



NCAC NEWS

*From
National Consumer Affairs Center of Japan*

Vol.22 No.1

May 2010

* For further details regarding each topic introduced below, refer to the following URL which contains the actual text of the reports released (PDF files) (Japanese only):

<http://www.kokusen.go.jp/news/news.html>

* Major abbreviated names: NCAC: National Consumer Affairs Center of Japan

PIO-NET: Practical Living Information Online Network System ADR: Alternative Dispute Resolution

— Inside of this issue —

Consumer Affairs Climate

- 2p **The implementation status of NCAC ADR procedures and the summary of outcomes (from October to December, 2009)**
- 2p **The trends seen in consumer issues reported through the “NCAC Weekend/Holiday Consumer Hotline” over the period of one month from the commencement of the hotline operation (from Saturday, January 16 to Sunday, February 14, 2010)**

Activities of the National Consumer Affairs Center of Japan (hereinafter ‘NCAC’)

(1) Surveys

- 3p **An issue faced by a cancer patient: The refusal of an insurance company to provide the insurance for hospitalization which was required to lower the patient’s blood sugar level in preparation for surgery designed to remove the cancer (recommendations provided by the subcommittee of NCAC’s Special Committee for Handling Consumer Complaints)**
- 4p **Aggressive and persistent sales of fruit including apples and mandarins**
- 5p **A company that continues to issue bonds using its previous business names after liquidation: Do not become tempted to purchase bonds issued under the name of “African Trust” or “African Partner”**
- 6p **Be aware of the sales of how-to information products proclaiming to bring about ‘guaranteed profits’ or to provide a ‘money-back guarantee’: Problematic areas observed in the case examples where how-to information products were purchased from online shopping mall operators**
- 7p **Research and study concerning the appropriateness of after-school care environments: Significant differences have been revealed in prefectural initiatives designed for after-school care services**

(2) Safety hazard information

- 8p **Safety hazards caused by eyelash extension treatment**
- 9p **An injury case where a child fell onto the ground due to an ornament located on each of a pair of children’s boots becoming entwined**
- 10p **Safety of baby carriers including slings and wraps: These products may become a cause of suffocation, falls and/or groin dislocations**

(3) Product testing

- 11p **The poorly immobilized handles of a sports type folding bicycle: A serious accident took place where the rider fell off the bicycle resulting in a broken collar bone**
- 12p **Surveys concerning accessories that may possibly be worn by children: Elution of cadmium or lead**
- 13p **Survey results concerning passenger car floor mats that may interfere with the accelerator pedal**

Consumer Affairs Climate

The implementation status of NCAC ADR procedures and the summary of outcomes (from October to December, 2009)

NCAC's Conflict Resolution Committee has released the implementation status of ADR procedures and the summary of outcomes. The implementation of ADR procedures begun in April, 2009 in accordance with the revised Independent Administrative Agency Kokumin Seikatsu Center Law.

Implementation status (April, 2009 to January 15, 2010):

Total number of applications: 86

Number of those currently under procedure: 46

Number of those that saw the completion of procedures: 40 (consisting of those that reached a settlement: 19, those that failed to reach a settlement: 15, those that were rejected: 1 and those that were withdrawn: 5)

The summary of the outcomes released (October to December, 2009)

Based on the results of the discussion held during the 4th Conflict Resolution Committee Meeting (held on January 25, 2010), the summary of the outcomes was released pertaining to the following cases of conflict:

- (1) Cancellation of a purchase contract for educational materials claimed to help acquire a business management qualification
- (2) Cancellation of a purchase contract for software designed to forecast horse racing winners
- (3) Problematic crude oil overseas future transaction
- (4) Refund of the deposit provided to gain a resort club membership
- (5) Problematic sales of paintings (the solicitation was carried out on the street)
- (6) Cancellation of an internet side business contract
- (7) Conclusion of a house renovation contract
- (8) Problematic crude oil overseas future option transaction
- (9) Cancellation of a purchase contract for educational materials claimed to help develop quick-thinking skills
- (10) Cancellation of an educational course designed for the acquisition of an architectural qualification
- (11) Cancellation of an acting/modeling training course
- (12) Problematic accommodation booking contract concluded through the internet
- (13) Problematic car lease contract (fees were required when requesting a new car during the contract period)

The trends seen in consumer issues reported through the "NCAC Weekend/Holiday Consumer Hotline" over the period of one month from the commencement of the hotline operation (from Saturday, January 16 to Sunday, February 14, 2010)

The Consumer Affairs Agency established the "Consumer Hotline" (telephone number: 0570-064-370), which was put into operation on January 12, 2010 nationwide, in order to provide first-step support to consumers who are not aware of the consumer consultation services available, such as those provided by local consumer centers, and accordingly introduce consumers to their nearest consumer center.

In coordination with the above hotline service, NCAC initiated the operation of its consumer hotline, "NCAC Weekend/Holiday Consumer Hotline," on Saturday, January 16 in order to receive inquiries and complaints from consumers over weekends and holidays.

This report introduces the summary of consumer issues reported through the hotline over the period of approximately one month starting from Saturday, January 16 through to Sunday, February 14, 2010.

Summary:

- Approximately 130 cases of inquiries and complaints were reported on a daily basis.

- On holidays, approximately 200 cases of inquiries and complaints were reported outweighing the number of cases reported on weekends. This presumably resulted from fewer community-run consumer centers being available on weekends.
- A great number of inquiries and complaints were raised by male consumers.
- 60% of inquiries and complaints were reported by salary earners. This presumably resulted from the difficulty faced by these particular people in making use of a consumer center during the daytime on weekdays.
- Those in their teens, 20s and 30s accounted for approximately half of the overall consumers who made a call during the survey period.
- Half of the people who made a call during the survey period live in the Kanto region.
- The most common complaints, accounting for 30%, were related to 'transport/communication services' (i.e. problems associated with internet sites).
- One of the cases reported during the survey period was identified as a serious accident case and an immediate report was made to the Consumer Affairs Agency.

Activities of NCAC

(1) Surveys

An issue faced by a cancer patient: The refusal of an insurance company to provide the insurance for hospitalization which was required to lower the patient's blood sugar level in preparation for surgery designed to remove the cancer (recommendations provided by the subcommittee of NCAC's Special Committee for Handling Consumer Complaints)

The recommendations of the Special Committee for Handling Consumer Complaints were sought for the following consumer issue:

NCAC has established the Special Committee for Handling Consumer Complaints in order to handle consumer complaints in an appropriate and effective manner. On August 11, 2009, the Executive Director of NCAC sought the advice of the above committee concerning the following matter: 'whether or not a cancer patient who carries cancer insurance is entitled to obtain the insurance in compliance with the applicable insurance payment provisions to cover the cost incurred by hospitalization which was required to lower the patient's blood sugar level in preparation for surgery designed to remove the cancer'. In response, the committee established a subcommittee to deal with this particular issue and the subcommittee accordingly provided its recommendations as regards methods to handle the relevant consumer complaint.

Main points of the subcommittee's recommendations:

Details of the complaint:

The cancer patient (59 y/o, male, salary earner), who raised the above complaint on September 22, 2008 and holds cancer insurance, was diagnosed with prostate cancer in 2006 at Hospital A and from that time regularly visited the hospital to receive the administration of anticancer drugs. In April, 2008, it was determined that further medical treatment was now required and the patient was directed to Hospital B. Future treatment measures were examined at Hospital B and a conclusion was reached to carry out surgery to remove the cancer. As a result of a blood test undertaken in preparation for surgery, the patient's blood sugar level was discovered to be high. The patient was informed that the blood sugar level needed to be lowered for the purpose of surgery and he was accordingly hospitalized in Hospital B. After the blood sugar level stabilized, he was discharged for a short period until the surgery date was determined and was later hospitalized again to undergo surgery.

After having undergone surgery and being discharged, the patient requested the insurance company (hereinafter "Company C") for the insurance benefits to cover the cost incurred by the two occasions of

hospitalization. Company C however concluded that the first occasion of hospitalization did not meet the applicable payment condition.

The patient is not satisfied with Company C's decision due to the fact that his doctor at Hospital B informed him that 'hospitalization was necessary to control the blood sugar level prior to surgery designed to remove the cancer and that he would receive separate treatment for diabetes after surgery'.

Conclusions reached by the subcommittee:

The matter in question in the above case is the meaning of the particular insurance payment condition which is contained in the relevant cancer insurance provisions. The condition states as follows: "*The insurance will be provided if cancer treatment is required and the insured needs to be hospitalized (including rehospitalization) in order to receive such treatment after the date when Company C became liable to provide compensation*". After deliberation, the subcommittee reached the conclusion that the patient satisfies the relevant payment condition and must therefore be entitled to receive the insurance money from Company C to cover the cost incurred by the first occasion of hospitalization.

Reviewing points:

- To gain the correct understanding of the meaning of the insurance provisions
- To identify whether or not the patient satisfies the insurance payment condition
- To establish countermeasures to prevent similar consumer problems

Aggressive and persistent sales of fruit including apples and mandarins

Every year, the number of issues caused by the door-to-door sales of fruit, such as apples and mandarins, has been increasing nationwide. A major case example is when 'a consumer purchased a large quantity of fruit due to it being difficult to reject the offer'.

When it comes to these problematic solicitations, the name and contact address of the seller is rarely known and it is thus difficult to recover the damages suffered. Under these circumstances, NCAC released precautionary information to consumers to prevent them from purchasing such fruit without careful consideration.

Sales patterns observed based on the case examples:

- A pair of sales representatives, two males or a male and a female, arrive at the door.
- While the sales representatives provide the samples of tasty apples and mandarins, they do not provide the exact prices for the fruit.
- When a consumer decides to purchase the fruit, the representatives reveal the price which is higher than what the consumer expects or recommend bulk buying although the consumer does not intend to buy such a large quantity of fruit. When the consumer declines the offer, the representatives become threatening stating, "*You mean you will not make a purchase even though you have tried the samples?*" to make the consumer feel obliged to buy the fruit.
- The name and contact address of the seller is not known as no receipt is provided.
- In a notable number of cases, the fruit purchased was discovered to be damaged or 'its taste was not satisfactory'.

Advice for consumers:

- Reject any offer firmly if it is not necessary to buy the fruit.
- Do not make a careless decision to purchase any fruit as most often the name and contact address of the seller is not known.
- Consult with a local consumer center immediately when facing a problem.

A company that continues to issue bonds using its previous business names after liquidation: Do not become tempted to purchase bonds issued under the name of “African Trust” or “African Partner”

An increase has been observed in the number of consumer issues resulting from a variety of financial products that are becoming widely available. Among these issues, approximately 550 cases of consumer complaints were forwarded to PIO-NET by the end of February, 2010 in relation to the particular corporate bond issuers: African Trust Company Limited (hereinafter “AT”) and African Partner (hereinafter “AP”). According to the information contained in the register, both of these companies were merged with the company called World Resource Communication Co., Ltd. (hereinafter “WRC”) on November 18, 2009. WRC has nevertheless been continuing to issue corporate bonds under the names of AP and AT despite the fact that the business names of these companies have changed as a result of liquidation in accordance with the register.

The major case examples of consumer issues observed are as follows:

[Case example 1]

A consumer was told that bonds were capital-safe and accordingly made a purchase. Although the consumer requested for a contract cancellation on a later date, the company refused to accept the request.

[Case example 2]

A consumer purchased equity-linked bonds after having been solicited by an operator that offered to enable the resale of such bonds at a higher rate. The consumer now wishes to cancel the contract.

Regardless of these problems, however, WRC has made it clear that it will continue with the issuance of bonds.

80% of people who have signed a bond purchase contract were over 60 years old and the average contract sum reached approximately 4.7 million yen per case. Under these circumstances, NCAC, to prevent the expansion of the existing problems and provide precautionary information to consumers, released information concerning WRC including its name base on Article 6 of NCAC Information Release Regulations .

Problems:

- Bonds have been issued under the names of the companies that no longer exist as a result of liquidation.
Bonds were issued under the name of AP in December, 2009 despite the fact that AP underwent liquidation and merged with WRC on November 18, 2009 according to the register book. In general, when bonds are issued under the name of a company that has been liquidated for the purpose of a merger, the issuance of such bonds is essentially not effective due to the bond issuer no longer existing. At the very least, the party accountable for the issuance of such bonds cannot be identified.
- While the sales of equity-linked bonds were advertised, no registration has been made to enable the companies to issue new stocks.
While AT and AP advertised and sold equity-linked bonds, no registration was made to enable these companies to issue new stocks. If a consumer has signed a purchase contract for equity-linked bonds, the issuance of such bonds is highly likely to be illegal in compliance with the Companies Act.
- Problems observed in solicitation methods
 - (1) Bonds were proclaimed to be capital-safe.
In a number of cases, while sales representatives highlighted that bonds were capital-safe, no appropriate information was provided in terms of the potential risk to warn consumers that the bond issuer could become bankrupt.
 - (2) False information was provided stating that the company was engaging in work commissioned by the Japanese Embassy located in an African nation.
Although AT stated in its leaflets that it was ‘engaging in work commissioned by the Embassy of the Republic of Sierra Leone,’ in Japan such information was revealed to be false and after the statement was accordingly deleted from their leaflets.
 - (3) Rampant solicitations have been conducted by operators that claim to enable the resale of the bonds purchased though these operators do not abide by what they have offered.
These operators approach consumers stating that ‘certain investors are interested in buying out corporate bonds at a higher rate in order to make consumers convinced to buy such bonds. After

purchase, however, it is often the case that these operators recommend an additional purchase claiming that 'bonds cannot be resold unless reaching a certain amount' and/or attempt to postpone the resale of bonds.

- Breach of contract

In a number of cases, the company refused to accept the consumer's request for a refund ignoring its self-voluntary cooling-off regulations prescribed at the time of the contract conclusion.

Advice for consumers:

- (1) Do not purchase bonds issued under the names of AT and AP.

It must be noted that AT and AP no longer exist according to the register. Do not purchase bonds issued under the name of a company that does not exist.

- (2) Do not listen to telemarketing offers highlighting the resale of corporate bonds.

There has been a succession of malicious solicitations conducted by shady operators offering to buy out not only corporate bonds but also unlisted stocks and various securities. It is highly likely that these operators breach the Financial Instruments and Exchange Law and any transactions must not be carried out with such operators.

- (3) Consult with someone trustworthy before rushing into signing a contract.

It is notable that elderly people who live on their own have been targeted. When receiving a door-to-door solicitation, do not rush into signing a contract and consult with someone trustworthy such as a family member or a friend.

- (4) Consult with a local consumer center.

Be aware of the sales of how-to information products proclaiming to bring about 'guaranteed profits' or to provide a 'money-back guarantee': Problematic areas observed in the case examples where how-to information products were purchased from online shopping mall operators

A rapid increase has been observed in consumer inquiries and complaints concerning how-to information products purchased through the internet. In particular, a notable number of inquiries and complaints were triggered by problematic sales phrases. The major case example is as follows: A consumer purchased a how-to information product which was advertised to bring about 'guaranteed profits.' Although the consumer has followed the product's instructions, no profit has been obtained. Under these circumstances, NCAC sorted out the problematic areas observed when how-to information products were purchased through online shopping mall operators in order to release precautionary information.

Summary of inquiries and complaints reported to PIO-NET:

Among the inquiries and complaints reported to PIO-NET as regards how-to information products, 1,301 cases were forwarded during the period from 2006 to 2009 concerning how-to information products that were purchased from online shopping mall operators. During the Fiscal 2009, the number of these cases reached 718 doubling the figure observed in the Fiscal 2008 which was 268. In this manner, the number of inquiries and complaints has been increasing year after year.

Problematic areas identified based on the case examples:

- As the actual information contained in the product cannot be identified until buying the product and opening the file, a number of consumers were disappointed as the actual information was not as satisfactory as they initially had imagined.
- False information is provided in the product advertisements misleading consumers into thinking that the product will never fail to bring about profits or that the effectiveness of the product is unfailing such as *"Profits are guaranteed"* and *"You can definitely improve your sex appeal"*.
- Extra costs that were not mentioned initially may be required such as funds to start the business or monthly

fees to obtain the necessary information on a continuous basis.

- Some people who bought a how-to information product have never been able to contact the seller for which a telephone number and email address are provided in the advertisement or in the product.

Advice for consumers:

- Do not be tricked by sales phrases and make a decision carefully as to whether or not to purchase a how-to information product.
- Even if a money-back guarantee is offered, do not make a decision to purchase the product without careful consideration.
- Prior to making a purchase, make sure that the seller has a valid contact address.
- When facing a problem caused by a how-to information product which you have purchased using your credit card, consult with your credit card issuer and explain the situation in order to gain the company's cooperation.
- Consult with the nearest local consumer center.

Research and study concerning the appropriateness of after-school care environments: Significant differences have been revealed in prefectural initiatives designed for after-school care services

The following safety-related issues have come to light as a result of NCAC's research and study project which has targeted municipalities and after-school care centers: (1) regional differences in the availability of after-school care services, (2) unsatisfactory care environments with small and cramped facilities and (3) inadequate safety assurance systems to collect and analyze injury and accident cases. It is believed that there is a limit to what the municipalities and actual after-school care centers are able to do to improve the current situation and assure safety. This issue therefore needs to be addressed from a broader perspective to promote both prefectural and national efforts. The collaboration between prefectures and municipalities is also required to be strengthened.

Under these circumstances, NCAC conducted a survey project based on both prefectural and municipal levels with the central focus on the following areas to measure the appropriateness of after-school care environments: (1) the availability of after-school care services, (2) the budget allocation status, (3) injury and accident case handling, (4) the supply of information to after-school care users and (5) the prefecture-municipality collaboration status.

Survey results and reviewing points

All of the prefectures targeted by the survey provided answers to the questionnaire. As a result, significant differences were revealed in their after-school care initiatives and the availability of after-school care services (i.e. differing amounts of financial aid packages such as operating cost subsidies). Furthermore, the level of collaboration between the prefecture and the municipality was also found to be unsatisfactory as is highlighted by the cases of certain prefectures lacking the correct understanding of the number of carers currently available or failing to receive injury and accident case reports.

NCAC accordingly established the "Workshop concerning the Appropriateness of After-School Care Environments" (Chairperson: Sachiko Matsumura, professor of the University of the Air) and repeated discussions were held to discover appropriate after-school care systems that assure a safe after-school environment for any children who need such care nationwide. As a result, the following six recommendations were provided through the workshop in order to provide an appropriate environment of after-school care services which play an important role in the social infrastructure.

Recommendations:

- Strengthen prefecture-municipality collaboration to provide an appropriate environment of after-school care services which play an important role in the social infrastructure.
- Ensure the availability of after-school care services nationwide to satisfy the need of children that require after-school care.

- After-school care service providers must register themselves as Type 2 Social Welfare Service Providers and provide the necessary training to carers to improve the quality of childcare.
- Supply the necessary information to consumers and issue a contract form when a consumer decides to use an after-school care service.
- Collect and utilize information of injury and accident cases in a more extensive manner.
- Introduce a disaster mutual benefit system to after-school care services.

(2) Safety hazard information

Safety hazards caused by eyelash extension treatment

In response to the Tokyo Metropolitan Government releasing safety hazard information in association with eyelash extension treatment, the Ministry of Health, Labor and Welfare issued a notification in March, 2008 to prevent the further occurrence of such hazards. The number of consumer inquiries and complaints related to eyelash extensions has nevertheless been continuing to increase reaching more than 150.

While the Ministry of Health, Labor and Welfare categorizes any treatment involving eyelashes as beauty treatment, the extension of lashes is carried out in not only hair salons but also in aesthetic and nail salons. In recent times, salons that are specialized in eyelash extensions have begun to be seen as well. However, it is not certain whether or not beauticians actually engage in eyelash extension treatment in these salons.

Any treatment involving eyelashes must be carried out with significant care due to it taking place in close proximity to the eyes and the areas around the eyes which are both delicate and prone to becoming damaged easily when stimulated by adhesive materials and other instruments. The eyes and the areas around the eyes may also become damaged if the level of skills of staff that provide the treatment is unsatisfactory. Under these circumstances, NCAC revealed the latest safety hazard cases caused by eyelash extensions in order to prevent the occurrence of similar problems and to hold back the expansion of the existing problems.

Problematic areas:

- In the above-mentioned notification, the Ministry of Health, Labor and Welfare categorizes any treatment provided to eyelashes as beauty treatment in accordance with the Cosmetologists Act. However, there have been a number of cases where such treatment may have been provided by people that do not have a beautician's license.
- Eyelash extension treatment takes place in close proximity to the eyes and may be highly likely to cause damage as a result of the use of adhesive materials.
- Shops did not provide adequate troubleshooting handling in some cases.

Advice for consumers:

- Remember that safety hazards may take place when undergoing eyelash extension treatment due to it taking place in close proximity to the eyes and the areas around the eyes which are both delicate.
- When facing any problems, seek medical advice immediately and inform the doctor that you have undergone eyelash extension treatment.
- When suffering any safety hazards, consult with a local consumer center firstly and then contact the local health center and/or health department.

Requests to business owners:

- Eyelash extension services must be performed by people with a beautician's license in shops that are registered as beauty salons.
- It must be remembered that safety hazards may be likely to occur when staff engaging in eyelash extension treatment have a beautician's license though lack sufficient knowledge and technical skills as regards eyelashes. It is therefore necessary that shop staff improve their knowledge and technical skills concerning

eyelash extensions.

- It is often the case that shops do not demonstrate adequate troubleshooting handling. As service providers, it is a requirement of shops to display more professional customer handling.

Requests to the government:

The number of safety hazard cases caused by eyelash extension treatment has been continuing to increase even after the issuance of the Ministry of Health, Labor and Welfare's notification and some cases are believed to conflict with the Cosmetologists Act. The responsible governmental bodies hence need to engage in more appropriate supervision in order to prevent the occurrence of similar problems and to hold back the expansion of the existing problems.

An injury case where a child fell onto the ground due to an ornament located on each of a pair of children's boots becoming entwined

An injury case was reported to NCAC's email system "E-mail for Consumer Problems" concerning a primary school aged child who suffered injuries while running in her boots. The girl fell onto the ground after one of the pair of ball-shape ornaments, attached to the tip of the laces located in the front of each boot, became entwined. The accident took place in November, 2009. While no similar injury cases have been reported to PIO-NET, NCAC released precautionary information in order to prevent the occurrence of similar problems.

Verification testing:

For the purpose of verification, a number of products were purchased including products identical to the one which caused the above injury case and other similar products that are currently available with ball-shape ornaments attached to the tips of laces located in front of the boots. A powered walking machine was used to verify whether or not the ornaments would become entwined together when a person was walking in the boots.

As a result, the ball-shape ornament located on each boot occasionally knocked up against each other under normal walking circumstances and became entwined in some cases. In other cases, the ball-shape ornament located on one of the boots became caught in the ring of the lace ribbon on the other boot.

Problematic areas:

In order to assure the safety of children's clothing, the Council on Product Safety Issues (run by the Tokyo Metropolitan Government) summarized the report "Safety Assurance of Children's Clothing" in March, 2007 and the Tokyo Metropolitan Government in response made the necessary requests to the institutions concerned. As a result, the Japan Women's and Children's Wear Manufacturers' Association released the "Safety Guidelines for Children's Clothing Design" in June, 2008. These guidelines however only apply to clothing and not to shoes.

Although this applies to clothing only, there has been a report released in the United States concerning measures to prevent strings and laces located on clothing from causing injuries. This report highlights the potential hazards when an ornamental string/lace becomes caught by play equipment and vehicles as well as escalators and doors located in various facilities.

In Europe, there has been a case of a recall involving products, that are similar to the children's boots which caused the above particular injury case, in order to prevent potential injuries.

However, under the current situation, the users of boots similar to the particular boots which triggered the above accident need to be able to prevent similar hazards from taking place.

Advice for consumers:

While these boots are likely to be purchased by adults to give them to children or purchased by children themselves, it is necessary to think of safety rather than focusing on the product design when selecting a product. Apart from the above particular injury case, the ornaments on these boots may possibly become caught by play

equipment located in playgrounds, vehicles such as bicycles and other equipment located in various facilities causing unexpected hazards. Adults must therefore become more alert to the possible hazards as there is a limit to how much children can be aware of such hazards.

Requests to business owners:

It is understandable that the product design, such as providing ornamental strings and laces on boots, plays an important part in selling the product. Nonetheless, it needs to be understood that unexpected accidents similar to the above injury case may occur. In order to prevent accidents from taking place, particularly accidents that harm children, it is a requirement of the industry to develop products with an improved level of safety.

Safety of baby carriers including slings and wraps: These products may become a cause of suffocation, falls and/or groin dislocations

There have been cases of safety hazards and risks reported to NCAC's Injury Information System where babies were hurt as a result of the use of slings and wraps (hereinafter "baby carriers") and the number of these reported cases reached 64 over the last decade. While there have been a number of different hazards observed in accident cases involving baby carriers, the U.S. Consumer Product Safety Commission (hereinafter "CPSC") released warning information in March, 2010 concerning a potential risk of suffocation when a sling is used with babies under 4 months old. On the same day as the issuance of this CPSC's report, Health Canada also released precautionary information to warn of the potential risks of falls and suffocation when a sling is in use. Meanwhile, there is a doctor's report that points out a risk of groin dislocation when a baby is held sideways.

Under these circumstances, NCAC released precautionary information to summarize the above-mentioned overseas reports and to make consumers aware of the correct usage of baby carriers.

Summary of the survey results:

The Injury Information System:

As regards 'baby nursing clothing items,' a total of 64 cases of safety hazards and risks were reported to NCAC's Injury Information System over the period from 1999 to 2010 (consisting of 29 cases reported from local consumer centers and 35 cases from cooperating hospitals).

A notable number of cases reaching nearly 10 were reported in both the Fiscal 2005 and 2008. Over half of the overall infants who suffered injuries were newborns aged from three to eight months old. The major injuries consisted of 'bruises' and 'fractures' and there were also cases of suffocation, falls and dislocations reported.

Warning provided by CPSC:

In the last 20 years, there have been 14 cases of infant fatalities reported as a result of the use of a sling. Among these, 12 cases involved babies under 4 months old and 3 of these 12 cases took place in 2009 alone. Slings may cause a risk of suffocation and it is hence necessary to use them with particular care in cases of premature babies, twins, babies with fragile health and/or babies with poor weight. Slings have been added to the list of durable infant products requiring a mandatory standard.

Precautions provided by Health Canada

Since 1995, 9 accident cases have been reported in Canada involving the use of baby slings. Due to 2 among these 9 cases having resulted in the death of the babies, Health Canada has warned parents and guardians against the following risks that may occur when using a baby sling:

- The baby may fall out of the sling if the person who is carrying the baby in the sling trips.
- The baby may suffocate if he/she is kept in an inappropriate position.

Advice from Dr. Yoshiyuki Shinada (Department of Orthopaedic Surgery, Rehabilitation Division, Kokuho Matsudo City Hospital):

The air tube of a baby is thin and may become blocked easily if the neck is bent forward excessively. Babies can also suffocate within a short time period. It is therefore desirable to use a baby carrier in a way that enables

the person who is carrying the baby to see if the complexion of the baby is sound and that the baby is positioned appropriately at all times. It must also be ensured that the baby does not fall out of the carrier due to suddenly turning over.

Furthermore, the baby's groin may become dislocated if he/she is held sideways over a long period of time. In order to prevent a possible groin dislocation, it is recommended to hold the baby in a way so that his/her legs stay apart. This way of holding is recommended to be continued until when the baby is able to walk, or, at the very least, until when the baby becomes three or four months old and is able to hold his/her head up.

Advice for consumers:

- Ensure that the baby is positioned appropriately while using a baby carrier. In particular, ensure that the baby's airway is not blocked (i.e. the baby's face is not pressed against the body of the person who is carrying the baby or the baby's neck is not bent forward so greatly that his/her jaw touches his/her chest). The baby must be carried in a way so that the person who is carrying the baby is able to monitor if the baby's complexion is sound.
- In cases of baby carriers that come with any device that is designed to prevent a fall, adjust the device correctly and tighten up the areas required to be immobilized.
- In order to prevent the possible groin dislocation, it is recommended to hold the baby in a way so that his/her legs stay apart. This way of holding is recommended to be continued until when the baby is able to walk. When changing diapers, ensure that the baby's legs do not become too far apart.
- For a baby that is not yet able to hold his/her head up, it is recommended to use a baby carrier that comes with both a back and head support.

It is recommended to look for baby carriers that are endorsed by the Consumer Product Safety Association (CPSA) and are provided with a "SG" mark.

(3) Product testing

The poorly immobilized handles of a sports type folding bicycle: A serious accident took place where the rider fell off the bicycle resulting in a broken collar bone

The Consumer Affairs Agency released the information of a serious accident case that took place in September, 2009. In this case, when a person was riding a folding bicycle on the street, the handles of the bicycle came off and the rider accordingly fell onto the ground resulting in a fracture to the right collar bone.

This case involved a sports type folding bicycle that has a frame that is designed to be folded. The bicycle also comes with a handle stem (designed to support the handles) that can be removed from the vehicle body by using an attached lever. The above accident presumably occurred owing to the unsatisfactory immobilization status of the handle stem as a result of tightening using the lever as well as the handles becoming easily loosened when the handle stem was inserted into the lowest position.

Under these circumstances, NCAC purchased 5 products through the internet by selecting those that come with a similar structure to the one which caused the above accident. Testing was performed to verify the immobilization status of the handle stem and precautionary information was then released.

Major product test findings:

- Handle stem tightening torque measurement (using the lever):
When tightening the handle stem using the lever, the applicable torques were discovered to be insufficient ranging from 7 to 8Nm and it was hence not possible to tighten the handle stem properly.
- Immobilization status of the handle stem:
(1) Immobilization status of the handle stem immediately after tightening using the lever:
It was common to all of the tested products that the immobilization status of the handle stem was poor as the handle stem was able to move within the handle stem.

(2) Changes to the immobilization status when an external force was applied repeatedly:

In the event of a repeated application of external force which was strong enough to move the handle bar in a sideways direction, the immobilization status of the handle stem became degraded in some cases when it was inserted into the lowest position.

- The handle stem immobilization system:

In the case of the handle stem being located at the lowest position, the immobilization status became degraded when the handle bar was moved in a sideways direction. One of the reasons why this occurs may be that the expander cone is fixed at the location where the diameter of the handle stem is at its smallest.

- Precautionary information provided concerning the handle stem immobilization system:

Only one of the tested products is provided with precautionary information on its body concerning the handle stem immobilization.

Advice for consumers:

- When it comes to bicycles that come with a lever designed to tighten the handle stem for the purpose of immobilization, a serious accident may occur as the handle stem may not be tightened properly and the handles are likely to become loosened. It is therefore necessary to pay attention to the safety of products when purchasing such a bicycle.
- The immobilization status of the handle stem may become degraded according to the height of the handles. Before riding the bicycle, make sure that the front wheel moves in coordination with the movement of the handles.

Requests to business owners:

- Improve the handle stem immobilization system to ensure that anyone is able to immobilize the handle stem properly.
- The product test discovered that, in the event of the application of external force which was strong enough to move the handle bar in a sideways direction, the immobilization status of the handle stem became degraded in some cases when it was inserted into the lowest position. This problem therefore needs to be fixed.

Surveys concerning accessories that may possibly be worn by children: Elution of cadmium or lead

In January, 2010, there was a report released stating that cadmium was detected in certain children's accessories which were made in China and are available in the United States. CPSC subsequently reported that cadmium was detected in accessories produced by another brand and the relevant product was recalled.

Under these circumstances, the Consumer Affairs Agency requested NCAC to investigate the amount of any cadmium eluted from the metal parts of foreign-made accessories that are available in Japan and that may possibly be worn by children. NCAC accordingly carried out product testing targeting 214 products that are available domestically. The potential elution of lead was also examined by taking into account the survey titled "Survey on sample metal accessories to examine the amount of lead contained" which was conducted by the Ministry of Health, Labor and Welfare in 2006 revealing that there were a number of products which eluted lead.

Major product test findings:

Elution of cadmium:

It was common to all of the 214 tested products that the amount of any cadmium eluted was not in excess of the relevant amount set forth through the toy-related standards of the International Organization for Standardization.

Elution of lead:

In accordance with the Food Sanitation Law concerning metal accessory toys, there were 9 among the 214

tested products where the amount of lead eluted was in excess of the guideline amount (90ug/g) specified by the above law though not to an extent that breached the law.

Precautionary information warning of the risk of accidental swallowing:

35% of the overall tested products are provided with precautionary information warning of the risk of accidental swallowing.

Survey results concerning passenger car floor mats that may interfere with the accelerator pedal

In November, 2009, Toyota U.S.A. announced the launch of a safety campaign to introduce improvement initiatives targeting 8 models to solve the potential risk of the accelerator pedal becoming caught by a Toyota-produced all-whether floor mat available in the United States. As a result of the occurrence of such a risk, the pedal may not be able to return to its default position if it remains caught by the mat.

In the case of Japan, 13 accident cases were reported during the past year that were presumably triggered by car floor mats in accordance with the information made available on the website of the Ministry of Land, Infrastructure and Transport (information concerning automobile recalls and faults). PIO-NET also received 13 cases of consumer inquiries and complaints over the last five years beginning from the Fiscal 2004 with regard to the interference of a car floor mat with the accelerator pedal.

The Consumer Affairs Agency accordingly released precautionary information based on the case examples and requested NCAC to discover 'the ways car floor mats interfere with the accelerator pedal and the level of hazard in the case of interference'.

In response, NCAC performed product testing to discover how a floor mat, designed to be located in front of the driver's seat, interferes with the operation of the accelerator pedal as a result of the mat being placed inappropriately or becoming displaced while it is in use. It was also verified as to whether or not any serious hazards take place as a result of the mat interfering with the pedal including an unexpected acceleration of speed. NCAC then made a report to the Consumer Affairs Agency and released precautionary information to consumers.

Major product test findings:

A total of 26 vehicles that were accessible at the time of testing were selected consisting of vehicles that are among those reported to the Ministry of Land, Infrastructure and Transport and that have been placed on the market quite recently as well as vehicles that demonstrate a relatively large sales volume and have not been reported to the ministry. When it comes to the structure of the accelerator pedal of these 26 vehicles, 24 of them adopt a 'pendant type' pedal where the pedal's supporting point is located in the upper side while the remaining 2 vehicles come with an 'organ type' pedal with the supporting point located on the floor of the vehicle.

While there are a large variety of car floor mats available at car shops, NCAC's product test focused on generic all-whether floor mats (that come with tall rims designed to prevent rainwater from entering the inside of the car) that are available in Japan and are similar to Toyota-produced all-whether floor mats which have become the point of concern in the United States. Testing was carried out to discover whether or not these mats are able to interfere with the accelerator and/or brake pedals according to their shape and hardness or the height of their rims. 4 generic all-whether floor mats (produced by 3 different manufacturers) that are available at major domestic car shops were selected for the purpose of testing.

Immobilization status of floor mats:

All of the tested Toyota-produced mats are designed to be immobilized on the floor carpet. However, depending upon the car model, these mats were discovered to be able to become displaced when pushing forward a leg strongly. The product body or the instruction manual of the tested Toyota-produced mats come with precautionary information stating, "*The product must be immobilized before use*".

3 among the 4 tested generic mats are not designed to be immobilized on the floor carpet. None of the overall tested generic mats are provided with precautionary information to clarify any vehicle types in which the product cannot be used.

Interference with the accelerator pedal:

Pendant type accelerator pedals:

The operation of the accelerator pedal was interfered with in some cases of the tested Toyota-produced mats that were not immobilized onto the floor carpet and the tested generic mats that became displaced.

Organ type accelerator pedals:

Some of the tested generic mats that became displaced were discovered to interfere with the accelerator pedal causing a difficulty for the pedal to return to its default position while the accelerator pedal was unexpectedly depressed by the mat in other cases.

Reproduction testing:

While the accelerator pedal was able to come free even when it became caught by a mat in some cases, the speed continued to accelerate if the pedal remained caught by the mat. In the event of a full-throttle acceleration, 4 among 5 tested vehicle models were able to come to halt when the brake pedal was pressed strongly.

Advice for consumers:

- Make sure to immobilize a Toyota-produced mat before use and fully ensure that the fastening hooks are properly placed or the mat has not become displaced.
- When using a generic mat, select the one with a shape that is suitable to your vehicle and fully ensure that the mat will not interfere with any pedals.
- When the accelerator pedal becomes caught by the mat and cannot be returned, step on the brake strongly to stop the car. If the car is unable to stop, shift the gear to neutral and step on the brake pedal.

Requests to the industry:

- Make sure to provide fastening hooks for generic car floor mats to prevent a possible displacement while in use and design such mats to an appropriate shape to ensure that the mat does not interfere with the accelerator pedal.
- Toyota-produced mats, that were not immobilized and accordingly became displaced, were discovered to be able to interfere with the accelerator pedal depending upon the car model. It is therefore an urgent requirement of Toyota to provide countermeasures including improvement initiatives.
- Consider the introduction of a brake override system which prioritizes braking over acceleration.
- Continue to make an effort to make consumers aware of the correct usage of floor mats.

Requests to the government:

Encourage the industry to introduce a brake override system which prioritizes braking over acceleration.