3 have been confirmed as counterfeit by the brands to date.

Findings following testing

- 7 of the 10 toys sent for further testing failed against applicable safety standards and legislation

Safety failures were due to the following:

- Inadequate electrical product warnings and safety instructions – electrical hazard
- Magnets released as small parts too high strength – intestinal perforation risk linked to fatalities
- Plastic sheeting / bag thickness too thin - presenting a risk of asphyxiation
- Mouth actuated toys under EN71-1 – choking hazard
- Size and shape of toy not conforming with EN71-1 – choking / injury hazard
- Warnings and markings required by EN71-1 not present
- 3 years and over warning not present – resulting in multiple risk, usually choking
- Cords, chains, fixed and tangled loops – strangulation hazard
- Phthalates content too high – toxicological hazard
- Accessible stuffing in plush toy presenting a risk of asphyxiation

3. Comments on hazards and risks presented

The product list below highlights the reasons each product was defined as non-conformant with toy safety legislation. This includes the initial assessment of the product and includes the results of the independent laboratory testing where applicable. The legislation or testing standard is quoted with clauses failed against where relevant. Each product is then classified as illegal or unsafe as defined by the legislation.

Labelling issues

Many of the products were missing the legally required labelling including traceability addresses, CE marks or product codes. These labels are required either under the Toy Safety Directive 2009/48/EC or under the requirements of safety standard BS EN71-1 Safety of Toys. Mechanical & Physical properties.

Traceability was a key part of the requirements when this Directive came into force and missing data means that enforcement agencies and consumers cannot contact the appropriate person in the event of any concerns. It also means that a product that needs to be recalled due to a safety issue cannot be traced back to the manufacturers and therefore a recall cannot be initiated, and further consumers protected.

Articles contravened by missing labelling:

- Addresses - Toy Safety Directive 2009/48/EC Article 4 (2), (5), (6), Article 6 (2) (3)
- CE marking - Toy Safety Directive 2009/48/EC Article 17
- Warnings - Toy Safety Directive 2009/48/EC Article 11 & EN71-1 Clause 7
- Distributors - Toy Safety Directive 2009/48/EC Article 7 (2) Verify address and CE mark present



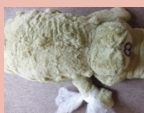



Testing Failures

Some hazards identified relate to serious concerns that have been linked to serious injury and fatalities in the past. For example (all in more detail in the table below);






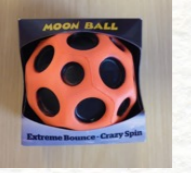

Suffocation
Too strong magnets
Flammability
Small parts
Access to fibrous fillings
Access to button cell batteries

4. Testing Results by Product - Amazon


The following table summarises the BTHA's initial findings and the subsequent testing carried out. Not all toys were subjected to all applicable tests so the following is only a snapshot of the non-compliances identified by the BTHA as present in these products. The following list has been verified by the BTHA expert panel since the initial publication. As a result there are some minor changes in classification from previously published versions.

No.	Product Name	Photo	Initial findings	Results of selected tests	Summary of hazards presented	Classification
1	Magnetic Board Puzzle game		No address on packaging No CE Mark 3+ recommendation but not in toy warning format Small wooden parts Small parts and the lack of the correct 3+ warning plus the advertising using a toddler on Amazon make this item potentially unsafe Business address on Amazon does not look genuine	FAILED - Report 222109 - EN71-1 Clauses: 6 a. Plastic sheeting too thin 7.2 Under three years warning not present PASSED - Report 222109 - EN71-3	Labelling failures Small parts for wrong age group - Choking hazard Thin plastic - suffocation	Unsafe
2	Break open 7 Gold Rush Geodes		No EU address (US address only) Product leaks contents/rock particles from box Box opened - rocks have disintegrated as has bag. (see photo) Goggles with no PPE markings so may not offer protection Very strong metallic smell	No testing conducted	Labelling failures Lack of correct PPE performance for goggles	Unsafe
3	Giant Plush Crocodile		No address on packaging No CE Mark There should not be direct access to the stuffing material via a zip this does not meet EN71-1 Safety Standard	FAILED - Report 222110 - EN71-1 Clauses: 5.1 Small parts - zip puller 5.2 c. Access to stuffing through zip PASSED - Report 222110 EN71-3, EN14362 Azo dyes	Labelling failures Small parts - choking hazard Access to stuffing	Unsafe
4	Stealing Coin Money Box		No address on packaging Age markings confusing and 0-3 in incorrect size and colours and stating 0-6 rather than 0-3 making the item potentially unsafe although intended for 3+ Lack of screw in battery compartment Obviously false address details on platform	No testing conducted	Labelling failures	Illegal
5	National Geographic break open 10 Geodes		No EU Address (US Address only) Goggles with no PPE markings so may not offer protection	No testing conducted	Labelling failures Lack of correct PPE performance for goggles	Unsafe
6	Peradix Swirl ball ramp toy		No EU address 12 months age warning for small parts Small Parts warning is related to over 3 years and NOT over twelve months. This makes the item unsafe Obviously false address details on platform	No testing conducted	Labelling failures Age marking incorrect - small parts choking hazard	Unsafe
7	Toyvelt STEM Learning Construction Set		No address on packaging Photo on box shows young child below recommended age Battery operated electric drill included	No testing conducted	Labelling failures Age of photo on pack incorrect - small parts choking hazard	Unsafe

8	Stress Relief Squishy Mesh Ball (pk of 4)		No information on packaging Poor quality product that failed almost immediately releasing slime like contents Obviously false address details on platform	No testing conducted	Labelling failures Poor quality with access to slime content after breakage	Unsafe
9	LEGENDARY Super Hero Capes for Kids		No information on packaging Includes small parts for a bracelet so should have small parts warning and 3+ age warning so potentially unsafe Packaging closing slider also fell off which liberated a small part No business details on visible platform	FAILED - Report 222116 - EN71-2 Flame spread requires warning FAILED - REACH Annex XVII - lead content fail on bracelet PASSED - Report 222116 - REACH Cadmium, REACH Phthalate	Labelling failures Flammability Risks Presented: burns, choking, toxic chemicals	Unsafe
10	Diablo Jester		No information on packaging Long cord / no warnings Should be limited to 3+ due to long cord but obviously for 3+	No testing conducted	Labelling failures	Illegal
11	Huge Rainbow Kite for Kids		No address on packaging States choking hazard/small parts but no 0-3 warning The warning for kites does not comply with EN71 clause 7.9	No testing conducted	Labelling failures Inaccurate warnings could result in potential safety issue in particular the long cord and under 3 years and overhead power lines and thunderstorms warnings.	Unsafe
12	TOG gift toys. Binoculars		No toy marking/information on product or packaging Long cord Grey area product however most reputable companies would CE mark as a toy as listed in Top 100 Toys listing Should be limited to 3+ due to long cord if a toy	No testing conducted	Labelling failures	Illegal
13	StikBot Zanimation Studio - Mega Pack (1)		No EU address (HK PO Box number only) Various non-matching addresses on platform. Product also distributed by another UK brand not clear what status this item has	No testing conducted	Labelling failures	Illegal
14	Acrobatic Spider Drone		UK postcode only - should be full address It is possible that the postcode is genuine and can be reached by post but whilst they are used occasionally postcodes are not preferred by the EU Commission An internet search does not link the postcode to the address Pack confirms compliance with the R&TTE Directive, this has been replaced by the RED it is possible the stock was placed on the market before the change but this would need to be verified No business details visible on platform	No testing conducted	Labelling failures	Illegal
15	Elf on the Shelf Letters to Santa		No EU address (US address only) No business details on visible platform	No testing conducted	Labelling failures	Illegal
16	Toilet Trouble		CONFIRMED COUNTERFEIT	No address on packaging	Labelling failures Confirmed counterfeit (brand owner)	Illegal
17	Vidillo Doodle Mat		No address on packaging Paper insert with CE mark and warnings hidden by product content. CE mark must be visible at point of sale. 0-3 warning must be visible (as a warning that affects the decision to purchase) Small part lid and very young artwork Obviously false address details on platform	No testing conducted	Labelling failures Concerns younger child would use with small parts	Unsafe

18	Childrens Quartz Wrist Watch		No information on packaging. No address, CE mark, warnings, item code Grey area product but marketed to children and in Top 100 Toys listing Business address on platform does not look genuine	PASSED - Report 222107 – REACH Annex XVII Phthalates	Labelling failures	Illegal
19	Comfysail Anti-lost Kids Backpack		No information on packaging No address, CE mark, warnings, item code Grey area product however most reputable companies would CE mark as a toy and listed in Top 100 Toys listing	FAILED - Report 222108 - EN71-1 Clauses: 4.4 Toy Bags - asphyxiation risk lack of ventilation 5.2 Small parts - zip puller and button 5.2 c. Fibrous fillings Finger traps 5.4.4 Cords – fixed loops 6 a. Plastic bags under thickness PASSED - Report 222108 - Azo	Labelling failures Risks Presented: asphyxiation choking finger entrapment strangulation	Unsafe
20	Top Star Sweet / Candy Tree Easy DIY kit Plus Chupa Chup lollies		No information on packaging Grey area product however most reputable companies would CE mark as a toy and listed in Top 100 Toys listing No business address details on platform	No testing conducted	Labelling failures	Illegal
21	Rainbow Fruity Glitter Lip Gloss		UK postcode only - should be full address No CE mark Grey area product however most reputable companies would CE mark as a toy and listed in Top 100 Toys listing. Compared to similar items it should comply with both Directives Concern over food Imitation problems with the use of fruity flavours No Cosmetic use by markings It is possible that the postcode is genuine and can be reached by post but whilst they are used occasionally postcodes are not preferred by the EU Commission An internet search does not link the postcode to the address	No testing conducted	Labelling failures Cosmetic use by date – possible microbiological issue	Unsafe
22	Create your Own Hair Styles		No EU Address (Canadian Address only) CE mark incorrect shape Age grades: Box = 9+ / site = 8+ and 3+	FAILED - Report 222111 - EN62115 Clauses: 9 Batteries temperature rise too high, Temperature on top of straightener too high 45.2C (limit 35C) Hot surfaces can be exposed at 133C (limit 50C) 14.11 Guards to prevent contact with hot surfaces	Labelling failures inconsistent age gradings between website and product Risks Presented: burns	Unsafe
23	Waboba Moon Bounce Ball		UK postcode only - should be full address Information and CE mark should be visible and not hidden under barcode label It is possible that the postcode is genuine and can be reached by post but whilst they are used occasionally postcodes are not preferred by the EU Commission An internet search does not link the postcode to the address	No testing conducted	Labelling failures	Illegal
24	Dinosaurs Transport Carrier Truck		No EU address	No testing conducted	Labelling failures	Illegal




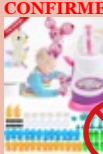

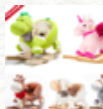

25	Seacopter (Orange) Bath Toy		No EU address (US address only) No business details on visible Amazon	PASSED - Report 222112 - EN71-3	Labelling failures	Illegal
26	Cloth Book for Newborn babies		Publishing address - not full No CE Mark on packaging (CE mark on care label on toy). CE mark must be visible at point of sale and be on packaging	No testing conducted	Labelling failures	Illegal
27	Sluban Sluban Family House Building Bricks		No address on packaging	No testing conducted	Labelling failures	Illegal
28	Jasonwell 98 Pcs Creative Magnetic Building Blocks		No address on packaging Inappropriate warning - "keep away from children." despite CE mark Out of date warning for magnets Business address on platform does not look genuine	FAILED - Report 222113 - EN71-1 Clauses: 4.23.2 Magnets 6a Packaging 7.2 Warnings Magnets were accessible and too high flux index, packaging sheet too thin, 3+ warning required	Labelling failures Risks Presented: asphyxiation choking perforation of digestive tract	Unsafe
29	35cm Large Emoti Unicorn Pillow		No address No age recommendation Platform states 3+ (incorrect age description on site) a soft toy must be suitable for all ages not be stated as plus 3 years on the website Description mentions cushion and pillow - Fire & Furnishings testing – no evidence or labelling	No testing conducted	Labelling failures	Illegal
30	Playbees 12 Piece wooden Train Cars		No EU address, (US address only) CE mark is incorrect format Part of toy is delivered broken	FAILED - Report 222114 - EN71-1 Clause: 4.23.1 Magnets were detachable, were small parts and over the magnetic flux index required PASSED - Report 222114 - EN71-3	Labelling failures Risks Presented: choking perforation of digestive tract	Unsafe
31	Inflatable Pool Floating Toy		No information on packaging 0-3 logo too small should be 10mm and without appropriate warning text No CE mark All text in Chinese Conflicting age recommendation on site	FAILED - Report 222115 - EN71-1, phthalate content Clause: 4.18 c. / 7.4 No Aquatic toy warning about use in depth and adult supervision. REACH Annex XVII Entry 51 / 52 DEHP, DBP, BBP, DINP, DIDP, DNOP restricted phthalates present	Labelling failures Risks Presented: drowning Hazards presented toxic chemicals	Unsafe
32	HenMerry Jigsaw Puzzles/peg board		No address on packaging Refers to 'baby' in product description - see further photos graded as 0-3 on product Obviously false address details on platform	No testing conducted	Labelling failures	Illegal
33	Space team card game		No EU address (US Address only)	No testing conducted	Labelling failures	Illegal

34	DIMY Lightning Up Gloves		No information on product or packaging	FAILED - Report 222117 - EN62115. Clauses: 7. Labelling (address, model, instructions) 14. Accessible Button cell batteries FAILED - Report 422625 - RoHS Chemical content presence of lead	Labelling failures Risks Presented: Burning of the esophagal tract with button cells Environmental hazards presented: RoHS regulation lead content	Unsafe
35	Remote Control Rock Crawler		No EU Address (US address only) Toy comes with 7AA batteries in small box. Does not say they are included or any warnings about keeping away from children.	No testing conducted	Labelling failures	Illegal
36	LOYO Hair Chalks		No information on product or packaging No CE Mark - no cosmetic ingredient markings Grey area product however most reputable companies would CE mark as a toy and listed in Top 100 Toys listing Cosmetic product but no associated markings should be a Toy with cosmetics as aimed at younger children under 14 Conflicting age information on platform product site - see further photo ("aged 3, 4, 5, 6, 7, 8, 9, 10 plus")	No testing conducted	Labelling failures	Illegal
37	ele ELEOPTON pure copper spinning top		No information on product or packaging Trades Description issue - as site states product as 5x5x5cm. Actual item is approx. 3cm square	No testing conducted	Labelling failures	Illegal
38	Star Wars Classic Top Trumps		Barcode label covers info (CE mark, address and age warning etc) Information and CE mark should be visible and not hidden.	No testing conducted	Labelling failures	Illegal
39	Click a Brick Dino Pals 30pc building blocks Set		No address (Web site only) CE Mark 4mm only/not correct shape o-3 logo too small (should be 10mm)	No testing conducted	Labelling failures	Illegal
40	Amenon Hover 1 (Hoverball)		No address Recommended age on platform 3-4 months 3+ on pack so inaccurate warning that effects "the decision to purchase" under the Directive and possible safety issue if given to wrong age	FAILED - Report 222118 - EN62115. Clauses: 7. Instruction sheet missing Battery warnings missing Battery overheating test only passed because the batteries fell out before temperature reached. FAILED - Report 422627 - RoHS Chemical content - Lead	Labelling failures inconsistent age grading between website and pack (TSD non compliance) Risks Presented: Safe use (instructions) Environmental hazards presented RoHS regulation Lead content	Unsafe
41	Cash Register		No EU address (US address only) Manufactured recommended age on platform 24months + o-3 on toy so inaccurate warning that effects "the decision to purchase" under the Directive and possible safety issue if given to wrong age	No testing conducted	Labelling failures	Illegal

42	AAJ 100 Multicoloured play balls		No information on packaging (Photo on platform shows product with label - see further photo. No label on received product.)	PASSED - Report 222124 - Phthalates Annex XVII Entry 51 and 52	Labelling failures	Illegal
43	5 note Xylophone		No EU addresses Age recommendation on site is 6months-7yrs (see attached further photo) o-3 on toy so inaccurate warning that effects "the decision to purchase" under the Directive and possible safety issue if given to wrong age Business address on platform does not look genuine	PASSED - Report 222125 - EN71-1	Labelling failures inconsistent age grading between website and pack (TSD non compliance)	Illegal
44	Elf on the Shelf (includes storybook and toy elf)		No EU address (US address only) No business details on visible platform	No testing conducted	Labelling failures Possible Counterfeit	Illegal
45	Elite Hooky Ring Toss Game		No address No CE mark Advertised as a fun family game and within the Amazon search of 100 top toys	No testing conducted	Labelling failures	Illegal
46	Wondertoys Wooden Ramp race track		No EU Address Manufacturer address (possibly in China) does not look correct CE mark wrong shape o-3 logo incorrect shape and colour	No testing conducted	Labelling failures	Illegal

5. Testing Results by Product - eBay

The following table summarises the BTHA's initial findings and the subsequent testing carried out. Not all toys were subjected to all applicable tests so the following is only a snapshot of the sort of non-compliances that may be present in the products.









No.	Product Name	Photo	Initial findings	Results of selected tests	Summary of hazards presented	Classification
1	60cm Large Soft Elephant Pillow		No EU address No CE Mark No Fire & Furnishings labelling	PASSED - BS EN71-2: 2011 + A1:2014 Flammability PASSED - Azo Dyes content to (EC) No 1907/2006 REACH - Annex XVII Substance 43	Labelling failures Potential Fire & Furnishings non-compliance	Illegal
2	Magic Water Drawing Board		No EU address, CE mark or warnings Artwork style is aimed at under 3 years children and product contains a small part (pen top) which may also fail BS7272 as it has no ventilation	No testing conducted	Labelling failures Incorrect (unsafe) age labelling	Unsafe
3	100 pc Magnetic Building Blocks		No EU address, CE mark or warnings Small parts magnetic parts	FAILED - BS EN71-1:2014+A1:2018 - Safety of Toys Mechanical and Physical Properties 4.23.2 Magnetic flux above limit 7.2 Toys not intended for children under 36 months	Labelling failures Incorrect (unsafe) age labelling EN71-1 Failure - magnets	Unsafe
4	Craft balloon inflator		CONFIRMED COUNTERFEIT No EU address	FAILED - BS EN71-1:2014+A1:2018 - Safety of Toys Mechanical and Physical Properties 6 (a) Plastic sheeting and bags PASSED - Phthalate Content to (EC) No 1907/2006 REACH Annex XVII	Labelling failures EN71-1 Failure plastic sheeting	Unsafe
5	Crown snacks family game		No EU address	PASSED - Commission Regulation (EU) No. 10/2011 and Its Amendments Overall migration of plastic materials in contact with food (Acetic Acid and Ethanol) Specific migration heavy metals Specific migration phthalates	Labelling failures Confirmed counterfeit (by brand)	Illegal
6	Animal Rocker		No EU address	No testing conducted	Labelling failures	Illegal
7	Infrared R/C Smart Dog		Incorrect 0-3 sign - states 0-8 Warning displayed for under 8's	FAILED - BS EN62115:2005 + A12 2015 - Electric toys Safety 7 - Marking and Instructions	Labelling failures EN62115 marking and instructions	Unsafe

8	80 pc Cutting Cake Food toy		Age recommendation only No other information on packaging No EU address, CE mark or warnings Small food imitating parts and small party blower	No testing conducted	Labelling failures Incorrect (unsafe) age labelling Possible Food Imitation fail	Unsafe
9	Avocado Stuffed Pillow		No EU address, CE mark or warnings No Fire & Furnishings labelling	No testing conducted	Labelling failures Potential Fire & Furnishings non-compliance	Illegal
10	204 pc Magnetic Toy Building Blocks		No EU address, CE mark or warnings Small parts magnetic parts	FAILED - BS EN71-1:2014+A1:2018 - Safety of Toys Mechanical and Physical Properties - FAIL 4.23.2 Magnetic flux above limit 4.9 Protruding parts 6 (a) Plastic sheeting and bags 7.2 Toys not intended for children under 36 months	Labelling failures Incorrect (unsafe) age labelling EN71-1 failure	Unsafe
11	LOL Electric Princess Doll		CONFIRMED COUNTERFEIT No EU address	FAILED - BS EN62115:2005 + A12 2015 - Electric toys Safety 7 - Marking and Instructions FAILED - Phthalate Content to (EC) No 1907/2006 REACH Annex XVII	Labelling failures EN 62115 markings failure DEHP Phthalate failure Confirmed counterfeit - brand taking action	Unsafe
12	Kids Wooden Toolset		No address No CE Mark Small parts warning is not correctly worded. 0-3 sign is not correct	No testing conducted	Labelling failures	Illegal
13	Plants v Zombies		No EU address, no CE Mark, no Warning Strong smell on opening box Small Parts (balls)	PASSED - BS EN71-1:2014+A1:2018 - Safety of Toys Mechanical and Physical Properties 7.2 note made regarding warning for small parts must be in national language of which toy is marketed PASSED - Phthalate Content to (EC) No 1907/2006 REACH Annex XVII	Labelling failures Incorrect (unsafe) age labelling Warning in Chinese not English Small balls under 3 safety issue	Unsafe
14	Kids Magnetic Writing / Drawing Board		No EU address, no CE mark	PASSED - BS EN71-1:2014+A1:2018 - Safety of Toys Mechanical and Physical Properties	Labelling failures	Illegal
15	Fire Truck		All information on box in Chinese. No EU address, no CE Mark, no warnings Light did break off easily / small part but for over 3 years despite photograph of young child	No testing conducted	Labelling failures Incorrect (unsafe) age labelling	Illegal

16	Frozen Elisa Anna Doll		No address, no warnings No license holder logo possible counterfeit toy	FAILED - BS EN71-1:2014+A1:2018 - Safety of Toys Mechanical and Physical Properties 5.2 fillings - fibrous fillings – coverings PASSED - Azo Dyes content to (EC) No 1907/2006 REACH Annex XVII Substance 43	Labelling failures Confirmed counterfeit (by brand)	Unsafe
17	Wooden Tree		No address CE mark < 5mm No choking warning (could be in Chinese). There are small parts. Obviously not suitable for under 3 years	No testing conducted	Labelling failures Incorrect (unsafe) age labelling	Illegal
18	Plush Cat with sounds		Advertised for babies No age on product No small parts but fur/hard glue patch/small part came away easily	No testing conducted	Labelling failures Incorrect (unsafe) age labelling	Unsafe
19	Garden Bugs Playmat		Incorrect labeling. From birth but small parts warning and 0-3 sign. No address. Small part clip broke off easily Overhead battery compartment not sealed	No testing conducted	Labelling failures Battery acid risk and small parts for baby toy	Unsafe
20	Super Wings Planes Transformers		No CE Mark No EU address (web page and email only) 3+ warning in Chinese and there are small parts	No testing conducted	Labelling failures Possible Counterfeit	Illegal
21	Magnetic Drawing Board		No EU address, no CE Mark, no warnings	No testing conducted	Labelling failures	Illegal
22	Dinosaur Light Sound Egg		No EU address, no CE Mark Did not work. Short circuit possible on tail terminals which would fail EN62115	No testing conducted	Labelling failures Electrical safety	Unsafe
23	Soft Toy Dog Pillow		No EU address, no CE Mark, no warnings No Fire & Furnishings markings	No testing conducted	Labelling failures Potential Fire & Furnishings failure	Illegal

6. Testing Results by Product - AliExpress







The following table summarises the BTHA's initial findings and the subsequent testing carried out. Not all toys were subjected to all applicable tests so the following is only a snapshot of the sort of non-compliances that may be present in the products.

No.	Product Name	Photo	Initial findings	Results of selected tests	Summary of hazards presented	Classification
1	Luminous pillow Christmas toys, Led light pillow, plush pillow, colourful stars pentagram, kids' toys, birthday gift		Safety Fail - battery compartment Advertised from Birth 0-3 sign on label No CE Mark No other information Screw hole but No screw provided on battery compartment Fire & Furnishings (no indication / labelling)	FAILED – EN62115 Clause 7: Marking and Instructions PASSED – Azo Dyes	Labelling failures Markings and Instructions Potential Fire & Furnishings non-compliance	Unsafe
2	Disney Pixar cars 3 track parking lot		POSSIBLE COUNTERFEIT UNDER INVESTIGATION	No EU address No licensor branding	PASSED – EN71-3 Labelling failures Possible counterfeit	Illegal
3	BD 110pcs Magnetic Blocks Magnetic		Small parts - No 0-3 or choking hazard warning No EU address	FAILED - BS EN71-1:2014+A1:2018 - Safety of Toys Mechanical and Physical Properties 4.23.2 Magnetic flux above limit 6 (a) Plastic sheeting and bags	Labelling failures Incorrect (unsafe) age labelling EN71-1 magnets and plastic sheet failure	Unsafe
4	Traffic Jam Puzzle Logic		No EU address	No testing conducted	Labelling failures	Illegal
5	Big Marble Race Run		Small parts - No 0-3 or choking hazard warning No EU address, no CE mark Blocks were similar to Lego Duplo so aimed at younger children	No testing conducted	Labelling failures Incorrect (unsafe) age labelling	Unsafe
6	6 Piece Baby Rattle		No EU address (Chinese only)	No testing conducted	Labelling failures	Illegal
7	Space Shuttle Magnetic assembly toy		No EU address	No testing conducted	Labelling failures	Illegal
8	Sound Record Talking Hamster		No packaging or label No EU address, CE mark (not on pack but was engraved on the base of the toy) or warnings	No testing conducted	Labelling failures	Illegal

9	Baby Silicon Teether		No packaging or label No EU address, CE mark or warnings	FAILED - BS EN71-1:2014+A1:2018 Mechanical and Physical properties 4.11 Mouth actuated toys 5.1 General 5.8 Shape and Size 7 Warning markings and instructions for use PASSED - EN71-3	Labelling failures Failure EN71-1 small parts created and wrong shape of teether - choking hazards	Unsafe
10	Itching Powder		Age warning symbol used for 0-14 age group No EU address	No testing conducted	Labelling failures	Illegal
11	Anime Soft Toy		No EU address, CE mark or warnings	No testing conducted	Labelling failures	Illegal
12	Penguins on Ice		No EU address	No testing conducted	Labelling failures	Illegal
13	Magnet Pad Drawing Board		No EU address, CE mark or warnings	No testing conducted	Labelling failures	Illegal
14	Wall Game		No EU address 0-3 logo incorrect format	No testing conducted	Labelling failures	Illegal
15	Toilet Trouble Game	CONFIRMED COUNTERFEIT 	No 0-3 sign No CE Mark No address No licensor label on toy	No testing conducted	Labelling failures Confirmed counterfeit (by brand)	Illegal
16	Face Money Box		No address No screw closure on battery compartment.	FAILED - EN62115:2005+A12:2015 Electrical Safety 7 Marking and Instructions	Labelling failures EN62115 Markings and instructions failure	Unsafe
17	Thomas & Friends Railway Mini Trains	CONFIRMED COUNTERFEIT 	0-3 sign only, no other information. no licensor label on product	No testing conducted	Labelling failures Confirmed counterfeit - removed from platform	Illegal
18	Magnetic Jigsaw		No EU address, no CE mark or warnings No 0-3 age warning but contained small parts	No testing conducted	Labelling failures Incorrect (unsafe) age labelling	Unsafe
19	Insect Building Blocks		No EU address, no CE mark or warnings No 0-3 age warning but contained small parts Toy arrived loose in jiffy bag. No information	No testing conducted	Labelling failures Incorrect (unsafe) age labelling	Unsafe

20	Peek a Boo Elephant plush toy		No EU address (Canada Address on label) 3+ on label - toy is a plush toy aimed at all ages	No testing conducted	Labelling failures	Illegal
21	Magnetic Fishing Game		No CE Mark No address (all info in Chinese) Incorrect choking hazard warning	No testing conducted	Labelling failures	Illegal
22	Dress up Soft Toy		No address Hole/split in face seam. Access to stuffing	No testing conducted	Labelling failures Access to stuffing (EN71-1 failure)	Unsafe
23	Remote Control Tarantula		No EU address	No testing conducted	Labelling failures	Illegal
24	Gardening Tools		No EU address, no CE mark or warnings	No testing conducted	Labelling failures	Illegal
25	Useless box with sound		No EU address No CE Mark No 0-3 or small parts No screw provided in battery compartment. Exposed circuits which would fail EN62115	No testing conducted	Labelling failures Electrical Safety - Exposed circuits. Potential fail on battery compartment closure	Unsafe
26	Electronic Discovery Kit		Open battery compartment No EU address No CE Mark No 0-3 or small parts 8+ on box but photo of young child playing with toy	PASSED - EN71-1 FAILED - EN62115:2005+A12:2015 Electrical Safety 7 Marking and Instructions	Labelling failures Incorrect (unsafe) age labelling	Unsafe
27	Baby Play mat		No EU address, no CE mark or warnings Seam was easily broken exposing foam filling which would fail EN71-1	No testing conducted	Labelling failures EN71-1 access to filling	Unsafe
28	Pull along cars and playmat		Chinese address only No other information Strong smell from enclosed playmat	No testing conducted	Labelling failures	Illegal
29	Tonka Wooden Assembly Toy		States 8+ but No 0-3 or warning No EU address, no CE Mark Toy considered not suitable for under 3 years No licensor label on product	No testing conducted	Labelling failures Product investigated by brand, genuine toy but sold by third-party seller in the wrong market. Made for USA so incorrectly labelled	Illegal
30	Harry Potter Movie Castle	POSSIBLE COUNTERFEIT  UNDER INVESTIGATION	No EU address No licensor label on product	No testing conducted	Labelling failures Possible counterfeit - brand investigating	Illegal

31	"Real Fur" Cat animal		No EU address, no CE mark, no warnings Stated as real rabbit fur on advertising No information on product/packaging Grey area but could be purchased as a toy	No testing conducted	Labelling failures	Illegal
32	Dinosaur Kit		No EU address	PASSED – EN71-3	Labelling failures	Illegal
33	Fruit love Rabbit doll		No EU address, no CE mark, no warnings	No testing conducted	Labelling failures	Illegal
34	Tic Tac Tongue Board Game		No EU address Mouth pieces were small parts which would fail EN71-1 Lion Mark – not BTHA members	No testing conducted	Labelling failures Small part mouthpieces	Unsafe
35	Electric Walking Unicorn		No EU address, no CE mark, no warnings	FAILED - BS EN71-1:2014+A1:2018 Mechanical and Physical properties 5.1 General 5.2 (b) fillings - small parts - coverings 5.4.2.1 cords and chains 5.4.4 fixed loops, tangled loops and nooses	Labelling failures EN71-1 failure	Unsafe
36	Kids Doctor Set	POSSIBLE COUNTERFEIT  UNDER INVESTIGATION	All information in Chinese No address, No CE mark No licensor label on product NB. Parts within the toy are not small but handle fell off easily - small part.	No testing conducted	Labelling failures Possible counterfeit	Illegal
37	Numbers, Symbols Transformer		Name of manufacturer (no EU address) No 0-3 sign No small parts warning No CE Mark	No testing conducted	Labelling failures	Illegal
38	Wooden Animal Blocks		No EU address (Chinese only)	No testing conducted	Labelling failures	Illegal
39	Xylophone		No EU address, no CE mark, no warnings	No testing conducted	Labelling failures	Illegal
40	Electric toy Drill set		No EU address	No testing conducted	Labelling failures	Illegal

42	Disney Frozen Dolls		No packaging No EU address, no CE mark, no warnings Small parts included Identical dolls found boxed in recall on RAPEX A12/1683-17 due to phthalates content No licensor label on product	PASSED – EN71-1 Comment regarding requirement for 3+ small parts warning FAILED – Phthalate content REACH Annex XVII	Labelling failures Chemical content Incorrect (unsafe) age labelling Confirmed counterfeit – confirmed as same product from RAPEX 2017 by brand	Unsafe
43	Pimple Pete Game		No EU address	No testing conducted	Labelling failures Confirmed counterfeit – brand taking action to remove	Illegal
44	R/C Animals		No information on packaging CE mark on toy only Small parts warning on instruction leaflet enclosed. No Radio Equipment Directive labelling	No testing conducted	Labelling failures	Illegal
45	Walkie Talkies		No EU address CE Mark only. No other information on packaging. Battery compartment - no screw closure. No Radio Equipment Directive labelling Grey area – potential non-toy	No testing conducted	Labelling failures Potential fail on battery compartment closure	Illegal
46	Inflatable Flamingo		No EU address Store contact address on leaflet No other information Warning on inflatable not to leave child unattended – warnings not correct to standard	PASSED – EN71-1 PASSED – Phthalate content	Labelling failures Missing use warnings (adult supervision and keep within own depth)	Unsafe
47	High Speed Climb Monster car		No EU address	No testing conducted	Labelling failures	Illegal

Appendix 3:

Currently active online marketplaces

Amazon

Amazon launched in the UK in 1998:

<https://www.retail-week.com/amazon/amazon-uks-15th-birthday-milestones-since-its-1998-launch/5053955.article?authent=1>

In US, launched third party seller marketplace in 1999.

<https://edition.cnn.com/interactive/2018/10/business/amazon-history-timeline/index.html>

Ebay

Launched in 1995, went worldwide (including UK) in 1999.

<https://www.ebay.co.uk/gds/History-of-Ebay-/10000000008868464/g.html>

Aliexpress (subsidiary of Alibaba Group)

Launched in 2010, Aliexpress is an ecommerce platform for Chinese individuals and companies to sell their products to overseas consumers.

<https://www.chinacheckup.com/blogs/articles/what-is-aliexpress>

wish.com (ContextLogic Inc.)

Bloomberg states incorporated in 2010, based in San Francisco, CA.

<https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=127912549>

Gumtree

Incorporated on 28 February 2000, London-based, acquired by eBay in 2005.

<https://beta.companieshouse.gov.uk/company/03934849>

Etsy

Launched in 2005:

<https://venturebeat.com/2015/03/05/a-brief-history-of-etsy-from-2005-brooklyn-launch-to-2015-ipo/>

Not on the High Street

Incorporated October 2005:

<https://beta.companieshouse.gov.uk/company/05591382>

GAME Marketplace

Marketplace was launched in March 2015:

<http://www.gamedigitalplc.com/media-centre/press-releases/pr-2015/16-mar-2015>

Game Digital PLC was incorporated in May 2014:

<https://beta.companieshouse.gov.uk/company/09040213>

Lesser Knowns

Shpock

Bloomberg states launched September 2012, owned by Finderly GmbH, an Austrian company

<https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapid=170901083>

Flubit.com

Incorporated November 2011, company number 07431943

<https://www.webretailer.com/lean-commerce/flubit-uk-marketplace/>

<https://beta.companieshouse.gov.uk/company/07431943>

Onbuy.com

Launched 1 November, 2013

<https://tamebay.com/2013/10/onbuy-british-marketplace-launches-1st-nov.html>

Bonanza

Seattle-based US company. Founded in 2008.

https://www.bonanza.com/about_us

Zibbet

Australian company, launched February 2009.

<https://www.startupdaily.net/2016/07/zibbet-ecommerce-marketplace/>

eBUYgumm.co.uk

Launched August 2018

<https://beta.companieshouse.gov.uk/company/10915997>

Folksy

Incorporated October 2006

<https://beta.companieshouse.gov.uk/company/05968981>

Fruugo

Marketplace for retailers & shoppers operating in 23 countries across the globe.

Fruugo.com, incorporated April 2008

<https://beta.companieshouse.gov.uk/company/06553460>

Personal Group

Personal Group Holdings PLC was incorporated in May 1996:

<https://beta.companieshouse.gov.uk/company/03194991>

The hapi platform was launched in 2015, and the hapi app one year later.

Source: latest Annual Accounts

Coolshop

The history of Coolshop, formed in 2003, in Denmark.

<https://www.coolshop.co.uk/minisite/t/about-us>

Coolshop Online UK Ltd was incorporated in February 2005.

<https://beta.companieshouse.gov.uk/company/05355891>

Appendix 4: Glossary

Authorised Representative	Under the Toys (Safety) Regulations 2011, a person established within the EU who is appointed by a manufacturer to act on its behalf in relation to specified tasks.
Illegal toys	References to toys being considered 'illegal' indicate identified failures to comply with the Toy Safety Directive.
Tertiary brands	These brands typically have less revenue potential, but they contribute to a smaller company's income or they contribute to the overall image of a company in some way. They may have a registered brand name but one less known to consumers, or they may not have a brand name but rather just descriptors – i.e. they are more of a generic line. This generic line may bring in minimal revenue for the company, but it fills a need within a niche market so the company continues to manufacture it under the unregistered name.
Direct Retailer	This is when an online marketplace acts as a retailer. They buy toys directly from a supplier (UK, EU or Worldwide) and sell that toy to a consumer. In this scenario there are clear obligations they need to undertake.
Distributor	Under the Toys (Safety) Regulations 2011, any person who is in the supply chain for a toy (other than the manufacturer or importer) who makes the toy available on the EU market.
Fulfilment House	This is when the online marketplace provides a fulfilment service to the sellers on the marketplace. The third-party seller (see below) places the item on the platform for sale but instead of shipping a sold item themselves the toys are stored in the warehouse facilities of the online marketplace. Once a customer buys a toy on the platform the online marketplace accepts, fills and ships the order.
Importer	Under the Toys (Safety) Regulations 2011, any person established within the UK who places a toy from a third country on the EU market.
Manufacturer	Under the Toys (Safety) Regulations 2011, the person who manufactures a toy or has a toy designed/manufactured and markets that toy under that person's name or trademark.
Third party vendor	Third Party vendors are those that load their own products onto the platform, receive orders directly from a customer and fulfil those orders directly to the buyer. In most instances the only involvement with the platform owner is to provide details to list the item on the platform, to start selling, and to provide a fee for the listing and a percentage of the sale value to the platform. They can be UK manufacturers or other retailers, importers, globally based companies or individuals working from home.

Appendix 5:

Summary of BTHA consumer survey on online marketplaces

Objectives:

To assess consumer opinions regarding online toy safety and online marketplace toy purchasing decisions.

Research done in May 2019 by

The Insights People, 73-75 Lever Street, Manchester, M1 1FL

Key findings:

From online survey of 307 parents of children aged 0-8 years, representative in terms of socio economic grading.

Purchasing:

- 54% of parents are spending more than £15 per month on toys.
- 65% buy traditional/real world toys simply as 'a treat' as well as the more traditional occasions of birthdays (88%) and Christmas (82%).
- 32% of parents buy more toys online than in store.
- 43% of parents are spending more online on toys than they did in the past.
- In 77% of households, it is the mum who is responsible for purchasing toys online.
- 62% say that the child is influential in the toy purchase.
- 41% mention a site or store that they would not purchase from, mainly due to lack of trust, uncertainty around safety and poor quality of items.

Buying Online:

- 74% buy toys from Amazon, mainly due to prices (73%), quick delivery (62%) and familiarity (51%).
- Company websites are the most trusted, mentioned by 57% of parents.
- 46% mention that the quality of items is in their top 3 areas of importance when buying online.
- 32% mention that safety of items is in their top 3 areas of importance when buying online.

Required reassurances:

- Reassurances are required early in the online purchase process – 42% state 'when initially browsing' and 42% state 'when click for more information/details'.
- 46% of parents are aware of the Lion Mark.
- 60% state that this type of mark/standard would provide reassurance.
- When prompted, 84% agree that there should be a recognised safety mark to help parents when buying toys online.
- 83% agree that more should be done to ensure that only toys which are safe can be purchased online.

Appendix 6: Consumer Tips

Don't toy with children's safety

Guidance from the BTHA on buying toys from online platforms:

Do some research before you purchase. Search for the company/brand that makes the toy or character you want to buy and then include the company name when you search the online marketplace.

Exercise caution when buying from third-party sellers on online marketplaces. All the toys which were non-compliant with the Toy Safety Directive in our study came from third party sellers. They are often not held accountable for the safety of the products they sell in the same way as UK brands and bricks-and-mortar / direct online retailers and shops. (Third-party sellers are the sellers behind the main branded website). Do not assume that the platform has conducted any tests or checks on these lines.

Look at reviews and be aware of who you are really buying from:

- Some reviews are false and generated by computers. Check all reviews particularly the not so good ones that may be more likely to be genuine.
- Do they have a track record of selling toys? – if not, be cautious.
- Do they have good reviews for the toys they have sold in the past? – if not, be cautious.
- Do they have a UK/EU address listed on the site? – if not, you should question your purchase; you may have difficulty contacting anybody if you have problems

and having a UK/EU address is currently a legal requirement to sell toys in the UK. If the seller doesn't know this, what else didn't they know when making the toy you are about to buy?

- Do the pictures of the child in the marketing match the age warnings on the product?

Be careful of going for the lowest price – if something looks too good to be true, it probably is. The price could be lower due to a number of factors:

- Counterfeit product - not made to the same standards as the original and will be illegal for sale in the UK and may also have the issues below.
- Cheaper material and design that is less durable or unsafe, e.g. high levels of restricted chemicals.
- Correct legal testing and assessments of products is very expensive and means genuinely safe products can cost more to manufacture.

Buy from BTHA members (www.btha.co.uk/about-us/#members). Members sign up to an annual code of practice including commitments on toy safety and toys may carry the Lion Mark symbol to denote they are members. In our study no genuine member product failed any of our safety testing. A number of counterfeit products were identified and our members have reported those to the platforms for removal.

To spot a counterfeit, look out for a product that is cheaper than normal, know who owns the brand and look for their name on the packaging, look for phrases like “compatible with (brand name)”, these are often made to look like the original but will not be genuine.

Once you have made your purchase, immediately check your confirmation receipt. Check the source of the product is who you thought you had bought from. If you have bought from a third-party it will be listed on this receipt.

When you receive your purchase, and importantly, before you give it to your child:

- Check it has an EU address.
- Check it has a CE mark.
- Check the age labelling is appropriate for the age of the child that it is for, as we found in our study small parts that could be a choking hazard for young children that were incorrectly labelled as safe for under 3 years.
- Check it has relevant warnings (e.g. toys not for babies should state “not suitable for under 3's (or the equivalent symbol).
- Packaging generally – does it look genuine, is the print correct, are warnings and labels in the correct language, etc.?
- Many illegal toys we purchased were delivered without any packaging or information at all which means there is no address to contact and no warnings that may be critical for safe play.

When you give the toy to your child make sure you watch them open it and the toy inside is as expected, look out for small parts that were not meant to be there, that there is no access to stuffing materials, that batteries are not supplied loose in the product, that battery compartments are secure when using small batteries or button cells and be careful with small accessible magnets which can be swallowed.

Some products we purchased were listed as toys but were actually for adults (collectible toys or ornaments) these items do not have to comply with toy standards, be careful and make sure the toy is appropriate for your child.


Supervise your child during the initial play. Many of the illegal toys we found broke very quickly releasing dangerous small parts or gel contents.

If you think the toy you have bought is unsafe or illegal write a review to warn other purchasers and talk to your local Trading Standards



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