

# CHOICE

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## DELIVERING DANGER:

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Designated complaint  
on the sale of unsafe  
products online

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June 2026



## Product safety designated 'super' complaint

### **Complainant details**

**Name of designated complainant:**

Australian Consumers' Association (CHOICE)

**Contact person:**

Andrew Kelly, Director of Campaigns and Communications

Email:

Tel:

**Date of last designated submitted to the ACCC:**

21 May 2025

### **About CHOICE**

CHOICE is the leading consumer advocacy group in Australia. CHOICE is independent, not-for-profit and member-funded. Our mission is simple: we work for fair, just and safe markets that meet the needs of Australian consumers. We do that through our independent testing, advocacy and journalism.

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## **Executive summary**

In July 2024, 8 year old Daniella Jacobs-Herd suffered burns to 13% of her body when the hoodie she was wearing, bought for her from Temu, caught fire at a birthday party.<sup>1</sup> The hoodie was in breach of mandatory standards and should never have been sold, but it wasn't recalled by Temu until four months after Daniella's terrible injury.

Online marketplaces and online stores have grown rapidly in Australia, becoming a central part of how consumers shop. This growth has outpaced the regulatory framework designed to keep consumers safe, creating significant gaps that businesses exploit to flood the market with unsafe products.

For every story that makes the news, there are likely many more that go unreported. CHOICE research reveals that an alarming 6% of people who purchased products online in the last two years suffered a minor or major injury or property damage from an unsafe product. The scale of consumer harm linked to unsafe products sold online is significant and deeply concerning.



Australia's product safety regime suffers from two critical flaws. First, there is no general, overarching law that effectively prevents businesses from selling, or facilitating the sale of, unsafe products in Australia. Second, large international online marketplaces evade responsibility by acting as intermediaries, allowing them to flood the market with unsafe products with little consequence.

This complaint sounds the alarm on both issues. Our findings are drawn from CHOICE's long-established expertise in product testing, investigations and rigorous consumer research.

The continued sale of unsafe, potentially banned and prohibited products is systemic across major online marketplaces like Amazon, eBay, AliExpress, Shein and Temu, and consumers are largely unaware of the risks. This complaint includes evidence from four CHOICE investigations from 2024 to 2026, but these are just the tip of the iceberg.

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<sup>1</sup> ABC, 27 Jan 2025, 'Temu recalls flammable glow-in-the-dark jumper after 8yo girl suffers burns' accessed at: <https://www.abc.net.au/news/2025-01-07/temu-recall-flammable-glow-in-dark-jumper-australia-consumer-law/104787390>

Where mandatory safety standards exist, we have found too many examples of products which don't appear to meet them. These products are being sold at scale to consumers, with businesses potentially:

- Engaging in unconscionable conduct by negligently or knowingly selling unsafe products;
- Misleading and deceiving consumers by selling them unsafe products while presenting their platforms as safe.

Consumers should not have to compromise on safety for affordability, nor should it be their responsibility to ensure products are safe before purchase. All products, regardless of price or origin, should be safe, and all businesses should be held accountable for what they sell. CHOICE research reveals that 91% of consumers believe that products are legally required to be safe before they are sold in Australia with 89% believing that it is illegal to sell unsafe products either online or in-store.<sup>2</sup> Consumers already believe that the law prevents the sale of unsafe products, when that is not the case. The law does not meet consumers' expectations, leading to a false sense of safety.

As it stands, Australia's product safety regime is largely reactive, ineffective and inefficient. Too often, consumers have to suffer real harm before a product is removed from sale or recalled – and even then, those recalls are mostly voluntary with limited requirements on businesses in how they inform consumers and manage the recovery of recalled products. This places an unfair and unreasonable burden on consumers, consumer advocates and regulators to monitor for safety issues, instead of the businesses that supply, or facilitate the sale of, those products.

This complaint urges the ACCC to investigate these systemic and significant issues, and take action against the companies identified by CHOICE in this complaint, if they are found to be selling, or possessing and controlling, unsafe, banned or prohibited products. We also call on the ACCC to take action against any businesses we have identified that could be engaging in misleading or deceptive conduct in relation to safety claims, or unconscionable conduct in continuing to put consumers at risk of significant harm.

While this complaint identifies a disturbing range of potential breaches of existing laws and standards, it is also clear that the law needs to change.

At present, safety issues are addressed product by product, standard by standard, through a patchwork of State and Federal regulations. While we have identified potential breaches of specific product safety standards, there are countless other

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<sup>2</sup> CHOICE Online Product Safety research is based on an online survey designed and analysed by CHOICE of 2,040 Australians. The sample has been weighted to be representative of the Australian population by age, gender, state and territory that had purchased personal or household items online in the last two years. Fieldwork was conducted from 14th of October to the 10th of November, 2025.

products which may be unsafe but are not covered by a ban or a mandatory standard. Consumers have reported a range of injuries associated with products bought online, and disturbingly, these harms are prevalent in products designed for infants and children.

Beyond the potential breaches identified here, this complaint also highlights the urgent need for reform. According to the World Customs Organization (WCO), there are more than 5,000 product categories, yet in Australia we have mandatory standards for about 50 products.<sup>3</sup> How is this model delivering safety and fairness to Australians? Alongside any ACCC investigation in response to this complaint, the Federal Government should introduce stronger product safety laws, including a General Safety Provision, which expressly and directly makes it illegal for all businesses to sell unsafe products in Australia – including online marketplaces.

Businesses that invest in complying with Australian product safety laws are placed at a significant competitive disadvantage in this market. While local businesses in the supply chain bear the costs of meeting important safety requirements, online marketplaces are able to offer cheaper products that do not meet the same standards. This creates an uneven playing field that rewards non-compliance and undermines businesses doing the right thing. This distortion of competition harms Australian businesses and could discourage investment in product safety.

With technology continuing to advance and online marketplaces and online stores continuing to grow, reform can't wait any longer. Without stronger consumer protections, consumer harm will only increase.

We urge the ACCC and the Federal Government to consider the issues covered in this complaint, and take meaningful action to protect Australians from harm when shopping online.

### **Complaint overview**

We strongly urge the ACCC to investigate whether the online marketplaces, third party suppliers, and online stores named in this complaint are selling, or facilitating the sale of, potentially unsafe, banned or prohibited products online, leading to significant and systemic consumer harm. We also ask that the ACCC investigate whether any safety claims are misleading or deceptive, and whether any businesses have engaged in unconscionable conduct in the continued sale of unsafe products.

Our complaint highlights four practices that may breach the law, including:

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<sup>3</sup> World Customs Organization Organisation mondiale des douanes 'What is the Harmonized System (HS)?' The number of product categories estimated by the World Customs Organization is available here: <https://www.wcoomd.org/en/topics/nomenclature/overview/what-is-the-harmonized-system.aspx>.

- The selling of products on online marketplaces and online stores that breach mandatory standards;
- The selling and distribution of banned products on online marketplaces and online stores;
- The selling and distribution of prohibited weapons on online marketplaces and online stores;
- The 'safety washing' of unsafe, banned and prohibited products and sellers on online marketplaces and online stores.

### **How the issue relates to the CCA**

#### **Potential breaches of the CCA**

This complaint outlines practices that may be in breach of the Competition and Consumer Act. CHOICE requests that the ACCC investigate whether online marketplaces, online stores and/or third party suppliers have:

- Engaged in conduct that was misleading or deceptive, or likely to mislead or deceive;
- Engaged in unconscionable conduct;
- Sold, or facilitated the sale of, goods which are in breach of mandatory standards;
- Sold, or facilitated the sale of, banned products

#### **Misleading or deceptive conduct**

This complaint outlines examples of online marketplaces and online stores making representations of safety to consumers on some potentially unsafe, banned and prohibited products, conduct which we consider creates a false sense of security for consumers when purchasing the products online. These practices could amount to misleading or deceptive conduct, as set out in Section 18(1) of the Australian Consumer Law:

(1) A person must not, in trade or commerce, engage in conduct that is misleading or deceptive or is likely to mislead or deceive.<sup>4</sup>

In addition, section 29(1)(a) of the Australian Consumer Law states that:

(1) A person must not, in trade or commerce, in connection with the supply or possible supply of goods or services or in connection with the promotion by any means of the supply or use of goods or services:

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<sup>4</sup> Competition and Consumer Act 2010 (Cth) Schedule 2 Section 18 (1) accessed at: <https://www.legislation.gov.au/C2004A00109/latest/text>

(a) make a false or misleading representation that goods are of a particular standard, quality, value, grade, composition, style or model or have had a particular history or particular previous use; or [...]<sup>5</sup>

### **Unconscionable conduct**

Further, this complaint sets out examples of online marketplaces and online stores supplying potentially unsafe, banned and prohibited products to consumers by selling, facilitating, possessing or distributing product sales online. These practices could amount to unconscionable conduct, as set out in section 21 of the ACL:

- (1) A person must not, in trade or commerce, in connection with:
- (a) the supply or possible supply of goods or services to a person; or
  - (b) the acquisition or possible acquisition of goods or services from a person;
- engage in conduct that is, in all the circumstances, unconscionable.<sup>6</sup>

### **Mandatory safety standards**

CHOICE testing and research has uncovered the presence of several products sold on online marketplaces and online stores despite breaching mandatory safety standards. Section 106 of the ACL provides that:

- (1) A person must not, in trade or commerce, supply consumer goods of a particular kind if:
- (a) a safety standard for consumer goods of that kind is in force; and
  - (b) those goods do not comply with the standard.<sup>7</sup>

We request that the ACCC investigate the sale of potentially unsafe, banned and prohibited products sold on online marketplaces and online stores. If online marketplaces and online stores are found to be in breach of the ACL, we urge the ACCC to take enforcement action.

### **The relevant powers or functions of the ACCC under the CCA or the ACL which may relate to the market issue.**

Section 224 of the ACL gives the courts the power to impose a pecuniary penalty for breaches of sections 21 (Unconscionable conduct), 29 (False or misleading representations about goods or services), and 106 (Supplying etc. consumer goods that do not comply with safety standards). The ACCC is the Commonwealth statutory authority responsible for administering and enforcing compliance with the ACL.

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<sup>5</sup> Competition and Consumer Act 2010 (Cth) Schedule 2 Section 29 (1) (a) accessed at: <https://www.legislation.gov.au/C2004A00109/latest/text>

<sup>6</sup> Competition and Consumer Act 2010 (Cth) Schedule 2 Section 21 accessed at: <https://www.legislation.gov.au/C2004A00109/latest/text>

<sup>7</sup> Competition and Consumer Act 2010 (Cth) Schedule 2 Section 106 accessed at: <https://www.legislation.gov.au/C2004A00109/latest/text>

The ACCC has also listed product safety as a compliance and enforcement priority for 2026, and as an enduring priority. This year, the ACCC stated it would be prioritising:

*“Consumer product safety issues for young children, with a focus on compliance with button battery, infant sleep and toppling furniture mandatory standards.”<sup>8</sup>*

Section 134A of the Competition and Consumer Act gives the ACCC the power to issue an infringement notice where there are reasonable grounds to believe that sections 21, 29, or 106(1) of the ACL have been contravened.<sup>9</sup>

Section 28(c) of the Competition and Consumer Act empowers the ACCC “to conduct research in relation to matters affecting the interests of consumers, being matters with respect to which the Parliament has power to make laws”.<sup>10</sup> A market study could expand on CHOICE’s work and provide further valuable insights, as well as recommendations on how best to tackle and address the problem of unsafe, potentially banned and prohibited products being sold online.

### **Addressing gaps in policy and law**

In addition to investigating the specific potential breaches outlined in this complaint, we ask that the ACCC’s response to this complaint articulates how action such as law reform, regulatory guidance and other changes could address the issues and harms detailed in this complaint. This is consistent with the ACCC’s functions under Section 28 of the Competition and Consumer Act, to conduct research and make information available to the public about matters affecting the interests of consumers, being matters with respect to which the Parliament has power to make laws.

For example, the ACCC could conduct a review into product safety laws, and could recommend potential changes to the law.

### **Systemic and significant market issue**

#### **Widespread impact on a large number of consumers**

Millions of Australians now purchase products from online marketplaces and online stores every year, a number that is rapidly increasing.

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<sup>8</sup> ACCC, 2026-2027, ‘Compliance and enforcement priorities’, accessed at: <https://www.accc.gov.au/about-us/accc-strategy-and-priorities/compliance-and-enforcement-priorities>

<sup>9</sup> Competition and Consumer Act 2010 (Cth) Section 134A accessed at: [https://www.legislation.gov.au/C2004A00109/2026-03-28/2026-03-28/text/original/epub/OEBPS/document\\_3/document\\_3.html#\\_Toc227069988](https://www.legislation.gov.au/C2004A00109/2026-03-28/2026-03-28/text/original/epub/OEBPS/document_3/document_3.html#_Toc227069988)

<sup>10</sup> Competition and Consumer Act 2010 (Cth) Section 28 accessed at: [https://www.legislation.gov.au/C2004A00109/2026-03-28/2026-03-28/text/original/epub/OEBPS/document\\_1/document\\_1.html#\\_Toc227059313](https://www.legislation.gov.au/C2004A00109/2026-03-28/2026-03-28/text/original/epub/OEBPS/document_1/document_1.html#_Toc227059313)

Last year, a Roy Morgan study found that 8.8 million people made a purchase at least once from Amazon in the 12 months to September 2025, an increase of 900,000 year-on-year. The same study showed that 4.7 million people purchased from Temu – also a 900,000 year-on-year increase – and 2.6 million purchased at least once from Shein, representing a 600,000 year-on-year increase. Most people are not just shopping once on these platforms, but are making regular, repeat purchases. Roy Morgan estimates that Temu and Shein have had a combined increase of almost \$1.3 billion in annual sales from Australia alone.<sup>11</sup>

Enormous volumes of products are sold across platforms like Amazon, Temu, eBay, AliExpress and Shein, including items that are potentially unsafe, banned or prohibited. These products enter the market with limited to no oversight.

This is compounded by a fragmented accountability framework, where multiple parties are involved and responsibility isn't always clear. Online marketplaces and online stores often position themselves as an intermediary, avoiding obligations that apply to businesses considered to supply the product.

Where safety standards and other regulations do apply to specific products, CHOICE has identified a range of examples where it appears that those legal requirements are not being met.

Together, these gaps create a regulatory environment that allows potentially unsafe, banned and prohibited products to be sold at scale and enter consumers' homes across Australia, creating widespread, systemic and preventable risk.

### **Likely to cause significant detriment to infants and children**

Millions of Australians shop online and are exposed to the risk of unknowingly buying an unsafe product.

Several groups are especially exposed, such as infants and children. CHOICE's testing raises a number of serious concerns about the quality of children's toys that are sold on online marketplaces. Many of our tests show toys repeatedly failing to meet mandatory button battery standards. This poses a significant risk to children, particularly infants. Around 200 children per year, or approximately four a week, are potentially exposed to button battery injuries in Australia, with at least 12 a year experiencing an injury<sup>12</sup>, and since 2013, three children have died from oesophageal button battery injury.<sup>13</sup> Infants are also at a high risk of harm from unsafe cots that

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<sup>11</sup> Roy Morgan, September 9 2025, '*Temu and Amazon have each gained close to a million shoppers in the last year, Shein has also gained over half a million shoppers*', accessed at:

<https://www.roymorgan.com/findings/10016-amazon-temu-and-shein-growth-story-continues-september-2025>

<sup>12</sup> The Royal Australian College of General Practitioners, 2022, '*Button Battery Injury*', accessed at:

<https://www1.racgp.org.au/getattachment/ebf8d1be-1b05-44cc-adf2-92a25d6758dd/Button-battery-injury.aspx>

<sup>13</sup> Australian Journal of General Practice, July 7 2022, '*Button Battery injury: an update*' accessed at:

[https://www1.racgp.org.au/ajgp/2022/july/button-battery-injury#:~:text=General%20practitioners%20\(GPs\)%20may%20be%20consulted%20for,pathophysiology%2C%20presentation%20and%20updated%20management%20of%20button](https://www1.racgp.org.au/ajgp/2022/july/button-battery-injury#:~:text=General%20practitioners%20(GPs)%20may%20be%20consulted%20for,pathophysiology%2C%20presentation%20and%20updated%20management%20of%20button)

are being sold on online marketplaces and online stores. It is imperative that these risks are urgently addressed.

## **Details of the issues**

### **1. Products are being sold on online marketplaces and online stores that breach safety standards**

CHOICE research reveals a substantial volume of products purchased from a range of online marketplaces are failing safety tests and mandatory standards.

While most products CHOICE identifies as potentially unsafe are later removed by online marketplaces, we continue to find further potentially unsafe products for sale. Often, similar product listings remain available for sale. CHOICE has limited resources and the reactive approach taken by well-resourced online marketplaces to product safety places an unreasonable burden on the organisation to conduct monitoring and compliance work that should be conducted by online marketplaces.

CHOICE welcomes the ACCC's recently announced court proceedings against Amazon for alleged breaches of button and coin battery mandatory standards. This is the first time that the ACCC has brought this type of case against an online marketplace and it will be an important test of the law in relation to the level of control that online marketplaces have over the products sold on their platforms and whether they can be held responsible for those breaches.

Significant gaps in the law that put consumers at risk still remain, so we continue to urge the Government to strengthen Australia's lax product safety laws so that they actually prevent all businesses from selling unsafe products in the first place – including online marketplaces.

## **December 2025 CHOICE mechanical toy test**

CHOICE purchased 22 toys for children aged 3 and under from local Amazon, eBay, Temu and AliExpress sites in late 2025, and found significant safety failures. The six toys had serious safety failures that could cause children to choke on small and unsecured parts, as well as one minor failure.

The toys were assessed by CHOICE based on the following mandatory standards, where applicable:

- Consumer Goods (Toys for Children up to and including 36 Months of Age) Safety Standard 2023 - F2023L01185<sup>14</sup>

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<sup>14</sup> ACCC, 2023, 'Toys for children up to and including 36 months of age mandatory standard', accessed at: <https://www.productsafety.gov.au/business/search-mandatory-standards/toys-for-children-up-to-and-including-36-months-of-age-mandatory-standard#toc-mandatory-standard-details>

- Consumer Goods (Toys Containing Magnets) Safety Standard 2020 - F2020L01074<sup>15</sup>
- Consumer Goods (Projectile Toys) Safety Standard 2020 - F2021C00813<sup>16</sup>
- The Australian (Safety of Toys) Standard and Australian (Electric Toys) Standard.<sup>17</sup>



The table below identifies the six toys that failed CHOICE’s mechanical toy test and the reasons for each failure:

Image	Marketplace/toy	Failures
	<b>Ali Express rattle</b>	Unsecured small parts and the design of the handle posed a choking hazard.
	<b>Amazon rattle set</b>	The handle of one rattle (rabbit) and the beads on another (club) posed a choking hazard for babies. The small parts were also able to be liberated.

<sup>15</sup> ACCC, 2020, 'Toys containing magnets mandatory standard', accessed at: <https://www.productsafety.gov.au/business/search-mandatory-standards/toys-containing-magnets-mandatory-standard>

<sup>16</sup> ACCC, 2020, 'Projectile toys mandatory standard', accessed at: <https://www.productsafety.gov.au/business/search-mandatory-standards/projectile-toys-mandatory-standard>

<sup>17</sup>Standards Australia, *Australian (Safety of Toys) Standard: AS/NZS ISO 8124.1:2019* accessed at: <https://www.standards.org.au/standards-catalogue/standard-details?designation=as-nzs-iso-8124-1-2019> & Standards Australia, *Australian (Electric Toys) Standard: AS/NZS 62115:2018* accessed at: <https://store.standards.org.au/product/as-nzs-62115-2018>

	<p><b>Amazon lip-shaped whistle</b></p>	<p>Small parts that were not properly secured posed a choking hazard. The toy is designed to go between lips like a dummy, so could be mistaken for one (or used as one) by small children.</p>
	<p><b>eBay foam letters and numbers</b></p>	<p>A choking hazard was created by parts that could be torn off.</p>
	<p><b>eBay rattle</b></p>	<p>Unsecured small parts and the design of the handle both posed a choking hazard.</p>
	<p><b>Temu toy teether</b></p>	<p>A choking hazard arose from pull-strings that could get stuck in a baby's throat. (While the packaging is marked as 18m+, it also features a photo of a younger baby and says 'tailor-made for babies'.)</p>

When contacted by CHOICE, the marketplaces had the following responses:

A Temu spokesperson said the company “*does not permit third-party sellers to list products that fail to meet applicable safety or regulatory requirements,*” adding that the teether toy that failed CHOICE’s test had been removed before we contacted the company about it.

An Amazon spokesperson confirmed that the unsafe products had been removed after CHOICE flagged them, saying “*all products offered in our store must comply with applicable laws, regulations and Amazon policies*”.

eBay also confirmed it had removed the dangerous products after we contacted them.

AliExpress did not agree that an unsafe baby rattle was for sale on its platform, saying it couldn’t find the item. We found many similar rattles still available to order.

### **September 2025 button battery toy test**

CHOICE purchased 24 toys from online marketplaces including Shein, AliExpress, eBay and Amazon and tested them against the button and coin battery mandatory standards.<sup>18</sup> Testing of the products from these retailers found that 17 of the toys failed to meet various requirements of the standards, posing serious safety risks for children – our most vulnerable citizens.

The items were assessed based on the Australian mandatory standards:

- Consumer Goods (Products Containing Button/Coin Batteries) Safety Standard 2020, F2022C00445;
- Consumer Goods (Products Containing Button/Coin Batteries) Information Standard 2020, F2020L01657;
- Consumer Goods (Button/Coin Batteries) Safety Standard 2020, F2022C00424; and
- Consumer Goods (Button/Coin Batteries) Information Standard 2020, F2020L01659.
- Where applicable, the Australian (Safety of Toys) Standard and Australian (Electric Toys) Standard were used.<sup>19</sup>

Button batteries pose a well-documented hazard if swallowed, with incidents capable of causing severe internal injuries, hospitalisation and, in some cases, death. Young children are particularly vulnerable.


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<sup>18</sup> ACCC, 2022, ‘*Button and coin batteries mandatory standards*’, accessed at: <https://www.productsafety.gov.au/business/search-mandatory-standards/button-and-coin-batteries-mandatory-standards>


<sup>19</sup> Standards Australia, *Australian (Safety of Toys) Standard: AS/NZS ISO 8124.1:2019* accessed at: <https://www.standards.org.au/standards-catalogue/standard-details?designation=as-nzs-iso-8124-1-2019> & Standards Australia, *Australian (Electric Toys) Standard: AS/NZS 62115:2018* accessed at: <https://store.standards.org.au/product/as-nzs-62115-2018>

The safety failures identified across the 17 toys included batteries that could be accessed without the aid of a tool, the absence of required safety alerts or warning statements, and non-captive screws which did not remain attached to the battery compartment cover upon opening.

The table below identifies the 17 toys that failed CHOICE’s button battery toy test, and the reasons for each failure:

Image/ Marketplace	Toy	Key failures
<p><b>AliExpress</b></p> 	Writing pad	<ul style="list-style-type: none"> <li>• The screw was not captive and did not remain with the battery compartment cover when the compartment was opened.</li> <li>• The warning about the battery did not include the substance of almost all the matters covered by subsection 8(7).</li> <li>• The safety alert symbol was not present on the front panel of the packaging.</li> <li>• The statements about the battery were presented with different wording compared to what is required in the standard.</li> </ul>
	Toy watch	<ul style="list-style-type: none"> <li>• The warning statements about the battery covered by subsection 8(7) were not present.</li> <li>• The safety alert symbol was not present on the front panel of the packaging.</li> </ul>
	Video game	<ul style="list-style-type: none"> <li>• The screw was not captive and did not remain with the battery compartment cover when the compartment was opened.</li> <li>• The warning statements about the battery covered by subsection 8(7) were not present.</li> <li>• The safety alert symbol was not present on the front panel of the packaging.</li> </ul>
	Plastic piece (shoe decoration )	<ul style="list-style-type: none"> <li>• The whole item with the button battery inside can fit entirely in the small part cylinder.</li> <li>• The warning statements about the battery covered by subsection 8(7) were not present.</li> <li>• The safety alert symbol was not present on the front panel of the</li> </ul>

		packaging.
<b>Amazon</b> 	Rubber bath toys	<ul style="list-style-type: none"> <li>The warning about the battery did not include the substance of almost all the matters covered by subsection 9(3).</li> </ul>
	Plastic bendy tubes	<ul style="list-style-type: none"> <li>The warning statements about the battery covered by subsection 8(7) was not present.</li> <li>The safety alert symbol was not present on the front panel of the packaging.</li> </ul>
	Keychain	<ul style="list-style-type: none"> <li>The screw was not captive and it did not remain with the battery compartment cover when the compartment was opened.</li> <li>The warning statements about the battery covered by subsection 8(7) was not present.</li> <li>The safety alert symbol was not present on the front panel of the packaging.</li> </ul>
<b>eBay</b> 	Fidget spinner	<ul style="list-style-type: none"> <li>The warning statements about the battery covered by subsection 8(7) were not present.</li> <li>The safety alert symbol was not present on the front panel of the packaging.</li> </ul>
	Gloves	<ul style="list-style-type: none"> <li>The battery compartment cover opened in the tension test. Consequently, the batteries were able to be released without the use of a tool.</li> <li>The warning about the battery did not include the substance of almost all the matters covered by subsection 8(7).</li> </ul>
	Toy torch	<ul style="list-style-type: none"> <li>The warning statements about the battery covered by subsection 8(7) were not present.</li> <li>The safety alert symbol was not present on the front panel of the packaging.</li> </ul>
	Mouthguard	<ul style="list-style-type: none"> <li>The warning statements and safety alert symbol about the battery covered by subsection 9(3) were not present.</li> </ul>
	Shoes	<ul style="list-style-type: none"> <li>The warning statements about the</li> </ul>

		<p>battery covered by subsection 8(7) were not present.</p> <ul style="list-style-type: none"> <li>• The safety alert symbol was not present on the front panel of the packaging.</li> </ul>
<p><b>Shein</b></p> 	Slatted glasses	<ul style="list-style-type: none"> <li>• The screws were not captive and did not remain with the battery compartment cover when the compartment was opened.</li> </ul>
	Jelly rings with five designs	<ul style="list-style-type: none"> <li>• The flower ring and spiky ring individually could fit entirely in the small parts cylinder (the star ring, heart ring and bristly ring individually can not).</li> <li>• The warning statements about the battery covered by subsection 8(7) were not present.</li> <li>• The safety alert symbol was not present on the front panel of the packaging.</li> </ul>
	Satin scrunchie	<ul style="list-style-type: none"> <li>• The warning statements about the battery covered by subsection 8(7) were not present.</li> <li>• The safety alert symbol was not present on the front panel of the packaging.</li> </ul>
	Spin top with launcher	<ul style="list-style-type: none"> <li>• The warning statements about the battery covered by subsection 8(7) were not present.</li> <li>• The safety alert symbol was not present on the front panel of the packaging.</li> </ul>
	Keyboard button keychain	<ul style="list-style-type: none"> <li>• The item could fit entirely in the small parts cylinder.</li> <li>• The light-up device could be removed from the casing without the aid of a tool, and it could fit entirely in the small parts cylinder, and the battery released when the casing was removed.</li> <li>• The warning statements about the battery covered by subsection 8(7) were not present.</li> <li>• The safety alert symbol was not present on the front panel of the packaging.</li> </ul>

When we alerted AliExpress to our findings, the company said they were 'unsubstantiated' within hours. Amazon, eBay and Shein removed the identified products from their platforms shortly after we notified them.

### August 2025 cot test

CHOICE purchased 13 cots in mid-2025, with five of those cots found to have serious safety failures. CHOICE experts tested each cot against key safety clauses from the voluntary and mandatory safety standards at the time, AS/NZS 2172:2013<sup>20</sup>, as these tests were conducted ahead of the January 2026 implementation of the infant sleep products mandatory standards.

Most of the cots we tested that failed to meet basic safety standards, were purchased from online marketplaces such as eBay.

Brand/ Model/ purchase location	Reason for failure
Consol/ Roma eBay	<ul style="list-style-type: none"> <li>● The cot was able to be installed in more than two positions, which is not permitted by the standard. This could pose a fall risk.</li> <li>● There was no recommended mattress size provided, but even based on a generous allowance of 150mm, the cot was still not deep enough in its highest position when the dropside is closed and open, posing a fall risk.</li> <li>● The dropside locking mechanism was too easy to operate in both lift and pull actions, posing a fall risk.</li> <li>● The dropside movement was not free and did not operate smoothly. This means it did not engage or lock properly, posing a fall risk.</li> <li>● The spaces between some vertical bars at the dropside and cot ends created a limb entrapment hazard.</li> <li>● There was no recommended mattress size on the instructions or external packaging, and the instructions lacked clarity (including essential safety warnings and precautions).</li> <li>● All the required markings on the cot's base were missing, which could lead to unsafe usage due to lack of supplied information.</li> </ul>
Grottime/ Haven	<ul style="list-style-type: none"> <li>● The opening between the mattress base in lower position and</li> </ul>

<sup>20</sup> For household cots (permanently assembled timber/metal cots) CHOICE experts tested to AS/NZS 2172:2013 which can be accessed at: [https://store.standards.org.au/product/as-nzs-2172-2013?utm\\_source=standards.org.au&utm\\_medium=referral&utm\\_campaign=standards-catalogue](https://store.standards.org.au/product/as-nzs-2172-2013?utm_source=standards.org.au&utm_medium=referral&utm_campaign=standards-catalogue) sections of this standard can now be found in the recently updated infant sleep products mandatory standards accessed at: <https://www.productsafety.gov.au/business/search-mandatory-standards/infant-sleep-products-mandatory-standards#toc-mandatory-standards-details> Points of Non-compliance to AS/NZS 2172:2003 + CPN 6 OF 2005 as well as Points of Non-compliance to AS/NZS 2172:2013.

Big W Purchased in-store at Katoomba, also available online.	the cot ends could lead to limbs going into, and getting caught, in the space.
Koko & Scar cot eBay	<ul style="list-style-type: none"> <li>• The cot was able to be installed in more than two positions, which is not permitted by the standard.</li> <li>• Serious safety failure: The upper corners of the cot ends could snag onto clothing, posing a strangulation hazard once the baby is able to sit and stand upright.</li> <li>• Serious safety failure: Certain openings created limb entrapment hazards, including the gaps between the bottom bar of the cot side and the adjacent underside of the bar/rail of the mattress base when the mattress base is in the mid-upper position, and between some bars of the mattress base.</li> </ul>
Luxo Baby/ Eudora eBay	<ul style="list-style-type: none"> <li>• Instructions for assembly were insufficient (including essential safety warnings and precautions, no recommended mattress size and no supplier's name and address).</li> <li>• External packaging was not marked with the recommended mattress size.</li> </ul>
Sweet Pea/ Anita Baby bunting online	<ul style="list-style-type: none"> <li>• The dropside locking mechanism was too easy to operate in both lift and pull actions, posing a fall risk.</li> </ul>

CHOICE received responses from the manufacturers of the Sweet Pea and Grottime Haven cots. Both Sweet Pea and Grottime disputed our findings and, in each case, asserted that the cots comply with relevant standards. However, CHOICE has reviewed the various issues raised by Sweet Pea and Grottime, and we stand by the results of our expert testing in our accredited lab. The cots were no longer on sale when we contacted eBay, who could not find identical items to remove, highlighting the fast-changing nature of online marketplaces. At the time of writing this complaint, what appears to be the same Grottime Haven cot (Article: 6036421) was still available at Big W, nine months after we initially released our findings.<sup>21</sup>

<sup>21</sup> Big W, Grottime Haven Cot White, Accessed at: <https://www.bigw.com.au/product/grottime-haven-cot-white/p/6036421?srsId=AfmBOoruxYNuORhRGyXNVpsBNEOJRtXtxm6B7ncAld8S2oSfUqgsnrnj>

The screenshot shows the Big W website interface. At the top, there is a search bar with the text 'Search 2+ million products' and a magnifying glass icon. To the right, there are icons for user profile, heart, and cart. Below the search bar is a navigation menu with options: 'Shop By Department', 'Catalogue', 'Deals', 'Mother's Day', and 'Marketplace'. There are also icons for 'Track order' and 'Find a store'. The main content area features a large image of a white cot with vertical slats. To the right of the image, the product title 'Grottime Haven Cot - White' is displayed, along with the price '\$139'. Below the price, there is a 'Collect 139 points' button with a 'Sign in' link. A prominent blue 'Add to cart' button is visible. A warning box with a yellow triangle icon contains the text: 'WARNING! An infant should be placed to sleep on a firm, flat surface. ALWAYS place infant on their back when using this product. DO NOT put objects or accessories in an infant's sleep environment. DO NOT place this product near a blind, cord, strap or similar item that could become wrapped around an infant's neck.' Below the warning, it says 'Sold & shipped by BIG W' and '90 day change of mind returns. Some exclusions apply'. At the bottom right, there are financing options: 'afterpay' (4 payments of \$34.75), 'PayPal Pay in 4' (4 payments of \$34.75), and 'Zip' (From \$10 a week). A row of smaller product images is visible at the bottom left of the main image area.

Screenshot taken from Big W on 1.5.2026

## September 2024 Temu product test

CHOICE purchased and tested 15 coin and button battery-operated products from Temu in May 2024, with every single toy failing at least one requirement of the mandatory button battery standard.<sup>22</sup> CHOICE testing found three types of failures across the products tested – easily accessible button batteries, non-captive screws and incorrect warning labels.


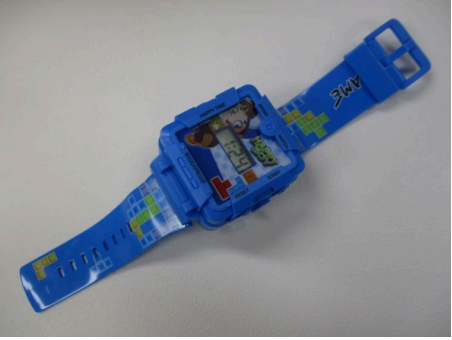

The items were assessed based on the Australian mandatory standards:

- Consumer Goods (Products Containing Button/Coin Batteries) Safety Standard 2020, F2022C00445;
- Consumer Goods (Products Containing Button/Coin Batteries) Information Standard 2020, F2020L01657;
- Consumer Goods (Button/Coin Batteries) Safety Standard 2020, F2022C00424; and
- Consumer Goods (Button/Coin Batteries) Information Standard 2020, F2020L01659.
- Where applicable, the Australian (Safety of Toys) Standard and Australian (Electric Toys) Standard were used.<sup>23</sup>

<sup>22</sup> ACCC, 2022, 'Button and coin batteries mandatory standards', accessed at: <https://www.productsafety.gov.au/business/search-mandatory-standards/button-and-coin-batteries-mandatory-standards>

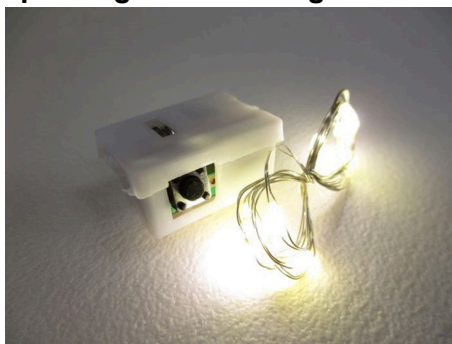
<sup>23</sup> Standards Australia, *Australian (Safety of Toys) Standard: AS/NZS ISO 8124.1:2019* accessed at: <https://www.standards.org.au/standards-catalogue/standard-details?designation=as-nzs-iso-8124-1-2019> & *Standards Australia, Australian (Electric Toys) Standard: AS/NZS 62115:2018* accessed at: <https://store.standards.org.au/product/as-nzs-62115-2018>

The table below identifies the 15 Temu toys that failed CHOICE’s tests, and the reasons for each failure:

Name/ image	Reason for failure
<p><b>Tutu skirt (lithium battery)</b></p> 	<ul style="list-style-type: none"> <li>• The battery compartment failed the tension test, and batteries became released without the use of a tool.</li> <li>• A safety alert symbol was not present on the front of the packaging.</li> </ul>
<p><b>Square watch</b></p> 	<ul style="list-style-type: none"> <li>• The screw was not captive, meaning it did not remain with the battery compartment when opened.</li> <li>• A safety alert symbol was not present on the front of the packaging.</li> <li>• Certain warning statements about the battery were not present.</li> </ul>
<p><b>Spinning top with launcher</b></p> 	<ul style="list-style-type: none"> <li>• A safety alert symbol was not present on the front of the packaging.</li> </ul>
<p><b>Light-up projectile with fins</b></p>	<ul style="list-style-type: none"> <li>• The battery compartment was not resistant to being opened by young children, and the batteries could be removed without the aid of a tool. The batteries become released.</li> <li>• A safety alert symbol was not present on the front of the packaging.</li> </ul>



### Space figurine building blocks



- The battery compartment failed the tension test and batteries became released without the use of a tool.
- Certain warning statements about the battery were not present.
- A safety alert symbol was not present on the front of the packaging.

### Writing tablet (lithium battery)



- The screw was not captive. When the battery compartment was opened to change the battery, the screw that fastens the cover came off completely and did not remain with the battery compartment cover. If this screw is lost then the cover could be accessed by a child.
- A safety alert symbol was not present on the front of the packaging.

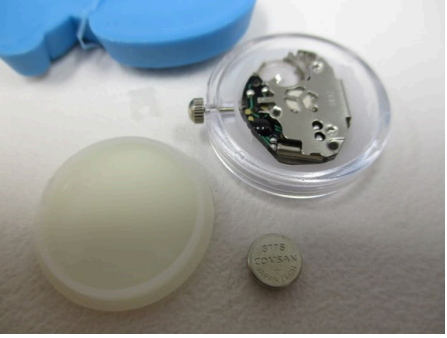

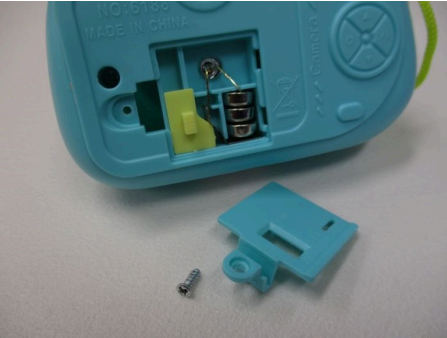

### Finger spinning top



- The upper and lower halves of the item's body were separated in the tension test and consequently, batteries became released without the use of a tool.
- A safety alert symbol was not present on the front of the packaging.

### Slap-on animal watch

- The battery compartment was not resistant to being opened by young children and the battery was removed without the aid of a tool. The batteries became released.
- Certain warning statements about the battery were not present.
- A safety alert symbol was not present on the front of the

	<p>packaging.</p>
<p><b>Musical keyboard</b></p> 	<ul style="list-style-type: none"> <li>• The screw was not captive. When the battery compartment was opened to change the batteries, the screw that fastens the cover came off completely and did not remain with the battery compartment cover. If this screw is lost then the cover could be accessed by a child.</li> <li>• A safety alert symbol was not present on the front of the packaging.</li> </ul>
<p><b>Camera projector</b></p> 	<ul style="list-style-type: none"> <li>• The screw was not captive. When the battery compartment was opened to change the batteries, the screw that fastens the cover came off completely and did not remain with the battery compartment cover. If this screw is lost then the cover could be accessed by a child.</li> <li>• A safety alert symbol was not present on the front of the packaging.</li> </ul>
<p><b>Projector watch</b></p> 	<ul style="list-style-type: none"> <li>• The screw was not captive. When the battery compartment was opened to change the battery, the screw that fastens the cover came off completely and did not remain with the battery compartment cover. If this screw is lost then the cover could be accessed by a child.</li> <li>• A safety alert symbol was not present on the front of the packaging.</li> </ul>
<p><b>LED tea light (lithium battery)</b></p>	<ul style="list-style-type: none"> <li>• The battery compartment was not resistant to being opened by young children and the battery was removed without the aid of a tool. The battery was released.</li> </ul>



**Coin cell charger (lithium battery)**



- The battery holder was not resistant to being opened by young children and the battery could be removed without the aid of a tool. The batteries were released.
- Certain warning statements about the batteries were not present.
- A safety alert symbol was not present on the front of the packaging.
- Two lithium coin batteries were supplied loose in plastic zip bags and were not designed to be child-resistant.
- The internationally recognised "keep out of reach of children" symbol was not present on the batteries.

**Cartoon projector**



- The screw was not captive. When the battery compartment was opened to change the batteries, the screw that fastens the cover came off completely and did not remain with the battery compartment cover. If this screw is lost then the cover could be accessed by a child.
- A safety alert symbol was not present on the front of the packaging.

**Electronic pet game**



- The screw was not captive. When the battery compartment was opened to change the battery, the screw that fastens the cover came off completely and did not remain with the battery compartment cover. If this screw is lost then the cover could be accessed by a child.
- Warning statements about the battery were not present.
- A safety alert symbol was not present on the front of the packaging.

Temu has since removed each of these items from the store, and it is now difficult to find any button battery-operated devices on the online platform when browsing from Australia. This only occurred after CHOICE's intervention. We continue to find other products and product types on Temu that cause concern.

## 2. Potentially banned products are being sold on online marketplaces and online stores

CHOICE research has revealed that a number of potentially banned products are being sold on, and distributed by, online marketplaces. CHOICE purchased and received potentially banned products such as novelty lighters, novelty cigarettes, sky lanterns and tongue studs found on Amazon, AliExpress, Ebay, Temu and Shein.

### Novelty cigarette lighters

The *Competition and Consumer Act 2010 - Consumer Protection Notice No.18 of 2011 - permanent ban on toy-like novelty cigarette lighters*, specifically bans:

*Toy-like novelty cigarette lighters, being devices which are intended to produce a flame to set alight cigarettes, or other combustible material and are likely to be appealing to children under 5 years of age by appearing to be a toy taking into account the totality of the design which may depict stylised animals, cartoon characters or be of colour(s), or of a scale typical of toys.*

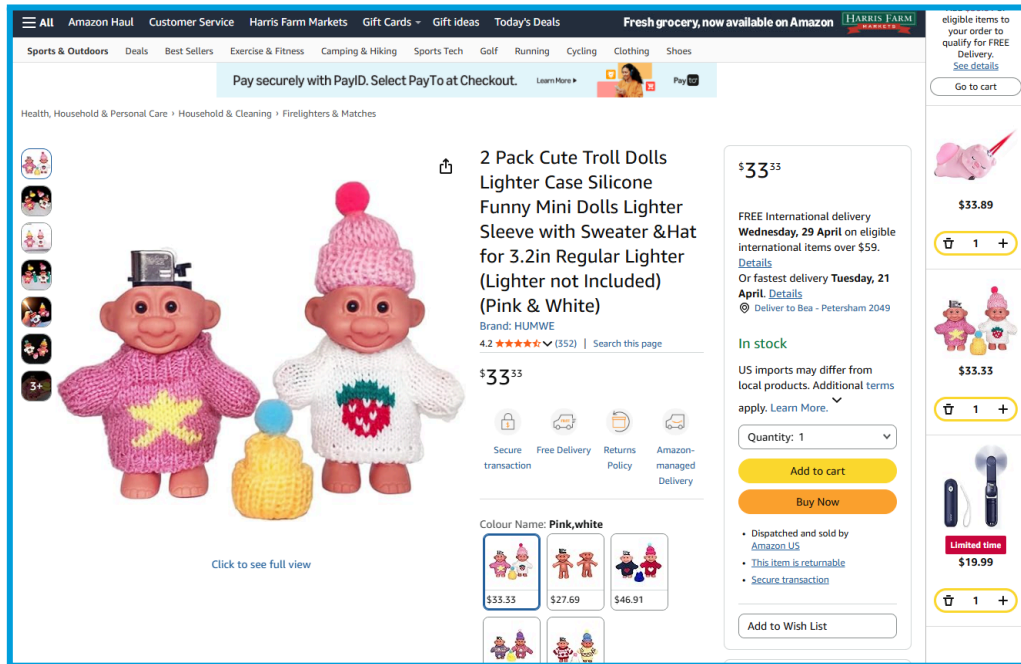
<sup>24</sup>

To be covered, the ban only requires that the product meets this description. Below are examples of products that appear to meet the ban's description, which CHOICE has successfully purchased from Amazon, Temu, AliExpress, and eBay. We note that some of these products do not contain the lighter or the lighter fluid, which may exclude them from the ban even though safety risks clearly remain once they are used for their intended purpose. If these products are not currently captured, the ban should be expanded to ensure that they are. CHOICE has not conducted testing on these products.

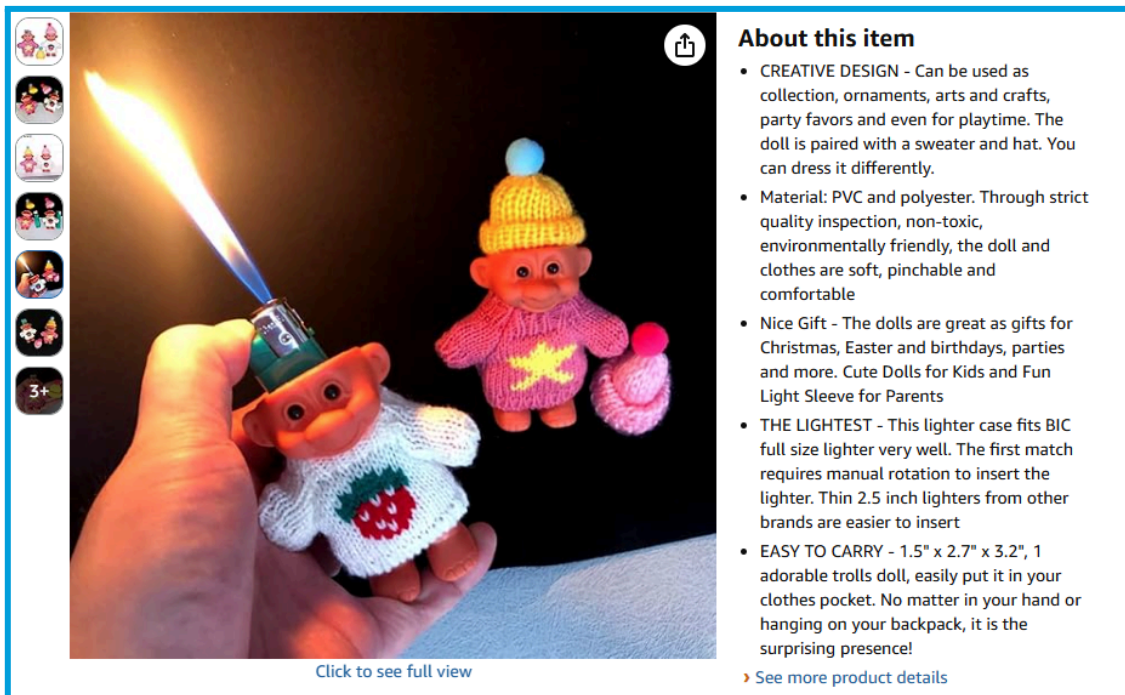
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<sup>24</sup> Consumer Protection Notice No.18 of 2011 (Cth), '*Permanent ban on toy-like novelty cigarette lighters*' accessed at: <https://www.legislation.gov.au/F2011L00228/latest/text>

Amazon troll doll lighter case  
 Supplied by HUMWE, sold and shipped by Amazon US.



Screenshot taken from Amazon on 15.4.2026

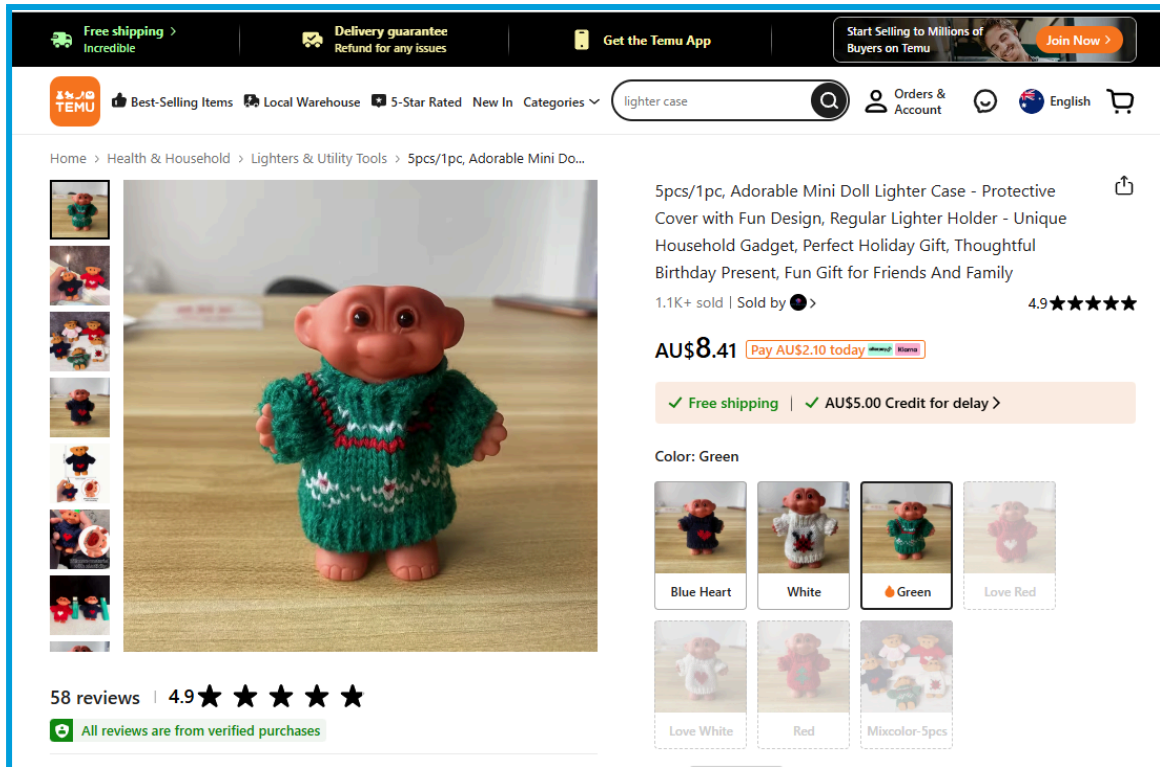


Screenshot taken from Amazon on 15.4.2026

Since being contacted by CHOICE, Amazon has removed this listing, but many similar listings are still active. Amazon provided CHOICE with a statement: *“All products offered in our store must comply with applicable laws, regulations and Amazon policies. The products have been removed.”*

## Temu troll doll lighter case

Supplied by OJT Home Life, sold and shipped by Temu.



Screenshot taken from Temu on 15.4.2026

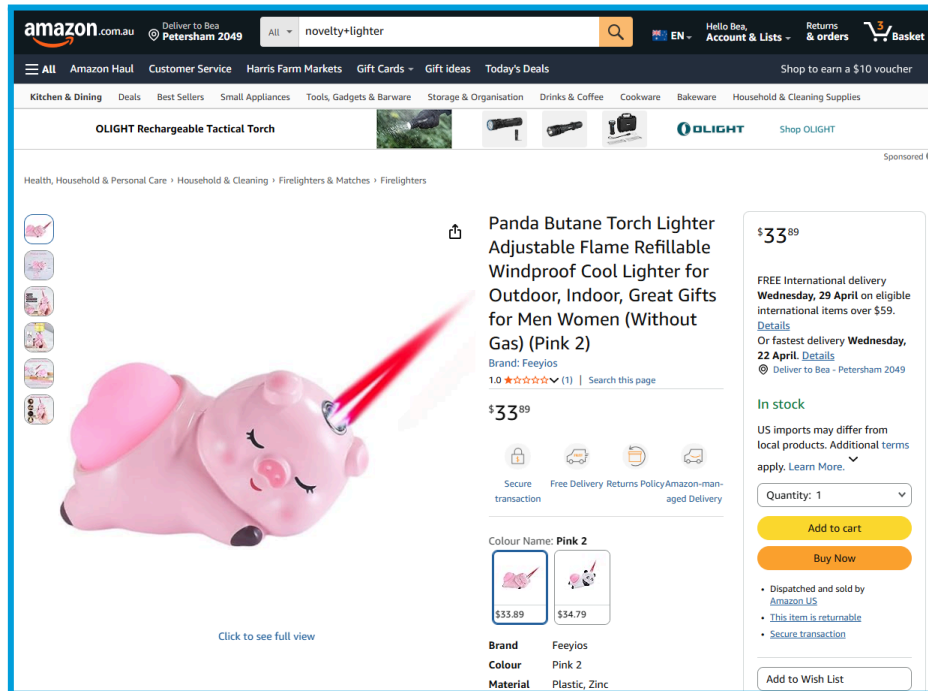


Screenshot taken from Temu on 15.4.2026

Temu has since removed these lighter cases from their website and provided CHOICE with a statement: “We conducted an internal review and removed the listing. We also added it, along with identical and similar listings, to a platform-wide blocklist to prevent relisting.”

## Amazon pig lighter

Supplied by Feeyios, sold and shipped by Amazon US.

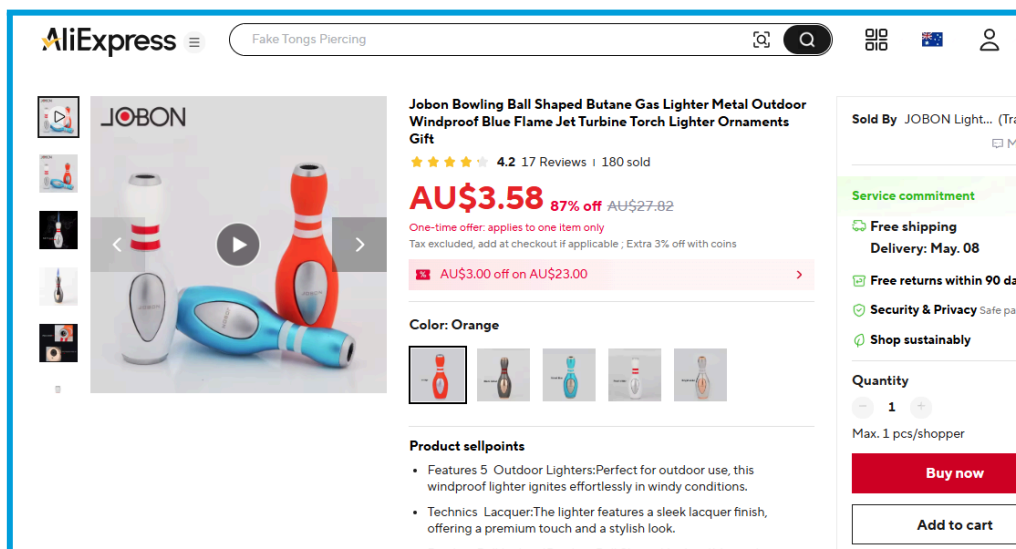


Screenshot taken from Amazon on 15.4.2026

Since being contacted by CHOICE, Amazon has removed this listing. Amazon provided CHOICE with a statement: "All products offered in our store must comply with applicable laws, regulations and Amazon policies. The products have been removed."

## AliExpress bowling pin lighter

Supplied and sold by JOBON Lighter Store, shipped by AliExpress.

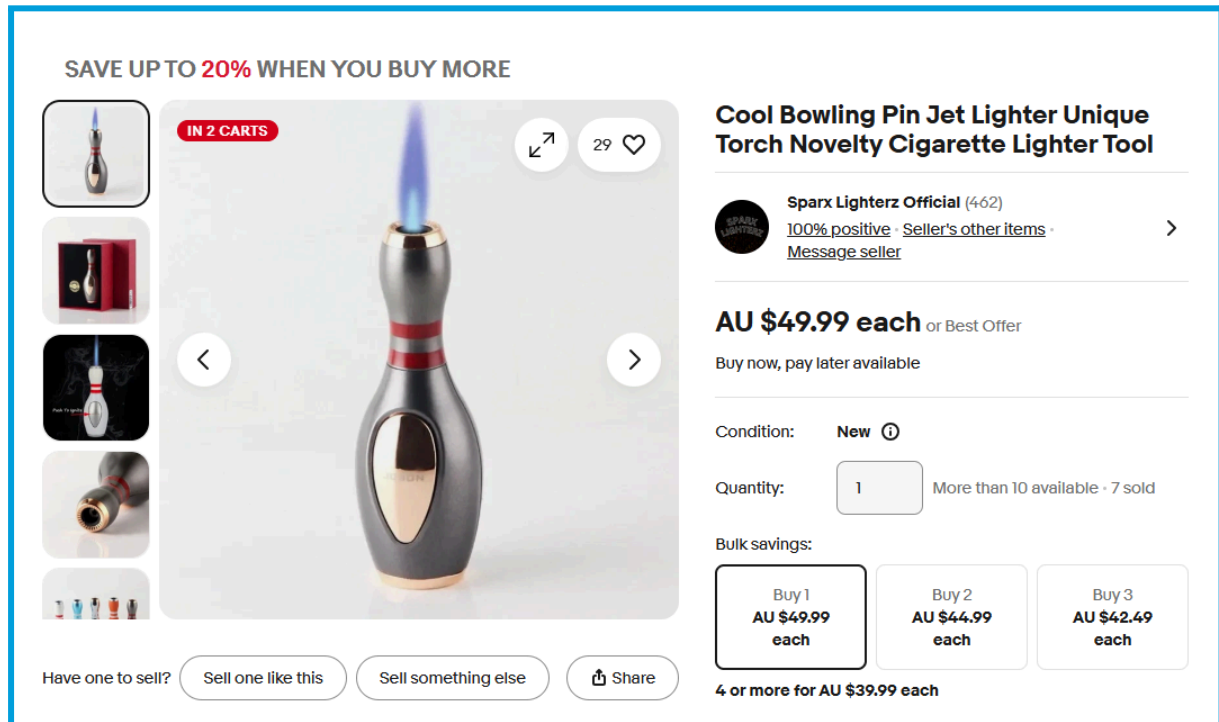


Screenshot taken from Amazon on 15.4.2026

CHOICE contacted AliExpress through an online reporting portal, regarding this product, but our report was deemed unsubstantiated as: *“the reported item/content does not violate platform regulations”*.

### Ebay bowling pin lighter

Supplied, sold and shipped by Sparx Lighterz Official via eBay.



Screenshot taken from Ebay on 15.4.2026

Since being contacted by CHOICE, eBay has removed this listing from their website. They responded with the following statement: *“All reported items have now been removed and initial sweeps were performed. We will use all listings to further improve our detection algorithms.”*

### **Novelty cigarettes**

The *Competition and Consumer Act 2010 - Consumer Protection Notice No.15 of 2011 - permanent ban on novelty cigarettes*, specifically bans:

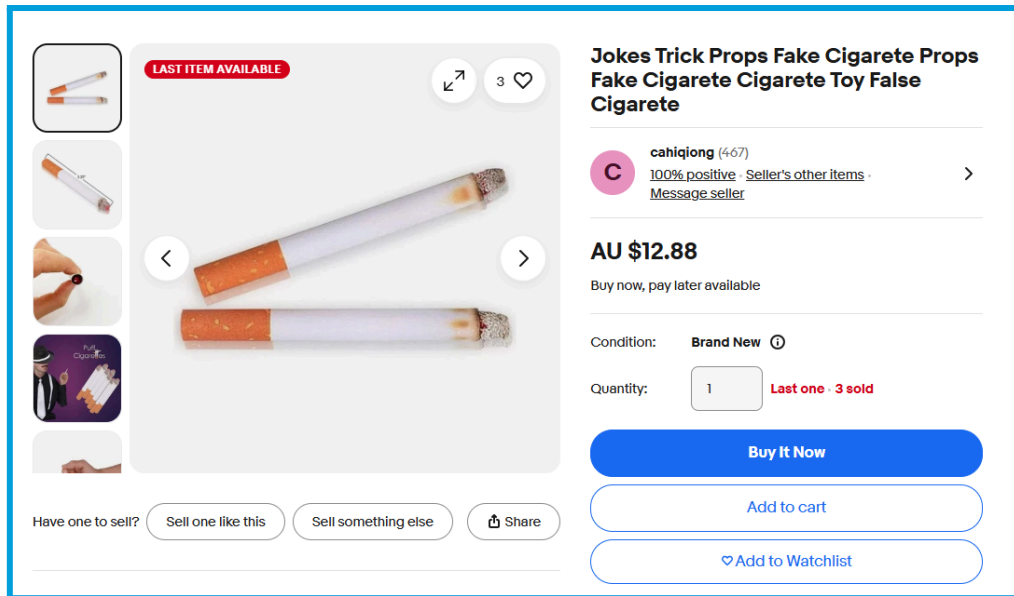
*Imitation cigarettes that contain a fine powder such as talc (hydrated magnesium silicate) or similar substances, and that allow users to blow into, or inhale from, the imitation cigarette to produce a cloud of fine dust. These may be known as ‘Puff Cigarettes’ or by other names.*<sup>25</sup>

<sup>25</sup> Consumer Protection Notice No.15 of 2011 (Cth), ‘Permanent ban on novelty cigarettes’ accessed at: <https://www.legislation.gov.au/F2011L00225/latest/text>

Below are examples of products that appear to meet the ban's description, which CHOICE was able to purchase from eBay. CHOICE is unable to test these cigarettes, but we request that the ACCC conducts further investigations into the novelty cigarettes available on online platforms to determine if they fall under the ban.

### Ebay novelty cigarette listing 1

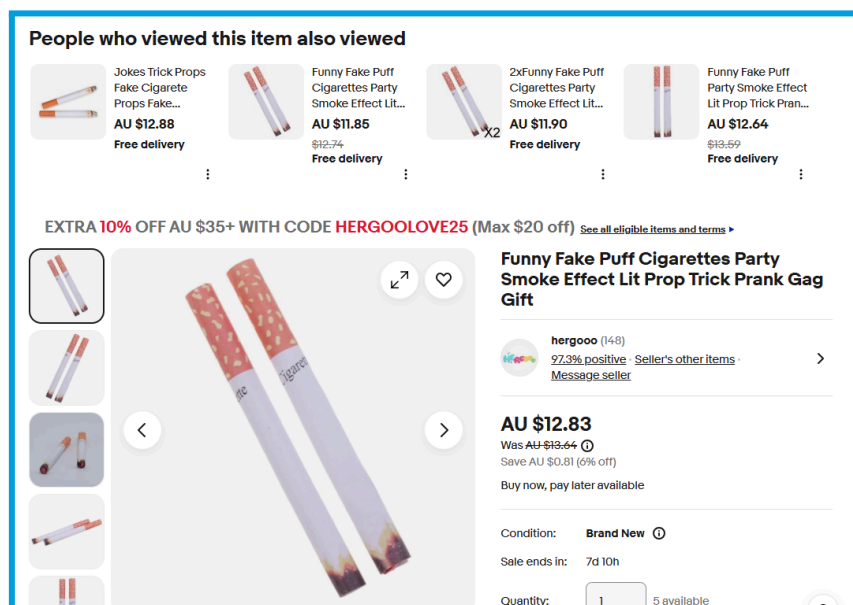
Supplied, sold and shipped by cahiqiong via eBay.



Screenshot taken from Ebay on 15.4.2026

### Ebay novelty cigarette listing 2

Supplied, sold and shipped by hergoo, via eBay.



Screenshot taken from Ebay on 15.4.2026

Second image of above listing:



Screenshot taken from Ebay on 15.4.2026

These cigarettes are marketed as having a 'smoke effect'.

Since being contacted by CHOICE, eBay has removed these listings from their website. They shared this statement: *"All reported items have now been removed and initial sweeps were performed. We will use all listings to further improve our detection algorithms."*

## Sky lanterns

The *Competition and Consumer Act 2010 - Consumer Protection Notice No.17 of 2011 - permanent ban on sky lanterns*, specifically bans:

*'Sky Lanterns'. A Sky Lantern is essentially a miniature, unmanned hot air balloon that relies on an open flame as a heat source to heat the air inside the lantern with the intention of causing it to lift into the atmosphere.*<sup>26</sup>

To be covered, the ban only requires that the product meet this description, and was instituted because they pose a considerable fire and burn risk to consumers. Despite this, CHOICE was able to find and purchase multiple sky lanterns from Shein that appear to meet the description in the ban.

<sup>26</sup> Consumer Protection Notice No.17 of 2011 (Cth), *'Permanent ban on sky lanterns'* accessed at: <https://www.legislation.gov.au/F2011L00227/latest/text>

## Shein sky lantern 1

Supplied by FJJaju, sold and shipped by Shein.

The screenshot shows a product page on the Shein website. The product is '5/10/20/30pcs Set Multicolor Floating Wishing Lanterns, Thicker Flame Resistant Sky Lanterns, Safer To Use'. The price is AU\$7.39, down from AU\$7.95 (7% off). It is a '#10 Bestseller' in its category. The product features a 'Color: Multicolor' option and several size options: one-size, 5pcs White, 20pcs Red, 5pcs Color, 10pcs Color, 20pcs White, 10pcs White, 5pcs Red, and 10pcs Red. A 'BUY NOW' button is visible. Customer reviews are shown with an overall rating of 4.86 and sub-ratings for Assembling (4.55), Use (4.50), and Quality (4.38). A vertical banner on the right side of the page reads 'EXTRA 30% OFF'. The shipping information indicates 'Free Shipping (Orders ≥ AU\$19.00)' with an estimated delivery of 5-9 business days.

Screenshot taken from Shein on 15.4.2026

## Shein sky lantern 2

Supplied by Yiwu factory direct-selling home furnishing, sold and shipped by Shein.

The screenshot shows a product page on the Shein website for '20pcs/10pcs/5pcs/3pcs Paper Lanterns; Wishing Lamp; Oval Paper With Flame Retardant Material; Make A Wish; Flying...'. The price is AU\$4.36, down from AU\$4.95 (12% off). It is a '#14 Bestseller' in its category. The product features a 'Size' section with various options: 10pcs-green, 5pcs-blue, 5pcs-green, 5pcs-yellow, Red-10pcs, Red-5pcs, 10pcs-yellow, White-5pcs, White-10pcs, 10pcs-blue, White-20pcs, Green-3pcs, White-3pcs, Red-3pcs, Blue-3pcs, 10 Pieces Of Mixed Colors (5 White + 5 Red), 20pcs White (Thickened Version), and 10pcs Random Color. A 'BUY NOW' button is visible. Customer reviews are shown with an overall rating of 4.89 and sub-ratings for Assembling (4.42), Quality (4.46), and Use (4.47). A vertical banner on the right side of the page reads 'EXTRA 30% OFF'. The shipping information indicates 'Free Shipping (Orders ≥ AU\$19.00)' with an estimated delivery of 5-9 business days.

Screenshot taken from Shein on 15.4.2026

CHOICE contacted Shein to inform them that these sky lanterns were likely banned. These products have now been removed. Shein sent CHOICE the following statement: “*SHEIN takes product safety very seriously and is committed to offering safe and reliable products to customers. SHEIN delisted the products and commenced investigations as soon as it was notified by CHOICE Australia, in accordance with its standard procedures in these matters. SHEIN's vendors are expected to comply with SHEIN's product safety standards, as well as all relevant local laws and regulations. SHEIN has set penalties in place, including termination of partnership, if warranted.*”

### **Tongue studs without holes**

The *Competition and Consumer 2010 - Consumer Protection Notice No.18 of 2010 - permanent ban on no holes tongue stud*, specifically bans tongue studs without holes, as if detached, they may get lodged in the lungs or airways causing injury and requiring surgery. The ban states:

*A "No Holes Tongue Stud" and similar products as described below are unsafe goods.*

*Description of a "No Holes Tongue Stud":*

- (i) a small bead with an opening on one side only, which acts to create a vacuum; and*
- (ii) is intended for use as jewellery on the human tongue, without the need for piercing.<sup>27</sup>*

To be covered, the ban only requires that the product meet this description. Yet examples of tongue studs without holes can be found at eBay and AliExpress, with both marketed as ‘no hole’ tongue studs in direct contravention of the ban.

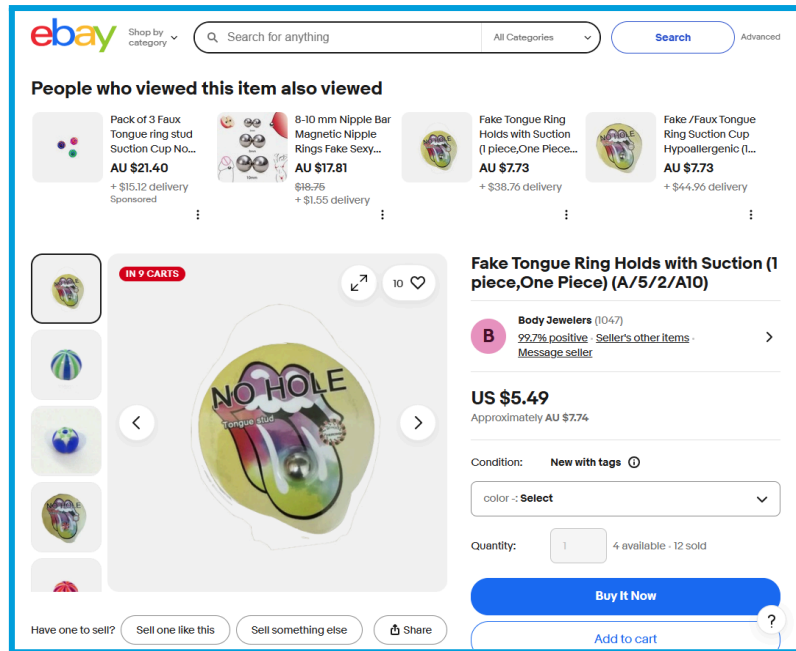
#### eBay tongue stud

Supplied, sold and shipped by BodyJewelers via eBay.

CHOICE was able to purchase this tongue stud, but the order was cancelled by eBay 24 hours later and a refund was issued.

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<sup>27</sup>Consumer Protection Notice No.18 of 2010 (Cth), ‘*Permanent ban of goods*’ accessed at: <https://www.legislation.gov.au/F2010L03300/latest/text>

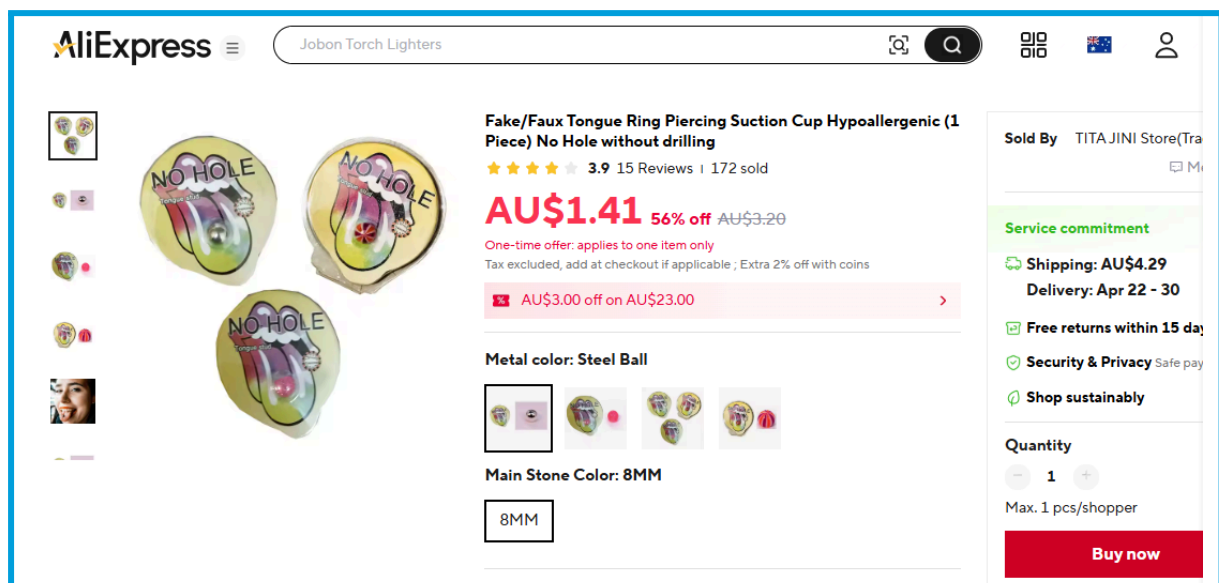


Screenshot taken from eBay on 15.4.2026

Since being contacted by CHOICE, eBay has removed this listing from their website. They shared this statement: *“All reported items have now been removed and initial sweeps were performed. We will use all listings to further improve our detection algorithms.”*

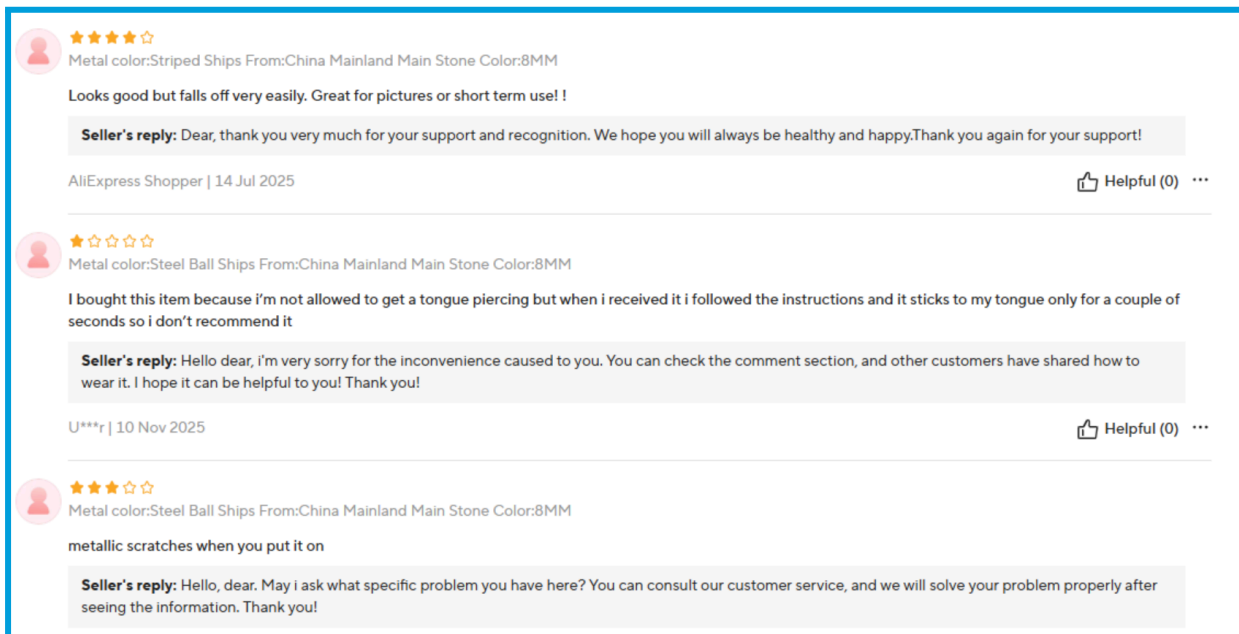
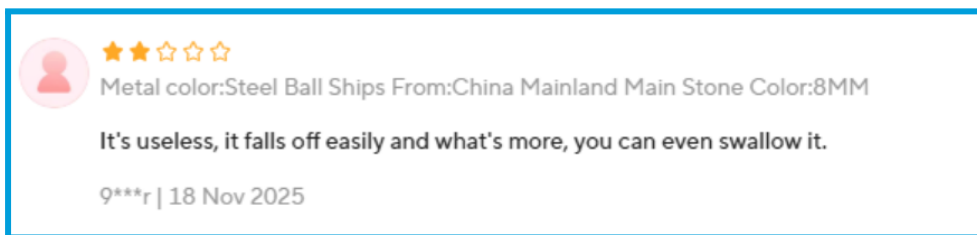
### AliExpress tongue stud

Supplied by TITA JINI Store, sold and shipped by AliExpress.



Screenshot taken from AliExpress on 15.4.2026

Some of the reviews left by customers reinforce our concern that the tongue stud is unsafe and fits the description of the ban:



Screenshots taken from AliExpress on 15.4.2026

CHOICE contacted AliExpress through an online reporting portal, regarding this product, but our report was deemed unsubstantiated, stating that: “*the reported item/content does not violate platform regulations*”.

### 3. Potentially prohibited products are being sold on online marketplaces

CHOICE research has also uncovered a range of potentially prohibited products being sold on online marketplaces, such as AliExpress, Amazon and eBay.

#### Flick and butterfly knives

It is illegal to carry, possess or import flick and butterfly knives in all states and territories in Australia, and yet CHOICE research quickly uncovered a range of potentially prohibited knives being sold on online marketplaces.

Schedule 1 of the *Weapons Prohibition Act 1998* (NSW)<sup>28</sup> specifically bans the following knife types:

<sup>28</sup> Weapons Prohibition Act 1998 - Schedule 1 (NSW) accessed at: <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1998-127>

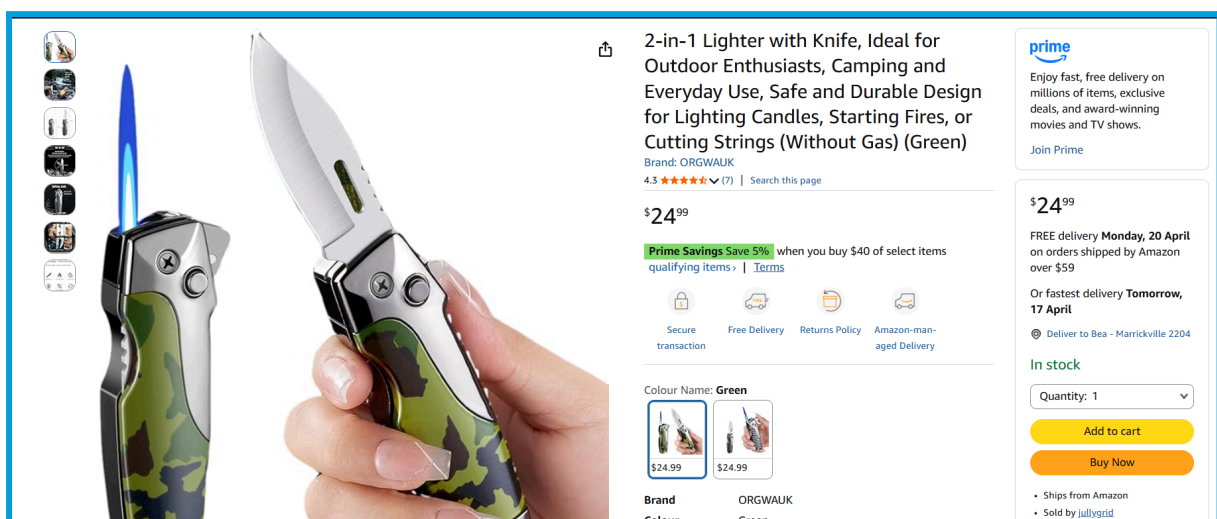
(1) A flick knife (or other similar device) that has a blade which opens automatically by gravity or centrifugal force or by any pressure applied to a button, spring or device in or attached to the handle of the knife.

(6) A butterfly knife or "balisong" or any other device that consists of a single-edged or multi-edged blade or spike that fits within 2 handles attached to the blade or spike by transverse pivot pins and is capable of being opened by gravity or centrifugal force.

CHOICE has found a range of examples from online marketplaces that may fall into the above categories and require further investigation to determine if they are prohibited items. If they are, the ACCC should recommend the case for prosecution.

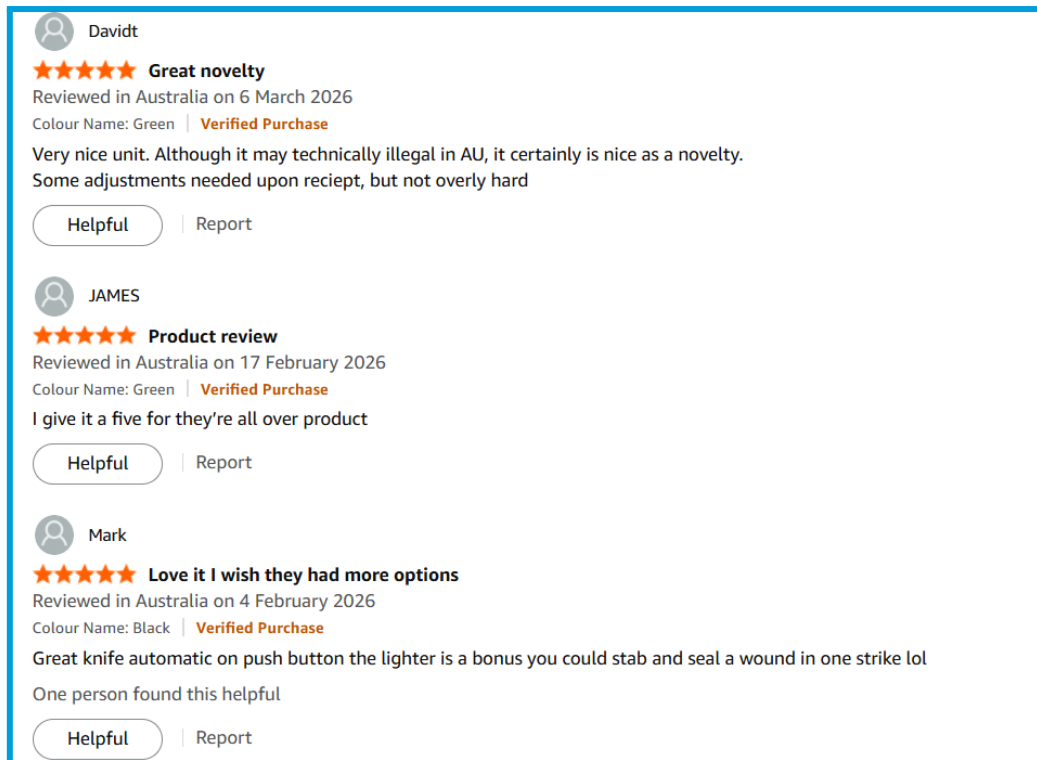
### Amazon lighter/ folding knife

Supplied and sold by jullygrid, shipped by Amazon.



Screenshot taken from Amazon on 17.4.2026

This product is both a lighter and a knife, with the knife appearing to deploy through the use of pressure applied to a button. One person who left a review on the product raises the question of its legality. Another reviewer left a comment expressing how they could use the product to both 'stab and seal a wound in one strike'.



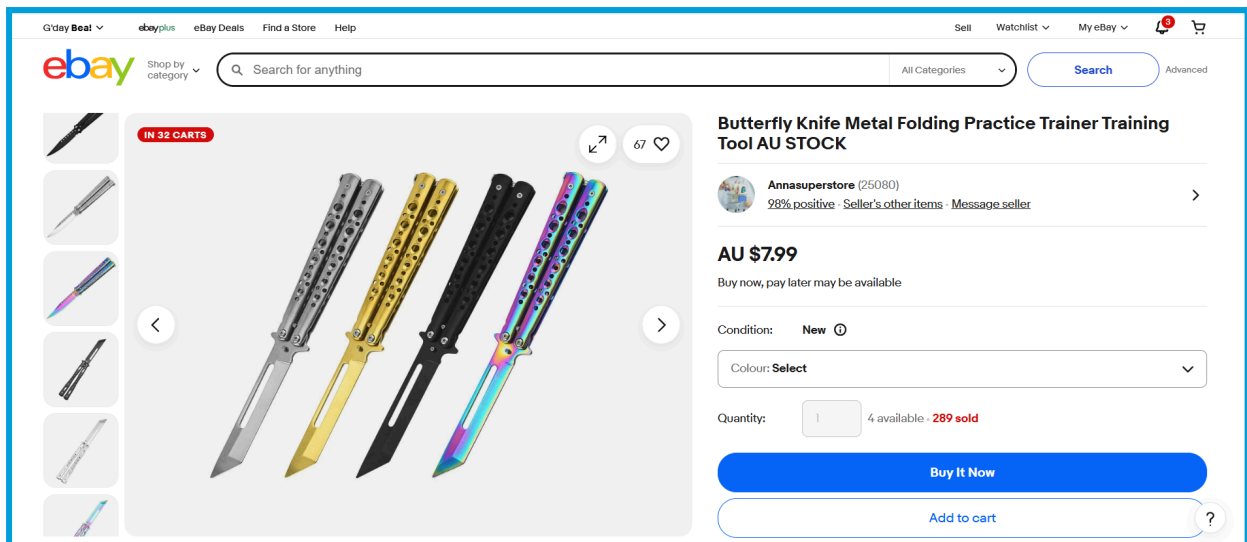
Screenshot taken from Amazon on 17.4.2026

Since being contacted by CHOICE, Amazon has removed this listing, although similar listings are still active. Amazon provided CHOICE with a statement: *“All products offered in our store must comply with applicable laws, regulations and Amazon policies. The products have been removed.”*

#### eBay butterfly knife

Supplied, sold and shipped by annasuperstore via eBay.

This butterfly knife is available for sale on eBay through a third party seller and is marketed as a ‘training’ knife. However, the legislation is not explicit about the quality of a butterfly knife that would qualify it as prohibited or not. There is nothing to suggest that the sharpness or effectiveness of the knife would negate the effect of the prohibition. This product appears to meet the basis of the description and should be subject to further investigation.



Screenshot taken from eBay on 17.4.2026

Since being contacted by CHOICE, eBay has not removed this listing from their website, it is still active. This is despite the following statement that we received: *“All reported items have now been removed and initial sweeps were performed. We will use all listings to further improve our detection algorithms.”*

#### AliExpress folding knife

Supplied and sold by Hiking Outdoor Sports Store, shipped by AliExpress.

Many knives of this kind identified on AliExpress include disclaimers, like the example below, instructing consumers to comply with applicable local laws and regulations before purchasing. While this language suggests some awareness that the product may be unlawful in certain jurisdictions, it does not mitigate the underlying issue.

If the knife is a flick knife, it is prohibited across all Australian states and territories. If the disclaimer instead refers to potential misuse, that conduct is already unlawful irrespective of the product. In either case, the inclusion of a generic legal disclaimer may not absolve the platform of responsibility for potentially facilitating the sale of prohibited products, and shifting the burden of legal compliance onto consumers in a misleading and inadequate way.

Screenshot taken from AliExpress on 17.4.2026

Close up of the disclaimer in the above listing

CHOICE contacted AliExpress regarding this product but our report was deemed unsubstantiated as: *“the reported item/content does not violate platform regulations”*.

## Gel blasters

Gel blasters are illegal in New South Wales, but legal in Queensland<sup>29</sup> and South Australia<sup>30</sup>. In New South Wales, gel blasters are classified as air guns, which are defined as firearms under the *Firearms Act 1996* (NSW). It is also an offence to supply, acquire, possess or use a firearm that is not registered under section 36 of the *Firearms Act 1996* (NSW). As there is no genuine reason to use or possess a gel blaster in New South Wales, an individual is unable to register one, therefore making possession of a gel blaster illegal.<sup>31</sup>

CHOICE research reveals that a range of gel blasters and accessories are available on online marketplaces from NSW and appear to be easy to purchase.

<sup>29</sup> Queensland Police, *Gel Blasters*, accessed at: <https://www.police.qld.gov.au/weapon-licensing/Gel-Blasters>

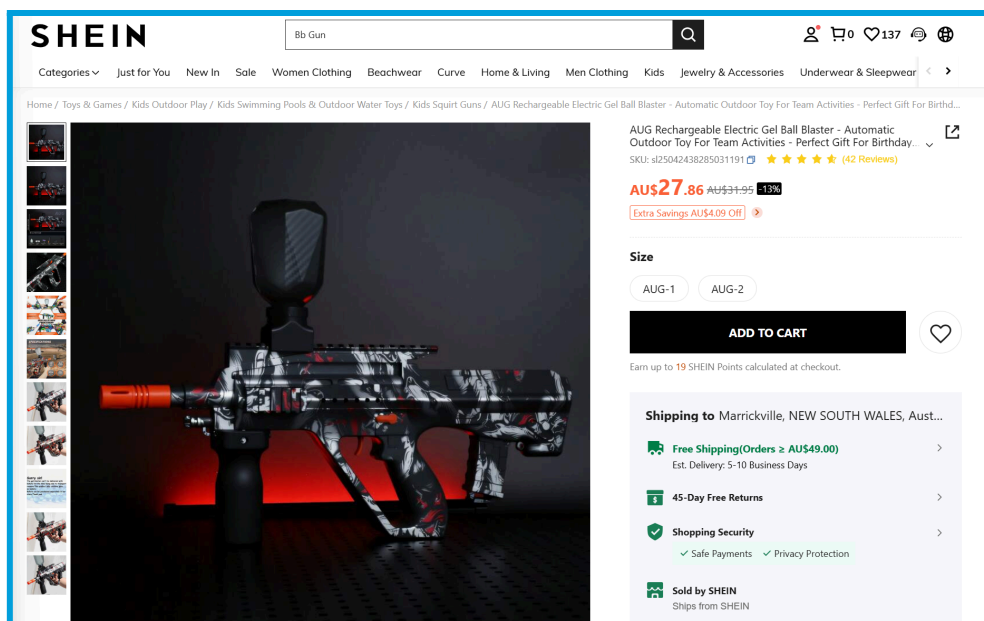
<sup>30</sup> South Australia Police, Can I own a firearm?, accessed at: [https://www.police.sa.gov.au/services-and-events/firearms-and-weapons/firearm-licenses/can-i-own-a-firearm?utm\\_source=chatgpt.com](https://www.police.sa.gov.au/services-and-events/firearms-and-weapons/firearm-licenses/can-i-own-a-firearm?utm_source=chatgpt.com)

<sup>31</sup> Firearms Act 1996 (NSW) accessed at: <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1996-046>

Many of these listings contain no disclosures informing consumers that the product may be illegal in certain states and territories, or that purchasing it from their location could constitute an offence. The absence of clear information shifts the burden of legal compliance onto consumers, who may be unaware of the risks. For example, a consumer in NSW could unknowingly purchase a gel blaster and face legal consequences for possession, despite having relied on the availability of the product on the platform. Meanwhile, the platform appears to face no consequences for supplying the prohibited product in the first place.

### Shein gel blaster

Supplied by DAHUA TOYS, sold and shipped by Shein.



Screenshot taken from Shein on 18.4.2026

CHOICE contacted Shein to inform them that this gel blaster was likely prohibited, this listing has since been removed. Shein provided CHOICE with the following statement: *“SHEIN takes product safety very seriously and is committed to offering safe and reliable products to customers. SHEIN delisted the products and commenced investigations as soon as it was notified by CHOICE Australia, in accordance with its standard procedures in these matters. SHEIN's vendors are expected to comply with SHEIN's product safety standards, as well as all relevant local laws and regulations. SHEIN has set penalties in place, including termination of partnership, if warranted.”*

## Amazon gel blaster

Supplied by GTSHOMO, sold and shipped by Amazon US.

The screenshot shows an Amazon product page for a 'Large Gel Splat Blaster with 60,000+ and Goggles, High Speed Splat Blaster for Outdoor Activities Team Game (Red)'. The product is by the brand GTSHOMO and has a 4.4-star rating from 31 reviews. The price is \$114.40. The listing includes a 'prime' badge, a 'Secure transaction' icon, and a 'Free Delivery' icon. There are also icons for 'Returns Policy' and 'Amazon-managed Delivery'. The color is listed as 'Red'. The product is in stock and can be purchased with 'Add to cart' or 'Buy Now' buttons. The shipping is by Amazon US. The listing also includes a 'Click to see full view' link and a 'Click to see full view' link.

Screenshot taken from Amazon on 18.4.2026

Since being contacted by CHOICE, Amazon has removed this listing, although similar listings are still active. Amazon provided CHOICE with a statement: “All products offered in our store must comply with applicable laws, regulations and Amazon policies. The products have been removed.”

## eBay gel blaster

Supplied, sold and shipped by starroad9600 via eBay.

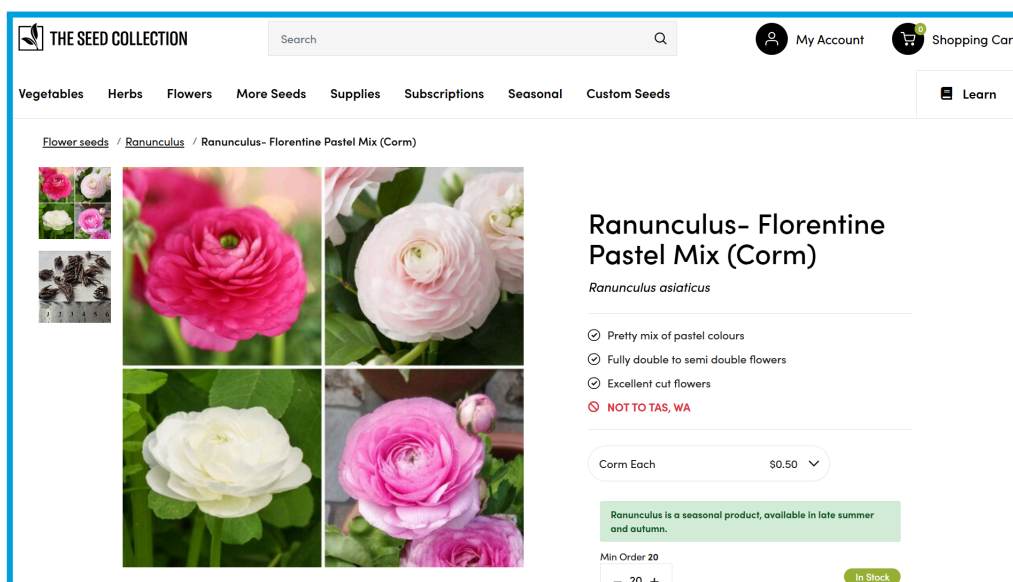
The screenshot shows an eBay product page for a 'Gel Ball Blaster Toy Gun Electric Hopper-fed Splatter Water Bullet Game'. The product is by the seller starroad9600 (7344) with a 99.8% positive feedback rating. The price is AU \$35.89 each. The product is in 'New' condition and has 8 available units. The listing includes a 'Buy It Now' button, an 'Add to cart' button, and a 'Make offer' button. The seller also offers bulk savings: Buy 1 for AU \$35.89 each, Buy 2 for AU \$34.81 each, Buy 3 for AU \$34.10 each, and 4 or more for AU \$33.02 each. The listing also includes a 'Buy It Now' button, an 'Add to cart' button, and a 'Make offer' button.

Screenshot taken from eBay on 18.4.2026

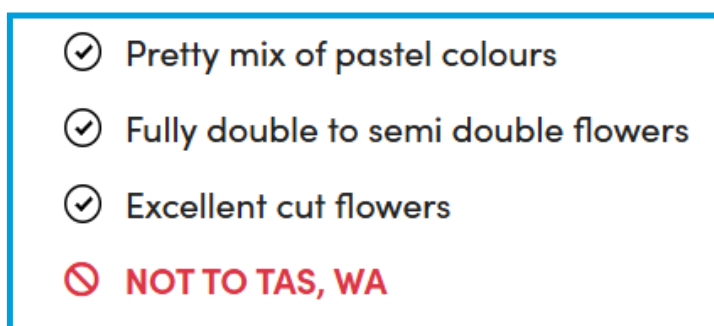
Since being contacted by CHOICE, eBay has removed this listing from their website, although similar listings are still active. They shared this statement: “All reported items have now been removed and initial sweeps were performed. We will use all listings to further improve our detection algorithms.”

### Example of ensuring state-specific supply in other sectors

Consumers should be able to trust that when they shop online via websites accessible in Australia, the products offered for sale are lawful to purchase. This expectation is reflected in other contexts – for example, when consumers purchase seeds from interstate suppliers, retailers often notify them if certain items are not allowed in their state or territory, helping to prevent inadvertent breaches of the law, as seen in the example below:



Screenshot taken from The Seed Collection on 19.4.2026



Close up of the above listing details

A similar approach should be adopted by online marketplaces that facilitate the sale of prohibited products. At a minimum, platforms should implement systems to prevent the listing and sale of illegal items to Australian consumers. The technology exists, what’s absent is the will to implement it for the safety of Australians.

CHOICE did not purchase or test any prohibited or potentially prohibited items in this research, as doing so may have constituted an offence. Consequently, CHOICE is unable to verify that these items all fit the description of prohibited items. However, based on their listings alone, we have significant cause for concern. We ask that the ACCC, with relevant state fair trading regulators, conduct further investigations to establish if prohibited products are being sold, and if so, take enforcement action against platforms distributing these products.

#### 4. Consumers may be misled or deceived by online marketplaces and online stores engaging in the ‘safety washing’ of products

##### Representations of safety being made on unsafe products

Online marketplaces and online stores are actively representing unsafe products as safe to consumers. CHOICE’s research identified multiple instances of this conduct. These representations are particularly concerning where they relate to products that are banned or subject to prohibitions. Such conduct may amount to misleading or deceptive conduct, and in some cases unconscionable conduct, under the Australian Consumer Law, and warrants urgent investigation by the ACCC.

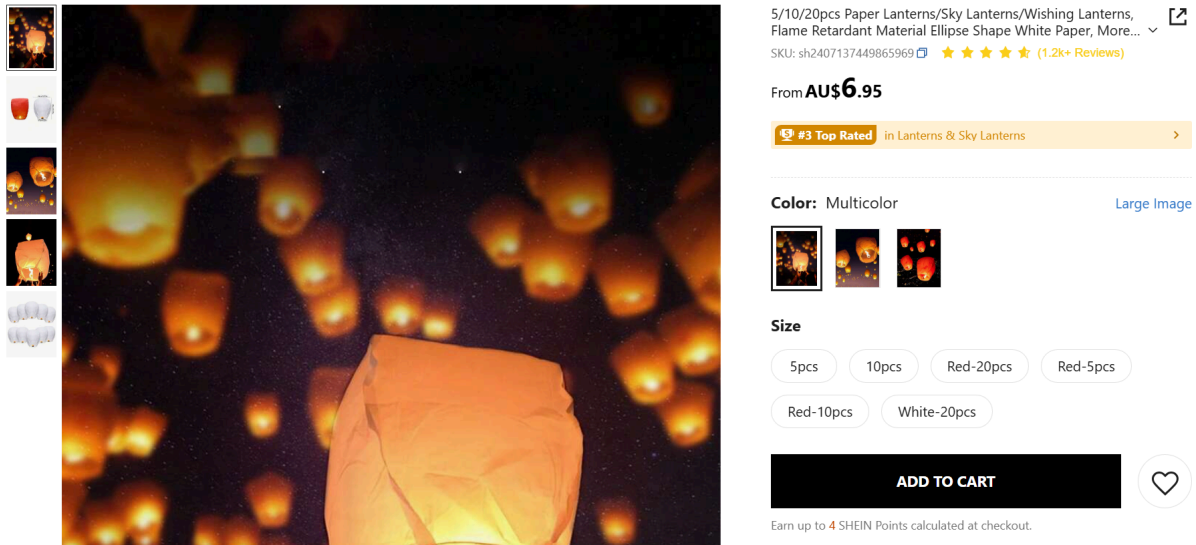
##### Shein sky lantern

The sky lantern that CHOICE purchased from Shein, also mentioned earlier in this complaint, was marketed as “Safer To Use” and “Flame Resistant” in its listing description (see page 31). That is despite these types of sky lanterns being banned under the Australian Consumer Law due to significant safety risks.

Since CHOICE identified this listing and purchased the product, the description of the product has changed, removing any suggestion that the product is safe.



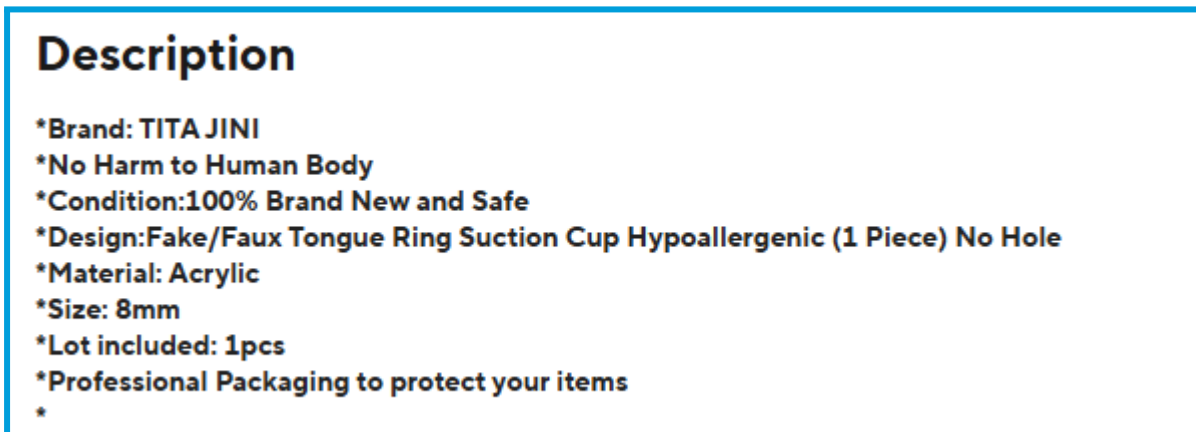
Screenshot taken from Shein on 15.4.2026



Screenshot taken from Shein on 25.5.2026

### AliExpress tongue stud

The product description for the tongue stud on AliExpress states that the product is “100% Brand New and Safe”. CHOICE’s analysis of both the listing and the purchased item demonstrates that this claim may be false. This representation could mislead consumers into believing the product is safe, when in fact it is likely banned under the Australian Consumer Law due to safety risks.



Screenshot taken from AliExpress on 15.4.2026

### eBay is confusing and potentially misleading consumers with product safety statements

CHOICE has uncovered a number of potentially unsafe, banned and prohibited items for sale on eBay’s website. Yet, eBay has a product safety policy that assures consumers it doesn’t allow for non-compliant items to be sold on their platform.

eBay's product safety policy states:

*"To keep buyers safe, we partner with global safety agencies to remove unsafe or non-compliant items from our marketplace... We don't allow items that could harm buyers or pose health or safety risks. That includes items that are banned, recalled or don't meet safety regulations"<sup>32</sup>*

Consumers may be led to believe that any item they purchase from eBay has been checked or would have been removed from the site if it was found to be unsafe. Considering the volume and scale of non-compliant products identified, this raises serious concerns about the adequacy of eBay's product safety controls and the potential for widespread consumer harm. Where CHOICE has identified unsafe items and notified eBay, they have usually been removed. But this whack-a-mole approach leaves room for many unsafe products to continue being sold.

### **Details of the harm**

#### **CHOICE nationally representative research reveals significant harm occurring on online marketplaces**

CHOICE conducted nationally representative research in 2025 to determine the incidence of harm caused by products purchased online, understand consumer awareness of their rights when purchasing online, and measure the extent to which incidents involving unsafe goods are reported.

CHOICE collected responses from 2,040 Australians in October 2025, aged 18 years and older that had purchased personal or household items online in the last two years. Respondents were asked whether they had experienced any issues when purchasing products online. In total, 132 people reported buying an unsafe product, many of whom experienced more than one unsafe incident, with a total of 480 unsafe individual incidents across these respondents.<sup>33</sup>

#### **Incidents with unsafe online purchases resulted in physical and emotional harm**

Our research found that 359 of unsafe product incidents reported by survey respondents resulted in physical and emotional harm, including hospitalisation.<sup>34</sup> The highest category was clothing with 32 harm incidents recorded.<sup>35</sup>

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<sup>32</sup> eBay product safety policy, accessed at:

[https://www.ebay.com.au/help/policies/prohibited-restricted-items/product-safety-policy?id=4300&srsIid=AfmBOo rMb0IokgTPCaku2JaXoydrVedPds3-3\\_AvEal3SDhcgvR41OVb](https://www.ebay.com.au/help/policies/prohibited-restricted-items/product-safety-policy?id=4300&srsIid=AfmBOo rMb0IokgTPCaku2JaXoydrVedPds3-3_AvEal3SDhcgvR41OVb)

<sup>33</sup> CHOICE Online Product Safety research is based on an online survey designed and analysed by CHOICE of 2,040 Australians. The sample has been weighted to be representative of the Australian population by age, gender, state and territory that had purchased personal or household items online in the last two years. Fieldwork was conducted from 14th of October to the 10th of November, 2025.

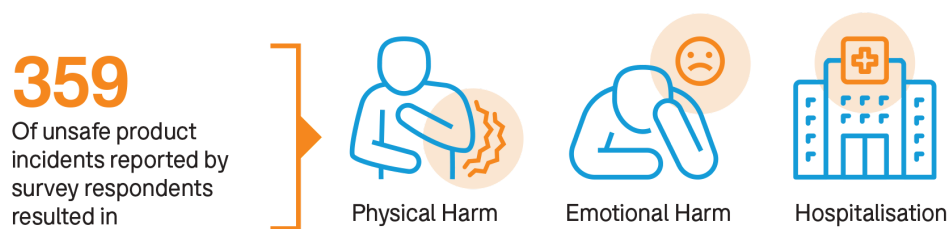
<sup>34</sup> Ibid

<sup>35</sup> Ibid

Of particular concern were nine cases in which consumers said they had required treatment for injuries caused by bassinets and cots bought online.<sup>36</sup> When products intended for infants have any vulnerabilities, serious questions must be asked about whether safety standards are being appropriately applied.

These findings reveal the scale of harm experienced by consumers shopping online. The high proportion of physical and emotional harm points to high levels of risk that are inconsistent with what consumers should, and do, expect when they make purchases online. These levels of harm warrant stronger safeguards, closer monitoring and proactive enforcement measures to ensure consumers are protected.

### Incidents with unsafe online purchases resulted in physical and emotional harm

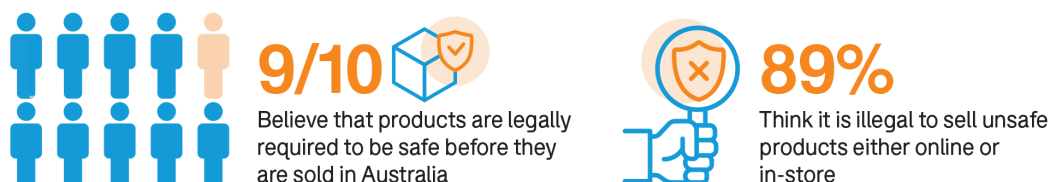


### Consumers aren't aware of the risks of purchasing unsafe items or their rights when purchasing online

Our research reveals that more than nine in ten consumers (91%) believe that products are legally required to be safe before they are sold in Australia, and a similarly high proportion (89%) think it is illegal to sell unsafe products either online or in-store.<sup>37</sup>

In addition, there remains considerable uncertainty about consumer rights in the online context, with more than one in four survey respondents (26%) either believing that consumers have few rights to a refund when purchasing online compared to buying in store, or were unsure.<sup>38</sup>

### Consumers aren't aware of the risks of purchasing unsafe items or their rights when purchasing online



<sup>36</sup> Ibid

<sup>37</sup> Ibid

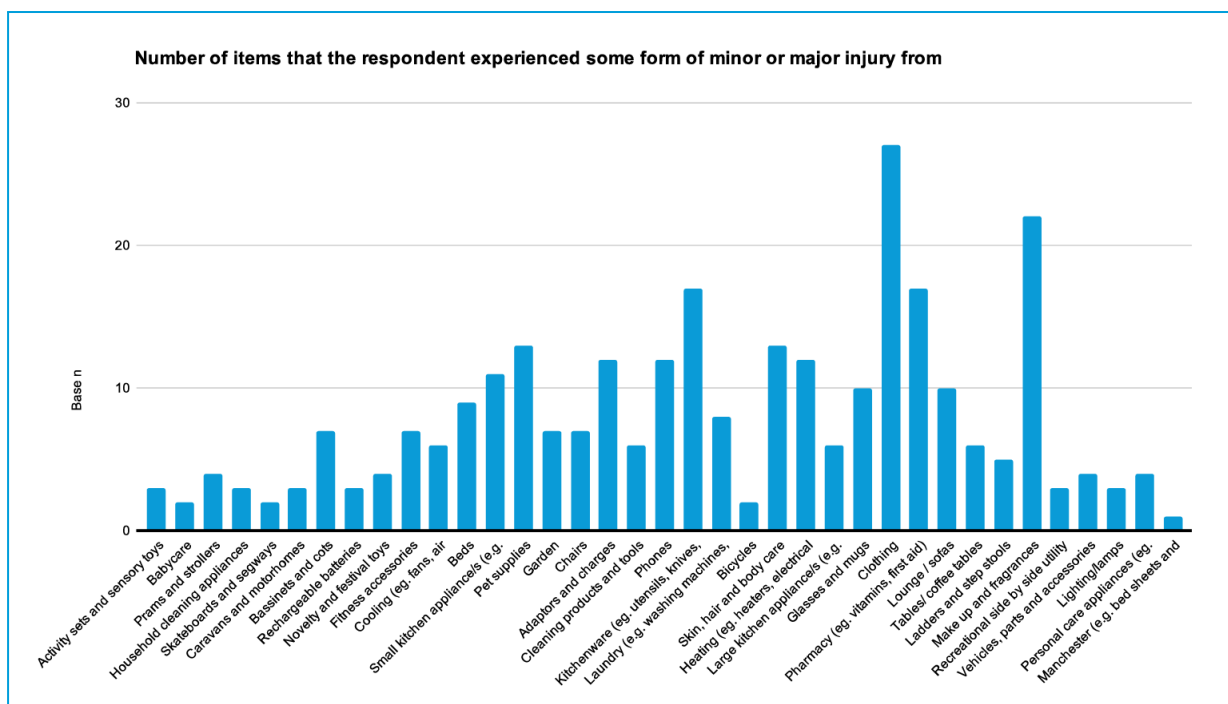
<sup>38</sup> Ibid

There appears to be a clear gap between consumer expectations and the reality of the regulatory framework for purchasing products on online marketplaces. The overwhelming majority of people assume that products are required to be safe and that selling unsafe goods is illegal. On account of our reactive, gap-riddled product safety regime, the overwhelming majority of Australians who shop on online marketplaces do so with misplaced confidence.

Purchasing unsafe products online was experienced more than once by many in the last two years

For those that purchased products online in the last two years, 6% suffered a minor or major injury, property damage, or combination of both from an unsafe product. 4% suffered from a minor or major injury (including physical and emotional harm), and 4% suffered property damage.

Alarming, for many these were not isolated events. Many respondents reported multiple instances of harm – in total, the 132 respondents who reported a safety issue accounted for 480 individual incidents of minor or major injury or property damage from an item bought online.<sup>39</sup>



Infants and newborns are at considerable risk of harm

Consistent with our cot testing, which is mentioned earlier in this complaint, CHOICE found that out of all the different product categories, respondents experienced the highest rate of unsafe products when it came to bassinets and cots. 12% of purchasers in the category reported that they experienced a minor or major injury or

<sup>39</sup> Ibid

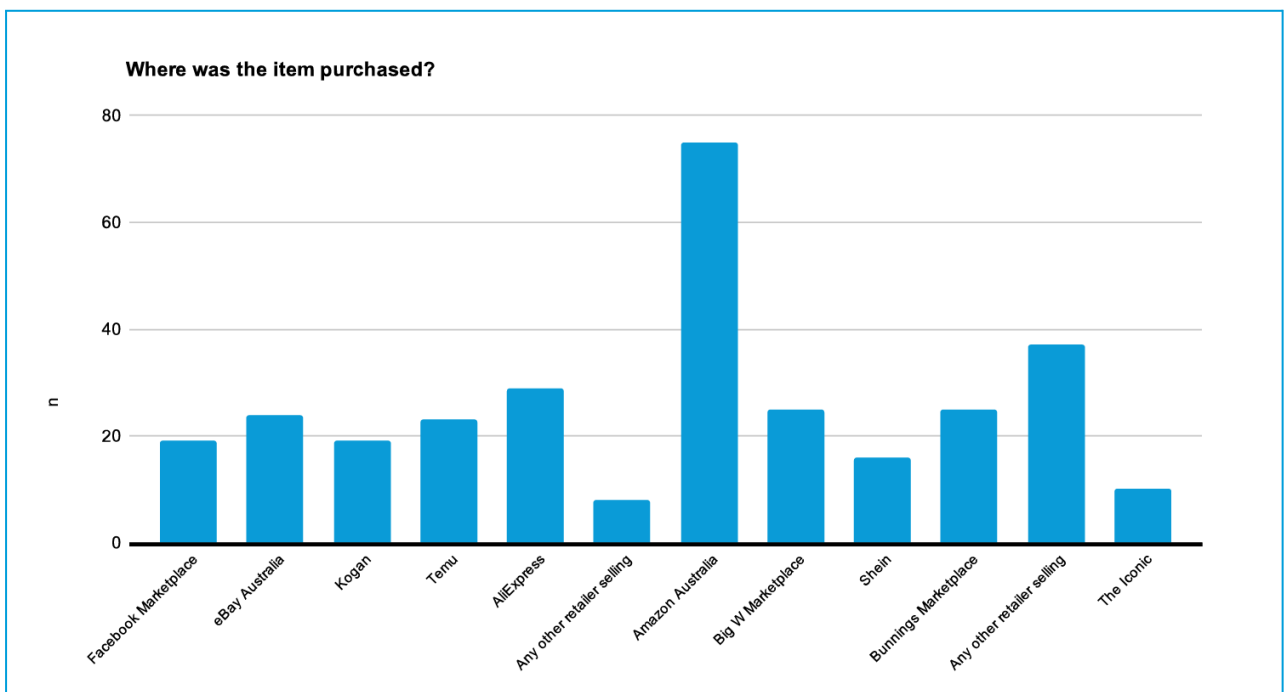
property damage.<sup>40</sup> Prams and strollers also experienced a large proportion of unsafe issues, at 6%.<sup>41</sup> CHOICE is very concerned by these figures, as infants and newborns are particularly vulnerable and many of these products need to meet specific mandatory standards under Australia's product safety regime.

## Infants and newborn are at considerable risk of harm



### Consumers are purchasing from a range of online marketplaces

Reflecting the wide range of online marketplaces available in Australia, consumers reported shopping across a diverse mix of platforms. The most commonly cited among survey respondents was Amazon, followed by the 'other' category and AliExpress.<sup>42</sup> This spread highlights the fragmentation of the online retail environment, and the large number of channels through which consumers can purchase products and potentially encounter unsafe products.



<sup>40</sup> Ibid

<sup>41</sup> Ibid

<sup>42</sup> Ibid

## Consumers face multiple barriers to reporting safety issues

Of the people that suffered a minor or major injury or property damage from an online purchase, just over a third (36%) reported the incident.<sup>43</sup> Of those, most reported the issue to the business that they bought the product from (55%), or the manufacturer that made the item (34%). Almost half (49%) of respondents that didn't report the issue cited that it was not worth the time, that the item was cheap (30%) or that they didn't think it would make a difference (20%). 8% did not report safety issues as their item was purchased from a website overseas, and 15% could not work out where, how or who to report the issue to.<sup>44</sup>

### Consumers face multiple barriers to reporting safety issues



**36%**

Of the people that suffered a minor or major injury or property damage from an online purchase reported it all

**55%**

Most people reported the issue to the business that they bought the product from

**49%**

Who didn't report the issue cited that it was not worth the time

**8%**

Did not report safety issues as their item was purchased from a website overseas

**15%**

Could not work out where, how or who to report the issue to.

These findings indicate that there are significant barriers to reporting safety issues of purchased products, including uncertainty, and low confidence that it would result in a positive outcome. These results are alarming. If consumers are not reporting safety issues, it is likely that harm is significantly under-reported to the platforms selling unsafe products, and that, as a result, unsafe products will continue to be sold. This is not the fault of the consumer. This illustrates the importance of stronger consumer protections to ensure that unsafe, banned and prohibited products are not sold to consumers in the first place.

## Trust in purchasing online is eroded after experiencing a product safety issue

Of the people that experienced a minor or major injury or property damage as a result of a product safety issue, more than half (52%) were less likely to trust online retailers, 47% had lost confidence in buying online and two out of five (44%) did not feel supported by the retailer.<sup>45</sup>

<sup>43</sup> Ibid

<sup>44</sup> Ibid

<sup>45</sup> Ibid

## Trust in purchasing online is eroded after experiencing a product safety issue



**52%**

Are less likely to trust online retailers now

**47%**

Lost confidence in buying online

**44%**

Did not feel supported by the retailer

### Contextual information

#### **Shopping on online marketplaces is increasing exponentially**

Australians spent \$18.9 billion on purely online marketplaces in 2025 – that is only platforms like Amazon and Temu, and not online marketplaces owned by brick and mortar retailers like Big W or Kmart. This represents a 13% year-on-year increase, with purely online marketplaces now accounting for 23% of total online spending.<sup>46</sup> This increase in consumers purchasing from online marketplaces is at least partly a result of some of the significant competitive advantages that online marketplaces have over traditional online and in-person stores. Online marketplaces like Amazon, AliExpress and Shein distribute products from a vast number of third-party sellers, many of which are overseas. Online marketplaces are also able to list products at a scale and speed that Australia's regulations struggle to keep pace with. Unsafe products can be quickly listed and removed, or renamed or rebranded, with no responsibility to ensure they are safe before they appear online.

#### **Responsibility for product safety on online marketplaces is unclear and fragmented**

Responsibility for product safety on online marketplaces in Australia is increasingly unclear and fragmented. The ACL's definition of supplier is prescriptive and is based on how consumer markets operated in 2010. It has not evolved since, despite the considerable evolution of online purchasing through online marketplaces.<sup>47</sup> Under the ACL, the legal responsibility generally sits with manufacturers, importers and suppliers, but in an online environment, the 'seller' of a product is often an overseas third-party – with companies like Amazon and eBay acting as intermediaries. This

<sup>46</sup> Australia Post eCommerce Report 2026, accessed at: <https://auspost.com.au/content/dam/e-commerce-report/australia-post-e-commerce-report-2026.pdf>

<sup>47</sup> Consumer Policy Research Centre, December 2021, 'The Digital Checkout', <https://cprc.org.au/report/the-digital-checkout/>.

structure makes it extremely difficult for a consumer to know where to go, and what their rights are if things go wrong.<sup>48</sup>

Some marketplaces have taken voluntary steps to improve safety, including participation in initiatives such as the Product Safety Pledge, but these measures are not legally binding and as a result, we continue to see unsafe products enter the Australian market with limited accountability.

## **Global product safety laws**

Across the world, many countries have product safety laws, but the strength of these provisions can often be limited by a reliance on reactive, post-market enforcement and a failure to fully address the role that online marketplaces play in providing consumers with unsafe products. Online marketplaces represent the most significant regulatory gap, enabling large volumes of unsafe products – often from overseas sellers – to enter markets. Without clearer accountability and stronger safeguards, product safety frameworks are struggling to keep pace with the scale and complexity of the problem.

### The European Union

The European Union (EU) has the most comprehensive product safety framework, underpinned by a broad, economy-wide duty that only safe products can be sold.<sup>49</sup> This duty applies across the entire supply chain from manufacturers to importers and distributors and is supported by requirements for risks assessments, traceability, incident reporting and recalls. Crucially, it extends to online sales targeting EU consumers, and imposes clear and enforceable obligations on online marketplaces, in acknowledgement of the role online marketplaces play in influencing and facilitating the sale of products online.<sup>50</sup>

Despite the strength of the framework, its effectiveness is undermined by uneven enforcement across countries.<sup>51</sup> Significant volumes of unsafe imported products

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<sup>48</sup> ACCC, March 2022, 'Digital platform services inquiry: Interim report No.4 - General online retail marketplaces' <https://www.accc.gov.au/system/files/DPB%20-%20DPSI%20-%20March%202022%20-%20Full%20interim%20report%20-%2031%20March%202022.pdf>

<sup>49</sup> European Commission, 'Product Safety Legislation: Product safety framework in the EU', accessed at: <https://ec.europa.eu/safety-gate/#/screen/pages/productSafetyLegislation>

<sup>50</sup> European Commission, 'EU General Product Safety Regulation GPSR– Specific Product Safety Obligations for providers of online marketplaces', accessed at: [https://api.tech.ec.europa.eu/justools-content/buckets/saga/folder/obligationsForBusinesses/fileName/Presentation\\_GPSR%20obligations%20OMPs.pdf](https://api.tech.ec.europa.eu/justools-content/buckets/saga/folder/obligationsForBusinesses/fileName/Presentation_GPSR%20obligations%20OMPs.pdf).

<sup>51</sup> European Commission, 'Commission Staff Working Document Executive Summary of the Impact assessment accompanying the document PRODUCT SAFETY AND MARKET SURVEILLANCE PACKAGE A proposal for a Regulation of the European Parliament and the Council on consumer product safety and a proposal for a Regulation of the European Parliament and of the Council on market surveillance for products', accessed at: [https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1776553077059&uri=CELEX%3A52013SC0034&utm\\_source=chatgpt.com](https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1776553077059&uri=CELEX%3A52013SC0034&utm_source=chatgpt.com)

continue to enter the EU market due to non-compliance, weakening what is otherwise a strong model for product safety.<sup>52</sup>

### The United Kingdom

The United Kingdom (UK) has a general duty that businesses must not place unsafe products on the market which covers producers and distributors.<sup>53</sup> It requires businesses to monitor risks, notify authorities and take corrective action through recalls and withdrawal of unsafe products. This approach is mostly a post-market surveillance approach that treats marketplaces more like intermediaries. The UK has reforms underway to impose clearer duties, as their current laws were not designed for modern e-commerce and the emergence of online marketplaces.<sup>54</sup>

### The United States

The United States (US) lacks an overarching duty that applies to online marketplaces, leaving the responsibility for product safety online fragmented across sellers and importers.<sup>55</sup> Its framework instead relies on a combination of specific safety standards, products bans and obligations on businesses to report hazards, comply with said standards and conduct recalls. This approach is reactive, intervening only when harm is apparent, rather than preventing unsafe products from entering the market in the first place, and this creates significant gaps in its overall effectiveness.

At the same time, the US has one of the most developed injury surveillance systems globally, and the data it produces reveals the scale of the issue. Product-related harm is not isolated but systemic, with around 400,000 product-safety related injuries recorded annually and approximately 8,000 product-related death certificates issued annually, estimates suggest the real number may be even higher.<sup>56</sup>

### Canada

Canada prohibits the sale of products that are dangerous to health or safety, and has obligations on manufacturers, importers and sellers to report incidents, conduct record-keeping and mandatory recalls.<sup>57</sup> This approach, similar to many other countries, is fundamentally reactive with heavy reliance on post-market enforcement. Canada also has a voluntary product safety pledge for online marketplaces and does

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<sup>52</sup> European Commission, March 2026, '2025 Safety Gate: Rapid Alert System', accessed at: <https://op.europa.eu/webpub/just/safety-gate-2025-report/en/>

<sup>53</sup> Gov UK, December 2024, 'General Product Safety Regulations 2005: Great Britain', accessed at: <https://www.gov.uk/government/publications/general-product-safety-regulations-2005/general-product-safety-regulations-2005-great-britain>

<sup>54</sup> Department for Business & Trade, March 31 2026, 'The UK's new product safety framework', accessed at: [https://data.parliament.uk/DepositedPapers/Files/DEP2026-0228/Product\\_Safety\\_Framework\\_Reform\\_Government\\_consultation.pdf](https://data.parliament.uk/DepositedPapers/Files/DEP2026-0228/Product_Safety_Framework_Reform_Government_consultation.pdf)

<sup>55</sup> United States Product Safety Commission, 2024, '2024 Annual Report', accessed at: [https://www.cpsc.gov/s3fs-public/CPSC-FY24-Annual-Report\\_0.pdf](https://www.cpsc.gov/s3fs-public/CPSC-FY24-Annual-Report_0.pdf)

<sup>56</sup> *ibid*

<sup>57</sup> Government of Canada, 2011, 'Meeting Canada Consumer Product Safety Act requirements', accessed at: <https://www.canada.ca/en/health-canada/services/consumer-product-safety/legislation-guidelines/acts-regulation/s/canada-consumer-product-safety-act.html>

not directly regulate these platforms.<sup>58</sup> This lack of binding obligations on platforms, combined with challenges in regulating cross-border sellers, means unsafe products continue to be available online.

### Singapore

Singapore's approach is quite different – it is more proactive but narrowly targeted. The Singaporean framework requires certain high-risk products, for example electronics, to be tested, certified and registered before sale with compliance shown through a mandatory Safety Mark.<sup>59</sup> These pre-market controls are reinforced by active enforcement – Singapore works with platforms to remove unsafe listings and issues penalties to sellers that breach the rules. As this system only addresses specific products, it leaves gaps for many others and limits its effectiveness as a comprehensive product safety system.

### **Australia should introduce a general safety provision**

Globally, there is no one way that product safety is ensured, but the most effective approach should require companies to ensure that products are safe before they're sold in the first place, whether that be online or in-store and across the entire supply chain – including online marketplaces.

A general safety provision would vastly improve Australia's approach to product safety online, ensuring that online marketplaces could not list and sell products that they know to be unsafe, banned or prohibited in any jurisdiction. In October 2024, Consumer Affairs Ministers from around the world, including Australia, signed-up to the OECD's Declaration of Protecting and Empowering Consumers in the Digital and Green Transitions.<sup>60</sup> As part of the Declaration, the Federal Government committed to:

- *“ensuring consumer product safety policy frameworks can effectively address persistent and emerging consumer product safety risks, and that businesses, in particular online marketplaces, take proactive steps in addressing these risks”, and*
- *“working to ensure online marketplaces take responsibility for the safety of the products listed on their sites, swiftly remove unsafe products when they are identified, and prevent the same or similarly unsafe products from being listed”.*

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<sup>58</sup> Health Canada, February 2019, 'Canada Consumer Product Safety Act: Quick reference guide', accessed at: [https://publications.gc.ca/collections/collection\\_2021/sc-hc/H128-1-11-656-2019-eng.pdf](https://publications.gc.ca/collections/collection_2021/sc-hc/H128-1-11-656-2019-eng.pdf)

<sup>59</sup> Competition & Consumer Commission Singapore, September 26 2025, 'Consumer Protection (Safety Requirements) Regulations: Information Booklet', accessed at: <https://www.consumerproductsafety.gov.sg/files/cps-info-booklet.pdf>

<sup>60</sup> OECD, October 2024, 'Declaration of Protecting and Empowering Consumers in the Digital and Green Transitions', <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0504>.

A general safety provision which applies across the product supply chain, would get Australia closer to the commitments it made on an international stage almost two years ago and ensure that online marketplaces are adequately held accountable for the safety of products sold on their platforms.

A general safety provision should be recommended by the ACCC to the Federal Government in light of CHOICE's complaint, to address the issues faced with product safety on online marketplaces.

### **Confidentiality**

No part of this complaint needs to be kept confidential.

### **Acknowledgements**

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