



# NCAC NEWS

*From  
National Consumer Affairs Center of Japan*

**Vol.25 No.6**

**March 2014**

\* 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. Do Not Approach Lasik Surgery Lightly,

And Be Sure to Receive Full Explanation of the Risks

- Desired Vision May Not Be Achieved, And In Some Cases Serious Injury Has Occurred -

#### Overview of Inquiries

The Accident Information Data Bank<sup>(1)</sup> has received 80 reports of injury as a result of Lasik surgery<sup>(2)</sup> (data registered through November 8, 2013). The most commonly occurring condition is farsightedness as a result of over-correction, with related impediments to daily living from headaches, nausea and other such physical ailments seen in some cases. In other cases, conditions such as astigmatism, sensitivity to light, dry eye, and eye aches have also occurred.

It is well known that various complications can arise following Lasik surgery, such as halos and glare,<sup>(3)</sup> irregular astigmatism,<sup>(4)</sup> and dry eye. There are consumers, however, who may not be receiving adequate explanation of these various surgery-related risks from their medical providers.

Additionally, information that led consumers to undergo Lasik surgery was disseminated roughly 40% of the time by medical providers via the internet (medical provider websites and internet advertising). In some cases, a portion of this information may have been in conflict with relevant laws and regulations.

- (1) The Accident Information Data Bank is a data collection and dissemination system that collects broad information on accidents and hazards from affiliated institutions to be used in accident prevention. It is operated jointly by the Consumer Affairs Agency and National Consumer Affairs Center of Japan (started operation on April 1, 2010).
- (2) Lasik surgery in this document refers to corrective refractive surgery that uses lasers to remodel the cornea.
- (3) Phenomenon in which light appears to glow when seen.
- (4) A type of astigmatism in which deformations on the surface of the cornea prevent light rays from coming into focus in the eye.

## **Accidents**

### **Case 1: Case of serious bodily injury**

For two months after the surgery, I had intense pain on the surface of my eyes and had to stay in bed. I had headaches, nausea, insomnia, etc. as a result of the intense pain on the surface of my eyes. My eyes were sensitive to light and sunshine to the point that I began using sunglasses and shaded lenses even indoors. For the first year after the surgery I couldn't do any up-close work using my eyes, and I began wearing bifocal glasses with prism lenses<sup>(1)</sup> on a regular basis. At present, I continually adjust my glasses and contacts, and yet the eyestrain is painful.

(surgery in September 2010; woman in her 40s)

- (1) Prism lenses bend light in order to correct misalignment between the right and left eyes.

### **Case 2: Case in which risks may not have been thoroughly explained before surgery**

I underwent eye surgery at an eye clinic advertising Lasik surgery. There was no explanation of the risks before the surgery. After the surgery both my eyes returned to about 0.8-1.0, but they've also become so dry that I can't open them unless I use eye drops every ten minutes. If I had heard the risks beforehand I wouldn't have undergone surgery.

(accident in 2010; woman in her 40s)

### **Case 3: Case in which surgery was undertaken based on advertisement**

I underwent Lasik surgery using a coupon my family received. After the surgery I suffered various impairments, including pain on the surface and at the back of my eyes, dizziness, sensitivity to light, and inability to focus my vision. It's like watching a 3D movie all day long, and my nausea is intense. I see far away but not up close, and it has impeded my ability to do work using a PC.

(accident in 2013; woman in her 40s)

## **Advice for Consumers: Important Concerns When Undergoing Lasik Surgery**

### **① Be aware of the risks**

You may not get the vision you expected. Moreover, conditions that are fundamentally difficult to treat may occur, such as double vision, light that looks blurry, and light that appears to radiate outward.

### **② Be sure to have your medical provider explain the risks thoroughly**

There have been cases in which patients have not received thorough explanation of specific aftereffects from a physician. When considering undergoing surgery, request a thorough explanation of the risks based on your pre-surgery examination results.

### **③ Carefully scrutinize information from the internet**

There are medical providers with websites that post the number of past surgeries and comments by famous celebrities, athletes, etc. Such information is not necessarily an accurate reflection of the medical provider's surgical technique.

### **④ Careful consider whether you truly need Lasik surgery**

If you already use glasses or contact lenses to correct your vision and are not experiencing any inconvenience, carefully consider whether you truly need Lasik surgery based on a careful understanding of the surgery and the risks that follow.

## **2. Allergies to Soy Milk, Etc.:**

### **Persons with Pollen Allergies (Betulaceae Pollen Allergies) Should Exercise Caution**

#### **Overview of Inquiries**

Heightened interest in health has led to the increased popularity of drinks made predominantly from soy beans (below, "soy milk, etc."<sup>(1)</sup>).

At the same time, NCAC's PIO-NET has received 15 inquiries over approximately five years since FY2008 regarding the onset of allergic reactions to soy milk, etc., including itchy skin and mucous membranes, redness, swelling, hives, and difficulty breathing (data registered through October 2013).

Among received inquiries there have also been cases in which drinking soy milk, etc. has caused an allergic reaction even when other soy-based foods, such as tofu, have not. In the case of soy-based food allergies, there are cases in which reactions occur as a result of eating foods made from soy beans and there is "oral allergy syndrome," in which patients with pollen allergies, mainly to Betulaceae (birch family), suffer a reaction after ingesting soy milk, etc. In recent years, there has been an increase in cases of the latter as the number of pollen allergy cases has grown.

Given that we are approaching the time of year (January - June) when Betulaceae flower, we have decided to issue this alert to consumers.

(1) This piece uses "soy milk, etc." to refer to "soy milk," "formulated soy milk," and "soy milk drink" as defined by the "Japanese agricultural standard for soy milk products," as well as other drinks made predominantly from soy beans.

#### **Sample Cases of Inquiries & Complaints**

##### **Case 1: Mother who drank sample of a soy-based drink has an allergic reaction**

At the supermarket, my mother received a 125ml sample of a soy bean drink. In the evening at home, about fifteen minutes after she had drunk about half of it, she became congested and starting coughing, her eyes were itchy and swollen, and her nose started to run. We sought immediate medical attention at the hospital and she was diagnosed with having an allergic reaction. We do not know what she reacted to because she didn't take any allergy tests, but she's never before had a reaction to soy beans. (received May, 2013; woman in her 70s)

##### **Case 2: Anaphylaxis<sup>(1)</sup> and hospitalization after drinking formulated soy milk**

My daughter drank formulated soy milk and left for work. Along the way, she started to feel sick and so she took a taxi to the hospital. Her face turned red, she broke out in hives, and she had difficulty breathing, so she was hospitalized for a day. The medical certificate indicates "anaphylaxis." My daughter has no allergies to soy beans and is fine eating tofu. She had even drunk soy milk previously and never had an allergic reaction.

The product had a warning label that read "Exercise caution if you have a potential allergy to soy beans" and "Because allergic reactions can occur even in persons who have never experienced allergic reactions to other soy-based foods, it is advisable to sample a very small quantity the first time you drink the product or if your health is poor." (received June, 2011; woman in her 20s)

(1) Anaphylaxis refers to an allergic reaction that results in the sudden onset of multiple symptoms, including ailments of the skin (hives, etc.), digestive system (abdominal pain, vomiting, etc.), and respiratory system (wheezing, shortness of breath, etc.). Cases of severe anaphylaxis, in which a drop in blood pressure diminishes consciousness or causes weakness, are referred to as anaphylactic shock and can result in death if not treated immediately.

## **Advice for Consumers**

People with Betulaceae pollen allergies or whose throats become itchy when they eat apples or peaches may experience an oral allergic reaction to soy milk, etc., so they must exercise caution.

If you consume soy milk, etc. and experience an allergy-like reaction, seek medical attention from your medical provider immediately.

## **II. Property damage**

### **1. Online Gaming Troubles Involving Children Continue to Grow: Discuss Gaming as a Family, and Carefully Manage Your Credit Cards!**

#### **Overview of Inquiries**

A consumer alert regarding online gaming<sup>(1)</sup> troubles involving children was previously issued by the National Consumer Affairs Center of Japan on December 20, 2012.<sup>(2)</sup> Even so, NCAC and local consumer centers across Japan continued to receive numerous inquiries and complaints in FY2013, as the number of such inquiries & complaints has continued to rise year after year.

As a percentage of all online gaming-related inquiries, troubles involving children accounted for roughly 20% in FY2012 and roughly 40% in FY2013, reflecting the rapid decrease in the ages of contract signatories.

A review of these troubles reveals that many inquiries are related to the use of credit cards by children: "I didn't recognize a charge on my credit card statement. When I looked into it, I discovered that my child has secretly used the card to purchase items in an online game."

(1) Includes all games played over the internet regardless of device (PC, mobile phone, etc.).

(2) "Children playing online games without their parents knowing! Be warned against trouble related to online games"

[http://www.kokusen.go.jp/news/data/n-20121220\\_2.html](http://www.kokusen.go.jp/news/data/n-20121220_2.html)

NCAC News Vol.24, No.6, p.9 ([http://www.kokusen.go.jp/e-hello/data/ncac\\_news24\\_6.pdf](http://www.kokusen.go.jp/e-hello/data/ncac_news24_6.pdf))

<Graph 1> Number of inquiries & complaints regarding online games



(data registered through November 15, 2013)

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

### **(1) Cases in Which a Child Purchased Items, Etc. on a Mobile Gaming Device**

Case 1: Grandchild uses his grandfather's card to pay for online game on gaming device

There was a charge for 8,000 yen on the billing statement from my credit card company that I didn't recognize. When I checked with the card company, I was told it was usage charges for an online game, and that there would be charges of about 110,000 yen the following month too. I was surprised and asked my grandson about it. He explained that he had been shown how to use the game by a friend, and I learned that he used my card without permission. According to my grandson, he couldn't play the game if he put his age was 11, so he entered a number over 20. My grandson says he didn't know the charge would be so high. Do I have to pay?

(inquiry received October 2013; contract signatory: 11-year-old elementary school child)

### **(2) Cases in Which a Child Purchased Items, Etc. on a Smartphone**

Case 2: Parent receives high bill from telephone company after letting son play free game on smartphone

I have two sons. I allowed my older son, an elementary school student, to use my smartphone to play a game and I had set a limit on the yen amount he could spend. The game charges and communications charges are billed together and I pay them with a credit card. My younger son, who saw his parent and older brother using the smartphone, apparently used the phone on his own to play the game. We discovered this last night when my older son told me he was trying to play and couldn't. When I looked at the use history, I saw that they had used 100,000 yen over the previous two days. When I checked the spending limit, I discovered that instead of setting it at 10,000 yen I had inadvertently set it at 100,000 yen. The fact is that my children used the game, so my intention as a parent isn't to avoid paying. But it's such a large amount I can't pay it in a single lump sum. I want them to reduce the amount or let me pay in installments.

(inquiry received August 2013; contract signatory: 4-year-old elementary)

### **(3) Cases in Which a Child Purchases Items, Etc. on Tablet Device or Mobile Music Player**

Case 3: Daughter purchases over 100,000 yen in paid items in online game on parent's tablet

My six-year-old daughter managed to use my tablet without my knowledge to play an online game. The game was one that I had played before, and that my daughter and I had played together. My name and credit card were registered with the game and I had used it once to purchase a 100-yen item. After that, however, I had never purchased any paid items. The other day I got a transaction verification email. That was strange so I checked it and discovered that 140,000 yen had been used in the game. I asked my daughter about it and learned she had purchased some items. And indeed, when I checked the game, I found that all kinds of items had been purchased. I'm wondering if it's possible to return the items for a refund.

(inquiry received September 2013; contract signatory: 6-year-old elementary school child)

## **Advice for Consumers**

- ① Check and discuss gaming as a family
  - 1) Check settings for your smartphone and gaming device, as well as for any games
  - 2) Double check whether the games your children play are free or paid, and if paid, what is paid?
- ② Adults must exercise caution in the management of their credit cards
  - 1) Check where you store your cards
  - 2) Check your billing statement every month
- ③ In case of trouble, consult your local consumer center together with your child.

## **2. Sudden Increase Troubles When Prepaying for Internet Mail-order Purchases: Do Not Prepay to Bank Accounts in Individual Names**

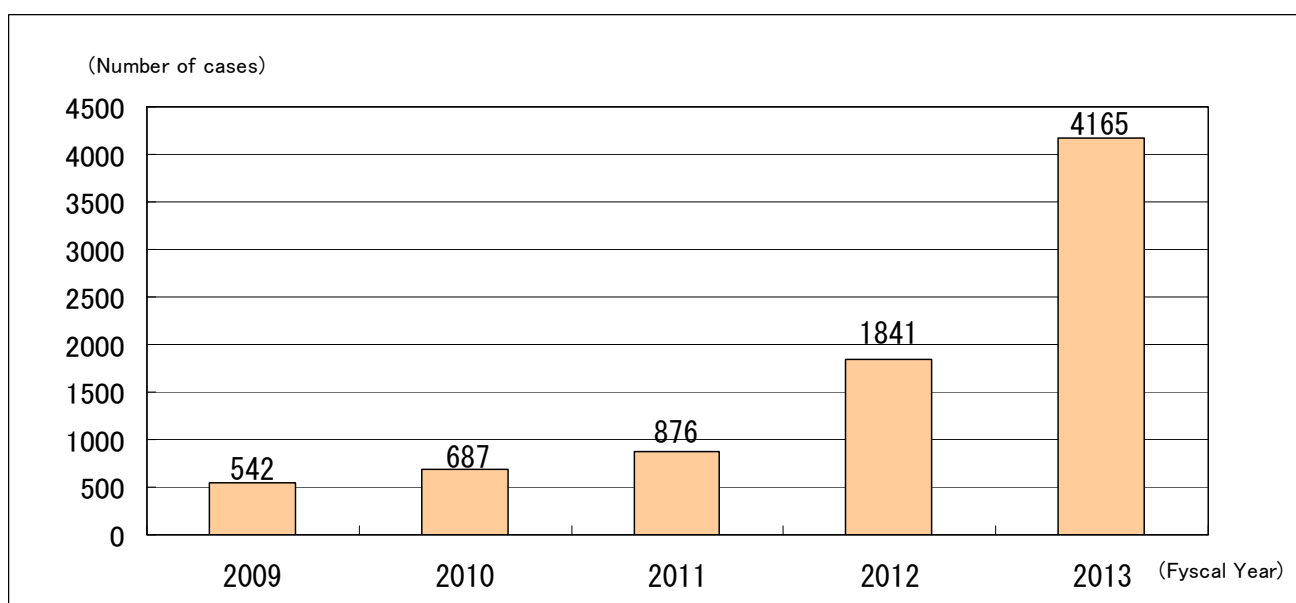
### **Overview of Inquiries**

There has been a sudden increase in the number of inquiries related to troubles when prepaying for mail-order purchases made over the internet ("internet mail-order purchases").

Prepaying means that the business already has your money, which makes it impossible to get financial relief in the event of trouble so long as the business is uncooperative. Moreover, in the case of internet mail-order purchases, the status of the business can be difficult to ascertain, and it is not uncommon for it to have an unknown address or be impossible to contact.

This is why it is extremely difficult in the case of prepaid internet mail-order purchases to get relief for damages after the fact in the event of consumer trouble, and it is why prevention is so important.

<Graph 2> Number of inquiries & complaints by fiscal year



(data registered through last day of November, 2013)

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

#### **(1) Product Does Not Arrive**

Case 1: Consumer orders product because the price was low but the product never arrived

I was searching the internet for my intended golf club and found this business's website. The price was much lower than that of other businesses. Thinking I'd found a bargain, I completed the order form and placed my order. Payment was to be prepaid, so I deposited money to the designated individual account two days after placing my order. The product was supposed to ship as soon as the money was deposited but the product still hadn't arrived after several days, so I emailed the business. They gave me a specific date it would be sent, so I waited and yet the product still didn't arrive. That's when I emailed them saying I wanted to cancel the order and get my money back, but all I got back was a reply that "the product has already shipped." It's now been a week since then and the product still hasn't arrived.  
(received April, 2013; man in his 40s)

#### **(2) Ordered Product Is Not Product That Arrives**

Case 2: Imitation product arrives

About one month ago I did a brand-name search and found a site where I ordered two pairs of foreign-brand

basketball shoes, and transferred a payment of 20,000 yen to an individual name bank account. The sneakers arrived from China and were poorly made, and didn't even have the brand-name tag. I suspected they were imitations, so I took them to a store that sells the brand and had them take a look. They told me the shoes were not authentic. I sent an email to the seller requesting a cancellation and immediately received a reply saying they would cancel the order. Since then, however, I haven't heard anything from them and they haven't responded to any of my emails. (received August, 2013; man in his 20s)

Case 3: Wrong item arrives (suitcase --> mobile phone protective film)

Eleven days ago I searched the internet for a brand of oversized suitcase with wheels. When I found it on a discount sales website, I ordered it and transferred payment of 30,000 yen to the designated individual account. Three days later I received an email saying the suitcase had shipped but it never arrived. I repeatedly contacted the seller by email, until finally today a shipment arrived from China. Inside was a protective film for a smartphone LCD screen, not the suitcase I had ordered. (received August, 2013; woman in her 60s)

### **(3) Instructed to Prepay**

Case 4: Order Was Supposed to Be COD, But After Placing the Order an Email Arrives Saying to Prepay

When I was ordering a brand name sneaker, I had the option to choose the payment method and I chose cash-on-delivery. After placing the order, I received an email saying that COD wasn't possible at this time and asking me to transfer payment in advance. I then received an email with payment account information for an account in the individual name of someone Japanese. I replied by email with the date I needed the shoes by and saying that I wanted to order the shoes if they would arrive by that date. They replied immediately telling me the date was fine, so I trusted them and transferred the money. But then the shoes didn't arrive by the specified date. After contacting them, a shipment did arrive but inside was a different pair of sneakers than the one I had ordered. I've been unable to reach them since. (received September, 2013; man in his 30s)

### **(4) Website and Email Language Problems**

Case 5: Japanese is used strangely in the email received from the website

I searched the internet for sneakers that had collaborated with a movie. I thought the business I found was a Japanese business and placed an order. I immediately received an order confirmation email with payment method and shipping date, so I transferred advance payment of 11,500 to the specified account. Six days later I received an email saying the product had shipped, but when it later arrived the pattern was wrong. The shipper's address was China.

By email I told them the pattern was wrong and got an email back asking me "What did I mean by wrong product?", so I sent another email with a photo saying the product was different from the one I ordered and wanted to return it. Yesterday I got a reply but the Japanese was so strange I couldn't understand it: "Will this be fine as is now? If returned, it would be rather difficult to. We will accept your refund of 1,500 yen."

(received May, 2013; woman in her 20s)

### **(5) Other**

Case 6: The website itself was a counterfeit of a famous website

On what I thought was a shop belonging to a mail-order mall, I bought a wallet with a regular price of 50,000 yen for the low price of 20,000 yen. The website didn't list a contact phone number, but their handling of email when I inquired about gift wrapping was courteous so I didn't suspect anything. Bank transfer was the only method of payment, and the account name was the personal name of someone foreign. Because the product never arrived and they didn't reply to my emails, I contacted the police. That's when I learned that the website I had visited was a counterfeit of an actual website. On the actual site I was told that the company had received many such complaints that had nothing to do with their company. "We're a victim, too," they said.

(received June, 2013; woman in her 50s)

## **Advice for Consumers**

- ① Be aware of the significant risks associated with prepaying
- ② Do not prepay to bank accounts in individual names
- ③ If you have made the transfer, consult with the bank and police
- ④ Consult with your local consumer center

## **III. Other**

### **1. Top ten consumer complaints in 2013**

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.

In 2013, consumer trouble involving "elderly" persons grew even more, and there was a trend toward the "internationalization" of trouble. Menu labeling at hotels, etc. and trouble with white spots from medicated cosmetics became major issues.

#### **<2013 Top Ten Complaints>**

- ◆ **Troubles involving elderly consumers grow for the 6th straight year** Reaches 30% of inquiries
- ◆ **Sudden increase in unsolicited delivery of health foods as sales tactic** Approximately a ten-fold increase over the same period last year
- ◆ Many investment-related troubles persist as before **Growing theatrical sales ploys (high-pressure sales scams)**
- ◆ Repeated **problems with hotel and department menu labeling**
- ◆ **Trouble with white spots caused by medicated cosmetics**
- ◆ **Internationalization of trouble** Rapid increase in overseas internet mail-order sales
- ◆ **"Adult" websites, regardless of age or gender** the greatest number of internet-related inquiries
- ◆ **"Fake pawn shops" appear** Consumer finance inquiries fall for 6th straight year
- ◆ **Legislation of consumer-related laws progressing** Study of "state of regional frameworks" also launches
- ◆ State of National Consumer Affairs Center of Japan **Incorporated administrative agency "Midterm Target Management Corporation"** proposed