

# Consumer Safety Act

(Act No.50 of June 5, 2009)

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## Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to prevent harm to consumers in their lives as consumers and to ensure their safety, by providing for the formulation of the basic policy by the Prime Minister, as well through the prefectural and municipal governments' performance of administrative functions for consumer affairs consultations, etc. and their establishment of consumer affairs centers, through the consolidation of information on consumer accidents, etc., measures to prevent serious harm to consumers from occurring or growing in scope, and by taking other measures, thereby contributing, together with measures under other relevant Acts, to the realization of a society in which consumers can lead safe and fulfilling lives as consumers with a sense of security.

(Definitions)

Article 2 (1) The term "consumers" as used in this Act means individuals (except when they engage in a commercial, industrial, financial, or other business undertaking).

(2) The term "enterprise" as used in this Act means a person engaged in commercial, industrial, financial, or other business undertaking (applicable to

an individual only when the individual engages in such a business undertaking).

- (3) The term "ensuring consumer safety" as used in this Act means preventing harm to consumers in their lives as consumers and ensuring their safety.
- (4) The term "consumption safety" as used in this Act means the level of safety that a good, etc. (meaning a good or product that an enterprise supplies as a business undertaking, or a product, facility, or structure that an enterprise provides or offers the utilization of for business purposes or that is used in a service that an enterprise provides as a business undertaking or for business purposes; hereinafter the same applies) or service (limited to a service that an enterprise provides as a business undertaking or for business purposes; hereinafter the same applies) should normally have, given the characteristics of the good, etc. or service, the modes of its normally foreseeable use (including drinking and eating) or utilization (hereinafter referred to as "use, etc."), and other circumstances concerning a good, etc. or service, during use, etc. by a consumer.
- (5) The term "consumer accident, etc." as used in this Act means an accident or situation listed in the following items:
  - (i) an accident that occurs in association with a consumer's use, etc. of a good or product that an enterprise supplies as a business undertaking, a product, facility, or structure that an enterprise provides or offers the utilization of for business purposes, or a service that an enterprise provides as a business undertaking or for business purposes, in which the life or person of a consumer is harmed to the extent provided for by Cabinet Order (except for an accident that clearly was not caused because of a lack of consumption safety of the good, etc. or service involved in the accident);
  - (ii) a situation involving a consumer's use, etc. of a good, etc. or service that is lacking in consumption safety which falls under the requirements provided for by Cabinet Order as being likely to cause an accident described in the preceding item; or
  - (iii) a situation other than what is described in the preceding two items in which an enterprise engages in deceitful or exaggerated advertising or another action provided for by Cabinet Order that is likely to wrongfully harm the interests of a consumer or interfere with a consumer's voluntary and rational choice-making.
- (6) The term "serious accident, etc." as used in this Act means an accident or situation listed in the following items:
  - (i) an accident described in item (i) of the preceding paragraph which falls under the requirements provided for by Cabinet Order as causing serious harm; or
  - (ii) a situation described in item (ii) of the preceding paragraph which falls

under the requirements provided for by Cabinet Order as being likely to cause the accident described in the preceding item.

(Basic Principles)

- Article 3 (1) Policies for ensuring consumer safety must be promoted through the prompt and efficient implementation of measures that are found to be necessary based on expert knowledge, with a view to preventing consumer accidents, etc. from occurring and preventing harm from consumer accidents, etc. from growing in scope.
- (2) Policies for ensuring consumer safety must be promoted with a view to contributing to enhancing convenience for the consumer while paying heed to ensuring appropriate business activities by enterprises and appropriately responding to the growing sophistication and diversification of consumer needs and other changes in socioeconomic conditions.
- (3) Policies for ensuring consumer safety must be promoted under the close cooperation of the national and local governments, in a way that allows local governments to fully exercise their autonomy and independence.

(Responsibility of the National and Local Governments)

- Article 4 (1) The national and local governments have a responsibility to comprehensively formulate and implement policies for ensuring consumer safety in line with the basic principles provided for in the preceding Article (hereinafter referred to as "the basic principles" in this Article).
- (2) In promoting policies for ensuring consumer safety, the national and local governments must endeavor to leverage the abilities of persons with expertise on and experience in consumer affairs, in conformity with the basic principles.
- (3) In promoting policies for ensuring consumer safety, the national and local governments must endeavor to take the measures necessary for disclosing information on consumer accidents, etc. and for reflecting the opinions of consumers as well as other measures, thereby ensuring the transparency of the process, in conformity with the basic principles.
- (4) In promoting policies for ensuring consumer safety, the national and local governments must endeavor to assess policy effects (meaning effects that a series of administrative actions that the government implements or seeks to implement based on its policies, have or are likely to have on consumers' lives as consumers, the socioeconomy, and administrative management; the same applies in Article 6, paragraph (2), item (iv)), evaluate those effects based on their assessment, consider them in a timely and appropriate manner, and then take the necessary measures based on these considerations, in conformity with the basic principles.
- (5) In promoting policies for ensuring consumer safety, the national and local

governments must take care to ensure close cooperation among the National Consumer Affairs Center of Japan-Incorporated Administrative Agency (hereinafter referred to as "the National Consumer Affairs Center of Japan"); the consumer affairs centers provided for in Article 10, paragraph (3); prefectural police; fire departments (meaning the bodies listed in items of Article 9 of the Fire and Disaster Management Organization Act [Act No. 226 of 1947]), healthcare centers, hospitals, consumer groups, and other related parties, in conformity with the basic principles.

- (6) The national and local governments must endeavor to deepen the people's understanding and gain their cooperation for ensuring consumer safety, through awareness campaigns, public relations activities, educational activities related to consumer affairs, and other activities.

(Efforts by Enterprises, etc.)

Article 5 (1) Enterprises and their trade associations must make their own efforts for ensuring consumer safety, as well as endeavoring to cooperate with policies for ensuring consumer safety that are implemented by the national and local governments.

- (2) In consideration of the fact that it is important for consumers themselves to act independently and rationally in order to have a sense of security and lead safe and fulfilling lives as consumers, consumers must endeavor to acquire the necessary knowledge and collect the necessary information on the quality and performance of the goods, products, and services an enterprise supplies or provides, the contracts they must conclude with an enterprise, and other particulars related to consumer affairs.

## **Chapter II Basic Policy**

(Formulation of the Basic Policy)

Article 6 (1) The Prime Minister shall formulate a basic policy for ensuring consumer safety (hereinafter referred to as "the Basic Policy").

- (2) The Basic Policy must provide for the particulars listed below:

- (i) particulars related to what ensuring consumer safety means;
- (ii) fundamental particulars of policies for ensuring consumer safety;
- (iii) fundamental particulars of cooperation with the relevant administrative organs in the implementation of measures for ensuring consumer safety based on the provisions of other Acts (including orders based on them; hereinafter the same applies);

- (iv) fundamental particulars for the assessment of policy effects with regard to policies for ensuring consumer safety and evaluation of those effects based on that assessment; and

- (v) particulars other than those listed in the preceding items that are essential for ensuring consumer safety.
- (3) The Basic Policy must be in conformity with the Consumer Basic Plan provided for in Article 9, paragraph (1) of the Consumer Basic Act (Act No. 78 of 1968).
- (4) If the Prime Minister seeks to formulate the Basic Policy, he/she shall take measures that are necessary for reflecting the opinions and views of consumers and other relevant persons, consult with the heads of relevant administrative organs, and hear the opinions of the Consumer Commission, in advance of its formulation.
- (5) When the Prime Minister has formulated the Basic Policy, he/she shall publicly announce this without delay.
- (6) The provisions of the preceding two paragraphs apply mutatis mutandis to amendments to the Basic Policy.

(Proposals by the Prefectural Governors)

Article 7 (1) A prefectural governor may propose amendments to the Basic Policy (hereinafter referred to as an "amendment proposal" in this Article) to the Prime Minister based on knowledge obtained through the performance of administrative functions listed in the items of paragraph (1) of the following Article. When this is case, the prefectural governor shall append a draft of the amendment to the Basic Policy to the amendment proposal.

- (2) If an amendment proposal has been made and, after hearing the opinions of the Consumer Commission, the Prime Minister finds it necessary to amend the Basic Policy based on the amendment proposal (meaning to amend the Basic Policy in a way that fully or partially realizes the draft of the amendment to the Basic Policy appended to the amendment proposal; the same applies in the following paragraph), the Prime Minister shall amend the Basic Policy without delay.
- (3) If an amendment proposal has been made and, after hearing the opinions of the Consumer Commission, the Prime Minister finds no necessity of amending the Basic Policy based on the amendment proposal, the Prime Minister shall notify the prefectural governor who made the amendment proposal of the decision not to make the amendment, together with the reasons for the decision, without delay.

### **Chapter III Consumer Affairs Consultations, etc.**

#### **Section 1 Performance of Administrative Functions for Consumer Affairs Consultations, etc.**

(Performance of Administrative Functions for Consumer Affairs Consultations,

etc. by Prefectural and Municipal Governments)

Article 8 (1) Prefectural governments must perform the administrative functions listed below:

- (i) coordination of communication among municipal governments and provision of technical assistance to municipal governments in their performance of the administrative functions listed in the items of the following paragraph;
- (ii) performance of mainly the administrative functions listed in the following for ensuring consumer safety:
  - (a) handling of consultations about consumer complaints against enterprises, the response to which requires a broader perspective than that of the municipal area;
  - (b) mediation for the settlement of consumer complaints against enterprises, the implementation of which requires a broader perspective than that of the municipal area;
  - (c) implementation of investigations and analyses that are necessary for assessing situations and trends in consumer accidents, etc. and that require expert knowledge and skill; and
  - (d) collection of information that is necessary for ensuring consumer safety and its provision to local residents, from a broader perspective than that of the municipal area.
- (iii) exchange of information about the occurrence of consumer accidents, etc. with municipal governments; and
- (iv) performance of administrative functions incidental to administrative functions set forth in the three preceding items.

(2) Municipal governments must perform the administrative functions listed below:

- (i) handling of consultations about consumer complaints against enterprises for ensuring consumer safety;
- (ii) mediation for the settlement of consumer complaints against enterprises for ensuring consumer safety;
- (iii) collection of information that is necessary for ensuring consumer safety and its provision to local residents;
- (iv) exchange of information about the occurrence of consumer accidents, etc. with the prefectural governments; and
- (v) performance of administrative functions incidental to the administrative functions set forth in the preceding items.

(Assistance by the National Government and the National Consumer Affairs Center of Japan)

Article 9 The national government and the National Consumer Affairs Center of Japan must provide the prefectural and municipal governments with

information and other necessary assistance for the performance of the administrative functions listed in the items of paragraphs (1) and (2) of the preceding Article.

## **Section 2 Establishment of Consumer Affairs Centers, etc.**

(Establishment of Consumer Affairs Centers)

Article 10 (1) A prefectural government must establish facilities or organizations that meet the requirements listed below in order to perform the administrative functions listed in the items of Article 8, paragraph (1):

(i) facilities or organizations that have people with expert knowledge of and experience in the consultations referred to in Article 8, paragraph (1), item (ii)(a) engage in the administrative functions listed in (a) and (b) of the same item;

(ii) facilities or organizations that have the appropriate electronic information processing systems and other equipment to efficiently perform the administrative functions listed in the items of Article 8, paragraph (1); and

(iii) facilities or organizations that conform to other standards that are provided for by Cabinet Order as being necessary for the appropriate performance of the administrative functions listed in the items of Article 8, paragraph (1).

(2) A municipal government must endeavor to establish facilities or organizations, as needed, that meet the requirements listed below in order to perform the administrative functions listed in the items of Article 8, paragraph (1):

(i) facilities or organizations that have persons with expert knowledge and experience in the consultations referred to in Article 8, paragraph (2), item (i) engage in the administrative functions listed in items (i) and (ii) of the same paragraph;

(ii) facilities or organizations that have the appropriate electronic information processing systems and other equipment to efficiently perform the administrative functions listed in the items of Article 8, paragraph (2); and

(iii) facilities or organizations that conform to other standards provided for by Cabinet Order as being necessary to the appropriate performance of administrative functions listed in the items of Article 8, paragraph (2).

(3) When a facility or organization described in paragraph (1) or the preceding paragraph (hereinafter referred to as a "consumer affairs center") has been established, the prefectural governor or municipal mayor shall make public its name, address, and other particulars specified by Cabinet Office Ordinance without delay.

(Securing Staff to Engage in Administrative Functions at Consumer Affairs

Centers)

Article 11 The prefectural government or municipal government that has established a consumer affairs center must endeavor to secure counseling staff and other staff to engage in administrative functions at the consumer affairs center and to enhance their qualifications by adequately compensating the members of the counseling staff assigned to a consumer affairs center (meaning persons provided for in Article 10, paragraph (1), item (i), and in paragraph (2) item (i); hereinafter the same applies), training them, appointing and fostering them as full-time staff members, and taking other measures.

#### **Chapter IV Consolidation of Information, etc. on Consumer Accidents, etc.**

(Notice of Information on the Occurrence of a Consumer Accident, etc.)

Article 12 (1) If the head of an administrative organ, prefectural governor, municipal mayor, or president of the National Consumer Affairs Center of Japan is informed that a serious accident, etc. has occurred, he/she shall immediately and, in accordance with provisions of Cabinet Office Ordinance, notify the Prime Minister of such, give an outline of the serious accident, etc., and notify the Prime Minister of other particulars provided for by Cabinet Office Ordinance.

(2) If the head of an administrative organ, prefectural governor, municipal mayor, or president of the National Consumer Affairs Center of Japan is informed that a consumer accident, etc. has occurred and finds it likely, in light of the form of the consumer accident, etc., the characteristics of the goods, etc. or services involved in the consumer accident, etc., and other circumstances of the consumer accident, etc., that harm from the consumer accident, etc. will grow in scope or that the same or a similar type of consumer accident, etc. will occur, he/she shall, in accordance with Cabinet Office Ordinance, notify the Prime Minister that the consumer accident, etc. has occurred, give an outline of the consumer accident, etc., and notify the Prime Minister of other matters provided for by Cabinet Office Ordinance.

(3) The provisions of the preceding two paragraphs do not apply if the person who is to notify the Prime Minister falls under any of the following items:

(i) a person listed in the former portion of (a) to (d), below who, under the provisions of another Act, must notify or report to the person set forth in the latter portion of the relevant (a) to (d) with regard to the occurrence of a consumer accident, etc.:

(a) the head of an administrative organ: the Prime Minister;

(b) a prefectural governor: the head of an administrative organ;

(c) a municipal mayor: the head of an administrative organ or the prefectural governor; and

- (d) the president of the National Consumer Affairs Center of Japan: the head of an administrative organ.
  - (ii) a person who is informed of the occurrence of a consumer accident, etc. by another person who must notify the Prime Minister of the occurrence of a consumer accident, etc. pursuant to the preceding two paragraphs (except for a person who falls under the preceding item); and
  - (iii) a person provided for by Cabinet Office Ordinance as being similar to the persons listed in the preceding two items (except for a person who falls under the preceding two items).
- (4) In a case referred to in paragraph (1) or paragraph (2), if, in lieu of notifying the Prime Minister pursuant to provisions of those paragraphs, the head of an administrative organ, prefectural governor, municipal mayor, or president of the National Consumer Affairs Center of Japan takes measures to make the same information available for inspection by the Prime Minister and the person who must be notified by making use of electromagnetic means (meaning a means that makes use of electronic information processing systems and other means that make use of other information communication technologies) that are provided for by Cabinet Office Ordinance, the notice is deemed to have been made.

(Consolidation and Analysis, etc. of Information on Consumer Accidents, etc.)

Article 13 (1) In order to ensure that information of which the Prime Minister is notified pursuant to paragraph (1) or paragraph (2) of the preceding Article and other information on consumer accidents, etc. can be effectively utilized for ensuring consumer safety, the Prime Minister shall promptly and accurately consolidate and analyze the information and compile the results of the consolidation and analysis.

- (2) The Prime Minister shall provide the results compiled pursuant to the preceding paragraph to the relevant administrative organs, relevant local governments, and the National Consumer Affairs Center of Japan, as well as reporting them to the Consumer Commission.
- (3) The Prime Minister shall make public the results compiled pursuant to paragraph (1).
- (4) The Prime Minister shall report the results compiled pursuant to paragraph (1) to the Diet.

(Requests for Materials to Be Submitted, etc.)

Article 14 (1) If the Prime Minister finds it necessary for consolidating and analyzing information and for compiling the results of the consolidation and analysis pursuant to paragraph (1) of the preceding Article, the Prime Minister may request the head of the relevant administrative organ, the head of the

relevant local government, the president of the National Consumer Affairs Center of Japan, and other relevant persons to provide materials, state an opinion, carry out an examination, analysis, or inspection to investigate into the cause of a consumer accident, etc., or otherwise cooperate as necessary.

- (2) If the Prime Minister finds it necessary for preventing a consumer accident, etc. from occurring or for preventing harm from a consumer accident, etc. from growing in scope, the Prime Minister may request the governor of the relevant prefecture or the mayor of the relevant municipality for the necessary reports on a consumer accident, etc.

## **Chapter V Measures to Prevent Harm to Consumers from Occurring or Growing in Scope**

(Consumer Alert)

- Article 15 (1) If the Prime Minister is notified pursuant to the provisions of Article 12, paragraph (1) or paragraph (2) or is otherwise informed of the occurrence of a consumer accident, etc. and finds it necessary to alert consumers in order to prevent harm from a consumer accident, etc. from growing in scope or to prevent the same or similar type of consumer accident, etc. from occurring (hereinafter referred to as preventing "harm to consumers from occurring or growing in scope"), the Prime Minister shall provide the prefectural and municipal governments with information on the form of the consumer accident, etc., the status of the harm from the consumer accident, etc., and other information that contributes to preventing harm to consumers from occurring or growing in scope, and shall make such information public.
- (2) If information is made public pursuant to the preceding paragraph, in addition to what is provided for in Article 44, paragraph (1) of the Incorporated Administrative Agency National Consumer Affairs Center Act (Act No. 123 of 2002), the Prime Minister may request the National Consumer Affairs Center of Japan to take necessary measures to provide consumers with the information that contributes to preventing harm to consumers from occurring or growing in scope which is referred to in the preceding paragraph.
- (3) The provisions of Article 44, paragraph (2) of the Incorporated Administrative Agency National Consumer Affairs Center Act apply mutatis mutandis to a case under the preceding paragraph.

(Requests to Implement Measures Based on the Provisions of Other Acts)

- Article 16 (1) If the Prime Minister is notified pursuant to the provisions of Article 12, paragraph (1) or paragraph (2) or is otherwise informed of the occurrence of a consumer accident, etc. and there are measures based on provisions of other Acts that can be taken for preventing harm to consumers

from occurring or growing in scope, if the Prime Minister finds it necessary to promptly implement those measures for preventing harm to consumers from occurring or growing in scope, the Prime Minister may request the minister in charge of the administrative functions involved in the implementation of the measures to promptly implement those measures.

- (2) If the Prime Minister has requested the prompt implementation of the measures referred to in the preceding paragraph, he/she may request the minister referred to in the same paragraph to report on the status of the measures' implementation.

(Recommendations and Orders to Enterprises)

Article 17 (1) If there is a serious accident, etc. due to the lack of consumption safety of a good, etc. or service (except when there are measures based on provisions of other Acts that can be taken to prevent harm from serious accidents, etc. from growing in scope or to prevent serious accidents, etc. with the same causes from occurring (hereinafter referred to as preventing "serious harm to consumers from occurring or growing in scope"), and the Prime Minister finds it is necessary in order to prevent serious harm to consumers from occurring or growing in scope, the Prime Minister may recommend enterprises that supply, provide, or offer the utilization of the good, etc. (including a good, etc. with the common part, manufacturing method, or other particulars that caused the lack of consumption safety) or service to take measures for the necessary inspection, repair, remodeling, labeling on safe methods of use, or improvement in the way the service is provided, and other necessary measures for the good, etc. or service.

- (2) If an enterprise that is given a recommendation pursuant to provisions of the preceding paragraph fails, without reasonable grounds, to take the measures recommended to it and the Prime Minister finds that it is particularly necessary for preventing serious harm to consumers from occurring or growing in scope, the Prime Minister may order the enterprise to take the measures recommended to it.

- (3) If the Prime Minister finds that an order referred to in the preceding paragraph is no longer necessary because measures based on the provisions of other Acts were implemented to prevent serious harm to consumers from occurring or growing in scope or for other reasons, the Prime Minister may change or rescind an order pursuant to the provisions of the preceding paragraph.

- (4) If the Prime Minister seeks to give an order pursuant to the provisions of paragraph (2) or seeks to change or rescind an order pursuant to the provisions of the preceding paragraph, he/she shall hear the opinions of the Consumer Commission, in advance.

(5) If the Prime Minister has given an order pursuant to the provisions of paragraph (2), or changed or rescinded an order pursuant to the provisions of paragraph (3), he/she shall make this public.

(Prohibition or Restriction on Transfer, etc.)

Article 18 (1) If a serious accident, etc. has occurred due to the lack of consumption safety of a good, etc., and there is imminent danger of harm from the serious accident, etc. growing in scope or imminent danger of a serious accident, etc. with the same cause occurring (except when there are measures based on the provisions of other Acts that can be implemented to prevent serious harm to consumers from occurring or growing in scope), if the Prime Minister finds that it is particularly necessary for preventing serious harm to consumers from occurring or growing in scope, he/she may designate a period of up to six months and prohibit or restrict the transfer, delivery, or use in services of the good, etc. (including a good, etc. with the common part, manufacturing method, or other particular that caused the lack of consumption safety) as a business undertaking or for business purposes during that period, within the necessary limits.

(2) If the Prime Minister finds that the prohibition or restriction set forth in the preceding paragraph is no longer necessary because a measure based on the provisions of another Acts has been implemented to prevent serious harm to consumers from occurring or growing in scope or for other reasons, the Prime Minister may cancel all or part of the prohibition or restriction set forth in the provisions of the preceding paragraph.

(3) If the Prime Minister seeks to implement a prohibition or restriction pursuant to the provisions of paragraph (1) or seeks to cancel all or part of a prohibition or restriction pursuant to the provisions of paragraph (1), the Prime Minister shall hear the opinions of the Consumer Commission, in advance.

(4) A prohibition or restriction pursuant to the provisions of paragraph (1), or the cancellation of all or part of a prohibition or restriction pursuant to the provisions of paragraph (2) is implemented by a public notices in the official gazette, pursuant to the provisions of Cabinet Office Ordinance.

(Order for Recall, etc.)

Article 19 If an enterprise violates a prohibition or restriction set forth in the provisions of paragraph (1) of the preceding Article, the Prime Minister may order the enterprise to undertake the recall of goods or products transferred or delivered in violation of the prohibition or restriction, and to take other measures that are necessary for preventing serious harm to consumers from occurring or growing in scope due to those goods, etc.

(Recommendations, etc. by the Consumer Commission)

Article 20 (1) If the Consumer Commission finds that it is necessary in light of information it has obtained from a consumer or enterprise, the head of the relevant administrative organ, or another party, or in light of other information about a consumer accident, etc., it may make the necessary recommendations to the Prime Minister about preventing harm to consumers from occurring or growing in scope.

(2) If the Consumer Commission makes a recommendation pursuant to the provisions of the preceding paragraph, it may request the Prime Minister to report on the measures taken based on the recommendation.

(Requests from the Prefectural Governors)

Article 21 (1) If a prefectural governor finds that it is necessary for preventing harm to consumers from occurring or growing in scope within the area of the prefecture, he/she may request the Prime Minister to implement necessary measures for ensuring consumer safety. When such is the case, the prefectural governor shall append a document that describes the contents of and reasons for the measures he/she requests.

(2) If the Prime Minister receives a request pursuant to the provisions of the preceding paragraph (hereinafter referred to as "the request for measures" in this article) and there are measures based on the provisions of other Acts that can be implemented to prevent harm to consumers from occurring or growing in scope, the Prime Minister shall turn the document pursuant to the preceding paragraph over to the minister in charge of the administrative functions involved in the implementation of those measures.

(3) If a minister who has had a document turned over to him/her pursuant to the provisions of the preceding paragraph decides to implement measures that comprise all or part of the measures under the request for measures, he/she shall notify the Prime Minister of this, and if the minister finds that it is unnecessary to implement measures that constitute all or part of the measures under the request for measures, he/she shall notify the Prime Minister of this and give the reasons for finding so without delay.

(4) If the Prime Minister is notified pursuant to the provisions of the preceding paragraph, he/she shall notify the prefectural governor who made the request for measures of the contents of the notification without delay.

(Reports, On-Site Investigations, etc.)

Article 22 (1) The Prime Minister may, to the extent necessary for the enforcement of this Act, request an enterprise for necessary reports, cause his/her officials to enter an office, place of business, or other places at which an

enterprise does business to conduct the necessary investigation or ask questions, and may, to the extent necessary for the investigation, collect items supplied by the enterprise; provided, however, that if items are collected, payment for them shall be made at market prices.

- (2) An official who conducts an on-site investigation, asks questions, or collects items pursuant to the provisions of the preceding paragraph shall carry a certificate of identification and produce it if so requested by the person concerned.
- (3) Authority pursuant to the provisions of paragraph (1) must not be construed as having been accorded for the purpose of a criminal investigation.

## **Chapter VI Miscellaneous Provisions**

### **(Delegation of Authority)**

- Article 23 (1) The Prime Minister delegates authority pursuant to the provisions of paragraph (1) of the preceding Article and other authority pursuant to the provisions of this Act (except for what is specified by Cabinet Order) to the Secretary-General of the Consumer Affairs Agency.
- (2) The prefectural governor or mayor of the municipality in which a consumer affairs center is established may carry out a portion of the administrative functions that fall under the category of authority pursuant to the provisions of Article 1 of the preceding Article that is delegated to the Secretary-General of the Consumer Affairs Agency pursuant to the preceding paragraph, as provided by Cabinet Order.

### **(Classification of Administrative Functions)**

Article 24 Administrative functions to be handled by local governments pursuant to the provisions of paragraph (2) of the preceding Article are classified as Type 1 statutory entrusted functions pursuant to Article 2, paragraph (9), item (i) of the Local Autonomy Act (Act No. 67 of 1947).

### **(Delegation to Cabinet Orders)**

Article 25 In addition to what is provided for in this Act, matters necessary for the enforcement of this Act shall be provided by Cabinet Order.

### **(Transitional Measures)**

Article 26 If an order is enacted, revised, or abolished in accordance with the provisions of this Act, the necessary transitional measures (including transitional measures for penal provisions) may be prescribed by that order, within the scope reasonably judged necessary in association with the enactment, revision, or abolition of the order.

## **Chapter VII Penal Provisions (Article 27 to Article 30)**

Article 27 A person who falls under any of the following items is punished by imprisonment with work for not more than three years, a fine of not more than three million (3,000,000) yen, or both:

- (i) a person who violates the prohibitions or restrictions described in paragraph (1) of Article 18; or
- (ii) a person who violates an order described in Article 19.

Article 28 A person who violates an order described in Article 17, paragraph (2) is punished by imprisonment with work for not more than one year, a fine of not more than one million (1,000,000) yen, or both.

Article 29 A person who fails to report pursuant to the provisions of Article 22 paragraph (1), who reports falsely, who refuses, hinders, or evades an on-site investigation or the collection of items pursuant to the provisions of the same paragraph, or who refuses to answer questions or answers them falsely, is punished by a fine of not more than 500,000 yen.

Article 30 If the representative of a juridical person or the agent, employee, or other worker of a juridical person or of an individual violates the provisions listed in the following items in connection with the business of the juridical person or individual, in addition to the punishment to which the offender is subject, the juridical person is subject to the fine prescribed in the relevant item and the individual is subject to the fine prescribed in the relevant Article:

- (i) Article 27 and Article 28: a fine of not more than one hundred million (100,000,000) yen; and
- (ii) the preceding Article: the fine prescribed in the preceding Article.

### **Supplementary Provisions [Extract]**

(Enforcement Date)

- (1) This Act comes into effect as of the enforcement date of the Act Establishing the Consumer Affairs Agency and the Consumer Commission (Act No. 48 of 2009).

(Review)

- (2) Within three years after the enforcement of this Act, the national government must review the scope of serious accidents, etc., involving serious damage to consumer property in consideration of the conditions of the occurrence or

growth in scope of harm to consumers and other socioeconomic developments, etc., and must take the necessary measures based on the results of this review.

(3) When five years have passed after the enforcement of this Act, the national government must review, in addition to the matters provided for in the preceding paragraph, the situation surrounding the enforcement of this Act, and if it finds it to be necessary, it must take the necessary measures based on the results of its review.