

Particular Case Report: Montessori Sound Tree – Unsafe Children’s Toy Listing

Product Overview

- **Product Name:** Montessori Sound Tree (Wooden Musical Toy)
 - **Description:** Wooden tree-shaped toy with detachable leaves. Operated by placing small plastic balls at the top, which create sound as they roll down.
 - **OPSS Reference:** 2504-0191
 - **Risk Level:** Serious
 - **Identified Hazard:** Choking risk—plastic balls supplied with the product fit within the small parts cylinder. Missing safety warnings/documentation.
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Regulatory Context

- **Applicable Regulation:** UK Toys (Safety) Regulations 2011 (SI 2011 No. 1881)
 - **Key Requirements:**
 - Small parts must not present a choking hazard to children under 36 months.
 - Clear manufacturer/importer information and warnings must be present.
 - Toys must carry the UKCA/CE marking and proper traceability documentation.
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FOLOUP Process & Actions

Step 1: Product Risk Alert

- Identified via OPSS RAPEX/Safety Gate notice (Ref: 2504-0191), specifying choking risk due to small ball size and lack of required warnings.

Step 2: Marketplace Monitoring

- Montessori Sound Tree found listed on multiple UK online marketplaces (notably eBay) with no visible warnings and identical product descriptions.

Step 3: Reporting to Marketplace (eBay)

- **Report #1:**
 - Listing ID: 197227949416

- **Outcome:** Positive—eBay removed the listing. Confirmation provided, indicating automated or AI-based review.
- **Report #2:**
 - Listing ID: 176683927595
 - **Outcome:** Negative—eBay determined, via human agent, the listing did *not* violate their policies and left it live. FOLOUP provided detailed reference to official recall and risk.

Step 4: Outcome & Challenge

- **Inconsistency in Takedown:**
 - For the **same product** (identical risk, origin, and OPSS reference), outcomes varied. Automation removed one listing; human review did not act on another.
- **Escalation Attempts:**
 - Initiated appeal with eBay for the negative decision, referencing UK statutory regulations and OPSS recall details.
 - Collected documentation for escalation to Trading Standards and OPSS as unresolved hazard persists.

Key Issues Identified

1. **Regulatory Ambiguity:**
 - Safety recalls often specify “country of origin” (e.g., Germany), but real-world distribution involves multiple importers and global sourcing—UK buyers may purchase the *same* hazardous item under various listings and suppliers.
 - Recall documentation can be too vague for enforcement, or too narrow, missing the breadth of listings.
2. **Marketplace Inconsistency:**
 - eBay’s review and takedown process is not systematic. Decisions depend on whether cases are reviewed by automation, AI, or individual agents—leading to inconsistent outcomes for identical risk profiles.
 - No transparent protocol for systematically flagging official OPSS recall IDs, creating loopholes for relisted unsafe items.

Recommendations & Follow-up

- **Regulatory Recommendation:** OPSS/Trading Standards to develop clearer, more enforceable recall notices with explicit listing identifiers and wider criteria for “country of origin” and distributor scope.
 - **Marketplace Recommendation:** Encourage platforms to integrate FOLOUP-style recall cross-checking and to provide a unified, transparent process for handling statutory product safety reports.
 - **Ongoing Action:** FOLOUP will continue monitoring, documenting, and escalating unresolved hazards, providing full incident logs for regulatory partners.
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Appendices

- **Reference: UK Toys (Safety) Regulations 2011** (Appendix1)
 - **Copies of eBay Decision Emails** (Ref1 &2)
 - **Screenshots of Listings** (Ref3 & 4 when takedown or not takedown)
 - **Screenshots of FOLOUP recalls detail with list of matching listing** (Ref5)
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Summary

Despite regulatory recalls and proactive reporting, hazardous toys such as the Montessori Sound Tree can remain accessible to UK consumers due to limitations in recall clarity and inconsistent marketplace enforcement. FOLOUP's monitoring highlights the urgent need for systematic, cross-platform recall response and stronger collaboration between regulators and online platforms.

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Date: 21/07/2025

Appendix1: UK Toys (Safety) Regulations 2011 (SI 2011 No. 1881)

Overview

The UK Toys (Safety) Regulations 2011 implement safety requirements for toys placed on the UK market, ensuring that toys do not present a risk to children's health or safety. The regulations apply to all products designed or intended, whether or not exclusively, for use in play by children under 14 years of age.

Key Requirements Relevant to This Case:

1. General Safety Requirement (Regulation 8)
 - Toys must be designed and manufactured so as not to jeopardize the safety or health of users or third parties when used as intended or in a foreseeable way.
 - Safety must be assessed from the perspective of the child.
2. Mechanical and Physical Properties (Schedule 2, Part 2)
 - Toys and their parts must have the strength and stability to withstand stress.
 - Small Parts: Toys intended for children under 36 months must not present a choking hazard due to small detachable parts. Any component that fits entirely into a cylinder with a diameter of 31.7mm (the "small parts cylinder") is considered a choking risk.
3. Warnings & Labelling (Regulation 7 and Schedule 2, Part 3)
 - Toys must carry warnings regarding the specific hazards and intended user age.
 - Manufacturer's name, address, UKCA/CE marking, and batch/serial/model number must be clearly marked.
 - Instructions for use and safety information must be provided in English.
4. Traceability (Regulation 9)
 - Toys must include information enabling them to be traced back to the manufacturer/importer.
 - Importers/distributors must ensure that toys comply with UK requirements and that required markings are present.
5. Conformity Assessment (Regulation 11)
 - Manufacturers must carry out a safety assessment (technical documentation) and affix the UKCA or CE marking as proof of conformity.

Enforcement and Recalls

- Market Surveillance: Trading Standards is responsible for market surveillance and enforcement.
- Recall Notices: Where unsafe toys are found, recall and withdrawal notices may be issued.

- Offences and Penalties: Supplying unsafe toys, or toys without proper warnings, documentation, or traceability, constitutes an offence under the regulations.

Relevant Guidance Links:

- UK Toys (Safety) Regulations 2011 (Legislation.gov.uk)
<https://www.legislation.gov.uk/ukxi/2011/1881/contents/made>
- OPSS Guidance: Toys (Safety)
<https://www.gov.uk/government/publications/toys-safety-regulations-2011/toys-safety-regulations-2011-great-britain>

Application to Montessori Sound Tree:

- Choking Hazard: The supplied plastic balls fit entirely within the “small parts cylinder,” presenting a serious risk to children under 3, in clear breach of mechanical/physical safety requirements.
- Missing Documentation: Absence of UKCA/CE marking and safety warnings contravenes labeling and traceability requirements.
- Distribution Risk: Imported and distributed under various trade names and supply routes, increasing the challenge for enforcement.

Ref1. eBay email conclusive removal of the listing

The content you reported was removed

Hello foloup,

Thanks again for reporting the problematic content you found.

What happened:

We looked into your report and removed the content. It may take up to 24 hours for it to reflect on the site. This determination was made using automation or artificial intelligence.

We let the content uploader know about this decision and the action taken. They may have the option to fix the content to make it visible again on site. They can also appeal our decision, and we'll review the case again and may reverse the original decision and action taken.

If you reported content that isn't included in the below reference ID, we'll send a separate email once we've made a decision.

Your reference ID: 2-196151398295

Here are the listings you reported that have been removed:

Item: 197227949416 Wooden Colourful Music Tree Toy Rainbow Music Sounding Trees for Toddlers Trees

Thank you for being part of the eBay community.

Thanks,

eBay

Ref2. eBay email NON removal of the listing

A decision was made on the listing you reported

Hello foloup,

Thanks again for reporting the listing(s) you found.

What happened:

We looked into your report and didn't find the listing to be in violation of our policy. This determination was made by a customer service agent..

If you reported content that isn't listed below, we'll send a separate email once we've made a decision.

Your reference ID:

2-196149358471

Here are the listings you reported that are included in this decision:

Item: 176683927595 21V Cordless Angle Grinder Brushless 125mm with 2 Battery & Charger & 2 Disc Kit

[Start appeal](#)

If you believe a mistake has been made, we're here to help. You can appeal this decision through our internal appeals process within the next six months, and we'll take another look.

You may also have the right to have this decision reviewed under the applicable laws by a competent court or settlement body.

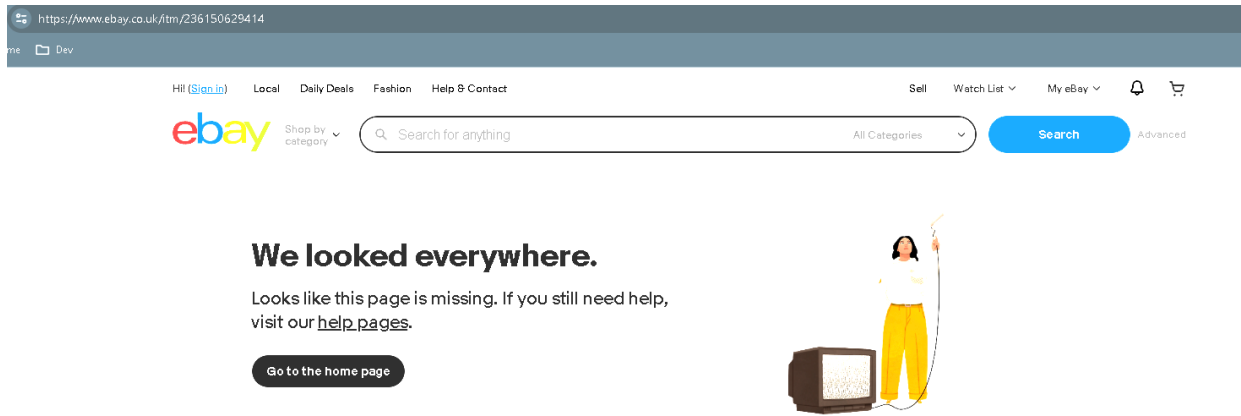
Thank you for being part of the eBay community.

Thanks,

eBay

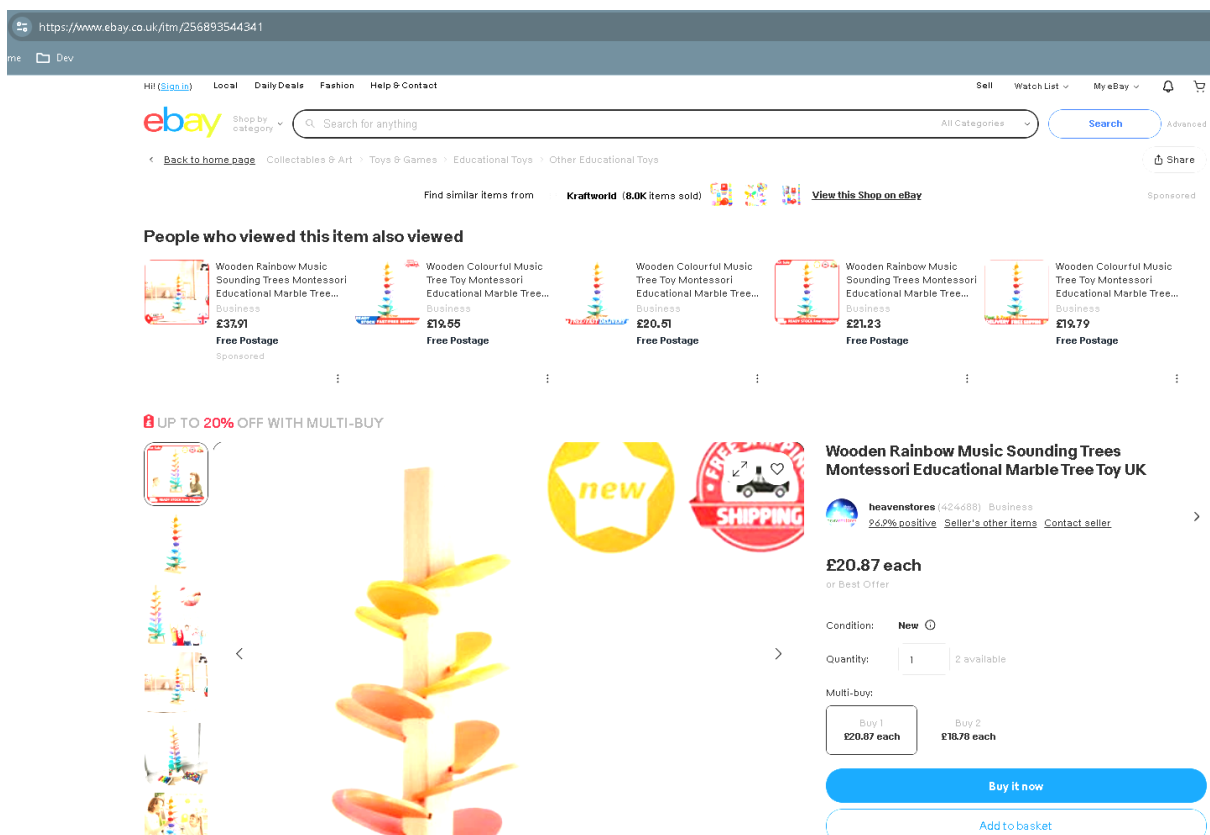
Ref3. eBay Screen Shot of Listing when removed

Page accessible: <https://www.ebay.co.uk/itm/236150629414>



Ref4. eBay Screen Shot of Listing when NOT removed

Page accessible: <https://www.ebay.co.uk/itm/256893544341>



Ref5. FOLOUP Screen Shot of OPSS Record + Marketplace Match List

page accessible directly : https://foloup.info/opss_record.php?id=8527

Flagging Online Listing
Of Unsafe Products



HOMEABOUTUNSAFE PRODUCT ALERTSPRODUCT CATEGORIESRESOURCESGPSRNEWSCONTACT US

Montessori Sound Tree

Description

Wooden toy shaped like a tree with detachable wooden leaves. The sound is created by small balls which are placed at the top of the tree and move across the wooden leaves.

OPSS Reference

2504-0191

Brand

Tiny Tumble

Shop

Unknown

Country of Origin

Germany

Risk Level & Hazard

Serious

The product presents a serious risk of choking as it is supplied with plastic balls that fit fully inside a small parts cylinder. A young child may put them in their mouth and choke. Additionally, some of the required documentation and markings were not present.

Corrective Action

Owners are advised to stop using the product immediately. Contact the distributor you purchased from to request redress.

Product Type

Toys - Wooden Toy

Document Type

Product Safety Report

Updated

2025-07-18

Summary

Product: Montessori Sound Tree

Original Link

View Original

PDF Document

View PDF

Market Links

Filter by status: All

Platform	Link	Matched Title	Matched At	Status
amazon.co.uk	View	Montessori Sound Tree	2025-07-18 16:36:29	Product found
ebay.co.uk	View	Montessori Sound Tree	2025-07-18 16:36:29	Product found
aliexpress	View	Montessori Sound Tree	2025-07-18 16:36:30	Clear
temu	View	Montessori Sound Tree	2025-07-18 16:36:30	Clear
etsy	View	Montessori Sound Tree	2025-07-18 16:36:30	Clear
wish	View	Montessori Sound Tree	2025-07-18 16:36:30	Clear
alibaba	View	Montessori Sound Tree	2025-07-18 16:36:30	Clear
eBay API	View	Montessori Sound Tree	2025-07-18 16:36:30	Product found
eBay API	View	Montessori Sound Tree	2025-07-18 16:36:30	Product found
eBay API	View	Montessori Sound Tree	2025-07-18 16:36:30	Product found
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eBay API	View	Montessori Sound Tree	2025-07-18 16:36:30	Product found

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