

Is it safe to shop on online marketplaces?

Consumer research finds 66% of
250 tested products to be unsafe

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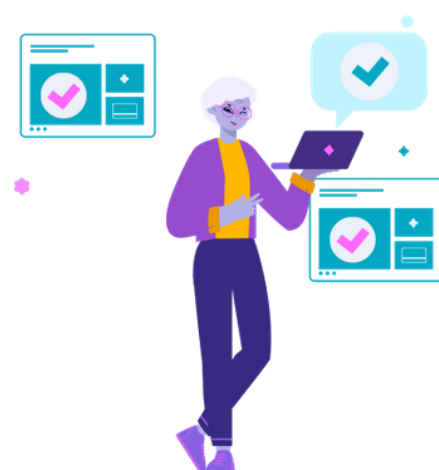
Why it matters to consumers

More and more consumers order products through online marketplaces, most of which are shipped directly to them from outside the EU. While online shopping is convenient, increases choice and can financially be attractive, it also comes with new risks for consumers. Even though consumers have undisputed rights to safety and consumer protection, research and testing shows that many of these products are unsafe and are illegally sold to EU consumers. Consumers therefore unfortunately do not have the same level of safety when purchasing online as they do when buying in traditional brick and mortar stores. Moreover, a range of other consumer rights is regularly being violated, such as the right to return products and to benefit from legal guarantees when things go wrong.

Summary

In 2020, six consumer groups from the BEUC and ICRT¹ networks revealed test results of² 250 electrical goods, toys, cosmetics and other products bought from online marketplaces³ such as Amazon, AliExpress, eBay and Wish. They selected the products based on possible risks and found that 66% of them fail EU safety laws and standards with possible consequences such as electric shock, fire or suffocation. Based on these shocking test results, BEUC has developed policy recommendations aiming to improve the EU's legislative framework. In this paper we give:

- An **overview** of how dangerous, illegal, and non-compliant products end up in consumers' homes and what the legal and enforcement loopholes are.
- A **comment about the COVID-19 impact** on the safety of products sold online.
- Consumer research results on scams.
- **Policy recommendations** concerning the ongoing and upcoming reforms of the E-Commerce Directive, the General Product Safety Directive, and the Product Liability Directive. We also give recommendations on how to improve market surveillance of key safety legislation in the EU internal market, and how to make sure consumers benefit from the ongoing negotiations at the international level on e-commerce.
- **Tips** to consumers on how to stay safe.
- What online marketplaces can do to meet consumers' legitimate **safety expectations**.
- A **summary of the results** from our members' testing and research project on online marketplaces.



¹ <http://www.international-testing.org/>

² <https://www.beuc.eu/publications/two-thirds-250-products-bought-online-marketplaces-fail-safety-tests-consumer-groups/html>

³ Online marketplaces facilitate the sales of goods and services. We look here only at the sales of products.

1. Online marketplaces – How to know the good, the bad and the ugly?

In recent decades, technology has radically changed the way we consume. Online marketplaces have established themselves as intermediaries to exchange and buy goods and services. The reason is simple: online shopping is competitively priced, offers a large choice of products and services from all over the world, combined with flexibility and convenience. Although online shopping opens the door to a larger choice and convenience, it brings serious risks to consumers' health and safety. For example, through consumer testing we found products which can cause fire, lead to serious injuries, and contain large amounts of unwanted chemicals.

While the EU has a safety and product liability framework in place, sellers including those located in non-European countries have entered the European market via online marketplaces⁴, marketing products made under less advanced safety rules and technical standards of production. Due to loopholes in the legislative framework, national market surveillance authorities fail to hold sellers from outside the EU liable and more generally, to be effective with their enforcement actions.

Online marketplaces – A multitude of business models

In online trade, marketplaces carry out different roles. First, they act as intermediaries between suppliers and consumers. This means that consumers order and pay for products on the online marketplaces. The goods are then sent directly to consumers' homes via postal services or courier from suppliers who are often located outside the EU. Second, the online marketplace sometimes also takes care on behalf of the supplier of storing, packaging, shipment and after sales customer care issues such as handling returns and refunds ('fulfilment'). Third, online marketplaces act themselves as retailers, selling their own branded products.

This distinction is important as consumers today do not experience the same level of protection in all three business models: online platforms can be held liable when selling their own branded products, provided this online marketplace has an operational seat in the EU. However, loopholes in the legislative framework prevent authorities from enforcing the law when products are from suppliers outside the EU. Consumers might not – and should not be expected to – make the difference and they often trust that products made available through this channel are safe, but we are confronted with a Trojan horse situation. Customs who are in charge of blocking such goods at the outside borders of the EU are largely understaffed and cannot handle the ever-increasing influx of products. Online platforms also do not appear to check the safety of products before these are listed on their website. As a result, consumer products are being sold to Europeans that could impact their physical safety.

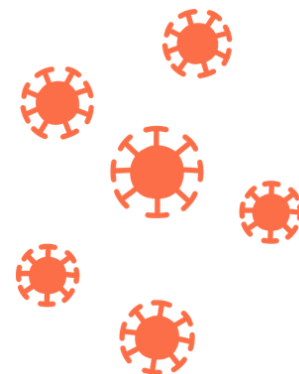
⁴ Amazon's Heavy Recruitment of Chinese Sellers Puts Consumers at Risk, The Wall Street Journal, 11 November 2019.

2. COVID-19 – online marketplaces as solution or fire accelerant for health and safety issues?

The COVID-19 pandemic is also acting as a magnifier when it comes to unsafe products on online marketplaces.

Consumers have turned even more to e-commerce to get access to essential goods – such as face masks, hand sanitisers and test kits – and to reduce social contacts while shopping. Unfortunately, fraudsters have been able to make large illicit profits⁵. In addition to soaring and unethical prices, many products were counterfeit, ineffective to protect against the virus and non-compliant with EU standards, thereby potentially threatening the health and safety of many people.

The pandemic perfectly illustrates the dependence of consumers on e-commerce but also the influence and power exercised by such platforms on our economy and society. Considering the whole set of illegal products sold on their platforms, the liability of online marketplaces is more than ever a ‘call to action’ that European policy makers must take into consideration⁶.



3. Connecting the world to fraudsters – Scams go far beyond product safety issues

As consumer research and testing from our UK member Which? has been demonstrating, scams on online platforms go far beyond mere product safety issues only.

Consumers are being misled at large scale about products’ properties, quality, and safety through fake reviews on online marketplaces⁷.



Consumers are also frequent victims of scams on social media platforms where they are confronted with fake ads, fake products, fake celebrity endorsements and lottery scams, job scams and investment scams. The personal consequences can be dramatic such as experiencing financial loss, loss of privacy and emotional harm⁸.

Concerningly, many internet users believe that they are able to detect at first sight such scam and that they are unlikely to become a victim themselves whereas consumer research from Which? has demonstrated that even experienced users are likely to fall frequently into traps in the online world⁹.

⁵ OLAF launches enquiry into fake COVID-19 related products, 20 March 2020, https://ec.europa.eu/anti-fraud/media-corner/news/20-03-2020/olaf-launches-enquiry-fake-covid-19-related-products_en and World Customs Organisation, 23 March 2020: COVID-19 Urgent Notice: counterfeit medical supplies and introduction of export controls on personal protective equipment, http://www.wcoomd.org/en/media/newsroom/2020/march/covid_19-urgent-notice-counterfeit-medical-supplies.aspx

⁶ EU business regulation, « Amazon and eBay should be liable for faulty goods, says EU group », 2020, p.2.

⁷ <https://press.which.co.uk/whichpressreleases/revealed-amazon-plagued-with-thousands-of-fake-five-star-reviews/>

⁸ <https://www.which.co.uk/policy/digital/6514/connectingfraudsters>

⁹ Which (2020): Connecting the world to fraudsters. Report, <https://www.which.co.uk/policy/digital/6514/connectingfraudsters>

This is an important behavioural finding which needs not only to be properly incorporated in the EU's product safety and market surveillance strategies but also in a wider consumer protection context. Therefore, the EU must come forward with a very broad approach to keep consumers safe in online markets. Below, we outline in our policy recommendations what such a broad approach should look like.

4. Policy recommendations: Urgent need for a coherent reform of key legislative instruments



The General Product Safety Directive (2001) as well as sector-specific product safety legislation, the E-Commerce Directive (2000) and the Product Liability Directive (1985) constitute the main legal tools in European Law to address product safety in online markets. Considering the rapid increase of technologies, development of business models and online trade volumes in recent years, legislation needs to be overhauled and better enforced.

BEUC has produced a series of more detailed policy recommendations to create an overarching protective legislative framework at EU level.

4.1. The General Product Safety Directive (GPSD)

The purpose of the GPSD is to ensure that only safe products are sold on the market. The GPSD defines general requirements for safe products and requires businesses to inform consumers of any risk associated with the products supplied. The Directive includes market surveillance measures to make sure that dangerous products can be taken off the market. It complements sector-specific laws that regulate for example the safety of electrical and electronic goods, toys, cosmetics but also other groups of products¹⁰.

In our policy paper *[‘Achieving a higher level of consumer safety through a revision of the General Product Safety Directive’](#)* we argue that the EU Regulation on market surveillance and compliance of products from 2019 needs to be applied to all consumer products as currently only some sectors profit from better market surveillance rules¹¹. New tools that have been given to Member States for better enforcement of product safety legislation on online marketplaces, such as the right to enter fulfilment centers to take samples for testing and to carry out mystery shopping on online marketplaces, should be made available for enforcement actions of all consumer products.

When it comes to product safety at online marketplaces, the future General Product Safety Directive should even go further than the market surveillance regulation: market surveillance authorities should be able to address all safety related enforcement actions towards the online marketplace and hold them ultimately liable for non-compliance, under certain circumstances. Without new powers for market surveillance authorities – which create a level playing field between online markets and physical stores – consumers will never have the same level of protection, and enforcement will remain burdensome and ineffective.

4.2. The E-Commerce Directive and the DSA

The E-Commerce Directive establishes a horizontal legal framework for online services in the internal market. It regulates transparency and information requirements for online service providers, commercial communication, including electronic contracts and limitations of liability of intermediary service providers when dealing with illegal activities online. A reform of the E-Commerce Directive is ongoing as part of the Digital Services Act (DSA)¹².

When the E-Commerce Directive was adopted in 2000, platforms like Amazon were in their infancy. Many other intermediaries did not even exist. For example, Wish and AliExpress saw the light in 2010. Over the past 20 years, the business models of some of these and other companies changed. The market power dynamics have also changed.

In *[‘Making the Digital Services Act working for consumers’](#)* we argue that consumer protection and safety must be added to the main legal objectives of the current Directive. The rules must apply to all service providers, irrespective of whether they are established in the EU or a third country. To this end, the legislator can draw inspiration from the General Data Protection Regulation, but also learn from its mistakes.

¹⁰ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0095&from=EN>

¹¹ While there will be better means to enforce product safety legislation related to toys, cosmetics, machinery and electric appliances and other specific sectors, many consumer products such as bikes, furniture, textiles, for example are left out of the scope. However, consumer safety should not depend on the product group at stake but be enforced properly for all product categories in the EU internal market.

¹² The European Commission [published](#) the draft Digital Services Act in December 2020. The Impact Assessment on the DSA refers to BEUC’s members research on illegal activities online. We are currently analysing the legislative proposal and will provide more detailed recommendations in due time.

There should be a clear distinction between online marketplaces and other types of hosting services, including within the same company. For example, Facebook can act both as a social network, as a marketplace and an advertising company in which consumers can buy a product. If one part of the business can be considered as a marketplace, the legislative requirement on e-commerce should fully apply to that part of the business. The way in which the current directive regulates hosting providers is being used by some platforms (including online marketplaces) to shield themselves from any accountability or not taking any meaningful action for fear of liability.

BEUC's main demands on the DSA

1. A 'toolbox' of obligations applicable to all type of platforms, not just online marketplaces, as appropriate. This toolbox should include:

- Robust seller authentication and verification process obligation.
- Principles for notice and action procedures, while noting a one-fits-all process for all types of illegal content would not be appropriate.
- Meaningful transparency and design requirements, including stricter rules for advertising and content optimisation schemes.
- An obligation for platforms to share relevant data with competent authorities and independent researchers, redacting or anonymising personal data, as appropriate.

2. A special liability regime for online marketplaces:

- Where the platform has a predominant influence over suppliers.
- For failure to inform about the supplier of the goods or services.
- For providing misleading information, guarantees, or statements.
- If upon obtaining credible evidence, they do not take appropriate measures to remedy the illegal activities at hand.

3. Swift and effective oversight and enforcement.



4.3. The Product Liability Directive

Defective products can cause a wide range of harm to consumers. To protect them from the impacts of such damage, product liability rules have introduced a strict liability regime where producers are liable for their defective products regardless of whether the defect is their fault. Consumers may obtain compensation if they prove that the product was defective and that it caused the damage complained of. As such, strict liability is a fundamental principle that protects both the interests of consumers and society at large so that citizens may live in a safe environment.

In our policy paper *[‘Product Liability 2.0 – How to make EU rules fit for the digital age’](#)* we point out that there is an urgent need to adapt the Product Liability Directive, which was adopted 35 years ago, in order to address the challenges of the digital era and to keep the legislation coherent with the updated GPSD. Such challenges also include the increase in online distribution channels, which disrupts the traditional supply chain and its traditional rules related to liability when things go wrong.

Current EU product liability rules do not cover all actors intervening in the distribution chain. Many intermediaries who come in contact with the product still fall outside the scope of the Product Liability Directive. Yet updated product liability rules need to fully consider the role of these intermediaries.

Online marketplaces play an important role for minimising the harm when it comes to defective products as they have substantial control over the distribution chain and can remove non-compliant products from circulation. If these key actors are not held liable for the dangerous products that they sold, they are not incentivised to prevent their circulation. Moreover, online marketplaces can be clear ‘go-to-points’ for consumers when things go wrong.

Online marketplaces should bear subsidiary liability as suppliers under the PLD. They should no longer be regarded as passive intermediaries. Their role (and the liability deriving therefrom) must be fully recognised.

Online marketplaces should bear subsidiary liability as suppliers under the PLD, and be liable when at least one of the following conditions is fulfilled: (1) the producer cannot be identified, (2) the marketplace fails to inform the consumer in due time of the identity of the producer and does not enable communication between the consumer and the producer by providing him or her with the relevant contact details, (3) the marketplace received clear evidence about non-compliant products on its platforms, (4) the producer is identified but does not take measures to remedy the harm, or if (5) the marketplace has a predominant influence or control in the transaction chain.

In July 2020, in an Opinion supporting a revision of the EU Product Liability Directive, the Committee on the Internal Market and Consumer Protection (“IMCO Committee”) of the European Parliament made it clear that online marketplaces should be held liable under the PLD and highlighted “the fact that online marketplaces, acting as importers or suppliers of the products sold online in the supply chain, fall under the PLD and therefore are liable for damage caused by a defect in the products they have sold, except where they act as a supplier and the producer is identified, in accordance with the relevant provisions of the PLD”.¹³

¹³ www.europarl.europa.eu/doceo/document/IMCO-AD-648381_EN.pdf

4.4. Stepping up market surveillance and customs controls

The new Market Surveillance Regulation emphasises that unsafe products need to be detected before they are released for free circulation on the internal market. While the new rules introduced by this Regulation can make an important contribution for more uniform checks and better information exchange, we urge the European Commission to swiftly do the following:

- Determine uniform conditions for checks and their frequency, including the number of samples to be taken per product category. This should include a specific approach towards checking online marketplaces.
- Set up the necessary digital tools, such as databases and interfaces of existing databases, which will facilitate the exchange of information about dangerous products between customs and market surveillance authorities.

Member States should also better equip customs and market surveillance authorities with additional human, financial and technical resources to increase the number of controls. This is particularly relevant when considering that the new Regulation foresees a suspension of release up to 4 days only when customs authorities stop suspicious products at the borders. If market surveillance authorities do not react within this timeframe, those products will become available to consumers. Without additional staff and knowing that customs authorities work often 24/24h to handle all the incoming goods while market surveillance authorities do not, there is a large risk that many dangerous products continue to slip through the safety nets.

4.5. Strengthening international rules and cooperation for safer online shopping

The EU and more than 80 other members of the World Trade Organization (WTO) launched trade negotiations on 'e-commerce' in 2019. This term has come to encompass a wide range of digital trade themes including enhancing online consumer trust. Our [research](#) shows that EU consumers often do not realise that the trader they are buying from is located outside of the EU. It also found that when Europeans buy online from traders located outside the EU, they [can encounter various problems](#). For instance, it tends to be complicated to contact traders and get easy access to redress if something goes wrong.

The WTO e-commerce negotiations should be used as an opportunity to address these challenges in an international framework. But trade rules alone will not solve the problem. Therefore, the WTO e-commerce outcome should encourage an improvement of the cooperation between regulators across the globe to better protect consumers. They should cooperate on consumer protection, market surveillance, enforcement, competition, redress and dispute resolution. More detailed recommendations can be found in [our factsheet on the WTO e-commerce negotiations](#).

Besides the WTO, there are also other fora: These include the OECD as well as bilateral cooperation agreements on product safety, such as the one the EU signed with Canada in 2018. We strongly encourage the EU Commission to use these channels actively to discuss and improve product safety for EU consumers in globalised markets.

5. Tips to consumers when shopping on online marketplaces

All consumer groups who participated in this joint project have made available on their website safety tips for consumers in the national languages¹⁴. Similarly, Toys Industries of Europe, who also carried out a mystery shopping investigation into the compliance of toys sold via online marketplaces, has developed online shopping tips for consumers, which are reflected in the recommendations below.¹⁵

Although being a consumer should not be a full-time job, these tips can be useful until decision makers take responsibility to improve the legal framework and online marketplaces take more steps to increase consumer safety. In addition to delivering unsafe products, consumers are also often conned when they order with online marketplaces: as soon as the money has been transferred, the seller is no longer available, and the products never arrive.

Before putting a product into your online shopping basket

- **Be clear from whom you are buying:** Do you know the company and are contact details available? In some EU countries there is an online tool available to prevent that consumers order on fake web shops and are impacted financially¹⁶.
- **Verify the listing and the photos:** Is the text without spelling mistakes?
- **Avoid buying unbranded products:** While also branded products can sometimes be unsafe, the occurrence of branded products in the EU's rapid alerts system Safety Gate is rather low.
- **Be cautious not to buy counterfeit products:** While it is sometimes difficult to distinguish a real from counterfeit products, a comparison of the pictures and technical specifications as well as the price may give an indication.
- Think twice if the offer appears 'too good to be true'.
- **Be cautious with other people's reviews:** they might be fake or reflect only short-term personal impressions which are not necessarily in line with the overall quality of the product. Many features that a laboratory reveals can be hidden to consumers giving a review, such as chemicals for example.
- **Compare the size of the product on the listing and on the picture:** Does a product appear the same size as in the description? If it concerns toys, are children on the picture playing with toys that are adequate for their age?
- **Know your rights:** look on the website of the platform and check the warranty conditions, conditions to return the product in case of



¹⁴ See for example: <https://www.consumentenbond.nl/online-kopen/tips-voor-het-kopen-bij-een-buitenlandse-webwinkel>

¹⁵ TIE: Tips for buying safe toys online, <https://www.toyindustries.eu/tips-for-buying-safe-toys-online/>. BEUC had already in the past coordinated with TIE and other relevant stakeholders on [toy safety tips for consumers](#).

¹⁶ The webtool is available on the websites of European Consumer Centers. See for example: <https://www.cecbelgique.be/themes/achats-sur-internet/faites-le-webshop-check>.

damage, malfunctioning or safety issues¹⁷ and check the availability of contact details of the marketplace or the seller in case you want to make a complaint.

- Be extra careful when buying electronics, children's clothing, children's toys and cosmetics: Consumer testing demonstrated numerous problems for these product categories.

When the product arrives

- **Check the product's condition upon arrival:** Verify if the packaging is in good condition and if the product has not been damaged during delivery.
- **Check if the customs declaration matches your order** if the product has been shipped from outside the EU: Has the package been labelled as a gift? Does the value match the price you paid? Does the return address match that of the seller?
- Be suspicious when the product is shipped in plain plastic wrapping, especially when the product is unbranded.



Before you start using the product

- **Consider whether the product looks like you expected it when you ordered:** Does it match the description such as the size and does it look like in the picture? Especially clothing often looks better on the picture than it does in real life and sizes/shape are often different.
- **Check the product for any damage or abnormal characteristics:** For example, toys should not have small parts or loose stuffing material. All battery compartments should be completely secured. Does the product have a strong and disturbing scent? It might hint towards the presence of unwanted chemicals.
- **Lack of instructions or labelling of ingredients only in a foreign language is a very bad sign:** Manufacturers are obliged to provide EU consumers with instructions for safe use and with ingredients labelling in a language that is understood in their country.
- If warnings and instructions are available read and follow them: they are there for a good reason.
- **Supervise initial usage of products aimed at children:** If the product turns out to be unsafe, it needs to be taken away from the child.

If you suspect a problem

- **Report potentially unsafe products to your national authorities:** If you suspect a product to be unsafe or illegal, please contact the relevant authority in your country, the online marketplace you bought it from and the seller. If you are unsure who your local authority is, please check the address in the ICSMS database¹⁸ which has a search function for 'authorities'. Online marketplaces and sellers are often difficult to contact and even if they provide a contact point, they do not always respond. You can also leave a review to warn other shoppers.

¹⁷ In the EU, consumers benefit from a legal guarantee of at least two years. At online marketplaces many sellers do not step in for the product for the same time span.

¹⁸ The ICSMS database is a portal developed by the European Commission to provide information and communication system for the pan-European market surveillance. <https://webgate.ec.europa.eu/icsms/>

Other things to know when you buy from online marketplaces

- **Don't get confused with CE marking:** Many products require a CE marking to be legally marketed in the EU: it corresponds to a manufacturer's declaration that the product meets EU standards for health, safety, and environmental protection. While this is not a quality indicator or a certification mark, there is reason to be suspicious when this marking is, for instance, not present on toys and electric appliances or when it looks different than the standardised symbol which is used in the EU. The Chinese have invented a similar look-alike marking (standing for China Export) which is difficult for consumers to distinguish. If in doubt, you can check the EU symbol on the internet.
- **Check additional costs:** Within the EU no additional costs besides possible shipping costs must be paid. For deliveries from outside the EU VAT, customs duty and/or clearance costs may come on top of the purchase price.
- **Be patient:** It may take some time before the product you ordered arrives at your door. The delivery time mentioned on the website is often not very precise (such as between 7 and 25 working days).
- **Don't expect too much:** Products often look better on photos than in real life. Try to avoid disappointments by following the recommendations above and by always checking the pictures and specifications. Some products for instance (e.g. electronics) cannot be used in certain countries if the plug differs. Avoid buying complex products which need clear and precise instructions in your language to safely use them.

6. What online marketplaces can do to meet consumers' legitimate safety expectations

BEUC's member organisations regularly check consumer's attitudes and expectations through different tools including online surveys.

Our UK member Which? engaged for example in summer 2019 through an online forum with its members which confirmed that people do expect marketplaces to have responsibility:

This expectation was reconfirmed in 2020 with an opinion survey of our German member vzbv in which 93% of respondents said that they expect rather online marketplaces to make sure that EU safety rules are respected¹⁹.

Unfortunately, this expectation is largely not met by companies. Our UK member Which? investigated that online marketplaces are failing to adequately respond to reports about dangerous products from consumers and allow items to remain on sale even when they

'Even if they're not actually directly selling the product, they're making money off the merchants on their site, so I think they have a responsibility to be the front line for making sure the products are safe – maybe not doing the checks themselves, but at least verifying the right checks have been done. I don't think a lot of people realise they actually have no legal responsibility.' Female, 18–24, South West.

¹⁹ Verbraucherzentrale Bundesverband (2020): Grenzenloser Ärger statt bequemer Online-Kauf, Grenzenloser Ärger statt bequemer Online-Kauf

have been recalled in the UK and across Europe²⁰. This finding clearly puts the added value of the safety pledge into question.

While more data is currently being collected on people's bad experiences with online shopping on global marketplaces, we can already give the following recommendations on how online marketplaces can better meet consumer expectations:

- Dangerous products once identified should be taken down within 24 hours.
- Online marketplaces should check out their suppliers before admitting them on their marketplace and make sure that those suppliers comply with EU product safety obligations, as unsafe products should not go on sale. This should include a verification whether a contact person has been established on the EU territory, as is required by the new market surveillance Regulation for many consumer products.
- Products and their manufacturers must be clearly identifiable for consumers.
- The new market surveillance Regulation clarifies that online marketplaces who operate fulfilment centres perform many of the same functions of importers. Indeed, having physical access to the products is an important opportunity to keep an eye on the state of the product and to collaborate with the authorities pro-actively on suspicious items.
- It would also be important that platforms exchange among each other data about non-compliant products and sellers to make sure that the products are not being taken down on one website and appear shortly after on a competitor's page.

7. Results from test purchases on online marketplaces

BEUC has compiled an [extensive list](#) of available consumer research about unsafe and illegal activities online which is regularly being updated with the most recent evidence from our national member organisations. The findings are concerning for consumer health and safety, as well as from a fair market perspective.

In November 2020, the Swedish Consumers' Association and the Swedish National Electrical Safety Board released for example findings about unsafe direct imports via online marketplaces: 26 out of 28 electric products turned out to be dangerous, this is 93%. Among the tested products were USB chargers, household appliances and night lights, purchased from Wish, Ebay and AliExpress. Aside from the absence of mandatory markings and information, the testing revealed many products to risk subjecting consumers to electrical shocks and fire hazards. Would the sellers be located in the EU, the authorities would have ordered a sales ban²¹.

Besides consumer organisations' research and testing, more and more European based manufacturers' and retail associations are looking into the high non-compliance rates and urge policy makers to act

²⁰ Which? (2020): Online marketplaces fail to remove banned products – even after consumers report them, Which? finds, <https://press.which.co.uk/whichpressreleases/online-marketplaces-fail-to-remove-banned-products-even-after-consumers-report-them-which-finds/>

²¹ Swedish Consumers' Association (2020): [93 procent direkt farliga! Nytt test av nätjättarnas elprylar](#)

against unsafe products on online marketplaces to keep consumers safe such as in the cosmetics²², lighting products²³ and toys²⁴ sectors.

7.1. BEUC and ICRT collaboration: shopping 250 products from online marketplaces

In 2020, six members of the BEUC and International Consumer Research and Testing (ICRT) networks – Test Achats/Test Aankoop, Altroconsumo, Consumentenbond, Forbrugerrådet Tænk, Stiftung Warentest and Which? – released the results of 250 products bought from online marketplaces to check their compliance with EU safety. As this project has been a large joint effort of consumer organisations across the EU to contribute evidence to EU policy making²⁵, the results will be described below in more detail. The purpose of this project was to:

- Raise awareness and clarity for European consumers about the potential risks of purchasing from an online marketplace and how this is different from purchasing on the high street in brick-and-mortar stores. Consumers have been informed in the respective countries through a series of consumer magazine and website articles.
- Raise awareness with policy makers and enforcement authorities across the EU including on the need to improve regulations and market surveillance. This has been achieved through evidence collections and outreach activities at national and European level. BEUC has been invited to share the results with different EU Commission working groups and enforcement forums.
- Achieve a removal of unsafe products from online marketplaces. While there has been an outreach to different marketplaces through the national consumer groups, we experienced multiple obstacles. Sometimes there was no reaction from the marketplace. Sometimes the products were successfully removed. However, we also observed a reappearance of products even though they were still dangerous. In some cases, the marketplace did respond but did not see any reason why the products should be taken off the market and sometimes we could not reach out as no point of contact could be identified.
- Urge market surveillance authorities to develop proper strategies for the surveillance of online marketplaces and step up their efforts.

7.2. Methodology

In total 250 products were bought from the following online retailers and marketplaces: Amazon, Amazon Marketplace, AliExpress, eBay, Wish and LightInTheBox.

The products were selected based on possible risks from different categories such as electronics, toys and cosmetics.

All products were firstly visually examined. This first step was sufficient to demonstrate that several of them were unsafe and/ or illegal. These were for example children's toys with too small and detachable parts, or products with erroneous or missing information on the package²⁶. The second step was to

²² Die Lebensmittel Zeitung: Brandbrief: [Drogisten kämpfen gegen Wildwuchs bei Amazon](#).

²³ Lighting Europe (2020): [How to address online product compliance?](#)

²⁴ Toys Industries of Europe (2020): [Toy Industry calls for EU rules to enforce online marketplaces to weed out illegal traders](#)

²⁵ The results of this project have been referenced in several EU and national reports such as for example the Commission's [Impact Assessment on the Digital Services Act](#).

²⁶ Test-Achat, « 250 produits achetés sur internet ; 2 tiers ne sont pas sûrs », Mars 2020, p.8.

send products to laboratories for specific and in-depth tests, which, again, showed that many did not comply with European safety regulations.

7.3. Results

The outcome of the survey was shocking: 165 out of 250 products purchased on online marketplaces did not comply with European safety requirement and thus represent a risk for consumers. This is a non-compliance rate of 66%. The shortcomings were related to:

- The presence of harmful substances which are banned or restricted in the EU. Examples are toys, jewellery, cosmetics and binoculars.
- Poor technical design of products of which the use could imply deadly risks for consumers. Examples included motor bike helmets for children made of fragile plastic and without having an official certification, mobile phone chargers and power banks which started melting in the test chamber, dysfunctional fire and smoke detectors, and children's clothing that risked strangulation.
- Unclear, missing, or incomplete information such as cosmetics ingredients labelling available only in the Chinese language.

We disclose further below more information on the product groups, safety concerns and findings of the tests. Should you wish to receive more detailed technical information, this can be made available upon request²⁷.

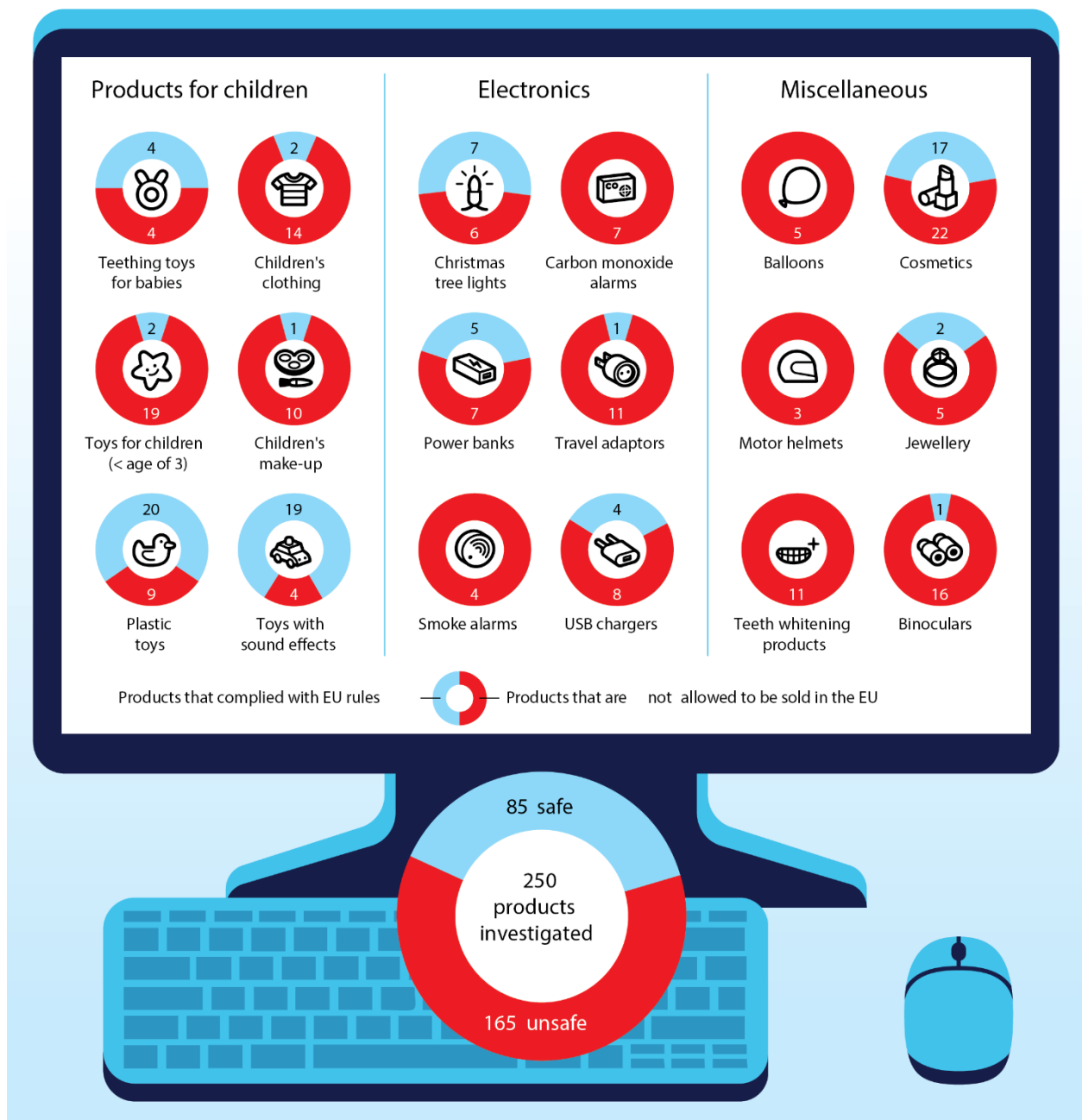
7.4. Selected product categories

- Jewellery
- USB chargers, travel adapters and power banks
- Christmas tree lights
- Smoke detectors, CO detectors
- Balloons
- Soft plastic toys
- Toys for babies and small children
- Teething toys
- Acoustic toys
- Teeth whitening products
- Make-up for children
- Cosmetics for adults
- Children's clothing
- Helmets
- Binoculars



²⁷ Please note that some of the results per product group were released by some members already in 2018 and 2019 but the combined results of the 250 products have only been made available in 2020.

7.5. Compliance and non-compliance rates



Source: Consumentenbond

7.6. Jewelleries

What is the safety concern?

Cheap jewelleries can contain toxic heavy metals such as cadmium or lead and release nickel to which many people are allergic.

What has been found in the analysis?

Forbrugerrådet TÆNK checked seven pieces of jewellery from Wish.com and Lightinthebox.com against the legal requirements for cadmium content and release of nickel which are established in the EU chemicals legislation²⁸. Five out of seven products exceeded either the limits for nickel or for cadmium.

The highest nickel release exceeded the limit value 344 times and a bracelet from Wish.com contained 38% cadmium whereas it is restricted to 0,01%. This is almost 4.000 times more than allowed.



Picture: ICRT/ [Forbrugerrådet TÆNK](#). Example of jewellerys partly containing too high levels of nickel and cadmium.

7.7. USB Chargers, travel adapters and power banks

What is the safety concern?

USB chargers, power adaptors and travel adaptors which are not in line with the EU's safety rules of the Low-Voltage Directive frequently come along with a fire safety hazard and can cause electric shock.

What has been found in the analysis?

Our UK member Which? has been checking compliance against the Low Voltage Directive for 12 USB travel adaptors, 12 power banks and 12 USB chargers.

- 11 out of 12 USB travel adaptors could give electric shock
- Seven out of 12 power banks of unknown brands were badly constructed and failed the tests. Five came with no thermal protection inside, some were badly welded together, one stopped after the short-circuit test and another item became damaged after the overcharge test. One powerbank bought on Amazon Marketplace started to smoke and melt during charging. All of these are critical flaws for consumer safety.



Picture: ICRT/ Which?. The left side shows the USB port of a power bank before the test. On the right side, one can see that the USB port is melted after the test.

²⁸ <https://kemi.taenk.dk/bliv-groennere/test-cheap-jewellery-nickel-release-exceeds-limit-values>

- 8 out of 12 USB chargers failed. In the case of the USB chargers, Which? checked a genuine Apple charger which met all safety standards against eleven lookalike chargers (unbranded or from unknown brands) which all said to work with Apple devices. Eight of these products failed standard safety tests. Seven out of eleven also failed standard electric strengths tests. And for one unbranded charger arcing could be heard – this is where electric current flows through the air. This could lead to an electric shock, causing the product the charger is powering to heat up or possibly exploding, or even the charger itself catching fire²⁹.

7.8. Christmas tree lights

What is the safety concern?

Badly designed Christmas tree lights are a recurrent problem in the EU internal market for many years which can come with a severe fire safety risk. If the Christmas tree is already dried out, the fire can expand very quickly in consumers' homes.

What has been found in the analysis?

Our UK member Which? has been running a series of electrical safety tests related to Christmas tree lights such as an electrical strengths test, an overload test, a short circuit test and a creepage and clearance test. They also performed a couple of other compliance tests such as on construction, packaging and marking. All Christmas tree lights have been checked in an accredited laboratory against three relevant standards (EN 60598-2-20, EN 61347 and BS 1363). Only one product Which? purchased was safe, legal for sale and passed all of the safety and compliance checks³⁰.



Picture: ICRT/ Which?. Example of dangerous Christmas tree lights.

- 12 out of 13 products failed either the electrical safety test or the compliance checks.
- 6 out of 13 could cause fire or electrocute users.
- The power supply of two lights began to smoke and then melt.

7.9. Carbon monoxide alarms and smoke detectors – a deadly danger and 100% failure rate

What is the safety concern?

Carbon monoxide and smoke detectors can save lives but must give alarm in due time. If such devices are installed in consumers' homes and are not functioning without consumers being aware of this, it

²⁹ <https://www.which.co.uk/news/2019/09/killer-chargers-travel-adaptors-and-power-banks-rife-on-online-marketplaces/>

³⁰ <https://www.which.co.uk/news/2019/12/these-christmas-tree-lights-bought-online-at-ebay-wish-and-aliexpress-could-catch-fire-or-electrocute-you/>

can turn into a lethal threat in particular when also taking into account that many of the electric products we bought actually came with an elevated risk of causing a fire.

What has been found in the analysis?

Our UK member Which? has been analysing repeatedly carbon monoxide and smoke detectors which they purchased from online marketplaces such as eBay, AliExpress and Wish.com³¹. For this European test they selected 7 CO detectors and 4 smoke detectors.

- All seven CO alarms were unable to detect the deadly gas at least once. Four were too quiet when giving the alarm with two emitting only 70dB rather than the required 85dB which makes a difference in noise levels between a shower and a passing lorry.
- All four smoke detectors failed the test. Whether we set fire to wood, cotton, plastic or solvents, these alarms just do not work.



Picture: ICRT/ Which? Example of dangerous CO & smoke detector labelled by Which? as 'Don't Buy' to warn consumers.

7.10. Balloons

What is the safety concern?

Children which blow up the balloons with their mouth, lick on them or play with them with their hands can be exposed to harmful chemicals which are released possibly from the material of the balloons.

What has been found in the analysis?

Forbrugerrådet Tænk checked five balloons from Wish.com, Amazon.com and Lightinthebox.com against legal requirements and technical standards of the Toy Safety Directive in a laboratory³².

- All five samples exceeded the legal limit values for either the release of carcinogenic nitrosamines and/or nitrosatable substances. In two cases the legal limit values for nitrosamines were exceeded 15 times and for nitrosatable substances 27 times.



Picture: ICRT/ Forbrugerrådet Tænk. Example of balloons containing harmful chemicals.

³¹ <https://www.which.co.uk/news/2019/05/revealed-the-terrifying-smoke-alarms-that-will-fail-when-you-need-them/>
<https://www.which.co.uk/news/2019/10/which-investigation-prompts-100s-of-unsafe-co-alarms-to-be-removed-from-sale-do-you-have-one/>

Which? (2019): Ebay: Stop selling killer CO and smoke alarms. Will someone have to die before eBay stops allowing dangerous alarms to be listed on its site? By Matt Stevens. In: Which? magazine November 2019, pp. 46 – 48.

³² <https://kemi.taenk.dk/test/test-unwanted-chemicals-balloons>

7.11. Soft plastic toys

What is the safety concern?

Plastic toys may contain softeners, so called phthalates. Many phthalates are known to harm reproductive health and the unborn child and have as a result been listed on the EU's list of Substances of Very High Concern (SVHC).

What has been found in the analysis?

Forbrugerrådet Tænk checked 29 pieces of plastic toys from Wish.com, eBay and Amazon.com and sent them for a technical test against the requirement of EU chemicals legislation to a laboratory³³. In toys the phthalates DEHP, DBP and BBP are restricted to 0,1%. DINP and DIDP are restricted at the same level in toys for children under three years of age and toys with mouth contact. In total, 9 products (31%) contained illegal amounts of one or more phthalates:

- 8 products contained DEHP (levels ranging from 2,1% to 21%)
- 4 products contained DIDP (0,12% to 1%)
- 4 products contained DINP (2,6% to 10%)
- 1 product contained DBP (0,15%)



Picture: ICRT/ Forbrugerrådet Tænk. Example of plastic toys which often contain harmful chemicals which disrupt the hormonal system.

7.12. Toys for Babies and small children under three years of age

What is the safety concern?

Babies and small children are a very vulnerable group of consumers which need to be especially protected from safety risks. Besides chemicals, such products cannot have small parts which fall apart and thereby bear a risk of suffocation (if accidentally ingested) and injury (because of sharp edges). Toys also need to be properly designed so that children cannot access certain interior parts of the toy, such as the battery compartment for example.

³³ <https://kemi.taenk.dk/test/test-unwanted-chemicals-toys-ebay-amazon-and-wish>

What has been found in the analysis?

Forbrugerrådet Tænk bought 21 toys at Wish.com and checked them against compliance with the toy safety standard EN 71-1³⁴. Out of 21 products we found safety concerns for 19 of them.

- 12 products had small parts. In 4 products those were directly accessible and in the other 8 products these were accessible after an impact, fall or pull test.
- 4 products had a form which could get stuck in a child's throat
- 2 products had long cord-strings which comes with a risk of strangulation
- The stuffing of one toy was easily accessible
- 2 products had safety issues with the packaging
- In one product the small battery was easily accessible whereas swallowing of a battery can lead to a child's death.
- 2 suction caps were too small and come also with a suffocation risk

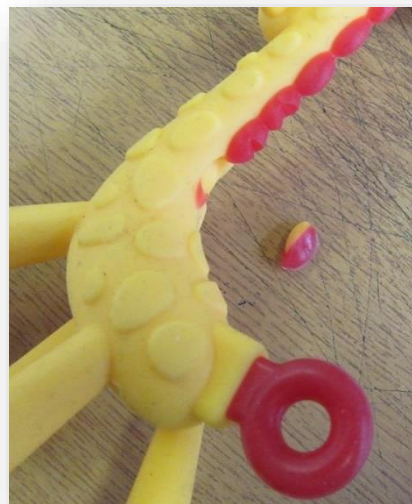


Pictures: ICRT/ Forbrugerrådet Tænk. On the left side an example of dangerous small parts in baby toys. On the right side an example of easily accessible batteries in stuffed toys.

7.13. Teething toys for babies

What is the safety concern?

As babies chew and bite on these products to help teething, the products must be resistant to external physical impact and must not contain harmful chemicals. If small parts can detach or the products can break, there is a serious risk of suffocation for babies, in particular if the babies cannot yet sit upright without assistance. Furthermore, teething toys should not contain harmful chemicals as this could negatively impact a child's health.



Picture: ICRT/ [Which?](#). Example for small breaking parts falling off from teething toys.

³⁴ <https://taenk.dk/test-og-forbrugerliv/boern/legetoej/pas-paa-legetoej-fra-kinesiske-webshops>

What has been found in the analysis?

Our UK member Which? performed two tests, a tension test which is part of a British Standards-approved assessments for toys for children under 36 months and an impact test which checks if the toy can block a child's throat. Furthermore, the presence of phthalates has been checked based on the legal limit value of 0.1% of its total weight.

While the chemicals limits were not overstepped, six out of 8 toys pose a severe risk to babies as small parts broke off which could be inhaled or ingested, and some toys did also break³⁵.

7.14. Acoustic toys

What is the safety concern?

Acoustic toys must not be too loud as otherwise they can damage a child's hearing ability. As for all toys, acoustic toys must also not contain harmful chemicals and be safe from a mechanical and electrical point of view. Some of those toys can operate with apps which can pose a risk of loss of privacy if the devices are not designed in a secure manner.

What has been found in the analysis?

Our German member Stiftung Warentest checked 23 sounding and talking toys regarding their mechanical and electrical safety based on applicable European technical standards³⁶. The presence of sensitising and carcinogenic dyes, short chain chlorinated paraffins, polycyclic aromatic hydrocarbons (PAHs), nitrosamines and nitrosable substances, heavy metals and some other substances have been checked depending on the materials used. For three toys that work with apps, it has been checked if apps were sending data that was not necessary for the operation and if the Bluetooth interfaces were secure.

While all products passed all technical safety tests, harmful chemicals have often been found such as PAH and naphthalene which may cause cancer. Even though also the chemicals did not exceed legal limit values, four out of 23 products are considered by Stiftung Warentest as very poor. That is because they exceed limit values for PAH set by the German voluntary tested safety mark ('GS Zeichen') and also because many unproblematic products on the market demonstrate that it would be easily possible for producers to comply with such stricter limit values.



Picture: ICRT/ Stiftung Warentest. Example of toy with harmful chemicals which oversteps limit values for the German voluntary GS mark.

³⁵ <https://www.which.co.uk/news/2019/10/beware-these-six-teething-toys-with-bits-that-break-off/>

³⁶ <https://www.test.de/Sprechendes-Spielzeug-im-Test-Diese-Puppen-und-Tiere-koennen-Sie-verschenken-5540866-0/>

7.15. Teeth-whitening products

What is the safety concern?

Hydrogen-peroxide is an active substance used in teeth-whitening products. This substance can cause burns to the teeth and gums.

What has been found in the analysis?

16 products were ordered online by Consumentenbond but five never arrived³⁷. Therefore only 11 products have been tested in a laboratory including gels, strips and sticks. One product was a charcoal product which has not been analysed for hydrogen-peroxide. The products were checked for compliance with the legal limit values of 0,1% content of hydrogen peroxide based on the same method which is used by the Danish authorities for market surveillance controls. Furthermore, the labelling was checked for the presence of the name of the manufacturer, instructions for use, a batch number, the ingredients list, a minimum storage date and indication of product amount.

- Seven out of ten products contained hydrogen peroxide, and all exceeded the legal limit values. The concentrations ranged from 1,4% to 7% which means the legal limit value has been exceeded up to 70 times.
- Labelling requirements were violated multiple times with no product respecting all of them. More seriously, in most cases no manufacturer or no batch number was indicated which makes it extremely challenging for market surveillance authorities to trace back a product to the responsible producer.

It is important to note that different legal limit values exist for private use and professional application. However, two products were 70 times above the legal limit values.



Picture: ICRT/ Consumentenbond. Example of teeth whitening product with illegal levels of hydrogen-peroxide.

³⁷ <https://www.consumentenbond.nl/online-kopen/buitenlandse-webshops-onveilige-tandenbleekmiddelen> and <https://taenk.dk/test-og-forbrugerliv/sundhed-og-personlig-pleje/tandblegning-saadan-faar-du-hvidere-taender>

7.16. Make-up for children

What is the safety concern?

When children play with make-up, they do not necessarily do it in a safe way, i.e. they do not use the product in the intended way and use too much, ingest parts, mix everything together etc. Make-up is applied around the eyes where the skin is thinner than the rest of the body and to the lips so that parts can be ingested. If such products contain harmful chemicals, children may experience health issues – either now or later.

Incomplete, illegible and missing ingredients labelling is an issue for the enforcement of the Cosmetics Regulation: in the EU over 1.300 substances are banned and over 250 are strictly regulated for cosmetic products. Without a correct labelling it is difficult to find out if there are illegal substances present or if there are substances present that some consumers need to avoid because of allergies.

What has been found in the analysis?

The Dutch Consumentenbond checked if all the information is on the packaging, if there are any ingredients on the ingredients list that are not allowed in the EU³⁸.

Consumentenbond concluded from this visual inspection that most of the products are not legally on the EU market: some products came only with Chinese language information, did not indicate the manufacturer or had mistakes in the ingredients list.

Some products were also damaged.

Where the ingredients list had been given, it was checked if these are allowed in the EU. While nothing forbidden was indicated, there were several ingredients present which are problematic from a consumer protection point of view, in particular in products for children, such as colorants, phthalates, mineral oils and perfumes.

The eleven cosmetic sets were also checked for the presence of heavy metals. The EU Cosmetics Regulation establishes that cosmetics may only contain traces of heavy metals which are unavoidable impurities during production. While no European specification exists to determine the level of traces, Germany has established such an interpretation which Consumentenbond applied. Several products exceeded the limit values for lead and antimony.

- One cosmetic set contained 950 mg/kg lead whereas only 2,0 mg/kg are allowed. This is 425 times more than allowed. In two other products Consumentenbond found 5 times more than the allowed value.
- Two products exceeded the level of antimony.



Picture: ICRT/
Consumentenbond. Make-up set for children with product labelling only in Chinese language.

³⁸ <https://www.consumentenbond.nl/online-kopen/make-up-sets-voor-kinderen>

7.17. Cosmetics for adults

What is the safety concern?

Consumers use many cosmetic products every day and their skins come in prolonged contact with cosmetic products such as body lotions, perfumes, and make-up. As those products must respect a high-level of health protection, the EU banned and regulated many ingredients and requires an accurate ingredient labelling and instructions for safe use. Unfortunately, the level of regulation of cosmetic products is not at the same level in many other countries as it is in the EU and the level of non-compliance has been very high with cosmetics bought on global online marketplaces.

What has been found in the analysis?

39 cosmetic products have been bought from wish.com by Forbrugerrådet Tænk. The products were mainly cheap, unbranded products but a few known international brands were also included³⁹.

The labelling was checked for presence of illegal and problematic substances. More than half of the products came without an ingredients list and without responsible company information. A face cream from Nivea contained illegal ingredients, Methylisothiazolinone (MI) and Methylchloroisothiazolinone (MCI). Many other products contained ingredients which are legal but problematic as they are suspected to disrupt the hormonal system.



Picture: ICRT/ Forbrugerrådet Tænk. Example of cosmetic products which were checked for correct labelling and presence of forbidden chemicals in Europe based on the ingredients list.

³⁹ <https://kemi.taenk.dk/bliv-groennere/cosmetics-wishcom-fail-comply-eu-legislation>

7.18. Children's clothing

What is the safety concern?

Children's clothing must be safe, considering all their activities and the way how they play. Long cords and drawstrings are often elements of decoration, but that can become dangerous. When being entrapped there is a risk of strangulation or injury. The EU Safety Gate often contains alerts about such products.

What has been found in the analysis?

Altroconsumo, our Italian member, bought 17 clothing products for children online of which 14 were for kids under the age of 7 such as bikinis, hoodies, pants and T-shirts with cord strings. The sample was sent to the laboratory, but a visual analysis has been made in-house, taking into account the requirements of the European technical standard EN 14682: 'Safety of Children's Clothing. Cord and Drawstrings in Children's Clothing'.

One product never arrived. Out of the remaining 16 items, 14 were not compliant with the safety requirements⁴⁰.



Pictures: ICRT/ Altroconsumo/ Consumentenbond. On the left side a girl's mermaid swimsuit with dangerous cords that can cause strangulation. On the right side a hoodie with dangerous cords whereas it should be produced without such cords.

7.19. Helmets for children

What is the safety concern?

The safety of motorbike helmets in the EU is regulated by standards ECE 22-05 which requires a type approval and individual labelling for all motorbike helmets to be legally on the market. This is an important procedure to ensure a helmet respects all safety requirements: for example, shock absorption, the vision angle, quality of the shield and deformation of the helmet under impact are being checked.

⁴⁰ You can find more information about this test on the website of Consumentenbond: <https://www.consumentenbond.nl/online-kopen/buitenlandse-webshops-onveilige-kinderkleding>

What has been found in the analysis?

Our Italian member Altroconsumo bought three helmets on Amazon.it which were advertised as motor bike helmets for children. None of the helmets was in line with the requirements of the relevant standard ECE 22-05.

One seemed to be in line with the bike helmet standard and the two other products were unsafe for both, biking and motorbiking⁴¹.



Picture: ICRT/ Altroconsumo. Example of dangerous helmet for kids.

7.20. Binoculars

What is the safety concern?

Binoculars come in contact with the skin through two ways: the housing comes in contact with the palm of the hands and the strap is put around the neck. If those parts contain harmful chemicals, these can enter the human body which is of concern in particular when those chemicals are hormone disruptors and cancer causing.

What has been found in the analysis?

Our German member Stiftung Warentest purchased 17 binoculars online at different price levels from online retailers. The products have been checked against handling, durability and chemical pollutants. 16 out of 17 products were found heavily contaminated with pollutants such as a chemical cocktail of chlorinated paraffins, phthalates and polycyclic aromatic hydrocarbons⁴².



Picture: Stiftung Warentest. Binocular being prepared for chemicals check in a laboratory.

⁴¹ You can find more information on this test at the website of Consumentenbond: <https://www.consumentenbond.nl/online-kopen/buitenlandse-webshops-onveilige-helmen>

⁴² <https://www.test.de/Fernglaeser-im-Test-1152284-0/>



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