

Act against Unjustifiable Premiums and Misleading Representations

(Act No. 134 of May 15, 1962)

(Purpose)

Article 1 The purpose of this Act is, in order to prevent the inducement of customers by means of unjustifiable premiums and misleading representations in connection with transactions of goods and services, by providing for limitations and the prohibition of acts that would interfere with general consumers' voluntary and rational choice-making, thereby protecting the interests of general consumers.

(Definitions)

Article 2 (1) The term "Entrepreneur" as used in this Act means any person who operates a commercial, industrial, financial or any other business. For the purpose of applying the provisions of the following paragraph and Article 11, an officer, employee, agent, or any other person who acts for the benefit of an Entrepreneur shall be deemed to be an Entrepreneur.

(2) The term "Trade Association" as used in this Act means any combination or federation of a combination of two or more Entrepreneurs with its principal purpose the furtherance of their common interest as Entrepreneurs, and shall include the following; provided however, that a combination or federation of a combination of two or more Entrepreneurs, which has capital, or contributions made by the constituent Entrepreneurs (meaning an Entrepreneur who is a member of the Trade Association; the same shall apply in Article 20), and whose principal purpose is to run and is actually running a commercial, industrial, financial or any other business for profit shall not be included:

- (i) Any general incorporated association or any other association of which two or more Entrepreneurs are members (including the equivalent thereof);
- (ii) Any general incorporated foundation or any other foundation of which two or more Entrepreneurs control the appointment and dismissal of directors or managers, the execution of operations or continuation of its existence; and
- (iii) Any partnership of which two or more Entrepreneurs are partners, or a contractual combination of two or more Entrepreneurs.

(3) The term "Premiums" as used in this Act means any article, money, or other kinds of source of economic gain given as a means of inducing customers, irrespective of whether a direct or indirect system is employed, or whether or not a lottery system is used, by an Entrepreneur to another party, in connection with a transaction involving goods or services which said

Entrepreneur supplies (including transactions relating to real estate; the same shall apply hereinafter), and which are designated by the Prime Minister as such.

- (4) The term "Representations" as used in this Act means advertisement or any other Representations which an Entrepreneur makes as a means of inducing customers, with respect to the substance of the goods or services which said Entrepreneur supplies or the trade terms or any other particular concerning the transaction, and which are designated by the Prime Minister as such.

(Limitation or Prohibition of Premiums)

Article 3 When the Prime Minister finds it necessary in order to prevent unjust inducement of customers and secure general consumers' voluntary and rational choice-making, the Prime Minister may limit the maximum value of a Premium or the total amount of Premiums, the kind of Premiums or means of offering of a Premium, or any other matter relating thereto, or may prohibit the offering of a Premium.

(Prohibition of Misleading Representations)

Article 4 (1) No Entrepreneur may make a representation as provided for in any one of the following items in connection with transactions of goods or services which said Entrepreneur supplies:

- (i) Any representation where the quality, standard or any other particular relating to the content of goods or services is portrayed to general consumers as being much better than that of the actual goods or services, or are portrayed as being, contrary to fact, much better than those of other Entrepreneurs who supply the same kind of or similar goods or services as those supplied by the relevant Entrepreneur, thereby having a tendency to induce customers unjustly and to interfere with general consumers' voluntary and rational choice-making;
- (ii) Any representation by which price or any other trade terms of goods or services could be misunderstood by general consumers to be much more favorable than the actual goods or services, or than those of other Entrepreneurs who supply the same kind of or similar goods or services as those supplied by the relevant Entrepreneur, thereby having a tendency to induce customers unjustly and to interfere with general consumers' voluntary and rational choice-making; or
- (iii) In addition to what is listed in the preceding two items, any representation by which any particular relating to transactions of goods or services is likely to be misunderstood by general consumers and which is designated by the Prime Minister as such, and considered likely to induce customers unjustly and to interfere with general consumers' voluntary and rational choice-

making.

- (2) When the Prime Minister finds it necessary in order to evaluate whether any representation falls under item (i) of the preceding paragraph, the Prime Minister may designate a period of time and require the relevant Entrepreneur to submit data as reasonable grounds for the representation said Entrepreneur has made. In such cases, if the Entrepreneur fails to submit the data, the representation concerned shall be deemed to fall under said item for the purpose of applying the provisions of Article 6.

(Public Hearings, etc. and Public Notice)

Article 5 (1) When the Prime Minister takes action to effect designation under the provisions of Article 2, paragraph (3) or paragraph (4) or paragraph (1), item (iii) of the preceding Article, or to impose limitations or prohibition under the provisions of Article 3, or to amend or abolish said provisions, the Prime Minister shall hold a public hearing pursuant to Cabinet Office Ordinance provisions, and must hear the opinion of the relevant Entrepreneur and the public as well as the opinion of the Consumer Commission.

- (2) Designations, limitations, prohibition as well any amendment and abolition as prescribed in the preceding paragraph shall be made by public notice.

(Order for Action)

Article 6 The Prime Minister may, in the event that an Entrepreneur acts in violation of the limitations or prohibition under the provisions of Article 3 or the provisions of Article 4, paragraph (1), order the relevant Entrepreneur to cease committing said violation, or to take the measures necessary to prevent the reoccurrence of said violation, or to take any other necessary measures including public notification of the particulars relating to the implementation of such measures. Such an order may be issued to the following persons even when said violation has already ceased to exist:

- (i) The Entrepreneur who committed said violation;
- (ii) Where the Entrepreneur who committed said violation is a corporation and has ceased to exist as a result of a merger: the corporation which continues to exist after the merger takes place or the corporation which becomes incorporated upon said merger taking place;
- (iii) Where the Entrepreneur who committed said violation is a corporation: another corporation which has taken over the whole of or part of the business pertaining to said violation from said corporation as a result of a split; and
- (iv) The Entrepreneur who has acquired the whole or part of the business pertaining to said violation from the Entrepreneur who committed said violation.

(Direction by Prefectural Governors)

Article 7 A prefectural governor may, when said governor finds a violation of the limitations or prohibition prescribed in the provisions of Article 3 or a violation of the provisions of Article 4, paragraph (1), direct the Relevant Entrepreneur to cease and desist said violation, or to take the measures necessary to prevent the reoccurrence of such violation, or to take any other necessary measure including giving public notification of the particulars relating to the implementation of such measures. Such direction may be issued even when said violation has already ceased to exist.

(Request to the Prime Minister for Action)

Article 8 (1) A prefectural governor may, in cases where the Relevant Entrepreneur does not comply with the direction issued under the provisions of the preceding Article, or in cases when a prefectural governor finds it necessary in order to put an end to any violation as prescribed in said Article, or to prevent the reoccurrence of such violation as prescribed in said Article, request the Prime Minister to take appropriate measures in accordance with the provisions of this Act.

(2) The Prime Minister shall, when requested under the provisions of the preceding paragraph, notify said prefectural governor of the measures which the Prime Minister has taken with respect to said violation.

(Collection of Reports and Inspections, etc.)

Article 9 (1) When the Prime Minister finds an order under the provisions of Article 6 necessary, the Prime Minister may have the relevant Entrepreneur or other Entrepreneurs who have a business relationship with the relevant Entrepreneur report on their business or property or order them to submit books and documents and other materials, or may have officials enter offices or other places of business of the relevant Entrepreneur, or of other Entrepreneurs who have a business relationship with the relevant Entrepreneur, inspect their books and documents and other materials, or ask questions of the persons concerned.

(2) When a prefectural governor finds direction under the provisions of Article 7 or a request under the provisions of paragraph (1) of the preceding Article necessary, the prefectural governor may have the relevant Entrepreneur or other Entrepreneurs who have a business relationship with the relevant Entrepreneur report on the Premiums or the Representations, or order them to submit books and documents and other materials, or may have officials enter offices or other places of business of the relevant Entrepreneur, or of other Entrepreneurs who have a business relationship with the relevant Entrepreneur, inspect books and documents and other materials, or ask

questions of the persons concerned.

- (3) The officials who conduct on-site inspections or ask questions pursuant to the provisions of the preceding paragraph must carry their identification cards and present them to the relevant persons.
- (4) The authority under the provisions of paragraph (1) or paragraph (2) must not be construed as being granted for criminal investigation purposes.

(Right of Qualified Consumer Organizations to Demand an Injunction)

Article 10 When an Entrepreneur actually commits or is likely to commit any of the acts listed in the following items in relation to a number of unspecified general consumers, a qualified consumer organization prescribed in Article 2, paragraph (4) of the Consumer Contract Act (Act No. 61 of 2000) may demand that the Relevant Entrepreneur stop or prevent said act, make it known that said act is the Representation prescribed in these items or take other necessary measures to stop or prevent said act:

- (i) A Representation by which the quality, standard or any other particular relating to the content of goods or services could be misperceived as being much better than it actually is, or much better than those of other Entrepreneurs who supply the same kind of or similar goods or services as those supplied by the relevant Entrepreneur; or
- (ii) A Representation by which price or any other trade terms of goods or services will be misunderstood to be much more favorable to the general consumers than the actual one or than those of other Entrepreneurs who supply the same kind of or similar goods or services as those supplied by the relevant Entrepreneur.

(Agreement or Rules)

Article 11 (1) An Entrepreneur or a Trade Association may, upon obtaining authorization from the Prime Minister and the Fair Trade Commission pursuant to Cabinet Office Ordinance, with respect to the matters relevant to Premiums or Representations, conclude or establish an agreement or rules, aiming at the prevention of unjust inducement of customers and securing general consumers' voluntary and rational choice-making and fair competition between Entrepreneurs. The same shall apply in the event alterations thereof are attempted to be made.

- (2) Unless the Prime Minister and the Fair Trade Commission finds that an agreement or a rule under the preceding paragraph meets the criteria set out in all of the following items, the Prime Minister and the Fair Trade Commission must not grant authorization under said paragraph:
 - (i) That it is appropriate to prevent unjust inducement of customers and to secure general consumers' voluntary and rational choice-making and fair

- competition between Entrepreneurs;
- (ii) That it is not likely to impede unreasonably the interests of general consumers or the related Entrepreneur;
 - (iii) That it is not unjustly discriminatory; and
 - (iv) That it does not unreasonably restrict the participation in or withdrawal from the agreement or rule.
- (3) The Prime Minister and the Fair Trade Commission, when he/she or it finds that the agreement or rule as authorized under paragraph (1) no longer meets any of the items of the preceding paragraph, shall revoke said authorization.
- (4) In cases where the Prime Minister and the Fair Trade Commission has made a disposition under the provisions of paragraph (1) or the preceding paragraph, they must make public notice thereof pursuant to the provision of Cabinet Office Ordinance.
- (5) The provisions of Article 7, paragraphs (1) and (2) of the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (Act No. 54 of 1947) (including the cases where applied mutatis mutandis pursuant to Article 8-2, paragraph (2) and Article 20, paragraph (2) of said Act), Article 8-2, paragraphs (1) and (3), Article 20, paragraph (1), Article 70-13, paragraph (1) and Article 74 of said Act shall not apply to the agreement or rule that has been authorized under paragraph (1), or to such acts of Entrepreneurs or a Trade Association as have been done in accordance therewith.

(Delegation of Authority)

- Article 12 (1) The Prime Minister shall delegate authority under this Act (excluding the authority specified by Cabinet Order) to the Secretary General of the Consumer Affairs Agency.
- (2) The Secretary General of the Consumer Affairs Agency may delegate part of the authority as delegated under the provisions of the preceding paragraph to the Fair Trade Commission.
- (3) The Fair Trade Commission shall, when it has exercised the authority delegated thereto under the provisions of the preceding paragraph, report the result thereof to the Secretary General of the Consumer Affairs Authority promptly.

(Delegation to Cabinet Office Ordinance)

Article 13 In addition to what is provided for in this Act, any matters necessary for the enforcement of this Act shall be specified by Cabinet Office Ordinance.

(Consultation)

Article 14 The Prime Minister must, when intending to specify Cabinet Office Ordinance as prescribed in Article 11, paragraphs (1) and (4) and the preceding

Article (with regard to Cabinet Office Ordinance prescribed in the preceding Article, limited to one that specifies the agreement or rule under Article 11, paragraph (1)), consult with the Fair Trade Commission in advance.

(Penal Provisions)

Article 15 (1) Any person who has violated an order issued under the provisions of Article 6 shall be punished by imprisonment with required labor for not more than two years or by a fine of not more than three million yen.

(2) Imprisonment with required labor and a fine may be cumulatively imposed on a person who has committed a crime set forth in the preceding paragraph, in light of the circumstances.

Article 16 Any person who has failed to submit a report or item or submitted a false report or item, or refused, obstructed or evaded inspection, or failed to answer or made false answers to the questions as provided in Article 9, paragraph (1), shall be punished by imprisonment with required labor for not more than one year or by a fine of not more than three million yen:

Article 17 Any person who has failed to submit a report or an item, or submitted a false report or item, or refused, obstructed or evaded inspection, or failed to answer or made false answers to the questions, as provided in Article 9, paragraph (1), shall be punished by a fine of not more than five hundred thousand yen.

Article 18 (1) When a representative of a corporation, or an agent, an employee, or any other worker in the service of a corporation or of an individual has, with regard to the business or property of said corporation or individual, committed a violation stipulated in the following items, not only the offender but also said corporation or said individual shall be punished by the fine as prescribed in the respective items.

(i) Article 15, paragraph (1): a fine of not more than three hundred million yen;
or

(ii) Article 16 or the preceding Article: a fine as prescribed in the respective Articles.

(2) Where a representative, a manager, an agent, an employee, or any other worker in a service of an organization without judicial personality has, with regard to the business or property of said organization, committed a violation stipulated in the following items, not only the offender, but also said organization shall be punished by a fine as prescribed in the respective items:

(i) Article 15, paragraph (1): a fine of not more than three hundred million yen;
or

(ii) Article 16 or the preceding Article: a fine as prescribed in the respective Articles.

(3) In the case of the preceding paragraph, the representative or manager shall represent said organization in respect of procedural actions and the provisions of the Code of Criminal Procedure (Act No. 131 of 1948) which are applicable to procedural actions where a corporation is the accused or the suspect shall apply mutatis mutandis.

Article 19 In the case of a violation of Article 15, paragraph (1), the fine as prescribed in said paragraph shall also be imposed on the representative of the corporation concerned (excluding those which fall under a Trade Association) who has failed to take necessary measures to prevent such violation despite the knowledge of a plan to commit such violation, or who has failed to take necessary measures to rectify such violation despite the knowledge of such violation.

Article 20 (1) In the case of violation of Article 15, paragraph (1), the fine as prescribed in said paragraph shall also be imposed on a director or any other officer or a manager of the Trade Association concerned or its constituent Entrepreneurs (in the case where the officer, employee, agent, or any other person who has done the act for the benefit of an Entrepreneur was a constituent Entrepreneur, said Entrepreneur shall be included) who has failed to take necessary measures to prevent such violation despite the knowledge of a plan to commit such violation or who has failed to take necessary measures to rectify such violation despite knowledge of such violation.

(2) Where a director or any other officer or a manager of the Trade Association concerned or its constituent Entrepreneurs as provided for in the preceding paragraph is a corporation or any other organization, the provisions of said paragraph shall apply to a director or any other officer or a manager of said organization.

Supplementary Provisions [Extract]

(1) This Act shall come into effect as of the day on which three months have elapsed since the date of promulgation; provided, however, that the provisions of the following paragraph shall come into effect as of the date of promulgation.

(2) A hearing with respect to the designation under the provisions of Article 2 or Article 4, item (iii) or the limitation or prohibition under the provisions of Article 3 may be held before the date on which this Act comes into effect.

Supplementary Provisions [Act No. 44 of May 30, 1972]

This Act shall come into effect as of October 1, 1972.

Supplementary Provisions [Act No. 89 of November 12, 1993] [Extract]

(Effective Date)

Article 1 This Act shall come into effect as of the date on which the Administrative Procedure Act (Act No. 88 of 1993) comes into effect.

(Transitional Measures Concerning Adverse Dispositions Pertaining to Consultation, etc.)

Article 2 Where, before this Act comes into effect, a consultation or other request was filed with a council or other organization adopting a council system to the effect that procedures for hearings or the granting of an opportunity for explanation prescribed in Article 13 of the Administrative Procedure Act, or other procedures equivalent to the procedures for giving a statement of opinions should be taken, the provisions then in force shall remain applicable with regard to the procedures for adverse dispositions pertaining to the consultation or request, notwithstanding the provisions of the relevant laws revised by this Act.

(Transitional Measures Concerning Penal Provisions)

Article 13 For the purpose of applying penal provisions to acts committed before this Act comes into effect, the provisions then in force shall remain applicable.

(Transitional Measures upon Arrangement of Provisions on Hearings)

Article 14 Hearings or hearing meetings held pursuant to the provisions of laws before this Act comes into effect (excluding those pertaining to adverse dispositions) or procedures thereof shall be deemed to have been held or conducted pursuant to the corresponding provisions of the relevant laws revised by this Act.

(Delegation to Cabinet Order)

Article 15 In addition to what is provided for in Article 2 through the preceding Article of the Supplementary Provisions, any transitional measures necessary for the enforcement of this Act shall be specified by Cabinet Order.

Supplementary Provisions [Act No. 87 of July 16, 1999] [Extract]

(Effective Date)

Article 1 This Act shall come into effect as of April 1, 2000; provided, however,

that the provisions listed in each of the following items shall come into effect as of the date specified in the respective items:

- (i) The provisions in Article 1 for revision to add five Articles, a Section heading, two Subsections and Subsection headings following Article 250 of the Local Autonomy Act (limited to the part pertaining to Article 250-9, paragraph (1) of said Act (limited to the part pertaining to obtaining the consent of both Houses of the Diet)), the provisions in Article 40 for revising Paragraph (9) and Paragraph (10) of the Supplementary Provisions of the Natural Parks Act (limited to the part pertaining to paragraph (10) of the Supplementary Provisions), the provisions of Article 244 (excluding the part pertaining to the provisions for revising Article 14-3 of the Agricultural Improvement Promotion Act), and the provisions of Article 472 (excluding the part pertaining to the provisions for revising Article 6, Article 8 and Article 17 of the Municipal Merger Act), as well as the provisions of Article 7, Article 10, Article 12, the proviso to Article 59, Article 60 paragraph (4) and paragraph (5), Article 73, Article 77, Article 157 paragraph (4) through paragraph (6), Article 160, Article 163, Article 164 and Article 202 of the Supplementary Provisions: The date of promulgation

(Affairs of the National Government, etc.)

Article 159 In addition to what is provided for in the respective laws prior to revision by this Act, the affairs of the national government, other local governments and other public entities that were managed or executed by local government organs in accordance with laws or Cabinet Orders based thereon before this Act comes into effect (referred to in Article 161 of the Supplementary Provisions as "affairs of the national government") shall, after this Act comes into effect, be handled by local governments as the affairs of said local governments in accordance with laws or Cabinet Orders based thereon.

(Transitional Measures Concerning Dispositions, Applications, etc.)

Article 160 (1) When applying the respective revised laws after the date on which this Act comes into effect, excluding those specified in the provisions of Article 2 through the preceding Article of the Supplementary Provisions or in the provisions concerning transitional measures in the respective revised laws (including orders based thereon), dispositions of permission, and other actions taken pursuant to the provisions of the respective laws prior to the revision before this Act comes into effect (or, in the case of the provisions listed in the items of Article 1 of the Supplementary Provisions, said provisions; the same shall apply hereinafter in this Article and in Article 163 of the Supplementary Provisions) (hereinafter in this Article referred to as "Dispositions and Other

Actions") or applications for permission, etc., and other actions already taken pursuant to the provisions of the respective laws prior to the revision at the time when this Act comes into effect (hereinafter in this Article referred to as "Applications and Other Actions") for which the person who is to conduct administrative affairs pertaining to these actions changes to a different person on the date on which this Act comes into effect, shall be deemed to be Dispositions and Other Actions, or Applications and Other Actions, taken pursuant to the corresponding provisions of the respective revised laws.

- (2) If matters for which reports, notifications, submissions and other procedures were required to be made to national or local government organs under the provisions of the respective laws prior to the revision before this Act comes into effect, but for which those procedures were not carried out before the date on which this Act comes into effect, are matters for which reports, notifications, submissions and other procedures are required to be made to the corresponding organs of national or local governments under the corresponding provisions of the respective revised laws, except for matters to which other provisions of this Act and Cabinet Orders based thereon apply, it shall be deemed that the procedures for those matters have not been carried out, and the provisions of the respective laws revised by this Act shall apply thereto.

(Transitional Measures Concerning Appeals)

Article 161 (1) Appeals under the Administrative Appeals Act concerning dispositions pertaining to affairs of the national government, etc., that were implemented before the date of coming into force by an administrative agency (hereafter in this Article referred to as "Administrative Agency Ordering the Disposition") which had a higher administrative agency as prescribed in said Act (hereafter in this Article referred to as "Higher Administrative Agency") before the date of coming into force, shall be subject to the provisions of the Administrative Appeals Act by deeming said Administrative Agency Ordering the Disposition as having a Higher Administrative Agency even after the date of coming into force. In this case, the administrative agency deemed to be the Higher Administrative Agency of said Administrative Agency Ordering the Disposition shall be the administrative agency that was the Higher Administrative Agency of said Administrative Agency Ordering the Disposition before the date of coming into force.

- (2) In cases falling under the preceding paragraph, when the administrative agency that shall be deemed to be the Higher Administrative Agency is a local government organ, the affairs to be handled by said organ under the provisions of the Administrative Appeals Act shall be Item 1 statutory entrusted functions as prescribed in Article 2 paragraph (9), item (i) of the new Local Autonomy Act.

(Transitional Measures Concerning Fees)

Article 162 Concerning fees required to be paid under the provisions of the respective laws prior to the revision by this Act (including orders based thereon) before the date of coming into effect, except as otherwise provided in this Act and Cabinet Orders based thereon, the provisions then in force shall remain applicable.

(Transitional Measures Concerning Penal Provisions)

Article 163 When applying penal provisions to acts committed before this Act comes into effect, the provisions then in force shall remain applicable.

(Delegation of Other Transitional Measures to Cabinet Orders)

Article 164 (1) In addition to what is provided for in these Supplementary Provisions, transitional measures necessary upon the coming into effect of this Act (including transitional measures concerning penal provisions) shall be prescribed by Cabinet Order.

(2) Necessary matters concerning application of the provisions of Article 18, Article 51 and Article 184 of the Supplementary Provisions shall be prescribed by Cabinet Order.

(Review)

Article 250 Effort shall be made to avoid, as far as possible, creating additional functions as Item 1 statutory entrusted functions prescribed in Article 2, paragraph (9), item (i) of the new Local Autonomy Act, and those listed in Appended Table 1 of the new Local Autonomy Act and those indicated in Cabinet Orders based on said Act shall be subjected to review and appropriately revised at suitable times, from the viewpoint of promoting decentralization.

Article 251 To enable local governments to execute their affairs and projects autonomously and independently, the government, while taking account of trends in financial circumstances, shall review means of enhancing and securing local tax revenues in accordance with the distribution of roles between the national and local governments, and shall take necessary measures based on the results thereof.

Article 252 To enable local governments to execute their affairs and projects autonomously and independently, the government, while taking account of trends in financial circumstances, shall review means of enhancing and securing local tax revenues in accordance with the distribution of roles between

the national and local governments, and shall take necessary measures based on the results thereof.

Supplementary Provisions [Act No. 76 of May 19, 2000] [Extract]

(Effective Date)

Article 1 This Act shall come into effect as of the day specified by Cabinet Order within a period not exceeding six months from January 6, 2001.

Supplementary Provisions [Act No. 45 of May 23, 2003]

(Effective Date)

Article 1 This Act shall come into effect as of the day on which one month has passed since the date of promulgation; provided, however, that the provisions for revising Article 5, paragraph (1), the provisions for revising Article 6, paragraph (1), and the provisions for revising Article 9-2 (limited to the part for revising "Article 4" to "Article 4, paragraph (1)"), as well as the provisions of the following Article shall come into effect as of the day on which six months have passed since the date of promulgation.

(Transitional Measures)

Article 2 The provisions of Article 4 of the Act against Unjustifiable Premiums and Misleading Representations revised by this Act (hereinafter referred to as the "New Act") shall apply to the Representation made after the provisions set forth in the proviso to the preceding Article come into effect, and with regard to the Representation made before the provisions set forth in the proviso to said Article come into effect, the provisions then in force shall remain applicable.

Article 3 The provisions of Article 6, paragraph (2) and Article 8, paragraph (1) of the New Act shall apply to a cease and desist order issued by the Fair Trade Commission after this Act comes into effect, and with regard to a cease and desist order issued by the Fair Trade Commission before this Act comes into effect, the provisions then in force shall remain applicable.

Article 4 The provisions of Article 9-2 of the New Act shall not apply to an act that has ceased to exist before this Act comes into effect.

(Delegation to Cabinet Order)

Article 5 In addition to what is provided for in Article 2 through the preceding Article of the Supplementary Provisions, any transitional measures necessary for the enforcement of this Act shall be specified by Cabinet Order.

Supplementary Provisions [Act No. 35 of April 27, 2005] [Extract]

(Effective Date)

Article 1 This Act shall come into effect as of the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

(Transitional Measures upon Partial Revision to the Act against Unjustifiable Premiums and Misleading Representations)

Article 22 Where, in relation to the violation prescribed in Article 6, paragraph (1) of the Act against Unjustifiable Premiums and Misleading Representations prior to the revision under the provisions of the preceding Article, prior to the date of coming into effect, notice has been given pursuant to the provisions of Article 30 of the Administrative Procedure Act (Act No. 88 of 1993) or a transcript of a written decision of commencement of hearing has been served pursuant to the provisions of Article 50, paragraph (2) of the Former Act as applied pursuant to Article 7, paragraph (1) of the Act against Unjustifiable Premiums and Misleading Representations prior to the revision under the provisions of the preceding Article, the provisions then in force shall remain applicable with regard to the procedure for a cease and desist order and the hearing procedure relating to said violation, notwithstanding the provisions of the Act against Unjustifiable Premiums and Misleading Representations revised under the provisions of the preceding Article and of the New Act.

Supplementary Provisions [Act No. 29 of May 2, 2008] [Extract]

(Effective Date)

(1) This Act shall come into effect as of April 1, 2009.

Supplementary Provisions [Act No. 49 of June 5, 2009] [Extract]

(Effective date)

Article 1 This Act shall come into effect as of the date on which the Act Establishing the Consumer Affairs Agency and the Consumer Commission (Act No. 48 of 2009) comes into effect; provided, however, that the provisions listed in each of the following items shall come into effect as of the date specified in the respective items.

(i) the provisions of Article 9 of the Supplementary Provisions: the date of promulgation of this Act.

(Transitional Measures upon Partial Revision to the Act against Unjustifiable

Premiums and Misleading Representations)

- Article 6 (1) The Rules of the Fair Trade Commission issued pursuant to the provisions of Article 5, paragraph (1) or Article 12, paragraph (1) or paragraph (4) of the Act against Unjustifiable Premiums and Misleading Representations prior to the revision under the provisions of Article 12 (hereinafter referred to as the "Former Act" in this Act) shall have the effect of Cabinet Office Ordinance under Article 7, paragraph (3) of the Act for Establishment of the Cabinet Office, issued pursuant to the provisions of Article 5, paragraph (1) or Article 11, paragraph (1) or paragraph (4) of the Act against Unjustifiable Premiums and Misleading Representations revised by the provisions of Article 12 (hereinafter referred to as the "New Act" in this Article).
- (2) The limitation or prohibition imposed by the Fair Trade Commission under the provisions of Article 3 of the Former Act prior to the date of coming into effect shall be deemed to be the limitation or prohibition imposed by the Prime Minister pursuant to the provisions of Article 3 of the New Act as of the date of coming into effect.
- (3) The provisions of Article 6 of the New Act shall be applicable to the limitation or prohibition under the provisions of Article 3 of the Former Act or the violation of the provisions of Article 4, paragraph (1) of the Former Act, which took place prior to the date of coming into effect; provided, however, that with regard to an order issued under the provisions of Article 6, paragraph (1) of the Former Act prior to the date of coming into effect, and to the application to such order of the provisions of the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (Act No. 54 of 1947), as well as an appeal against such order, the provisions then in force shall remain applicable.
- (4) Any agreement or rule authorized pursuant to the provisions of Article 12, paragraph (1) of the Former Act at the time when this Act comes into effect shall be deemed to be an agreement or rule authorized by the Prime Minister and the Fair Trade Commission pursuant to the provisions of Article 11, paragraph (1) of the New Act as of the date of coming into effect.
- (5) With regard to an appeal against a disposition made by the Fair Trade Commission pursuant to the provisions of Article 12, paragraph (1) or paragraph (3) of the Former Act prior to the date of coming into effect, the provisions then in force shall remain applicable.

(Transitional Measures Concerning Application of Penal Provisions)

Article 8 When applying penal provisions to acts committed before this Act comes into effect and to acts committed after this Act comes into effect in cases where the provisions then in force shall remain applicable pursuant to the Supplementary Provisions of this Act, the provisions then in force shall remain applicable.

(Delegation to Cabinet Orders)

Article 9 In addition to what is provided for in Article 2 through the preceding Article of the Supplementary Provisions, any transitional measures necessary for the enforcement of this Act (including transitional measures concerning penal provisions) shall be specified by Cabinet Order.