



# NCAC NEWS

*From  
National Consumer Affairs Center of Japan*

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\* 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>

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\* Major abbreviated names: ADR: Alternative Dispute Resolution  
NCAC: National Consumer Affairs Center of Japan  
PIO-NET: Practical Living Information Online Network System

## I. Injury/fatal accident

### 1. Automobile emergency escape hammers that failed to break the glass of car windows Part 2

#### Product Testing Background

A consumer center has received a complaint (received in May 2012) regarding a purchased automobile emergency

escape hammer that is similar to the recalled product (\*1) and a performance test has been requested. The results gained from our product test confirmed the fact that the product in some cases is not capable of breaking car windows, leaving only damage and dents in the shape of the plastic parts that support the metal heads when the hammer hits the glass.

As of the end of November 2012, PIO-NET has not received any cases of accidents related to automobile emergency escape hammers. Following our previous product test on these escape hammers (\*2) in May 2012, we have been calling on the public to be cautious.

(\*1)"Automobile Emergency Escape Hammers That Failed to Break the Glass of Car Windows"

(Published on the 27th of April, 2012)

[http://www.kokusen.go.jp/pdf/n-20120427\\_1.pdf](http://www.kokusen.go.jp/pdf/n-20120427_1.pdf)

(\*2) Performance of Automobile Emergency Escape Hammers - Emergency Escape Hammers with Seatbelt Cutters - (Published on the 10th of May, 2012)

Reference: NCAC News Vol.24 No.2 p1

[http://www.kokusen.go.jp/e-hello/data/ncac\\_news24\\_2.pdf](http://www.kokusen.go.jp/e-hello/data/ncac_news24_2.pdf)

Product Photo: The Exterior Appearance of the Product



### Test Results

- ① Looking at the product's exterior appearance, the metal heads used for smashing car windows are found to be attached in two places. The tips of those metal heads are slightly round.
- ② Upon disassembling the product, it has been confirmed that the metal heads are secured in place by their holes being locked into the arms (less than 2mm width) of the plastic body. There is nothing between the two heads, leaving a big hollow in-between.
- ③ In order to check its capability of breaking car windows, we conducted a performance test that conformed with GS Mark certification testing. Seven out of 15 samples passed the test while the remaining eight samples failed to break car windows, damaging the plastic body around the metal heads or knocking the heads deep into the main body.
- ④ Through disassembling the eight samples that failed in the test that conformed with GS Mark certification testing, it was found that the plastic arms into which the holes of the metal heads were slotted were all cracked or warped.

## **Actions Taken by Manufactures**

At the receipt of these test results sent from us, the product's manufacturer has decided to report this case to the Ministry of Land, Infrastructure, Transport and Tourism for product improvement as well as to recall their products.

## **2. Pay close attention to the use of walk-behind rotary snow blowers**

### **Product Testing Background**

Walk-behind rotary snow blowers (hereafter referred to as "snow blowers") are easy enough for anyone to use without a license, however when carelessly used, they can cause serious injuries due to the exposed parts such as the auger for shoveling snow. According to the Accident Information Data Bank (\*1) (data registered from Sept. 2009 till Nov. 2012), the number of accidents caused by snow blowers reached 32 cases including many serious accidents in which "people were entangled in the auger" or "run over by the snow blower" with eight deaths occurring through such accidents. The Medical Institutional Network (\*2) also received four such cases (from Dec. 2010 till Nov. 2012).

Snow blowers have generally been equipped with various safety features (\*3) as a protection against potential danger. Those that have been shipped since April 2004 come with a deadman clutch as standard which stops the rotary parts including the auger when the handle is not controlled by the operator. This means the handle needs to be gripped at all times while removing snow. Using such machines in an inappropriate manner such as tying the deadman clutch with a string can lead to accidents in which people trip while using the machine and, since the machine does not stop, they get caught in the spinning auger, run over by the machine or trapped between a wall and the blower.

- (\*1) The Accident Information Data Bank is a database system that first started its service in Sept. 2009 and collects information on all accidental injuries and deaths that happen in consumers' daily lives from relevant agencies to provide its records. The Data Bank is operated jointly by the Consumer Affairs Agency and the National Consumer Affairs Center of Japan (NCAC) as part of their efforts to create an accident-free, protected environment, and it has been supported by the relevant agencies.
- (\*2) The Medical Institutional Network is a joint project by the Consumer Affairs Agency and the NCAC which started operating from Dec. 2010. The network collects the details of accidents from those who received treatment at medical institutions after suffering fatal or physical injuries in their daily lives.
- (\*3) The safety features fitted on snow blowers include those that stop the rotation of the auger, blower and wheels (deadman clutch) when the handle is not gripped by the operator. Another common feature is a cord that connects the snow blower to the operator and switches the machine off if the operator walks away from the machine. In addition, as for walk-behind snow blowers made by snowplow manufacturers that belong to the Snow-blower Safety Council, all products that have been shipped from April 2004 onwards are equipped with a deadman clutch as standard.

### **Accident Cases**

#### **Case 1: Accident caused by an auger**

A user was found entangled in the auger while the engine was still running and confirmed dead.

(Date of the accident: Jan. 2010, Nagano Prefecture)

#### **Case 2: Got trapped between a wall and a snow blower**

While attempting to direct the blower backwards into the garage, a user was sandwiched between the garage's wall and the machine and died.

(Date of the accident: Dec. 2011, Hokkaido)

#### **Case 3: Got run over by a snow blower**

While removing snow and directing the blower backwards, a user tripped over and was run over by the blower and died.

(Date of the accident: Dec. 2009, Hokkaido)

**Case 4: Accident caused by a blower**

While working with a snow blower, a male user was removing clogged snow from the machine. The blades started rotating and he broke four fingers. (Date of the accident: Jan. 2012, a man in his 30s, Akita Prefecture)

Photo: A typical snow blower and its parts

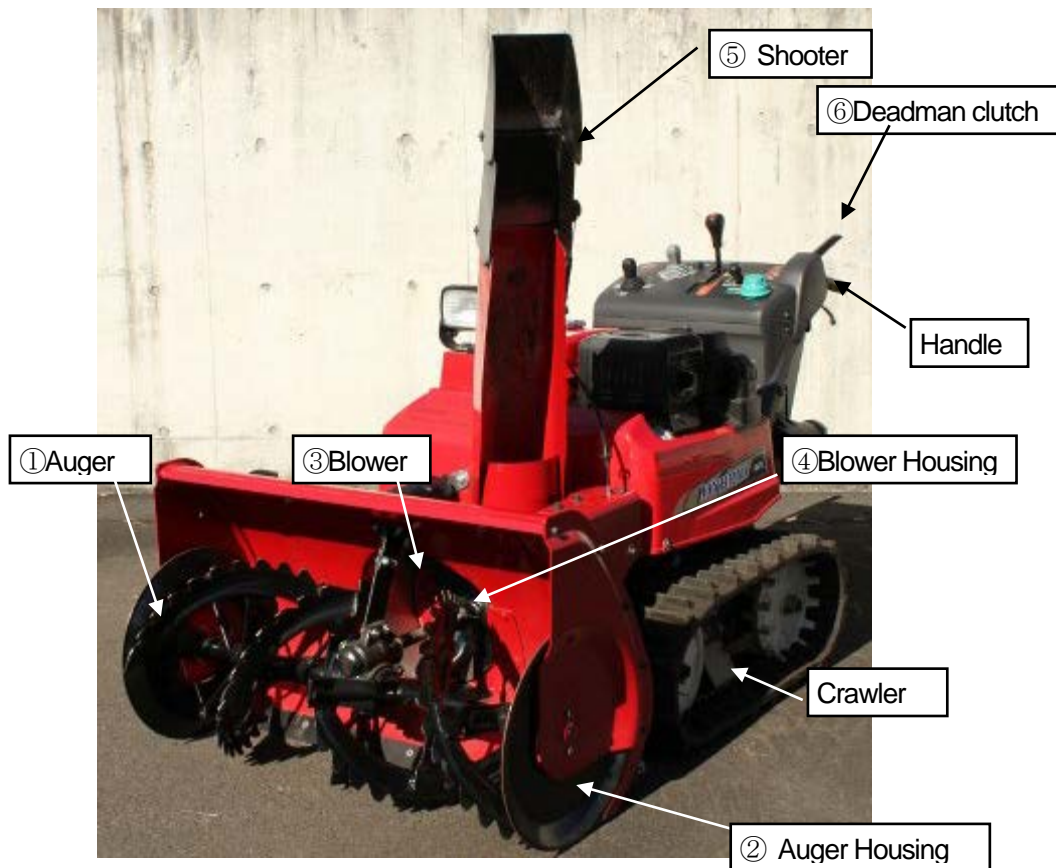


Chart 1. Names of body parts and their roles

① Auger	A device for shoveling and collecting snow.
② Auger Housing	An enclosure that pumps snow collected by the auger up into a blower.
③ Blower	A power-driven device that generates energy to blow out snow.
④ Blower Housing	A shield that covers the blower and has an outlet through which snow can be expelled.
⑤ Shooter	A device that directs the snow pushed out from the blower housing.
⑥ Deadman clutch	A control device that automatically cuts off the power supply to the drive unit when the operator releases the controls.

**Test Results**

The following three types of accidents that commonly occur with snow blowers were examined in simulation tests: (1) Accidents caused by the auger, (2) Accidents that occur while directing the machine backwards (the operator becoming trapped between the machine and a wall, the operator getting run over by the machine), (3) Accidents caused by the blower.

- (1) Once the mannequin's leg touched the auger, part of its clothes got caught in the blades of the auger, pulling the entire leg into the auger within a second.
- (2) When the snow blower was directed backwards with its deadman clutch disabled, the machine did not stop running even when the mannequin fell over or was trapped against a wall.
- (3) Upon inserting a carrot into a slot to simulate a person's fingers, the tip of the carrot that touched the rotating blower was shredded into pieces in the shape of the blower.

#### <Video References>

HD version: [http://www.kokusen.go.jp/douga/20121220\\_1\\_news/n-20121220\\_1\\_low.html](http://www.kokusen.go.jp/douga/20121220_1_news/n-20121220_1_low.html)

low resolution version: [http://www.kokusen.go.jp/douga/20121220\\_1\\_news/n-20121220\\_1\\_low.html](http://www.kokusen.go.jp/douga/20121220_1_news/n-20121220_1_low.html)

#### **Advice for Consumers**

- ① Never use a snow blower if the safety device does not work properly.
- ② Make sure there is nobody nearby when a snow blower is in use. Keep people away from the machine. In addition, operate the machine in such a manner that enables the user to turn the engine off at once if people wander near the machine.
- ③ When removing clogged snow from the slot, make sure to switch off the engine. Use a snow shovel after checking that the auger and blower have stopped rotating.
- ④ Be sure to watch your step and look out for any obstacles around you especially when reversing and work at a manageable pace.

### **3. Be wary of accumulated snow falling from solar energy panels** **- When installing snow panels, don't forget to take measures to prevent snow falling -**

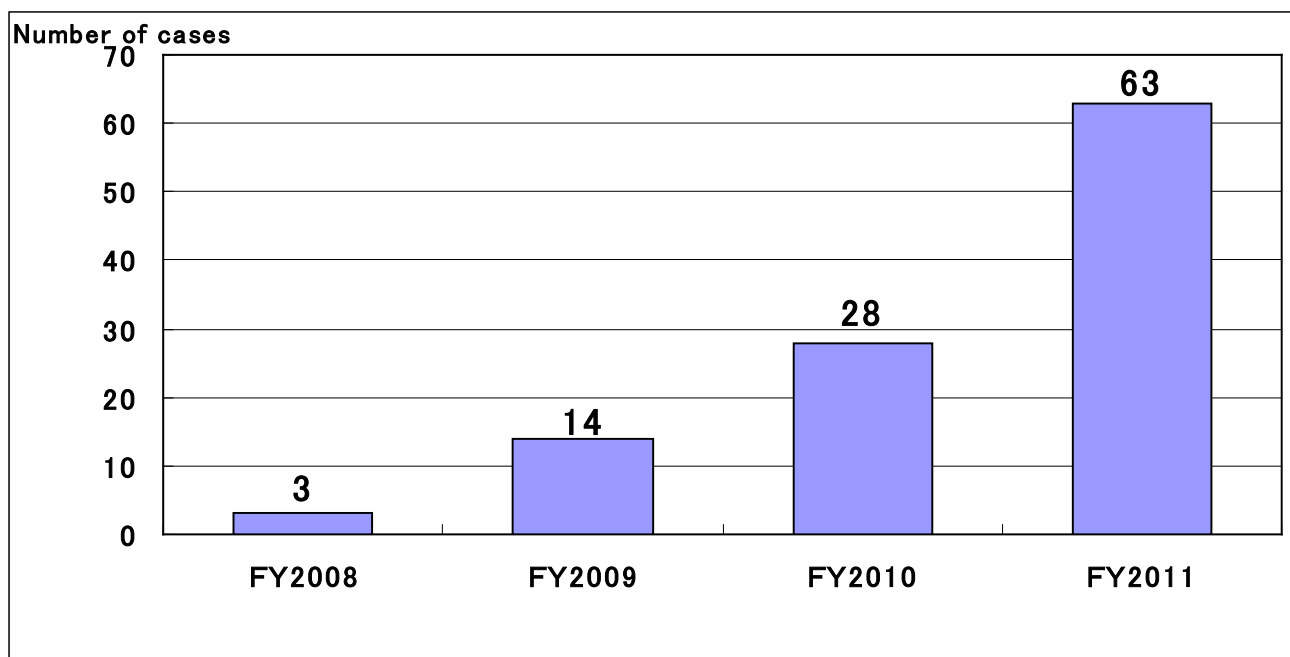
#### **Overview of Inquiries**

Domestic use of solar power is becoming increasingly common. Due to an increase in the number of solar-equipped households, PIO-NET has been receiving reports of accident cases caused by snow falling from solar energy panels (hereinafter referred to as panels), damaging neighboring houses, cars, garden trees and garages. Furthermore, the "Consumer trouble mail box" has received reports of injuries caused by falling snow.

The NCAC issued an article "Beware of snow falling from roof panels that use solar energy"(\*) in Feb. 2011. However the number of inquiries has been continuously growing, reaching 63 cases in FY2011, which is approximately 2.3 times greater than the previous year.

(※) NCAC News Vol.23 No.1 p.16  
[http://www.kokusen.go.jp/e-hello/data/ncac\\_news23\\_1.pdf](http://www.kokusen.go.jp/e-hello/data/ncac_news23_1.pdf)

<Graph 1> Number of cases by fiscal year



#### **Main case examples**

##### **Case 1: Injuries from falling snow**

The snow that had been accumulated on panels attached to the roof of a flat fell down directly upon the heads of my wife and child. They were both injured and diagnosed with whiplash at the hospital.

The landlord and builders told us that "snow guards are installed, so there is no problem about snow falling." However, the builders have not offered any apology or explanation about measures to prevent snow falling. I think there is a problem with the way the panels were installed.

(Consumer trouble mail box, received on Dec. 2012, Hokkaido)

##### **Case 2: Snow fell from a roof that had no snow guard and broke the roof of the garage**

My house is an all-electric house and I have been paying around ten thousand or so a month for my electricity bills. After reading a leaflet about solar energy systems, I visited a local electronics retail store and received an explanation about their products. Their estimate included more panels than I had expected and ended up exceeding my budget. But they told me that the panels could generate enough power to cover my electricity bills at the very least and promised that they would cover any shortfall in energy production based on materials giving estimated levels of power generated per year.

I was concerned about snow but they said snow would not affect the generation of power nor would it accumulate on a steeply slanted roof. In reality, the panels did not generate any power due to the accumulated snow which broke the roof of our garage. The roof of our conservatory was also bent by the falling snow and came apart.

This could potentially lead to injuries and I would not have made a contract if I had known this would happen. I want the panels to be removed and my house to be put back the way it was.

(PIO-NET, Inquiry from a man in his 40s on Oct. 2012)

### **Advice for Consumers**

- ① Bear in mind that panels could pose a risk by allowing snow to fall due to their slick surfaces.
- ② At the time of installation, it is necessary to pay particularly close attention to the area where accumulated snow is likely to fall. If the area is within your property, it is necessary to take measures by relocating your parking space and garage. Especially in highly densely populated residential areas, give sufficient consideration to the safety of neighbors and pedestrians on the street. Measures against snow should be made through consultation with panel installers and if necessary, also with the architects and builders of your house.
- ③ If your house has panels installed, take necessary actions based on the climatic conditions unique to each region through consultation with panel installers. If necessary, also the architects and builders of your house.
- ④ Removing the snow is effective in preventing accidents from snow falling off panels, but it requires special care as the surface of those panels is slick. Snow removal is also recommended to be carried out by multiple people.

## **II. Property damage**

### **1. Inquiries regarding home repair services claiming to repair damages "under insurance coverage" are increasing!**

**- Cases include 50% of insurance money being charged as cancellation fees and prepayments for repair work that is never conducted -**

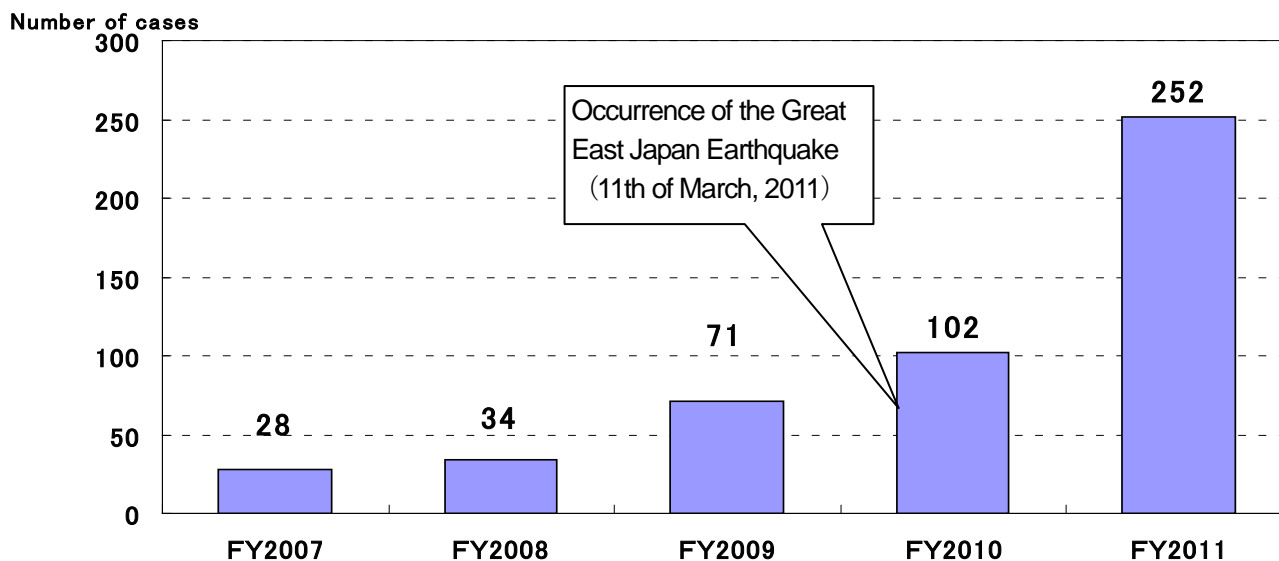
#### **Overview of Inquiries**

Local consumer centers across Japan as well as the NCAC have been receiving a lot of door-to-door sales related inquiries for advice. In such cases, consumers are approached by a sales person offering "repair services all under insurance coverage for roof damage caused by a typhoon along with proxy services to make claims to insurance companies".

Through door-to-door sales and other sales methods, many of them stress that their repair services are "free of charge" because "they are all taken care of under insurance coverage." They do this as an attempt to guide consumers through making contracts for two kinds of services: home repair services and proxy services for "making insurance claims" (hereinafter referred to as "proxy application company").

Some cases of trouble that have been reported are the following: "I did not receive a copy of my contract which I signed at the time of making an agreement," "I was charged 50% of my insurance coverage as a cancellation fee," "Nothing has been repaired even after paying my entire insurance." Malicious cases involve consumers being urged to make an insurance claim for natural disasters to insurance companies or mutual aid associations even in cases of damages caused by age-related deterioration.

<Graph 2> Number of inquiries & complaints regarding adult websites



### **Example Cases of Inquiries & Complaints**

**Case 1:** Without knowing the details of repair work and the cost, I trusted the repairman in charge and made a contract, but I was charged 50% of my insurance coverage as a cancellation fee.

Last year, a repairman who had previously fixed my house visited me saying he changed his job. Later on, he climbed on a roof of my house and took pictures without asking me for my permission and said to me, "your roof tiles have been damaged by wind. They can be fixed using your fire insurance money so the repairs will cost you nothing. We will take care of making insurance claims." He then gave me a contract paper. The contract paper did not mention the details of the repair work or the price. The repair period and its method were also not written on the investigation report and neither was the quote that I was given with the contract. But since I trusted the repairman, I agreed to the contract.

Following my claim to my insurance company as instructed by the repairman, an investigator from the company visited me and told me, "The damage is due to snow and not wind. We will pay you your insurance money since it is part of your coverage." A few days later, the money was paid into my account. After one month during which there was no contact from the repairman nor any repair work done, the proxy application company got in touch with me all of a sudden and told me to "pay the full sum of my insurance coverage at once". When I told them that I had not agreed to making any payments, they said to me, "If you wish to cancel the contract, pay 50% of your insurance money". I wonder if I have to pay for this. (Inquiry from a man in his 60s)

**Case 2:** I've paid the entire sum of my insurance money for repair work but they have kept putting it off.

I received a call from a proxy application company asking me if I'm interested in having the damage to my roof from a typhoon fixed under my insurance coverage. Since rainwater was coming in and this was probably due to the typhoon last year, I applied for what was being offered. I then received some contract papers by post and an investigator who claimed to have been sent by the proxy application company came to my house. So I sent the claim to my insurance company together with photos of the roof taken by the investigator and repair quotes. The company told me that I needed to pay the full amount of my insurance money into the bank account of my proxy application company while the repair work is handled by a repair company designated by the proxy application company.

Some days later, I was contacted by the application company which confirmed receipt of my payment and told me the date for repair work but it was postponed due to a typhoon. I later rang up the company to get specific dates many times but they keep putting it off. I've lost my trust in them and want to cancel the contract.

(Inquiry from a man in his 70s)



**Case 3:** When I turned their offer down because I did not want to make false insurance claims, they harassed me.

A sales person was distributing leaflets in the neighborhood that said "You can have your roof repaired under the fire insurance coverage or mutual aid money of your insurance company" and "No processing fees" and he came to my house. A sales person from a proxy application company seems to have aggressively persuaded my elderly mother into making an insurance claim for mutual aid money.

When I found out about this and had a look at the application paper for her mutual aid association, it mentioned the strong winds that blew in April as being responsible for the damage to our roof. Since I thought the damage of our roof was due to age-related degradation, I refused to sign a contract with them as I thought they were trying to get her to make a false insurance claim.

Then, the sales person keeps visiting our house even though we had refused their offer many times. He put pressure on my mother by shouting "Have you got your mutual aid money yet?", "We have been arranging the investigation of your roof" and "I will make a claim for damages against you with a lawyer." I want them to stop harassing her.

(Contractor: woman in her 80s)

### **Advice for Consumers**

- ① Do not believe what proxy application companies tell you straight away. It is recommended to say no to salesmen offering unnecessary things.
- ② Upon checking the details of your insurance coverage, make insurance claims based on the facts. If you have any questions, consult your insurance company and other organizations.
- ③ Obtain quotes from different repair companies and make a careful decision.
- ④ Avoid making a prepayment before the start of any repair work.
- ⑤ Door-to-door sales and telemarketing sales agreements have a cooling off period.
- ⑥ In case of trouble, consult your nearest local consumer center immediately.

## **2. Children playing online games without their parents knowing!**

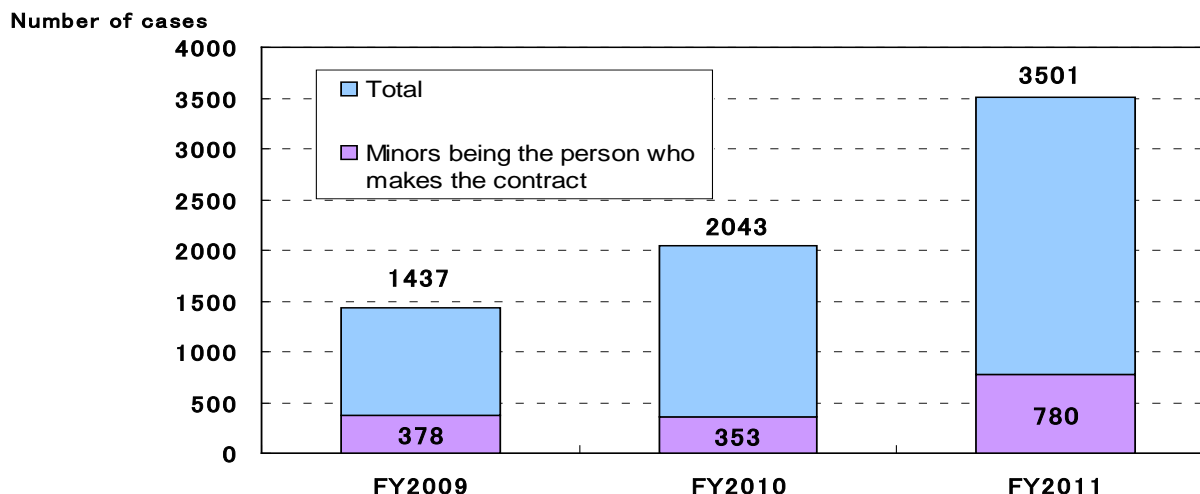
### **Be warned against trouble related to online games**

#### **Overview of Inquiries**

In recent years, the NCAC and local consumer centers across Japan have received a large number of inquiries regarding online games. Certain industries including the game industry have started holding discussions and are taking measures to solve various issues posed by online gaming, which are expected to make some improvements. However there have been many reports including many inquiries about "bills sent from a credit card company for items purchased in online games by children without their parents knowing".

Due to the diversification as well as the growing complexity of gaming service systems, once a problem occurs, it is hard to find solutions as problems are difficult to pinpoint.

<Graph 3> Number of inquiries & complaints regarding online games



### **Example Cases of Inquiries & Complaints**

#### **Case 1:** Trouble case in which a child used his parent's credit card without permission

I was surprised to receive an expensive invoice for just under 200,000 yen for which I didn't remember buying the service. Upon checking with the company, the charge was the fee for an online game. My grandson, who lives with me, admits to having taken my card out of my wallet and registering it on a game without my permission when three or four of his friends came round. Is there any way to avoid making the payment?

(Contractor: a male junior high schooler)

#### **Case 2:** Trouble case in which a child used his parent's mobile phone/ smartphone

I am a father and I registered with a website that distributes games when I bought a smart phone. I registered my credit card details with my site ID. After that, I occasionally let my son, who is in the first year of elementary school, use my phone. It seems that he was downloading games for a fee, as I received an invoice for around 10,000 yen. Having asked my son, he said that when he downloaded the games, he was not asked to enter a PIN number. I do not accept the charge. Am I right in thinking I do not have to pay?

(Contractor: a male primary schooler)

#### **Case 3:** Trouble case in which explanations about how to use the service and the systems were insufficient

Several months ago, my son, who is in junior high school, bought a tablet PC. After that, he asked me to let him use my credit card as he wanted to download some music. I thought it would be okay if it was just a one-off, so I told him my card number and he gave a few hundred yen to cover the cost of the music. However, this month, there were records for about 100,000 yen that I did not remember spending on my credit card statement. I checked with my card company and they told me that it was the fee for an online game. I asked my son and he said that while he bought currency in the game, he didn't realize that it actually cost money. This is a large amount so I am in trouble.

(Contractor: a male junior high schooler)

#### **Case 4:** Trouble case in which a child used an unexpected payment method

My credit card details are registered with my user ID for Website Company A. I told my son, who is at elementary school, my user ID and my card details and let him play a free game that was on the website. However, there was a charge for several hundred thousand yen on my credit card statement this month. I checked with my card company and found out that Website Company A, which I had been letting my son use, recently formed a partnership with another online game company, Website Company B. It turned out that my son had been playing games offered by Website Company B without my knowing since if you have a user ID for Website Company A, you can play the games on the partner website which charges the user. I did not give my son permission to play games that charge the user. I want this charge canceled.

(Contractor: a male elementary schooler)

### **Advice for Consumers**

- ① When you let your children play online games, take sufficient time to talk with them about how the use of the game works.
- ② Take extra care about how you manage your user ID's which contain your credit card details.
- ③ Do not let a minor use an adult's mobile phone or smartphone, or an adult's user ID.
- ④ If you let your child play online games, carefully check the game's content, fee system and functions of the equipment.
- ⑤ In case of trouble, consult your local consumer center.

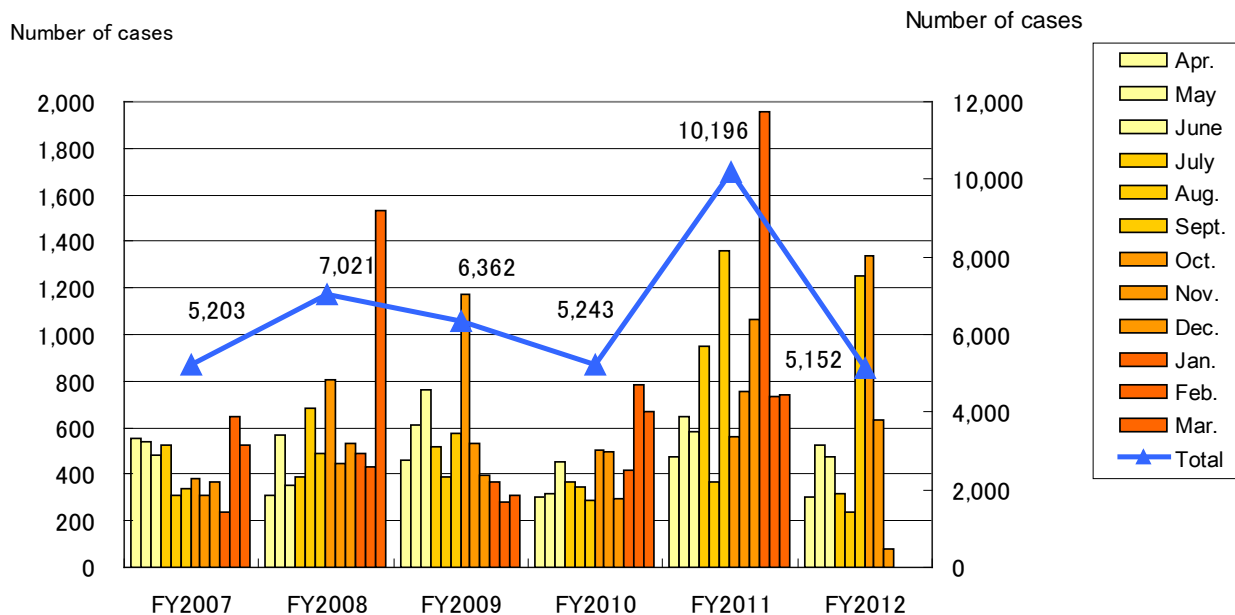
### **3. Do not respond! Fraudulent DMs saying "You have won prize money." are increasing!**

#### **Overview of Inquiries**

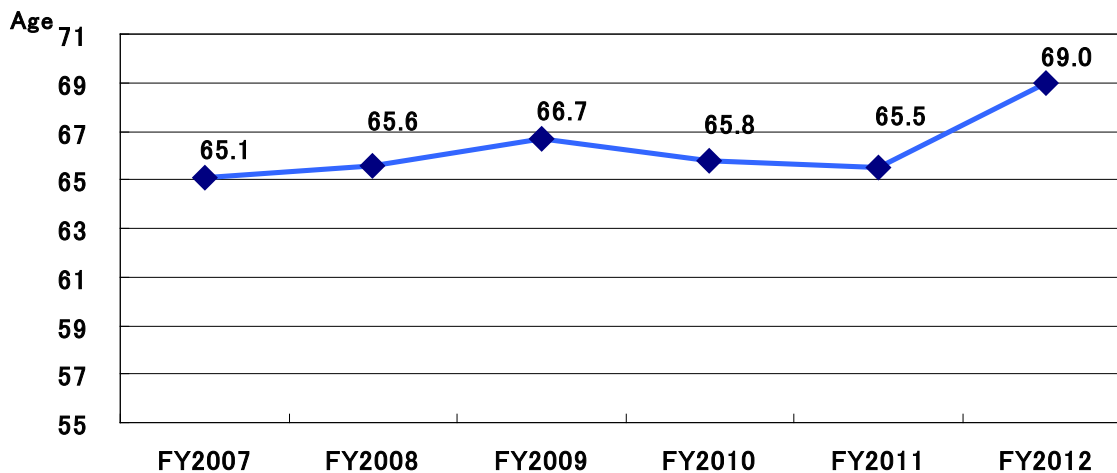
Scams which involve sending Direct Mail (hereafter referred to as DM) to consumers from overseas saying they have won a large sum of money in a foreign lottery and requesting an application fee are once again on the rise. Many of these scams get consumers to pay an application fee in order to receive a prize that has no clear origin, claiming that "You've won a cash prize." or "You've been selected to enter a prize draw." It is an extremely deceptive practice in which the DMs provide no clear address or contact information for the sender organization and do not indicate when or where the prize draw is held.

In response to these problems, the NCAC called for consumer awareness on 15th March, 2012. Following this announcement, the number of inquiries fell, however they rose again in September 2012 and the respective number of inquiries in September and October was over 1,200 and 1,300 cases. The average age of the consumers moved between 65 and 67 each year, but this has risen even further to 69 this year, the highest average age on record.

<Graph 4> Annual changes in the number of inquiries & complaints received by month



<Graph 5> Annual changes in the average age of contractors



**Example Cases of Inquiries & Complaints**

**Case 1:** Trouble case in which a consumer had borrowed against his pension and was in debt

My father-in-law is 80 and doesn't live with me. Each time an envelope comes regarding a foreign lottery, he pays a fee of 5000 yen. I helped him financially whenever he was in need, but when I asked him what the money was for, I found out that it was the receiving fee for a foreign lottery. He had borrowed against his pension and was in debt, so our family paid off his debt so he could receive his pension. Recently, an envelope came from America saying that "You can win 140 million yen." Is there any way to stop these envelopes coming to the house? He lives with my mother-in-law. He is in good health so we are not using any nursing insurance. (Contractor: a man in his 80s)

**Case 2:** Trouble case in which a consumer has been paying for a fee by credit card for ten years

My father has problems with judgment. As he went into hospital recently, I discovered that he had been paying for entry into a foreign lottery using his credit card for decades. Every day a huge amount of DMs come from overseas. He has credit cards from three companies. The amount withdrawn in one transaction is only around 3000 yen, but due to his large number of entries into draws, the amount comes about 100,000 yen each month and this has continued for about ten years. I am having the credit card companies look into these withdrawals as payments that have gone out without the account holder's permission. Thousands of yen have been returned from the payments that recently went out, but the situation is difficult as there are also withdrawals that my father did authorize. I wonder if there is some way to get the money back. No money comes even though "he has won" supposedly, so I think this is fraud. I wonder if the police can help us. (Contractor: a man in his 80s)

**Case 3:** After sending a letter asking to stop sending me DMs anymore, they have started sending me even more DMs.

In February of this year, a DM arrived saying that I had won over a 100 million yen. After the same letter came twice, I sent a letter saying "Since I'm old, I would like to opt out of the prize money and let young people have it." Following this, even more DMs arrived than before. they seem to be sent from overseas. It seems suspicious so I want them to stop sending me letters, but I don't know how. (Inquiry from a man in his 80s)

**Advice for Consumers**

- ① Never register! Consumers might even face legal prosecution.
- ② Do not give your credit card number or personal information to any companies.
- ③ You should feel free to dispose of any DM you receive.
- ④ In case of trouble, consult a local consumer center immediately.

### **III. Other**

#### **1. Top ten consumer complaints in 2012**

The NCAC publishes "top ten consumer complaints" of the year chosen out of the cases that resulted in a large number of consumer inquiries or those that gained the attention from society.

The year of 2012 was marked by consumer troubles involving fraudulent get-rich-quick schemes amongst the elderly.

<Top ten consumer complaints in 2012>

- ◆ **Troubles amongst the elderly** have increased, often resulting in secondary damage.
- ◆ **"Pressure sales fraud"** Widespread fraudulent get-rich-quick schemes that involve companies expressing interest in purchasing things.
- ◆ **Online shill marketing** Fraudulent sales methods using "shills" have increased.
- ◆ **Smartphone**-related inquiries have increased.
- ◆ **"Consumer finance and interest-free loans"** The number of inquiries regarding these matters has significantly dropped. Six years has passed since the revisions of the Moneylending Control Act.
- ◆ **Door-to-door sales purchasing** This has become the seventh sales practice regulated by the Act on Specified Commercial Transactions.
- ◆ **Consumer Safety Investigation Commission** was launched in October. Revisions of the Consumer Safety Act have been made.
- ◆ **Act on Promotion of Consumer Education** was enacted for the development of consumer citizenship.
- ◆ **Kompu Gacha** The Consumer Affairs Agency presented their views on the practice being against the Law for Preventing Unjustifiable Extra or Unexpected Benefit and Misleading Representation.
- ◆ The discussions for **unification of food labeling system** have made some progress.