

Which?

Safe shopping in the evolving digital space: Balancing convenience and consumer safety in Online Marketplaces

Executive Summary

In recent years, online marketplaces have transformed the way in which consumers buy products online. These marketplaces (e.g. Amazon Marketplace, eBay and Temu) bring together lots of sellers in one place online, making it simple for shoppers to find and buy everything they need, from electronics to cosmetics, all in one spot. The rise of online marketplaces has reshaped traditional shopping, offering convenience, accessibility and a wide range of products available to purchase with just one click.

Our latest research indicates the widespread popularity of online marketplaces, with a staggering 87% of consumers having made purchases through these marketplaces at least once in the last two years. Moreover, many consumers have become regular users as around 23.4 million consumers in the UK¹ make monthly transactions on these marketplaces. Many are drawn by the allure of cost-saving opportunities particularly amidst the cost of living crisis, which is emphasised by the fact a quarter (24%) of users have reported using online marketplaces more since the start of the crisis.

However, this increased reliance on these marketplaces for more affordable products has brought to light numerous concerns regarding product safety. Research from various organisations, including [Which? investigations](#)² and the [Office for Product Safety and Standards \(OPSS\)](#)³, indicate that items available on these marketplaces all too frequently do not adhere to safety standards, potentially putting consumers at risk of harm. Our research revealed that at least 7.2 million consumers⁴ have potentially experienced harm due to products that are faulty, unsafe, scams and even fraudulent in the last two years.

Adding to this challenge is the inherent trust consumers have in online marketplaces to guarantee the safety of products sold on their marketplaces. This is apparent, with seven in 10 (70%) users confident that online marketplaces will ensure the safety of products sold on their platforms, with a further three in five (63%) people expressing confidence in the marketplaces' ability to swiftly remove such products from their platform. However, this reliance on marketplaces to safeguard consumer interests is problematic, given that regulation has not kept pace with the rapidly evolving online marketplace landscape and so online marketplaces do not have clear duties to prevent unsafe products from being offered on their sites or to take them down swiftly when a safety issue is identified.

1 Estimate based on four in 10 UK adults buying from an online marketplace at least once a month (44%). Rebased from 51% of UK adults who bought through an online marketplace in the last 2 years.

2 Which? (2024), Electric heaters sold on TikTok and Temu could explode, cause electric shocks or set a fire. Available at <https://www.which.co.uk/news/article/electric-heaters-temu-tiktok-shop-a6c744h4Olcl>

3 OPSS (2023), OMP product testing programme: October 2021 to September 2022. Available at <https://www.gov.uk/government/publications/online-marketplace-product-testing-programme/omp-product-testing-programme-october-2021-to-september-2022>

4 Estimate based on one in seven of those purchasing from an online marketplace in the last two years reported an issue with their product.

To address these challenges, it is imperative that the law is urgently updated so that all online marketplaces are required to take proactive steps to ensure products sold on their platforms comply with UK safety standards. This includes:

- conducting thorough checks on sellers;
- requiring up-to-date safety certificates;
- ongoing monitoring to promptly remove unsafe products including better algorithmic accountability that quickly removes and/or prevents potentially unsafe products from being listed;
- monitoring for products which reasonably look to be identical or very similar to previously identified unsafe products and taking appropriate action; and
- taking swift action to inform consumers if they have bought a product that could be unsafe.

We therefore strongly support the government's proposals within the [Product Safety Review 2023](#)⁵ that would place new duties upon online marketplaces including requirements for proactive checks of third-party sellers and for monitoring and scrutiny of listings and taking appropriate action. The European Union has already strengthened its legislation with updated product safety law and a new Digital Services Act placing new obligations on larger marketplaces. It is important that the UK urgently updates its regime and goes further so that all online marketplaces are required to take responsibility for ensuring the safety of the products they include on their sites.

In line with the new EU requirements, there also needs to be the enhancement of product safety information displayed on marketplaces, including a prominent indication of when a product has been listed by a third-party seller and the identity of the seller.

Additionally the Office for Product Safety and Standards (OPSS), working closely with Trading Standards, must adopt a much stronger approach to enforcement, including adapting to the ever-changing landscape of online marketplaces. To help facilitate this, online marketplaces that are not established in the UK but who sell to UK consumers should designate a legal representative here for the purposes of cooperation with relevant authorities and communicating with and assisting consumers on product safety issues.

In conclusion, while online marketplaces offer convenience and cost-savings, consumers are currently left poorly protected when shopping on these marketplaces. It is therefore essential that product safety regulation is updated with an urgency that reflects the dramatic increase in marketplaces and marketplace models, so that it is fit for purpose for the way so many consumers now shop.

⁵ OPSS (2023), Smarter regulation: UK product safety review. Available from: <https://www.gov.uk/government/consultations/smarter-regulation-uk-product-safety-review>

Introduction

Background

Consumers' shopping habits are undergoing profound changes, and the acceleration of e-commerce is fuelling new challenges to product safety regimes. Online marketplaces in particular are proving popular with consumers, with 87% of UK consumers having purchased from an online marketplace in the last two years, this equates to a massive 46.3 million consumers. Online marketplaces (e.g. Amazon Marketplace, eBay and Temu) bring together lots of sellers in one place online, making it simple for shoppers to find and buy everything they need, from electronics to cosmetics, all in one spot.

However, consumer policy and protection have not caught up with these relatively new businesses. Online marketplaces have limited legal incentives to prevent, check and remove unsafe items from their sites, resulting in varying levels of accountability amongst key players. This reliance on marketplaces to safeguard consumer interests is problematic, given that regulation has not kept pace with the rapidly evolving online marketplace landscape and so online marketplaces do not have clear duties to prevent unsafe products from being offered on their sites or to take them down swiftly when a safety issue is identified. Whilst the proliferation of online business models present opportunities for consumer savings by unlocking new markets, they are also, simultaneously, exposing shoppers to staggering quantities of potentially dangerous goods. Our investigations and product testing have repeatedly shown systemic product safety failures can be found on these marketplaces, for example, [unsafe electric heaters](#) and [carbon monoxide alarms](#).

The regularity with which we find these products through our consumer product testing highlights a failing by marketplaces to effectively identify, prevent the listing of, and swiftly remove unsafe and illegal products. Although we notify companies of unsafe products when we find them so that they can be removed, we also find that products will regularly reappear.

This represents an alarming failure by online marketplaces, but also by the regulator, the Office for Product Safety and Standards (OPSS) and by the wider government to address the gaps and inconsistencies in existing protections. They must ensure that online marketplaces, including the large online marketplaces, are required to take greater responsibility for ensuring the safety of products offered for sale, thus preventing unsafe products from being offered for sale. Marketplaces must be required to ensure the swift removal of products identified as unsafe and any protections must be adaptable enough to maintain a high level of protection despite rapidly emerging practices and new online business models.

The government consulted on a long-awaited Product Safety Review in Summer 2023, following several other consultations.⁶ This initiative was critically important as it presented

⁶ Which? Response to the Product Safety Review can be found here: <https://www.which.co.uk/policy-and-insight/article/opss-product-safety-review-call-for-evidence-which-response-aPZ0M7L33NTE>

an opportunity to deliver much needed reforms to the product safety regime and to ensure it is fit for future challenges. The Review proposed that specific duties of care regarding the identification and removal of unsafe product listings be placed on online marketplaces. But no action has yet been taken following the consultation. Until these issues are addressed, consumers are being left at unacceptable risk.

Methodology

To understand consumers' perspectives on online marketplaces and their views on safety responsibility, we conducted an online survey with 2,065 people in December 2023 and the results have been weighted to be representative of the UK population aged 18+. From the total sample, 1,803 of respondents had purchased an item from an online marketplace in the last 2 years, and qualified them to take part in the remainder of the survey.

The survey explored:

- Use of online marketplaces.
- Trust in online marketplaces to ensure products sold are safe.
- Consumers' understanding of online marketplaces legal requirements regarding maintaining the safety of products sold on their marketplaces.

This report

In Chapter 1 we present a current overview of the popularity of online marketplaces and outline the key players within the market.

Chapter 2 details the risks associated with online marketplaces, providing examples of unsafe products sold on the different marketplaces.

Finally Chapter 3 explores why these safety issues are problematic given consumers attitudes towards the responsibility of online marketplaces.

Chapter 1: Unveiling the online marketplace craze – Exploring its popularity and reach

The popularity of online marketplaces

Over the past few years, online marketplaces have transformed the way we shop, with platforms like Amazon Marketplace and eBay leading the charge. These marketplaces bring together lots of sellers in one place online, making it simple for shoppers to find and buy everything they need, from electronics to cosmetics, all in one spot.⁷

Many of us now buy from online marketplaces, especially Amazon and eBay. When asked about what marketplaces recent users⁸ shopped on, our research showed that most people had bought from eBay (67%) followed by Amazon Marketplace (57%).

In addition to these established giants, a wave of new competitors have entered the market space, further diversifying consumers' options. Platforms such as Temu, TikTok Shop, and Wish have rapidly gained traction, alongside traditional retailers like B&Q and The Range, which have incorporated marketplace functionalities into their online platforms.

The emergence of these newcomers highlights the dynamic evolution of the marketplace model. Our research indicates that within just one year of entering the market in 2023, **Temu has attracted purchases from over 8 million consumers and is the fifth most commonly used marketplace in the UK.**⁹

Recognising the growing trend and opportunity, established retailers have caught on to the trend of selling products from other suppliers and have jumped on the bandwagon by launching their own marketplaces.¹⁰ For instance B&Q (2%) and The Range Plus (2%) are notable examples. Although the percentage of consumers buying from these new marketplaces is relatively low, it highlights the variety of companies now operating in this sector, as seen in Figure 1.

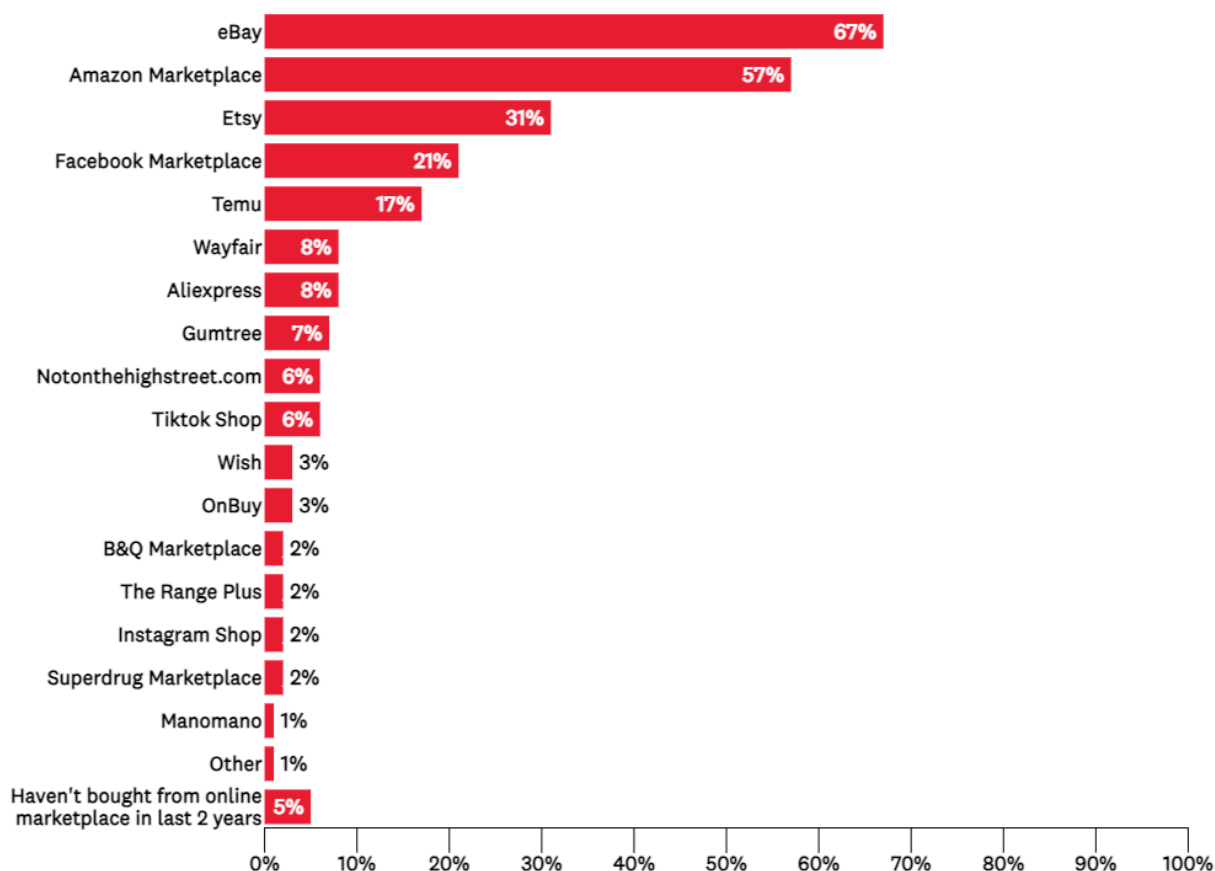
7 WARC (2022), Online marketplaces: Are they as convenient for brands as for consumers? Available from: <https://www.warc.com/newsandopinion/opinion/online-marketplaces-are-they-as-convenient-for-brands-as-for-consumers/en-gb/5955>

8 Respondents who bought from an online marketplace in the last 2 years

9 Estimated base on 17% of consumers purchasing from Temu in last 2 years

10 Which? (2023), Big retailers launching online marketplaces – what you need to know. Available from: <https://www.which.co.uk/news/article/big-retailers-launching-online-marketplaces-what-you-need-to-know-a0gjs6M9MzC3>

Figure 1: eBay and Amazon Marketplace still remain dominant forces within the online marketplace space, with over half of those purchasing from an online marketplace in the past two years using these marketplaces.



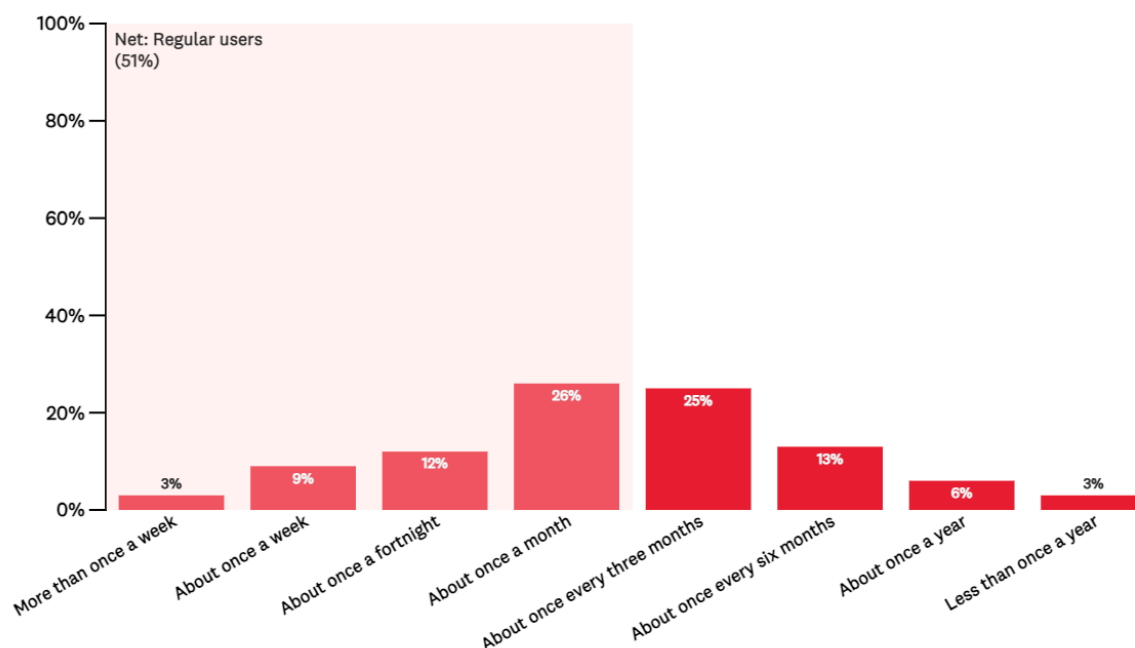
Source: Which? online marketplace research (December 2023), Online Poll weighted to be nationally representative. Base: All who have ever bought from online marketplaces (n=1922).

Our research has identified at least 17 online marketplaces that people are currently shopping through, many of which were not around prior to 2022. The fast growth of these new competitors is concerning, particularly because of the limited product safety obligations on online marketplaces, which means consumers might not always be shopping safely.

Furthermore, our study revealed that online marketplaces have become a popular way of shopping for consumers. Our survey shows that 87% of UK adults have purchased from online marketplaces between 2021 and 2023, this equates to a massive **46.3 million consumers shop via online marketplaces**. For many consumers these aren't one off purchases, with around half – 23.4 million people – making monthly transactions on these marketplaces (see Figure 2).¹¹

¹¹ Estimate based on four in 10 UK adults buying from an online marketplace at least once a month (44%). Rebased from 51% of UK adults who bought through an online marketplace in the last 2 years.

Figure 2: Half of consumers (51%) have bought from an online marketplace at least once a month.

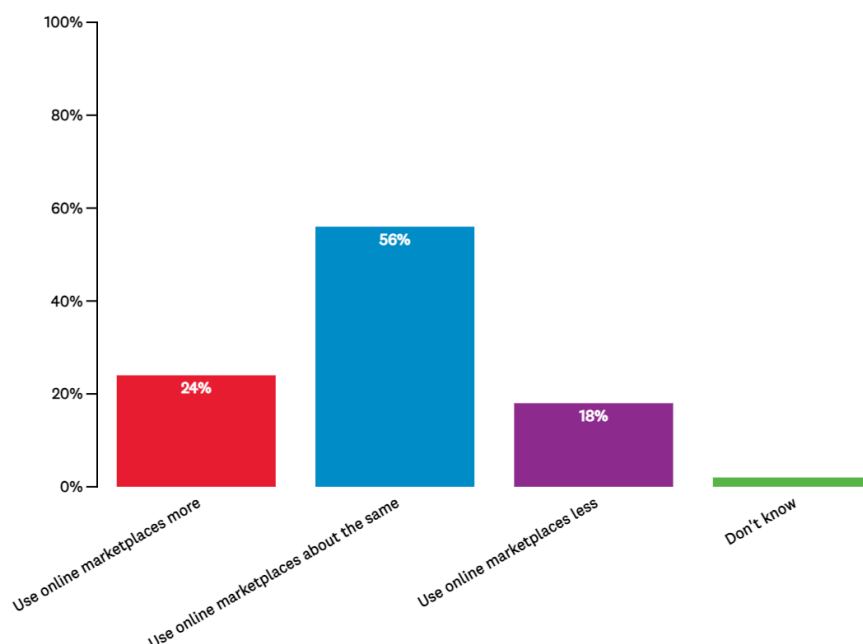


Source: Which? online marketplace research (December 2023), Online Poll weighted to be nationally representative. Base: All who have bought from online marketplaces in the last 2 years (n=1803).

How can online marketplaces help consumers navigate the cost of living crunch?

Online marketplaces offer consumers with a range of budget-friendly products which consumers believe offer value for money. Before 2021, there was a noticeable upward trend in the use of these marketplaces, a trend which has persisted even amidst the ongoing cost of living increase. We see that eight in 10 consumers are either purchasing the same or more from online marketplaces now, compared to before the cost of living crisis (before December 2021). A quarter (24%) of recent buyers say they have **increased** their spending on these marketplaces (see Figure 3) and over half (56%) of consumers have **maintained their spending levels** during this period.

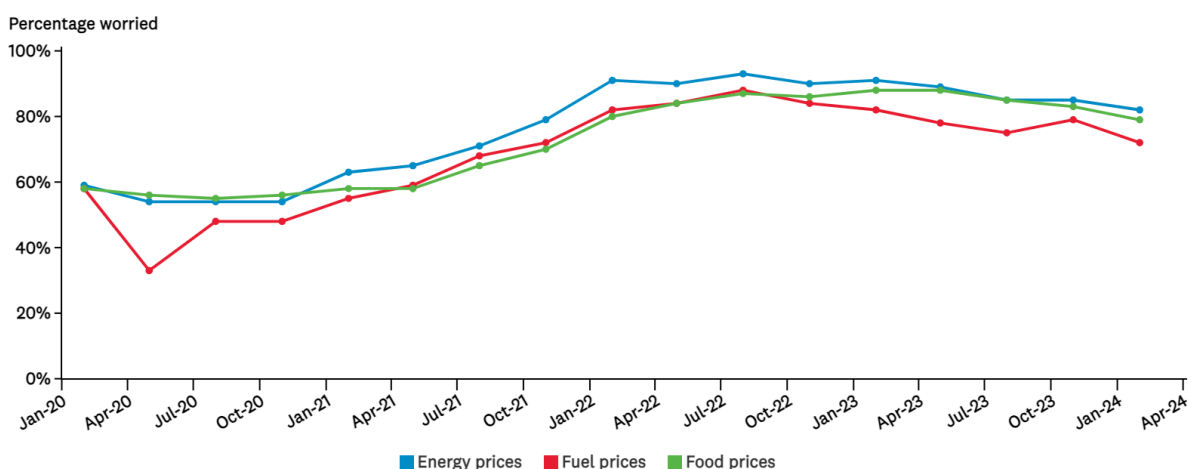
Figure 3: Consumers using online marketplaces in the past 2 years, were significantly more likely to report buying more from the marketplaces now, compared to prior to the cost of living crisis.



Source: Which? online marketplace research (December 2023), Online Poll weighted to be nationally representative. Base: All who have bought from online marketplaces in the last 2 years (n=1922).

As households navigate the financial strains of the cost of living crisis, there is a noticeable trend of belt-tightening among consumers. These financial pressures were evident in our Consumer Insight Tracker where we consistently observed consumers expressing concerns about prices. As seen in Figure 4, this extends to concerns regarding energy, food, housing and fuel prices. Whilst levels of worry have peaked at various times for these four areas, over the past year, we are yet to see less than 70% of consumers expressing concern about these.

Figure 4: Consumer worry regarding household expenses have risen since the start of the cost of living crisis



Approximately 2,000 respondents per wave. UK level data are weighted to represent the adult population of the UK by age, gender, region, social grade, working status and housing tenure. Which? (2024). Consumer Insight Tracker. Available at: <https://www.which.co.uk/policy-and-insight/article/consumer-worries-dashboard-akJMn5c4FKMv>.

These escalating expenses leave little room for [frivolous spending, prompting consumers to actively seek out cost-saving opportunities](#).¹²

Online marketplaces may well serve as a solution to the rising household costs. When consumers were asked why they shopped at an online marketplace, nearly half (47%) of consumers have reported using these marketplaces in the last two years because of the cost of living pressures and their search for cheaper products. In addition, consumers frequently seek low-cost budget items, as reported by two thirds (64%) of respondents. These marketplaces can serve as a lifeline for consumers by offering more affordable options, which may not always be available through traditional retailers or their websites.

The research suggests that consumers are relying on online marketplaces when hunting for bargains, especially in times of financial uncertainty. They are drawn by the allure of cost-saving opportunities since the onset of the cost of living crisis. However, it's not just about cheaper products (though they may indeed be cheaper); it's also about the availability of choice. For example, consumers can see more of the same product, filter by low to high costs, and identify the most affordable options.

On the surface, these online marketplaces provide a vast range of affordable options and increased choice for consumers on a budget. However this does not come without potential risks. Consumers tend to seek out more affordable products that appear to be better value for money. These products tend to be readily available on online marketplaces which has brought to light numerous concerns regarding product safety and the lack of adequate regulation.

12 Which? (2023), From Drained and Desperate to Affluent and Apathetic. Available at: <https://www.which.co.uk/policy-and-insight/article/from-drained-and-desperate-to-affluent-and-apathetic-understanding-how-the-cost-of-living-crisis-is-affecting-uk-households-ajrlp8X1T3VV>

Chapter 2: Unsafe products on online marketplaces

Consumers are not just shopping on online marketplaces because it's affordable, but also because they trust items are cost effective. Nearly a third (30%) of online marketplace users choose to make purchases on these marketplaces because they believe the products offer good value for their money.

The growing dependence on these marketplaces for cheaper products has highlighted several worries about product safety. Research from various organisations has identified instances where products sold through online marketplaces are unsafe. The [OPSS](#)¹³ found that 81%¹⁴ of the products tested on online marketplaces failed safety tests. This is supported by evidence from a number of Which? investigations finding issues such as unsafe electric heaters, dangerous toys and defective carbon monoxide alarms, as seen in Table 1. These findings indicate that items available on these marketplaces might not consistently adhere to safety standards, potentially putting consumers at risk of harm.

Table 1: Which? Investigations have identified a range of safety issues with products sold on online marketplaces

Product	Issue	Year
Electric heaters	Testing revealed a number of heaters purchased through online marketplaces were unsafe electrically and could pose a danger.	2024
Carbon monoxide alarms	Unbranded carbon monoxide alarms bought from a number of online marketplaces failed to detect killer gas and sound the alarm.	2023
Smoke alarms	Unreliable smoke alarms sold widely through marketplaces.	2023
Plug-in mini heaters	A selection of heaters were tested and all of them failed our safety tests and are illegal to sell in the UK.	2023
Energy saving plugs	Amazon and eBay delisted dozens of so-called 'energy-saving boxes' from their websites, after a Which? investigation raised concerns about their safety.	2022
Non-compliant pulse oximeters	11 cheap pulse oximeters from Amazon, eBay and Wish failed to comply with UK and EU law when we tested them.	2022
Electric blankets	Nine out of 11 electric blankets we tested can't be sold legally in the UK, are poorly made and three have unsafe plugs and adaptors that are a potential electric shock risk.	2022
Christmas lights	A number of safety issues were identified through testing, including electric shocks, fire risks and dodgy plugs.	2022
Toys	Serious button battery and magnet dangers in online marketplace toys.	2021
Teeth whitening	Teeth whiteners bought from a number of marketplaces containing illegal and dangerous levels of hydrogen peroxide.	2021

13 OPSS (2023), OMP product testing programme: October 2021 to September 2022. Available at <https://www.gov.uk/government/publications/online-marketplace-product-testing-programme/omp-product-testing-programme-october-2021-to-september-2022>

14 OPSS found 1,832 out of the 2,260 products that it targeted for testing between October 2021 and September 2022 were non-compliant.

The insights from our research resonate with previous findings and shed light on the risks when buying products through online marketplaces. We heard from respondents who purchased items, believing them to be safe for their homes, only to discover later that these items posed a significant risk to their wellbeing.

One customer purchased a pair of electric heated socks. They soon realised that these socks were overheating. Luckily the problem was identified quickly and no serious harm came to the consumer. But if they hadn't realised there was a problem, the overheating could have had consequences such as causing physical burns to customer's feet and even a fire in the home (see Case Study 1).

Case study 1: Overheating socks case study: Male, 25–34

A consumer purchased electric heating socks from a seller on Amazon marketplace. When testing out the socks he discovered that they were unsafe, "Brought electric heating socks and they're overheating". Whilst on this occasion the platform's customer service helped him to return and refund the item, this could have led to him experiencing harms such as skin burns and fire risks, as well as significant distress.

Another customer purchased an explosive charger through an online marketplace. This had the potential to have a devastating impact on the consumer, but luckily on this occasion they escaped unscathed (see Case Study 2).

Case study 2: Exploding charger case study: Male, 25–34

A consumer purchased a charger through an online marketplace and encountered an alarming incident, "*Bought a charger and it exploded*". Although no injuries or damage occurred in this instance, the unsafe charger posed a serious risk of harm to the consumer and his home. This includes physical burns, as well as financial cost for repairs and replacements. Thankfully, he received a refund from the online marketplace, avoiding any lasting consequences.

The customers from Case studies 1 and 2 are not the only people to experience malfunctions and unsafe products from the online market spaces. In fact, **at least one in seven of those purchasing from an online marketplace in the last two years reported an issue with their product**. This included items which were faulty, unsafe, scams or other types of fraud. We estimate that this equates to **at least 7.2 million consumers (that we know of) being exposed to issues such as unsafe products, scams and fakes**. While 7.2 million consumers is a significant figure, the actual number is likely much higher as many consumers remain unaware of issues. Case study 3 explains how the customer only discovered the faulty lights after the electrician she had hired to fit them identified the issue due to his specialist expertise. Yet it's important to note that it's not the responsibility of consumers to identify these issues but the online marketplaces and sellers.

Case study 3: Unsafe outdoor lights case study: Female, 35–44

A consumer was looking to purchase outdoor lights for her home, and found some through an online marketplace. When hiring an electrician to fit these lights, she found they had been **mis-sold** and were **unsafe**. *“I bought 2 lights which were listed as outdoor lights. When an electrician tried to fit them, he found that they weren't properly sealed so if they were fitted outside they would probably short circuit my house's electrics when it rains”.*

Product safety regulations have failed to keep up to date with the way that online marketplaces operate and so there is a lack of clarity about their responsibility for ensuring that the products their sellers list on their sites are safe. Online marketplaces should be recognised in product safety law as part of the product supply chain, given the specific characteristics of their model where the marketplace, manufacturer, seller and consumer could all potentially be based in different countries and therefore jurisdictions. But the responsibilities of marketplaces which sometimes may be operating as retailers and distributors, but can have a variety of models, is not clear. Without stronger regulations in place to put greater responsibility on online marketplaces and prevent the sale of unsafe products on their sites, consumers will continue to be exposed to unsafe products. Consumers need to know that online marketplaces are taking appropriate steps to ensure the products they buy are safe – and that regulators are in a position to enforce this.

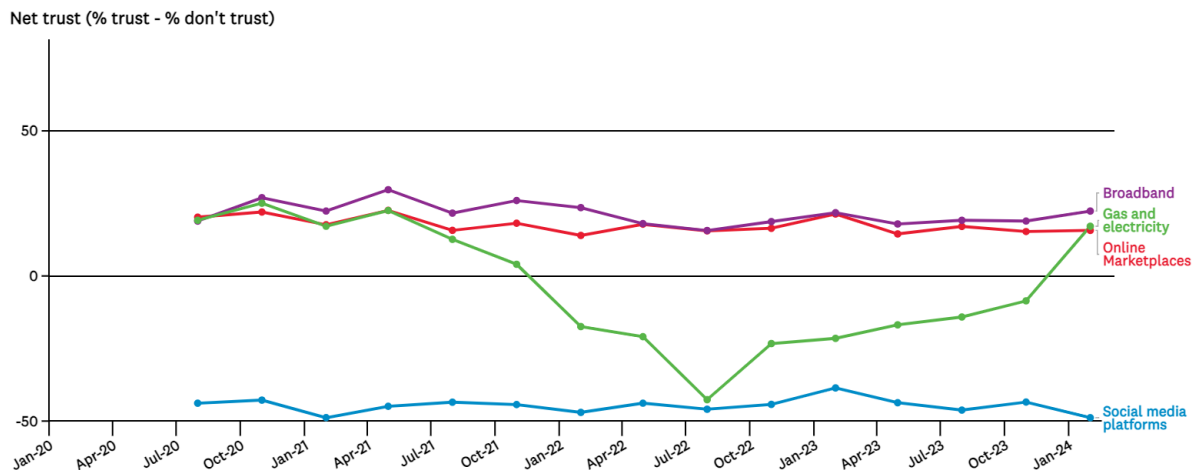
Unfortunately, it's evident from this research and investigations by us and others that such measures are lacking due to inadequate regulation and enforcement of the marketplaces and unsafe products are slipping through the net. This lack of oversight poses serious risks to consumers, as they may unknowingly purchase products that could endanger their homes and safety. It's clear that more must be done to prioritise product safety and protection consumers from potential hazards.

Chapter 3: Consumer's persistent trust in online marketplaces despite risks

Adding to the challenge of the prevalence of unsafe products within the online marketplace sphere, is the inherent trust consumers have in these marketplaces to guarantee the safety of products sold on their platform.

We have seen over time, consumers have consistently expressed positive levels of trust in online marketplaces. Within our Which? Consumer Insight tracker, trust in online marketplaces to act in the consumers best interest ranges between a net trust¹⁵ of +22 and +13.

Figure 5: Consumer's trust in online marketplaces acting in their best interest remains consistently high over time.



Approximately 2,000 respondents per wave. UK level data are weighted to represent the adult population of the UK by age, gender, region, social grade, working status and housing tenure. Which? (2024). Consumer Insight Tracker. Available at: <https://www.which.co.uk/policy-and-insight/consumer-insight-tracker>.

These overall trust levels seen amongst the general population are unsurprisingly reflected in the online marketplace user-base. Notably, trust levels tend to be higher among users, evidenced by a net trust level of +63.¹⁶

In general there are high levels of trust and an expectation in online marketplaces keeping consumers safe. When we asked respondents specifically about what they expected from the marketplaces, seven in 10 (70%) were confident that online marketplaces will ensure the safety of all products sold on their platforms. This trusting attitude also extends to how online

¹⁵ Net trust is the proportion of consumers who say they trust a sector to act in their best interest quite a lot or a great deal minus the proportion who say they don't trust a sector very much or at all.

¹⁶ Current research which found eight in 10 (79%) of online marketplace users trusted these marketplaces to act in their best interest.

marketplaces respond when unsafe items are discovered. Three in five (63%) people expressed confidence in the marketplaces' ability to swiftly remove such products from their platform.

However, we know, and have seen from the previous chapter, that online marketplaces don't always carry out adequate checks of their sellers to ensure that their products are safe. Even when customers identify them as harmful and take it upon themselves to notify the platform, the online marketplace does not always act swiftly to remove products from their website. We have examples where respondents have tried to notify the online marketplace of products being sold as unsafe and the online marketplace were no help (see Case Study 4).

Case study 4: Female, 35–44

A consumer purchased some Christmas lights which work by plugging them into the mains. When the item arrived, there were issues with the plugs and unclear safety markings, "the earth prong on the plug was not fully metal and had false safety markings". She pursued the seller and the online marketplace to try and get his money back with no success.

Interestingly, three in four (77%) consumers who experienced product issues said that they still trusted online marketplaces to act in their best interests. Consumer's unwavering trust might keep sellers of possibly unsafe products in business on these marketplaces. To address this, online marketplaces must take proactive steps to ensure consumer safety, including thorough seller checks, updated safety certifications, and prompt removal of hazardous items.

Policy Recommendations

Our research shows that consumers are shopping more on online marketplaces and, for some, this has been to help alleviate the cost of living pressures. They buy items because they are affordable and that they believe are of good quality. However, they are buying from these marketplaces whilst under the impression that online marketplaces have a legal responsibility to ensure products sold on their marketplaces are safe. Whilst UK consumers have embraced the online environment, the regulatory framework and requirements have not kept pace with these developments, giving rise to the potential for significant consumer harm such as people buying products that are unsafe and depending on the type of product, could for example be a fire hazard in their home, expose them to carbon monoxide fumes or expose them to unsafe levels of chemicals.

We therefore strongly support the government's proposals within the Product Safety Review 2023 that would place new duties upon online marketplaces including requirements for proactive checks of third-party sellers and for monitoring and scrutiny of listings and taking appropriate action.

There is a need to place these due care requirements on online marketplaces to ensure that they have responsibility for ensuring safety of all products sold through their marketplaces, including from third-party sellers. We recognise that some online marketplaces may already be acting as 'distributors' and therefore already be subject to certain legal obligations, but it is crucial to ensure that this applies to all online marketplaces and that they have clear responsibilities for taking appropriate actions to ensure that the sellers they list sell products that are fully compliant with safety requirements.

Online marketplaces should be taking appropriate steps and exercising due diligence to ensure that the products being sold are safe, and sellers are providing the prerequisite information. This includes conducting appropriate and proportional checks of the products that they offer for sale.

Online marketplaces should ensure traders provide up-to-date safety certificates or other evidence as appropriate to the product on sale and conduct regular and ongoing monitoring to ensure that illegal products are swiftly removed and consumers notified about what action they should take when they have already bought the product. The level of checks that are required will need to reflect the level of risk that is presented by the product and should also consider product safety alerts and databases issued by competent authorities and other market surveillance bodies – at international levels too.

We also believe that it is appropriate to consider additional obligations, which have been introduced in some other countries specifically to online marketplaces. These should include:

- The enhancement of product safety information, including the requirement for a clear, prominent indication of whether the product has been listed by a third-party seller rather than the retailer's or marketplace's site that the consumer is using, which the government has proposed but not yet implemented.
- Clear requirements to obtain and verify certain identity information from traders that use their services and make this available to consumers so they know who they are buying from.
- Online marketplaces must also suspend the trader's use of the platform if they suspect information provided is inaccurate. This includes routinely monitoring online customer reviews for potential warnings, such as 'fake products', as part of their due diligence.
- Online marketplaces that are not established in the UK but who sell to UK consumers should designate a legal representative here for the purposes of cooperation with relevant authorities and communicating with and assisting consumers on product safety issues.
- Online marketplaces should also directly notify consumers of a product they have purchased via the platform which is subject to a product safety recall or where certain information must be brought to the attention of consumers to ensure the safe use of a product. There should also be a requirement for online marketplaces to inform consumers if they become aware that a product that they have previously purchased from the marketplace is illegal (by contacting them and where appropriate by displaying relevant information on the site).
- Online marketplaces must take effective measures to guarantee that products removed for safety reasons or those seemingly identical) will not be relisted in the future without adequate due diligence undertaken.
- Better algorithmic accountability and more transparency on how certain content is identified and treated (which should form part of the duty of care obligations that are proposed). For example during their use to make product recommendations, or monitor product safety.
- The product liability regime should be updated so that the legal liability of online marketplaces is clear. It is important that there is an effective regime that both prevents unsafe products reaching the market – but also ensures that businesses who are responsible can be held to account for the damage they cause when they do.

Given the speed to which online business models are changing, the OPSS and Trading Standards need to be proactive in maintaining an enforcement regime which is agile and better able to adapt to changing consumer purchasing habits. In parallel, as new risks emerge, it is important that legislation and standards can be quickly and effectively updated to take these into account and ensure an appropriate level of protection for consumers

Without significant reforms – and more effective enforcement – these problems will continue to get worse, exposing more people to serious harm. It is crucial that the tide is turned in modernising the UK's product safety regime and closing the large and dangerous gap between protections for products bought on online marketplaces versus high street retailers.



Which?, 2 Marylebone Road, London NW1 4DF

Which?, 3 Capital Quarter, Tyndall Street, Cardiff CF10 4BZ

Phone +44 (0)20 7770 7000 Fax +44 (0)20 7770 7600 www.which.co.uk