



# NCAC NEWS

*From  
National Consumer Affairs Center of Japan*

**Vol.21 No.2**

**JULY 2009**

## **Activities of the National Consumer Affairs Center of Japan (hereinafter 'NCAC')**

— Inside of this issue —

### **(1) Surveys**

1p The elderly targeted by malicious business practices: Be aware of telemarketing for the sales of 'hanging scrolls'!

### **(2) Safety hazard information**

2p Safety hazards as a result of mole removal: burns and scarring caused by beauty salon treatment or self-treatment

3p A button battery entered into a girl's eye! Hospitalization and operation involved to remove rust from the battery resulting in significantly decreased eyesight

4p Consumer inquiries and complaints relating to the safety of cat and dog foods

### **(3) Product testing**

4p The safety of four-wheeled buggies (ATVs) proclaimed fit for 'highway use': Those sold through the internet

6p Strengths of dog leads

6p The safety of wheeled walkers ("silver cars")

### **(4) Others**

8p The launch of ADR procedures undertaken by NCAC's Conflict Resolution Committee

## **(1) Surveys**

### **The elderly targeted by malicious business practices: Be aware of telemarketing for the sales of 'hanging scrolls'!**

There are an increasing number of elderly consumers who have received telemarketing for the sales of hanging scrolls worth approximately 400 thousand yen each and have signed the purchase contract. Elderly consumers who have suffered from this type of telemarketing were characteristically told that, among all of the people nationwide,

they were specially chosen to receive the offer. According to consumer inquiries and complaints reported to NCAC, the average age of these consumers is very high at approximately 80. Furthermore, a large number of these cases involve problematic sales methods as follows: (1) providing false information proclaiming that the hanging scroll contains the original handwriting of a senior monk belonging to a famous temple, (2) threatening that the consumer will be cursed if failing to purchase the hanging scroll and (3) forcing elderly consumers with impaired judgment to sign the purchase contract. NCAC hence released precautionary information to consumers.

Advice for consumers:

- In order to prevent the elderly from being targeted by malicious solicitations, family members and neighbors of elderly people need to look out for them routinely.
- If you have no intention of signing the purchase contract, be firm and declare, "I am not going to sign the contract."
- If you have signed the purchase contract due to it having been difficult to refuse the solicitation, consult with your family or a local consumer center immediately.

## **(2) Safety hazard information**

### **Safety hazards as a result of mole removal: burns and scarring caused by beauty salon treatment or self-treatment**

According to NCAC's Practical Living Information Online Network (hereinafter "PIO-NET"), there are a number of injury cases where consumers suffered skin depressions and/or burns as a result of mole removal treatment carried out at a beauty salon or self-treatment using mole removal cream. In order to prevent the occurrence of similar problems and to hold back the expansion of the existing problems, NCAC released precautionary information concerning potential hazards caused by mole removal.

Advice for consumers:

- When wishing to have a mole removed, do not make a careless decision and consult with a specialist.
- Be aware that, if you have purchased a mole removal cream product through a personal import agency due to such a product not being sold in Japan, it is difficult to negotiate for contract cancellation or compensation when a problem occurs.
- Consult with a local consumer center to provide information when you have suffered a safety hazard as a result of beauty salon treatment.

Requests to business owners:

Be aware that the use of lasers, chemicals and/or needles for the purpose of mole removal (or burning or peeling of the skin and stinging needles into the skin for esthetic purposes other than mole removal) may conflict with the Medical Practitioners Law. Do not allow anyone unlicensed to practice medicine to provide any treatment that may damage customers' skin.

It must also be noted that self-treatment for mole removal may harm the skin. Business owners including personal import agencies therefore should not place advertisements for any cream products and other home remedial products proclaiming to be effective in removing moles.

Requests to the government:

There are a number of cases where persons unlicensed to practice medicine provided mole removal treatment which may possibly be deemed as medical practice. The responsible governmental bodies need to undertake

appropriate handling when being informed of such a case and provide the business owner with the necessary instructions.

Consumers intending to conduct personal import and/or use a personal import agency to purchase a pharmaceutical or cosmetic product including mole removal cream need to be provided with warning and precautionary information on a continuous basis.

### **A button battery entered into a girl's eye! Hospitalization and operation involved to remove rust from the battery resulting in significantly decreased eyesight**

NCAC has learned of an accident case from a local consumer center where a button battery popped out of a product finding its way into the right eye of a three-year old girl. It was an alkali button battery (hereinafter "button battery") with a diameter of 6.7mm and a thickness of 3.1mm. It was contained in a product called 'Pocket Measure Light' (a mini tape measure in which a lamp is installed) provided as a novelty by a housing company. The girl was taken to a hospital where rust from the button battery was removed from her eye. Her eyesight however decreased significantly due to corneal opacity and corpus alienum corneae observed in the right eye.

The above housing company, ie-style co., Ltd., organized a private viewing and distributed the product to visitors. The girl's mother brought it back home and the accident occurred later when the girl was playing with it at home.

The product that triggered the accident was manufactured in China and was sold with a button battery contained in it. The importer is Aitoc Corporation which has imported approximately 50 thousand units of the same model as the above product.

The battery case cover of this product comes off so easily that a small child is able to remove it. Furthermore, the tension of the battery electrode spring located in the battery case is so strong that the button battery contained within pops out once the battery case cover is removed. While the button battery popped out of the product and entered into the girl's eye in the above accident case, it could have caused accidental swallowing and ingestion. Also, this particular product that caused the above accident alongside products of the same model did not come with an instruction manual or a precautionary instruction sheet despite the fact that they could potentially be distributed as sales promotional novelties and therefore used by the general public. NCAC hence released precautionary information to consumers.

Requests to business owners:

When adopting a button battery as the power source of a product, it must be ensured that any potential risks of such a battery are identified and that the product is designed so that the battery cannot easily be removed from its case. Furthermore, product labeling needs to be provided so that consumers are able to know the fact that such a battery is used in the product. A precautionary instruction sheet also needs to be provided additionally.

Business owners that intend to provide or distribute any sales promotional novelties must select an appropriate product by examining not only its cost effectiveness but also the level of its safety.

Aitoc Corporation has stated that it has no intention of recalling Pocket Measure Lights of the same model as the relevant product that caused the above accident claiming that other companies have also imported these products and there are therefore various distribution channels that are difficult to identify. Although both Aitoc Corporation and ie-style co., Ltd. have made it clear that they will discard all inventories, more proactive measures are required to be undertaken by these companies such as providing precautionary information to consumers.

Advice for consumers:

If you have a Pocket Measure Light of the same model as the relevant product that caused the above accident, handle it with extreme care particularly if you have a small child.

While the potential risks of accidental swallowing and ingestion have been pointed out for some time, be aware that any button battery, apart from that contained in the Pocket Measure Light responsible for the above accident,

may also cause serious safety hazards if entering into an eye.

## **Consumer inquiries and complaints relating to the safety of cat and dog foods**

As a result of its establishment last year, the 'Act on Ensuring of Safety of Pet Animals Feed' was enacted in June this year. In response, the government has established standards and specifications concerning cat and dog foods and also developed product labeling obligations and inspection systems. PIO-NET receives a large number of complaints year after year detailing cat and dog foods that have become rotten or were found to contain foreign matter. Under these circumstances, NCAC summarized the characteristics observed in consumer inquiries and complaints relating to the safety and sanitation and quality of cat and dog foods.

Over the period from the Fiscal 2004 to 2008, PIO-NET received 552 inquiries and complaints relating to the safety and sanitation and quality of cat and dog foods. The number of cases relating to overall pet foods was 947 with 613 of these cases associated with the safety and sanitation and quality of cat and dog foods accounting for 90% of the overall cases (covering the cases registered with PIO-NET by April 30, 2009).

Problematic areas observed based on case examples:

- (1) Pet owners require pet foods to be as safe as human foods.
- (2) While the safety and quality of pet foods may be guaranteed to a certain extent as a result of the enactment of the above law, an effective consumer consultation system needs to be developed to enable individual consumers to make an inquiry or request for product testing concerning pet foods.
- (3) Pets may become ill if the pet food does not agree with them or if they are fed incorrectly.

Advice for consumers:

- (1) Find a regular vet and carry out routine health checks of your pet.
- (2) Consult with the vet when your pet becomes ill as a result of eating food that does not agree with it.
- (3) Consult with the nearest local consumer center when a problem occurs.

### ***(3) Product testing***

## **The safety of four-wheeled buggies (ATVs) proclaimed fit for 'highway use': Those sold through the internet**

Four-wheeled buggies proclaiming their fitness for 'highway use' are sold domestically through the internet. PIO-NET has received 97 consumer inquiries and complaints concerning four-wheeled buggies over a period of five years since the Fiscal 2004.

Under these circumstances, NCAC purchased four-wheeled buggies of five brands proclaiming their fitness for 'highway use' through the internet in order to inspect: (1) the condition of these products when they were delivered, (2) the level of compliance with the relevant safety standard and (3) product quality.

Four-wheeled buggies: Four-wheeled vehicles that have no compartment and are designed to be ridden in a similar way to riding a motorcycle. They are frequently called 'four-wheeled buggies' domestically while they are commonly known as 'ATVs' (All Terrain Vehicles) overseas. ATVs are popular in North America, Europe and Australia for both business and leisure purposes.

#### Major product test findings:

##### (1) Traffic safety equipment:

- All of the tested vehicles demonstrated partial non-compliance with the Road Trucking Vehicle Safety Standard.
- The performance and specifications of the lamps were unsatisfactory when it came to some of the tested vehicles.

##### (2) Product malfunctions observed at the time of the initial use of the product or while using the product:

- In the case of some of the tested vehicles, additional adjustments are required to the brake and/or the drive chain in addition to the parts assembled by the user.
- In the case of the cheapest vehicle, the tension of the parts that are critical for the purpose of driving became loose and the light bulbs used in the safety parts blew at an early stage.

##### (3) Drive performance designed by taking into account the actual use of the vehicle:

- Some of the tested vehicles could not be ridden on safely as they are too small.
- In the actual use, all of the tested vehicles demonstrated the minimum turning radius that was in proportion with the size of the vehicle. However, none of the tested vehicles contain a differential gear and this results in the vehicles not being able to perform hard cornering smoothly. This creates the risk of the vehicle body potentially turning over in a direction away from the corner being turned when turning to the left or right at a high speed.
- When starting the vehicle on an uphill slope with a tilt angle of 10°, the front wheels of some of the tested vehicles were prone to bounce up while some could not start moving.
- Although the maximum speed of 60km/h is allowed in compliance with the Road Traffic Law, the speed observed after the tested vehicles had traveled for 150m was approximately 40~50km.

##### (4) Product condition at the time of delivery and the assembly procedures:

- Some of the tested vehicles, sold and delivered with certain parts designed to be assembled by the user, require demanding assembly procedures that may be difficult to complete by one person. Large amounts of waste materials were created as a result of the delivery common to all of these particular vehicles. Some of the tested vehicles were not provided with the assembly manual for the parts required to be assembled by the user.

#### Requests to the industry:

- The tested four-wheeled buggies do not actually satisfy the Road Trucking Vehicle Safety Standard despite the fact that they are sold and labeled fit for 'highway use.' Clear labeling is therefore necessary to state that these vehicles are 'not for highway use.'
- Improvement is required according to the above product test findings with the tested vehicles having demonstrated problems in their quality and performance including: (1) the brake did not work at the time of the initial use, (2) the vehicle could not be ridden on safely due to its size being too small and/or (3) the vehicle could not start moving when on an uphill slope.

#### Requests to the government:

- Countermeasures need to be established due to four-wheeled buggies that do not meet the Road Trucking Vehicle Safety Standard being distributed and likely to be used on highways.
- As there are four-wheeled buggies that do not meet the Road Trucking Vehicle Safety Standard and are nevertheless sold and labeled fit for 'highway use,' the business owners needs to be instructed to improve the product labeling.

#### Advice for consumers:

The above product test discovered that the tested four-wheeled buggies purchased through the internet must not be used on highways. These vehicles also demonstrated problems in their performance and quality and a

decision to purchase such a vehicle must not be made without proper consideration.

## **Strengths of dog leads**

Equipment designed to take dogs for a walk includes dog leads. Over a period of five years since the Fiscal 2004, PIO-NET received 28 consumer inquiries and complaints concerning the safety, quality and/or labeling of dog leads. NCAC accordingly examined the strengths of a variety of dog leads as well as their labeling detailing the strength of the product.

The above product test targeted a total of 18 brands consisting of two types of dog leads: (1) the reel type (the rope length is adjustable to the maximum of 5m) and (2) the traditional rope type (the rope length is not adjustable). These tested products were also divided into two groups according to the weight of dogs specified to use the product with: (1) those designed for dogs with a weight of 10kg or below and (2) those designed for dogs with a weight of 20kg or below.

The major product test findings are described below:

- The maximum load that broke the rope or the loop clip significantly varied according to each brand ranging from 29.8~200kg.
- The maximum load that broke the rope or the loop clip also varied among the tested products belonging to the group of the same dog weight type. In the case of some of those designed for dogs with a weight of 20kg or below, the maximum load that broke the rope or the loop clip was smaller than that of those designed for dogs with a weight of 10kg or below.
- When examining the maximum tensile strength using a total of 20 dogs of different breeds, such strength was discovered to be 25.3kgf in the case of those designed for dogs with a weight of 10kg or below while it was 27.9kgf in the case of those designed for dogs with a weight of 20kg or below. The weight ratio varied significantly ranging from 0.5 to 2.7 times.
- As a result of inspecting the precautionary information concerning the product strength contained in the instruction manual, the type of information provided differed according to each brand and, in the case of some of the tested brands, there was no warning information provided to recommend the discontinuation of the use of the product if the rope becomes frayed.

Advice for consumers:

- Select a product with a superior strength.
- Before using the product, inspect its individual parts and request for a replacement if the rope is notably frayed.

Requests to the industry:

- Manufacture and distribute products with a superior strength.
- Review the establishment of standards that regulate product strengths and labeling.

## **The safety of wheeled walkers ("silver cars")**

Wheeled walkers (commonly known as "silver cars" in Japan) are designed to provide support to an elderly person to walk when he/she goes out and/or needs to carry baggage. They also provide a place to sit enabling the user to rest. These products are designed to provide assistance mainly to the elderly who are able to walk independently and the common type of these products has a seat and a sack designed to contain shopping items. Products that are similar to wheeled walkers are shopping carts designed for general household use with no seat. During the



Fiscal 2008, approximately 340 thousand wheeled walkers and approximately 90 thousand shopping carts were shipped.

During the period from the Fiscal 2004 to 2008, 30 cases of injuries involving wheeled walkers were reported to NCAC's Injury Information System. 27 of these cases saw the users suffering an injury due to a fall as a result of losing balance while using a wheeled walker.

Under these circumstances, NCAC conducted a monitoring test reproducing the actual usage of wheeled walkers based on the actual accident case examples. NCAC also examined the structures of these products alongside the levels of safety and durability and accordingly released precautionary information to consumers. The above tests targeted a total of eight wheeled walkers manufactured by six brands covering a variety of sizes and features. Two shopping carts were additionally tested as a reference for the purpose of comparison with wheeled walkers.

#### Product test findings:

##### (1) Performance and usability:

- The wheels of some of the tested products became caught when there were small elevation change in the ground and this may be likely to cause a safety hazard as a result of the user losing balance.
- A large number of monitors who participated in the monitoring test set foot on the frame located near the rear wheels to lift the front wheels when walking over a large ditch or elevation change in the ground. The brake frame was accidentally stepped on in the case of some of the tested products.
- The brake system of the tested products was discovered to be effective in slowing down and enabling the user to maintain a comfortable posture when walking on a downhill slope.
- Some of the tested products require their frame to be locked after the self-assembly has been completed. This procedure may however be forgotten and cause the product to become accidentally folded while being used triggering the potential risk of fall.
- The methods to adjust the height of the handles differ according to each brand and some monitors were unable to adjust the height independently.

##### (2) Differences between wheeled walkers and shopping carts:

- While the appearances of some wheeled walkers and shopping carts are similar to each other, the level of safety differs between them.

##### (3) Precautionary information provided on the product's main body and in the instruction manual:

- All of the tested wheeled walkers are provided with precautionary labeling stating that the product is 'not suitable for people who are unable to walk independently.' Both of the tested shopping carts are provided with precautionary labeling stating that they are different from wheeled walkers.

#### Advice for consumers:

- Select a product that is appropriate for your intended purpose and meets your physical requirements. Do not use a shopping cart as a substitution for a wheeled walker.
- Handle the product with extreme care when walking over a ditch or elevation change in the ground or when walking on a slope. Request the distributor or the manufacturer to inspect the product if there is anything wrong.

#### Requests to the industry:

- According to the above product test findings, the wheels of a number of tested products were caught when there was a small elevation change in the ground while the height of the handles of was difficult to adjust in some cases. A higher level of safety therefore needs to be assured and products should be developed in a way so that they are less demanding for the elderly to handle.
- Develop products in a way so that consumers are easily made aware of the differences between wheeled walkers and shopping carts.
- Build a more effective sales system that enables correct information to be provided to consumers when they

select a product.

#### **(4) Others**

##### **The launch of ADR procedures undertaken by NCAC's Conflict Resolution Committee**

From April 1, NCAC's Conflict Resolution Committee started to undertake ADR (Alternative Dispute Resolution) procedures designed to solve consumer conflict cases.

ADR procedures are designed to be carried out by a third party that provides a fair judgment and supports individuals attempting to solve a civil conflict case without taking out legal proceedings. NCAC has set up the Conflict Resolution Committee with an independent authority to carry out mediation and arbitration to facilitate reconciliation between consumers and business owners involved in 'important consumer conflict cases.' The Conflict Resolution Committee consists of a chair and 14 committee members.

Important consumer conflict cases: The Independent Administrative Agency Kokumin Seikatsu Center Law defines as follows: *"An important consumer conflict case is a conflict case, where a consumer has suffered or is likely to suffer a damage, that is officially recognized as important as a result of the issuance of a Cabinet Office Order. Based on the circumstances and characteristics of the relevant case, such an order is issued with the understanding that the solving of the case is believed to be crucial on a nationwide scale in an effort to stabilize and improve citizen's social and economic life."*