



NCAC NEWS

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(1) Activities of NCAC

1) Product tests

Safety of quenching cloths: Some products are not able to quench an initial stage fire started while deep frying food in a deep fryer

Quenching cloths are sold for the purpose of quenching a fire, that starts as a result of the cooking oil used to deep fry food catching fire, by covering the deep fryer with such a cloth.

According to the 'Outline of Fire Disasters that Occurred in 2007' which was prepared by the Tokyo Fire Department, 396 amongst a total of 5,799 cases of fire disasters that occurred within the Tokyo district in 2007 (approximately 6.8%) were caused by deep fryers. Although PIO-NET (Practical living Information Online-NETwork) has not learned of any case examples of these accident cases so far, fatal and/or grave physical injuries may take place if a quenching cloth is not able to quench a fire. Under these circumstances, the National Consumer Affairs Center of Japan (hereinafter 'NCAC') investigated the quenching capacity of quenching cloths produced by four brands to examine whether or not their products are actually effective to quench a fire caused by deep fryers. The product test findings are described below:

- As a result of the quenching capacity tests, the oil in deep fryers caught fire again in some cases after NCAC's staff members, who had performed the quenching practice for a number of times in advance to be ready for these tests, quenched the initial fire.
- As a result of the examination of the product labeling, not one of the brands provided specific information to warn consumers that there may be a secondary hazard such as a burn when quenching a fire, notify consumers the extent of a fire that can be quenched by the product and/or supply consumers with reliable quenching methods.

By taking into account the above product test findings, NCAC has provided advice for consumers to use an extinguisher and/or aerosol extinguishant (accompanied by a 'NS' mark) instead of a quenching cloth in the event of a fire caused by a deep fryer.

Driver's view in passenger vehicles: Visibility through tinted glass

An increasing number of passenger vehicles distributed in recent years contain black or brown tinted glass on

the rear side windows and/or the back window as standard equipment in order to protect privacy and to control rises in vehicle interior temperatures. According to the safety standards specified by the Road Trucking Vehicle Law, the windshield and front side windows must have visible light transmittance of 70% or greater in order to secure the necessary driver's view. The relevant law nevertheless contains no stipulations concerning visible light transmittance of rear side windows.

As a result of the monitor test carried out by NCAC regarding the level of visibility to recognize an object through tinted glass, the object could be recognized in the nighttime to a degree if the color of such glass had a lighter tone while a large number of monitors stated that it was difficult to recognize the object in the case of darker glass.



Photo 1: The object can be recognized (in the case of transparent glass).



Photo 2: Difficult to recognize the object (in the case of dark colored glass).

By taking into account the above monitor test findings, NCAC has provided advice for consumers to be aware of risks when driving a passenger car containing tinted glass in the nighttime as it is difficult to recognize a child and/or obstacle in the rear direction.

Furthermore, NCAC has requested the industry to increase the required tinted glass visible light transmittance to secure safety and to provide specific information to enable consumers to select the most suitable product to purchase. NCAC has also made a request to the responsible governmental organizations to examine the possibility of establishing regulations concerning visible light transmittance applicable to rear side windows.

Be aware of accidents caused by fireworks: There have been cases of not only burns but also the loss of sight

NCAC learns of information regarding accidents caused by fireworks every year; especially in summer (PIO-NET received 157 cases of firework related accidents over the last decade and learned of 429 firework related accident cases through cooperating hospitals collecting safety hazard related information for NCAC). Although the most common injury is a burn, some cases involved severe injuries; for example, a consumer 'suffered a loss of sight after sparks from a pyrotechnic firework directly hit the consumer's eyeballs.' NCAC had previously provided precautionary information for consumers on a number of occasions. On this occasion, NCAC looked into firework related accident cases with a focus on those involving what are called 'toy fireworks' (hereinafter 'fireworks').

NCAC interviewed four firework manufacturers that are members of the Japan Pyrotechnics Association and the findings are described below:

- According to the four manufacturers, approximately 20 amongst the total consumer complaints raised yearly are associated with a 'burn.' Other cases are related to the quality of products such as 'no sound was produced' as well as the manner that people used their products such as 'firework noise is too loud and unwanted.'
- The four manufacturers generally look into the status of an accident after being made aware of any accident relating to one of their products.
- Although these manufacturers have not officially made any announcements in newspapers regarding any malfunctions that have taken place in their products in the past, they have voluntarily recalled some

of their products in response to requests made by shops.

- Three amongst the four manufacturers carry out self-inspections on their products apart from the compulsory inspections specified by the Japan Pyrotechnics Association.
- Three amongst the four manufacturers believe that consumers' ways of handling their products contain problems and consequently cause accidents.

In the first place, fireworks use explosives and inflammables providing both amusement and hazards. It can thus be assumed that there are a larger number of underlying accidents that have not been made known. Although the above four manufacturers refer to consumers' ways of handling their products as being problematic and consequently causing accidents, there are cases whereby a consumer cannot be solely blamed for causing the accident.

The Japan Pyrotechnics Association grants a 'SF mark' to a product that has passed the designated inspection and explains that a consumer using a product with such a mark is to be compensated if he or she has suffered an injury due to a malfunction of the product. It is however extremely difficult to prove any malfunctions as firework products burn out.

NCAC has provided advice for consumers to follow the product handling precautions and to consult with a specialist immediately after an accident has taken place and not to discard but store the product itself and any similar model products. Furthermore, NCAC has requested to all the manufacturers that are members of the Japan Pyrotechnics Association to improve the quality of their products and to proactively provide precautionary information to instruct consumers how to handle their products correctly in order to prevent the occurrence of similar problems and to hold back the expansion of the existing problem.

Be aware of a cosmetic cream product which contains a steroid and consequently breaches the Pharmaceutical Affairs Law

Since June 21, NCAC has learned of a minimum of eight cases of consumer inquiries and complaints, including that described below, concerning a particular cosmetic cream product called "NOATO Cream." These cases mainly consist of consumers' concerns over the use of pharmaceutical 'steroid hormones' (hereinafter "steroids") and suspicions concerning negative effects after stopping the use of such a product. Under these circumstances, NCAC urgently investigated this particular product to see whether or not it contained a steroid.

[Case example]

The consumer purchased the relevant product through a mail-order service. The product's home page stated that there was 'no use of steroids and no side effects.' After using the product, however, the consumer became alert as the product was overwhelmingly fast-acting and suspected the use of a steroid. The consumer accordingly made an inquiry to the distributor but was firmly told that no steroids were used in the product. After using the product for a while, the consumer stopped using it as she was afraid of the fast-acting nature of the product. As a result, she discovered that there was what seemed to be a rebound that usually occurs when stopping the use of a steroid. The skin condition was accordingly more aggravated compared to that before using the product. The consumer asked NCAC to look into the ingredients of the product.

NCAC accordingly looked into the product's ingredients to see whether or not it contained any pharmaceutical steroid (a total of nine types of steroids were tested: prednisolone, betamethasone, dexamethasone, hydrocortisone acetate, betamethasone valerate, betamethasone dipropionate, beclomethasone dipropionate, cortisone acetate and clobetasol propionate). As a result, clobetasol propionate was detected in the product.

Steroids can generally be divided into five grades according to the level of effectiveness. Clobetasol propionate belongs to the strongest grade of external application steroid hormone preparations. Clobetasol propionate contained in the relevant product is 0.047% which is identical with the content of a clobetasol propionate preparation approved to be sold as a pharmaceutical product in Japan. The product of concern however is not approved as a pharmaceutical product and is thus distributed without authorization. It is thus believed to be breaching the Pharmaceutical Affairs Law.

NCAC has provided warning to consumers that the relevant product actually contains a steroid though proclaiming that 'no steroids are used in the product.' NCAC has also requested the responsible governmental organizations to promptly take the necessary action such as providing instructions to the relevant business owner.

(2) Surveys

Consumer damages revealed through the 'E-mail for Consumer Problems' over a period of three years (from the Fiscal 2005 to 2007)

On April 8, 2002, NCAC established an Internet based consumer information collecting system 'E-mail for Consumer Problems' in order to concurrently understand the current status of consumer damages and to make a contribution to preventing such damages in the future. On this occasion, NCAC looked into the outline of consumer inquiries and complaints received through this email system including the number of emails sent over the three years from April, 2005. NCAC then carried out follow-up surveys concerning major case examples. The outline of these is described below:

(1) Changes to the number of emails sent

The number of emails sent to the email system displayed a year-on-year increase of over 20% compared the Fiscal 2006 due to the fact that the number of emails relating to fictitious/unjustified billing remained high and that an increasing number of people have become aware of this email system. The number of emails sent to the email system in the Fiscal 2007 was 10,467 breaking the 10,000 mark for the first time.

(2) Number of emails involving products and/or services

- 'Transportation/communication services' attracted the largest number of consumer inquiries and/or complaints while emails relating to 'educational entertainment products' such as mobile phones and computers showed a strong increasing rate.
- According to the breakdown of the contents of the emails received, 'contract cancellations' and 'product quality/features' attracted a large number of consumer complaints. 'Contract cancellations' particularly demonstrated an upward trend reaching approximately 50% in the Fiscal 2007.
- As for the gender of senders, 'males' consisted of over 70% while the percentage of 'females' demonstrated an upward trend every year over the relevant three years.
- When looking at the ages of senders, there were a large number of people in their 20s to 40s while the percentage of people in their 40s and 50s demonstrated an upward trend. As for occupations, 'salaried people' consisted of approximately 60% showing a gradual increase alongside 'people engaged in housekeeping chores.' On the other hand, 'students' showed a decrease three years in a row.

The major case examples subject to the follow-up surveys:

[Communication services]

A mobile phone cartoon distribution service requiring a large communication charge

Consumer complaint

A mobile phone company billed the consumer for the payment of a communication charge of over 30,000 yen for browsing a cartoon over a period of three days. It seemed that the consumer's elementary school child had seen an advertisement in a comic magazine targeting elementary school children in the lower grades about a mobile phone cartoon distribution service proclaiming that the "first episode can be seen without charge." Although an adult may have been able to recognize that the advertisement actually implied that no information fee applied though the communication charge applied, an elementary school child would not be able to understand such an implication. The consumer wonders whether or not such an advertisement contains problems.

Action taken by NCAC and response made by the responsible company

NCAC contacted the publisher that issues the comic magazine of concern to learn about the relevant advertisement and it was confirmed that there was no information contained in the advertisement to notify consumers that the communication charge actually applied. NCAC explained to the publisher that such an advertisement would misinform elementary school children as regards no charges applying as these children are

unable to recognize that the communication charge actually applies. The publisher has accordingly provided additional information in the advertisement on its home page to state that a packet communication charge separately applies when using the relevant service.

[Travelling]

Unjustified billing committed by a travel agency involving air ticket cancellation

Consumer complaint

The consumer was looking to book an air ticket and found a travel agency after searching on the Internet. The consumer requested this travel agency to arrange an air ticket though was told that there was no suitable ticket available. The consumer was aware that, according to the agency's regulations, a contract was deemed to be concluded when a consumer paid the application fee. The consumer thus did not pay the application fee and did not take any further action. Afterwards, the travel agency charged the consumer with a cancellation fee. The consumer wonders whether or not there is any obligation to pay such a fee even though the contract was not supposed to be concluded.

Action taken by NCAC and response made by the responsible company

NCAC looked at the travel agency's home page and confirmed that the term of use clearly specified the following: "A contract shall be concluded when it is confirmed that the application fee has been paid and no booking shall be deemed to be made if the fee was not paid." NCAC pointed this out to the travel agency who in response claimed: "A consumer who did not contact us to cancel the booked air ticket must naturally pay a cancellation fee as a labor cost though we have not taken any legal proceedings to collect such a fee." NCAC reached the conclusion that it was illegal to charge a cancellation fee which was not stipulated by the company's regulations. NCAC then contacted the industry organization to which the travel agency of concern belongs to help improve the situation. As a result, the relevant organization has provided instructions to the travel agency.

One of the characteristics of the 'E-mail for Consumer Problems' is to attract a large number of people who find it difficult to make a phone call to a consumer center during the daytime. Furthermore, there were particular cases in which a specialist such as a doctor contacted the email system. NCAC accordingly performed a follow-up survey based on the specialist's information and consequently announced precautionary information through the mass media. NCAC will keep utilizing consumer inquiries and complaints forwarded to the 'E-mail for Consumer Problems' in order to concurrently understand the current status of these cases and to make a contribution to preventing such issues in the future.

The outline of 'personal information related consumer inquiries and complaints' over a period of three years

In response to the Personal Information Protection Law which was fully enacted in April, 2005, NCAC established the 'Personal Information Consumer Consultation Counter' to provide advice for consumers. The 'Basic Policy on the Protection of Personal Information' set forth in the relevant law underwent a partial revision in April, 2008 and other guidelines are also currently under review.

During the three years since the enactment of the Personal Information Protection Law, the total number of consumer inquiries and complaints that were handled by the nation-wide local consumer centers reached 37, 542. The outline of these cases is described below:

- The number of personal information related consumer inquiries and complaints demonstrated a downward trend.
- The number of consumer inquiries and complaints associated with the 'information communication field' demonstrated an upward trend.
- Consumer inquiries and complaints associated with 'inappropriate acquisition of personal information' consisted of half of the total consumer inquiries and complaints throughout the relevant three financial years.
- Although the number of consumer inquiries and complaints, raised as a result of what were considered to be 'overreactions,' slightly declined, consumers' overreactions and strong assumptions involving personal information remained visible.

'Major case examples' learned of by NCAC:

[Case example 1] Personal information trade

The consumer received a tele-marketing call from a cosmetic company. The consumer asked from whom the company had acquired the personal information and was told that it was a company trading registers and rosters. The cosmetic company did not reveal the name of such a company. The consumer wonders whether or not personal information trading is illegal.

[Case example 2] Internet adult sites

The consumer's grownup son searched for Internet adult sites and attempted to look at one of these sites. The son was however automatically registered with the site after simply clicking the site name and has been charged with some fees since then. The consumer suspects that the site administrator might have obtained the son's personal information. The consumer is thus looking to solve this issue.

The number of consumer inquiries and complaints, raised as a result of what were considered to be 'overreactions' and were handled by NCAC's 'Personal Information Consumer Consultation Counter,' slightly declined in comparison with those raised immediately after the Personal Information Protection Law was enacted. Some of those who raised such consumer inquiries and/or complaints have become needlessly overreactive towards their personal information such as their name and contact address. These people accordingly refused to reveal their personal information to a business operator and/or a consumer center in some cases. There were other cases whereby a consumer assumed that his or her personal information was entirely protected according to his or her will due to a misperception concerning the name of the law 'Personal Information Protection Law' and consequently caused problems when dealing with a business operator.

Be aware of malicious business methods using a fictitious business name

Two similar consumer complaint cases were forwarded to NCAC from local consumer centers:

The consumer received a phone call from "XXX insurance Co. Ltd" which the consumer had no knowledge of and was told that the insurance, which was claimed to have been taken out by the consumer in the event of a house renovation, had reached its maturity date. After a couple of days, the consumer received mail from this insurance company containing some documents including an application form to open a bank account. There was a letter that stated that a new bank account needed to be opened to enable the consumer to receive the maturity amount and that the consumer needed to contact the person in charge before filling in the application form. The consumer nevertheless claims to have no recollection of taking out any insurance. There are a number of matters that are suspicious such as trying to make the consumer contact the company before filling in the application form.

NCAC looked at the 'List of Licensed, Approved and Registered Business Owners' available for viewing on the Financial Services Agency's home page to see if "XXX insurance Co. Ltd" was listed. As a result, it was revealed that such a company was not licensed under the Insurance Business Law. Although the company has not billed the consumer as is generally the case with what are called 'fictitious billing' methods, it can be assumed that the company aims to obtain the consumer's personal information as the application form to open a bank account was sent to the consumer. NCAC has accordingly provided precautions to the consumer never to contact the company and never to return such an application form as it may be used for wrong purposes.