



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. Glass-Shattering Performance of Automobile Emergency Escape Hammers

Product Testing Background

An automobile emergency escape hammer is a tool used to break the glass of car windows to allow persons trapped inside to make an emergency escape from the car after a traffic accident or underwater crash. This tool can be purchased at various retail outlets including auto shops, car dealers, home improvement centers and online vendors.

Based on product testing, the National Consumer Affairs Center (NCAC) of Japan has previously issued consumer alerts⁽¹⁾ on the type of automobile emergency escape hammer that is used by gripping the handle like a hammer (called "hammer type" in this report). Since then, NCAC has continued its market research and learned that there are other types besides the hammer type on the market, including a type used by gripping the handle like a pick ("pick type") and a type used by applying the head against the window ("punch type").

At present, no accidents have been reported on PIO-NET involving automobile emergency escape hammers⁽²⁾. Still, because such automobile emergency escape hammers are effective products when it comes to escaping from

vehicles in an automobile accident, underwater crash, or other such emergencies, we decided to provide consumers with information about them by obtaining and testing a broad range of currently available products, including but not limited to previously tested hammer-type products. We focused our testing on the most important feature of such products, namely, their glass-shattering performance.

(1) "Automobile Emergency Escape Hammers That Failed to Break the Glass of Car Windows" (published April 27, 2012)

http://www.kokusen.go.jp/news/data/n-20120427_1.html

"Performance of Automobile Emergency Escape Hammers" (published May 10, 2012)

http://www.kokusen.go.jp/news/data/n-20120510_1.html

See NCAC News, Vol. 24, No. 2, p. 1 (http://www.kokusen.go.jp/e-hello/data/ncac_news24_2.pdf)

"Automobile Emergency Escape Hammers That Failed to Break the Glass of Car Windows Part 2" (December 14, 2012)

http://www.kokusen.go.jp/news/data/n-20121214_1.html

See NCAC News, Vol. 24, No. 6, p. 1 (http://www.kokusen.go.jp/e-hello/data/ncac_news24_6.pdf)

(2) 2008-2013 (data registered through September 30, 2013). Reflects cases specially investigated for this survey.

Brands Subjected to Testing



Test Results

(1) Survey Questionnaire Results

Regarding the need for standards and criteria-development for automobile emergency escape hammers, eight of thirteen manufacturers and retailers (approx. 61.5%) and four of eight automakers (50.0%) responded that some form of standards and criteria-development were needed.

(2) Basic Performance

- 1) There were five brands that failed to shatter the window glass.
- 2) There was a large difference between brands in the hardness (HV) of the head, ranging from 259 to 1,148. Neither the four brands with hardness below 400 nor the one brand that showed the greatest variations in hardness were able to shatter the glass.

(3) Product Durability Test When Stored Long-term in the Vehicle

Three brands showed deformities, breakage, or other signs of malfunction.

(4) Regarding Accessories Such as Dedicated Holders to Secure Hammer

Six brands did not include dedicated holders or similar accessories to secure the hammer.

(5) Labeling Indicating that Front Windshield Glass (Laminated Safety Glass) Cannot be Shattered

Seven brands had no labeling indicating that front windshield glass cannot be shattered, and three brands included improper labeling.

Video References:

High-resolution video http://www.kokusen.go.jp/douga/20131107_1_news/n-20131107_1_high.html

Low-resolution video http://www.kokusen.go.jp/douga/20131107_1_news/n-20131107_1_low.html

Advice for Consumers

- ① Some products on the market were unable to shatter window glass. Refer to these latest test results and purchase products that are certain to shatter glass.
- ② Install the product in an easy-to-recognize place within reach of the driver.
- ③ Read the instruction manual carefully in advance and understand how to use the product.
- ④ When escaping from a vehicle, shatter the window glass at the corner.

2. Beware Breakdowns and Malfunctions in Oil Heaters Due to Bad Heating Oil

Product Testing Background

Heating oil is widely used as fuel in oil heaters. When heating oil is improperly stored after purchase, it can turn bad, for instance, through degradation as a result of exposure to sunlight or heat, or through mixing with water or other oils or with garbage, etc. When bad heating oil is used in an oil heater, etc., it can cause performance problems and even result in breakdowns or failure to extinguish. This is why oil heater instruction manuals prohibit the use of bad oil.

In the five years between 2008-2013, PIO-NET received 123 harm and hazard-related inquiries believed to be related to heating oil.⁽¹⁾ These included cases in which consumers reported, for instance, "When I used last year's heating oil, the fire wouldn't go out" and "As soon as I lit the heater, it starting smoking so bad my throat started to hurt."

With this background in mind, we decided to provide consumers with information on the use of bad heating oil by actually creating bad oil and using it in oil heaters to test what kinds of abnormalities might arise.

⁽¹⁾ Data registered through September 30, 2013. The number of cases reflects cases specially investigated for this report.

Example Cases of Inquiries & Complaints

Case 1:

On the second day after purchasing an oil heater, the operating switch wouldn't engage and the emergency extinguisher button wouldn't work either so I exchanged the product. Then three months later, again after extinguishing the heater, the pilot light kept burning for about an hour. Pressing the emergency extinguisher button didn't work, but after jiggling it a bit I finally got the fire to go out. Then two days later, when I tried to extinguish the heater, the operating switch wouldn't engage and the emergency extinguisher switch wouldn't work either, so I called the shop and had them extinguish it. Another oil heater that I bought around the same time was also having trouble igniting. The shop suggested that the cause was leftover heating oil from last year.

(Inquiry from a woman in her 70s)

Case 2:

When I used my oil heater with oil left from last year, the wick stopped moving. Upon contacting the manufacturer, I was told it would be fine once I'd burned up all the heating oil. I did exactly what they said, but now the fire won't go out once it's lit.

(Inquiry from a woman in her 50s)

Test Results

- (1) When stored outdoors in direct sunlight, heating oil showed signs of degradation after about two weeks when stored in a plastic container (white) not specifically designed for heating oil. We also learned that ultraviolet transmittance was high in the case of plastic containers (white) not specifically designed for heating oil.
- (2) When the degraded heating oil was used in the oil heater, a single tank's worth of heating oil was enough to cause tar to accumulate on the wick and stop the heater from igniting, and to prevent the fire from extinguishing even when the emergency extinguisher button was pushed.
- (3) When the degraded oil was used in an oil fan heater, a tank's worth of heating oil was enough to prevent ignition and to cause foul-smelling smoke.

- (4) When impure heating oil containing water was used in the oil heater, water was left behind in the oil tray, causing the inside of the heater to rust and the wick to stop moving.
- (5) When impure heating oil containing water was used in an oil fan heater, there were error messages and the fire went out because combustion had become unstable, and the inside rusted.
- (6) Both the operating instructions and device labeling prohibited the use of bad heating oil and described the symptoms and remedies in the event bad heating oil was used. Labeling also indicated that consumers would be charged for repairs for damage as a result of bad heating oil, even if the unit was still under warranty.

Video References:

High-resolution video http://www.kokusen.go.jp/douga/20131121_1_news/n-20131121_1_high.html

Low-resolution video http://www.kokusen.go.jp/douga/20131121_1_news/n-20131121_1_low.html

Advice for Consumers

- ① When bad heating oil is used in oil heaters, even in small quantities, it can prevent emergency extinguishing of the heater and cause harmful/hazardous malfunctions such as smoke due to poor ignition. Please never use bad heating oil.
- ② If your oil heater ignites/extinguishes poorly when you use it or experiences smoking or other abnormalities, it is possible that bad heating oil is the cause. Check for bad heating oil by following the methods for checking in the operating instructions.
- ③ When putting away your oil heater at the end of the season, be sure to empty it of heating oil before storing it.
- ④ During the season, keep your heating oil in a dedicated heating oil container and store it in a roofed area away from direct sunlight and rain. Also avoid long-term storage from one season to the next.
- ⑤ When disposing of heating oil, consult with the shop where the heating oil was purchased.

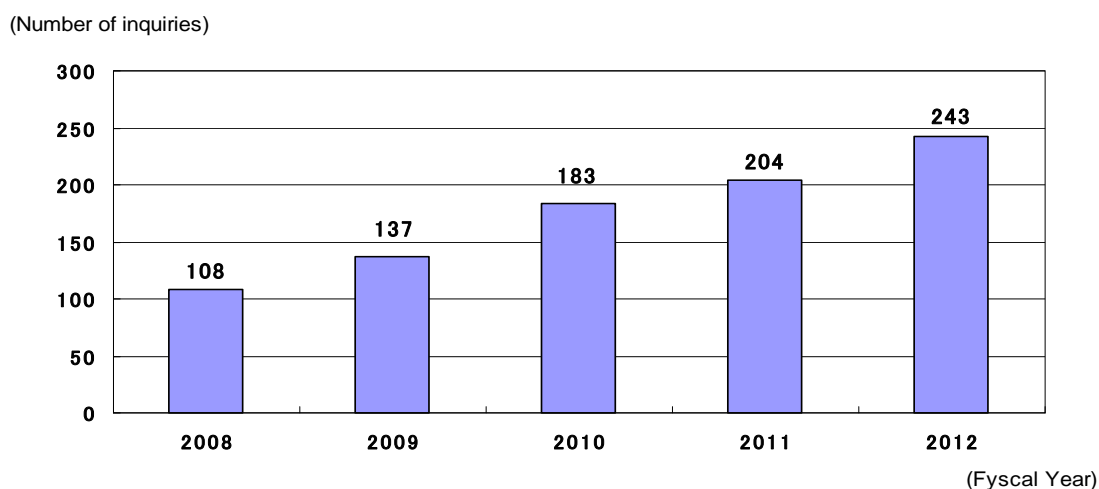
II. Property damage

1. Users Who Don't Verify the "Daily Maximum Yen" Face High Use Fees! - Trouble Regarding Coin-operated Parking "Signage" on the Rise -

Overview of Inquiries

Trouble reported to local consumer centers across Japan regarding coin-operated parking signage has been increasing year by year. Review of these inquiries reveals that such trouble is often related to use-fee signage, and that trouble has also arisen from signage regarding terms and conditions that result in high charges.

<Graph 1> Number of inquiries & complaints by year



Example Cases of Inquiries & Complaints

Case 1: High fees are charged despite "Daily Maximum 500 Yen"

The coin-operated parking sign read "Daily Maximum 500 Yen," but I was charged 8700 yen when I parked there for five days. When I complained to the company, they explained that it was 500 yen for the first day, and 100 yen for every hour thereafter. I never imagined that additional charges would apply after the first day. Moreover, the terms and conditions were posted in a hard-to-recognize place on the back of the vending machine, and they even included the statement that "cars parked 48 hours or more will be considered abandoned"! Before parking I wasn't even aware there were any terms and conditions. Isn't this a problem with their signage? I want a refund.

(Inquiry from a woman in her 60s)

Case 2: Differences in weekday and weekend rates are hard to understand

The coin-operated parking sign where I parked read "Same-Day Parking Maximum 1500 Yen." I had parked before noon, and it was midnight the same day when I went to leave. When I input my stall number into the payment machine, it read 8000 yen. Surprised, I looked carefully at the sign again. In small letters below "Maximum 1500 Yen" was "Weekdays only (Mon.-Fri.)." Weekends, I discovered, were calculated at a rate of 200 yen/15 minutes. Left no choice, I attempted to pay with a 10,000 yen note but the machine read "No 10,000, 5,000, or 2,000 yen bills." It is too expensive.

(Inquiry from a woman in her 40s)

Case 3: High fee charged for "lost ticket"

I used a coin-operated parking facility where the system was to take a ticket when parking to confirm the time when you parked, and then pay when you leave. I lost my ticket so I contacted the management company for the parking facility. I was told they would have to charge a 5000-yen fee because "that was the rule." The daily maximum at the

parking facility is 1000 yen and it has security cameras that should make it possible to check what time I parked. Moreover, the sign says nothing about a "lost ticket fee." It was just them insisting that I pay. It was my fault that I lost the ticket, but don't they have a responsibility to post signs about their lost ticket fee in advance?

(Inquiry from a man in his 30s)

Advice for Consumers

- ① Do not just refer to large signs like those that read "Daily Maximum ____ Yen" when using coin-operated parking. Always verify the displayed information.
- ② Be careful to avoid losing your parking ticket as well as any other actions that might violate the terms and conditions.
- ③ In case of trouble, consult your local consumer center.

2. Beware Fraud-like Trouble Related to the Tokyo Olympics!

Overview of Inquiries

In September 2013, the decision was made to hold the 2020 Summer Olympics in Tokyo. Since then, local consumer centers across Japan have started receiving inquiries for fraud-like trouble related to the Tokyo Olympics.

Example Cases of Inquiries & Complaints

Case 1:

I received a phone call from a company I didn't know. "An exclusive investment brochure for Olympic-related companies is being sent to 500 individuals in Japan. When yours arrives, I'd like you to transfer your rights to me," they said. After the pamphlet arrived I got another call offering me tickets to the Tokyo Olympics as a gift. I'm sharing this information because it seemed strange.

(Inquiry from a man in his 60s)

Case 2:

After receiving a white envelope at my home, I got a phone call from a company I didn't know. "The white envelope is from a major jewel company that will make medals for the Tokyo Olympics. Our company would like to collaborate with them. If you will give us the white envelope, we'll provide you with a gift certificate or travel voucher," they said. After I continued to refuse, they said they would come to my house and hung up. When I opened the envelope I found a jewelry brochure and application form inside. What should I do?

(Inquiry from a woman in her 60s)

Case 3:

I had previously bought 300,000 yen in a certain company's unlisted stock. The other day, when I got a phone call from someone claiming to be from a brokerage saying the stock had increased ten-fold to 3,000,000 yen and asking me to sell, I decided I would sell. Although I thought it strange when they told me they needed 300,000 yen to insure the proceeds of the sale to be sent, I transferred them the money. But even after that, they kept asking me for money, whether for paperwork or cancellation procedures for multiple contracts or for penalties for lying. When I ran out of cash I borrowed 200,000 yen from a consumer loan company, and when that wasn't enough I went to borrow money from a friend, who then told me it was a scam. What should I do?

(Inquiry from a man in his 70s)

Advice for Consumers

- ① Unscrupulous businesses will exploit current hot-topic events to get close to you. We can expect that fraud-like trouble related to the Tokyo Olympics will grow even more in the future, so please be very careful.
- ② Be especially careful of high-pressure sales tactics that ask you to buy something while offering to buy it back

from you at a higher price. If you ever receive this kind of solicitation over the phone, simply hang up without talking to them.

- ③ If you feel the least bit uncertain, first consult with your nearby local consumer center, etc. before paying any money.

3. Beware Intimidating Fictitious Billings that Claim

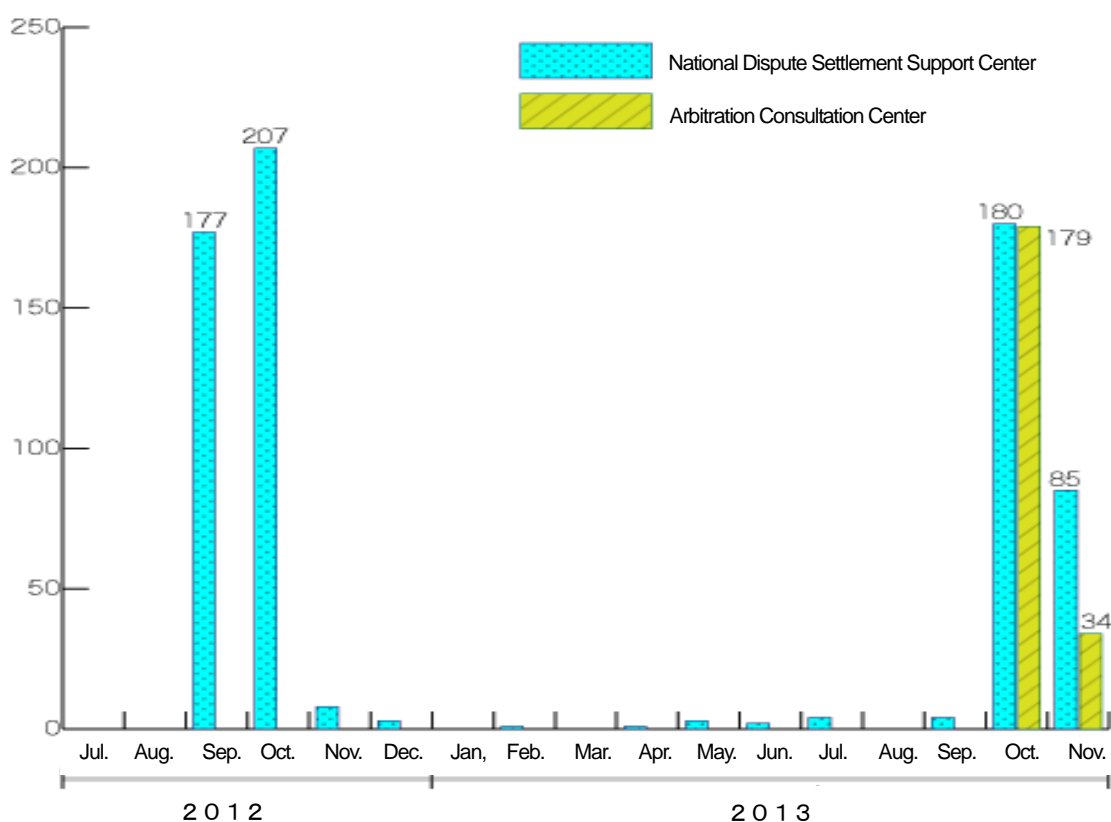
"You Will Be Taken to Court If You Ignore These Unpaid Bills"!

Overview of Inquiries

We continue to receive numerous fictitious billings-related inquiries from consumers who are unsure what to do after receiving bills for companies they do not remember using.

Most recently, there has been a rapid increase in such fictitious billings using official-sounding, neutral organization names, i.e. the National Dispute Settlement Support Center and Arbitration Consultation Center. These fictitious billings lead consumers into believing that they have violated a contract or have unpaid bills with a company they have previously used, and they intimidate consumers with statements such as "a complaint has been filed with the courts" and "your income and property may be seized." But "our center will arbitrate," they tell the now worried consumers, as if their organization were a neutral third-party offering to provide the consumer with support to resolve the trouble. Once a consumer has contacted them, they use various pretenses to demand money from the consumer.

Graph 2. Number of inquiries & complaints regarding the National Dispute Settlement Support Center and Arbitration Consultation Center



Cases of Fictitious Billing

Case 1: National Dispute Settlement Support Center

紛争問題確認書
平成25年 (イ) 第 5 1 8 号

この度ご通知致しましたのは、以前貴方が契約されていた訪問販売会社が不足料金ないしは契約違反に対し、同社が管轄裁判所に訴状申し入れされた事を本状にて報告致します。

当センターは御本人様と本件内容の正当性を確認する機関になりますので会社名、訴訟内容の確認は担当職員にて受け承ります。

しつこい電話勧誘や押しつけ商法等、悪質業者等のご相談も受けつけております。

このままご連絡無き場合、管轄裁判所から裁判日程を決定する呼出状が発行され、記載期日に指定裁判所へ出廷となります。

尚、裁判も欠席されると相手方の言い分どおりの判決が出て執行官立会いのもとあなたの給料、財産の差押え等をされてしまうおそれがありますので、十分ご注意ください。

※最近個人情報悪用する業者の手口も見受けられますので万が一見覚えがない場合、早急にご連絡ください。

受付時間 9:00~17:00 (休日 / 土・日・祭日)
(お問い合わせ) 03-6860-
〒103-0013 東京都中央区日本橋人形町2-
全国紛争処理支援センター

(postcard content)

Dispute Verification Form 2013 (B) No. 518

This notification has been sent to inform you that a door-to-door sales company with which you previously had an agreement has filed a complaint in a court with jurisdiction regarding outstanding charges and/or violations of the agreement.

Our center is the organization that will verify the legitimacy of the claim with you. As such, verification of company names and complaint details is being taken by our staff members in charge. We are also accepting inquiries regarding unscrupulous businesses, etc. with aggressive telephone solicitations and high-pressure sales tactics, etc.

If we do not receive word from you, a writ of summons setting the court date will be issued by the court with jurisdiction and you will be expected to appear at the designated court on the specified date.

If you fail to appear in court, a decision will be rendered in favor of the other party and your income and assets may be seized, etc. under the supervision of a court execution officer, so please be very careful.

- * Recently there have been cases of businesses misusing personal information. If you have no recollection of this matter, please contact us immediately.

Hours 9:00-17:00 (closed: Saturday, Sunday, holidays)

(Contact) 03-6860-

2- Nihonbashi Ningyo-cho, Chuo-ku, Tokyo 103-0013

National Dispute Settlement Support Center

Case 2: Arbitration Consultation Center

内容確認勧告通知
＜ 紛争処理に関するご確認依頼 ＞

通知番号 平成 25 年 [S] 第 1055 号

本状は、契約販売業者及び、回収業者があなたに対して主張している紛争問題が解決できない為にやむなく裁判所に訴状を提出された事を通達します。尚、原告側となる業者名、内容などの詳細におきましては、ご本人様より直接、当センターにお問い合わせのうえご確認ください。

故意に放置した場合は原告側の訴状が仮執行宣言のもと、執行官立ち会いにより、給料・不動産物の差し押さえとなる場合がありますので十分にご注意ください。

当相談センターは、保全の立場から紛争問題の仲裁などを目的とした中立機関です。当相談センターがあなたに対して訴訟を起こしているものではありません。

近頃、悪質商家などの手口として個人情報悪用されるといった事例も多く見受けられます。もし、全く身に覚えがない場合には、悪質業者による被害の可能性も十分に考えられますので、早急にご連絡頂き、ご確認くださいようお願い致します。

《相談窓口》 **03-4485-**
受付時間 9:00 ～ 18:00 (土・日、祭日を除く)

仲裁相談センター
〒133-0054 東京都江戸川区小松川 1-

(postcard content)

Details Verification Advisory Notice <Request for Confirmation Regarding Dispute Settlement>

Notice Number 2013 [S] No. 1055

This letter is to notify you that a contracted reseller and/or collections agency has been unable to resolve its dispute against you and has thus been obliged to submit a claim to the courts. You are asked to contact our center directly to verify the name of the business (plaintiff) and details of the claim.

If you knowingly ignore this request, a declaration of provisional execution of the plaintiff's claim may be issued and your income and property seized under the supervision of a court execution officer, so please be very careful.

Our consultation center is a neutral organization whose purpose is to arbitrate disputes with a view to provisional remedies. Our consultation center has not brought suit against you.

Recently, there have been many cases of unscrupulous business practices and such that misuse personal information. If you have no recollection of this matter, it is very possible that you are the victim of an unscrupulous business. You should contact us immediately to verify the matter.

<<Consultation Desk>>

03-4485-Hours 9:00-18:00 (excluding Saturday, Sunday, and holidays)

Arbitration Consultation Center

1- Komatsugawa, Edogawa-ku, Tokyo 133-0054

Advice for Consumers

- ① When you receive a bill regarding a company you do not remember using, never contact them. Simply ignore it without paying.
- ② If you feel uncertain or are unsure how to handle it, first contact your local consumer center.
- ③ In addition to postcards and letters, emails are now a growing method of fictitious billing so please be very careful.