

Act on Control of Household Products Containing Harmful Substances

(Act No. 112 of October 12, 1973)

(Purpose)

Article 1 The purpose of this Act is to contribute to protecting the health of citizens by imposing necessary controls on household products containing harmful substances from the viewpoint of health and hygiene.

(Definitions)

Article 2 (1) The term "household products" as used in this Act means products provided primarily for the ordinary use of general consumers (excluding those listed in the appended table).

(2) The term "harmful substances" as used in this Act means, among substances that are contained in household products, mercuric compounds and other substances specified by Cabinet Order, which are likely to cause damage to human health.

(Responsibilities of Business Operators)

Article 3 A person who engages in manufacturing or importing business of household products must understand the effects of substances contained in the household products which the person manufactures or imports on human health, and must prevent damage to human health caused by the substances.

(Standards of Household Products)

Article 4 (1) The Minister of Health, Labour and Welfare may designate by Order of the Ministry of Health, Labour and Welfare, from the viewpoint of health and hygiene, household products and establish necessary standards of the household products with regard to the content, elution or emission amounts for harmful substances.

(2) The Minister of Health, Labour and Welfare may designate by Order of the Ministry of Health, Labour and Welfare, from the viewpoint of health and hygiene, household products containing harmful substances that are classified as poisonous substances under Article 2, paragraph (1) of the Poisonous and Deleterious Substances Control Act (Act No. 303 of 1950) or deleterious substances specified in paragraph (2) of that Article, and may establish the necessary standards of household products with regard to their containers or packaging.

(3) The Minister of Health, Labour and Welfare must hear the opinions of the

Pharmaceutical Affairs and Food Sanitation Council and consult with the Secretary-General of the Consumer Affairs Agency and the competent ministers for the relevant household products before establishing standards pursuant to the provisions of the preceding two paragraphs.

(Prohibition of Sale)

Article 5 A person who engages in manufacturing, importing or selling business of household products of which standards have been established pursuant to the provisions of paragraphs (1) or (2) of the preceding Article must not sell, provide or display the household products for the purpose of sale or provision thereof that do not conform to the standards.

(Order to Recall)

Article 6 (1) Where the Minister of Health, Labour and Welfare or a prefectural governor (with regard to a city or a special ward that has established a health center, the city or ward mayor; hereinafter the same applies in this Article and the following Article) finds that damage to human health is likely to be caused due to the sale or provision of household products which do not conform to the standards established pursuant to the provisions of Article 4, paragraph (1) or (2) by a person who manufactures, imports or sells household products, the minister or a governor may order the person to recall the household products and to take other necessary measures to prevent the occurrence of the damage when the minister or a governor finds it particularly necessary to prevent the damage from occurring.

(2) Where serious damage to human health has occurred which is deemed to have been caused by household products, the Minister of Health, Labour and Welfare or a prefectural governor, to the extent necessary to prevent the damage from expanding, may order a person who engages in manufacturing or importing business of the household products to take other necessary emergency measures including recall of the household products to prevent the damage when the household products are suspected of containing a substance which is likely to cause damage to human health considering the nature of the damage.

(On-Site Inspections)

Article 7 (1) The Minister of Health, Labour and Welfare or a prefectural governor may, when the minister or the governor finds it necessary for the enforcement of this Act, request a person who engages in manufacturing, importing or selling business of household products to submit a report or have a person who is designated in advance from food sanitation inspectors, pharmaceutical affairs inspectors and other officials specified by Order of the

Ministry of Health, Labour and Welfare enter an office, factory, workplace, store or warehouse of the business operator to inspect books, documents and other articles, question persons concerned or remove the household products to the extent necessary for the testing.

- (2) A person who is designated pursuant to the provisions of the preceding paragraph is called a household products sanitation inspector.
- (3) Where a household products sanitation inspector conducts an on-site inspection, questioning or sampling pursuant to the provisions of paragraph (1), the inspector must carry an identification card and present it to the persons concerned.
- (4) The authority for the inspection, questioning and removal under the provisions of paragraph (1) must not be construed to have been granted for criminal investigations.

(Category of Affairs)

Article 8 Affairs which a prefecture, a city with a health center or a special ward is to handle pursuant to the provisions of Article 6 and paragraph (1) of the preceding Article are Type 1 statutory entrusted affairs as prescribed in Article 2, paragraph (9), item (i) of the Local Autonomy Act (Act No. 67 of 1947).

(Transitional Measures)

Article 9 Transitional measures (including transitional measures for penal provisions) may be provided by an order to the extent deemed reasonably necessary, if the order is established, amended or abolished pursuant to the provisions of this Act.

(Penal Provisions)

Article 10 A person who falls under any of the following items is punished by imprisonment with work for not more than one year or by a fine of not more than three hundred thousand yen:

- (i) a person who violates the provisions of Article 5;
- (ii) A person who violates an order under the provisions of Article 6, paragraph (1) or (2).

Article 11 A person who fails to submit a report under the provisions of Article 7, paragraph (1) or submitted a false report, refuses, prevents or evades an inspection or sampling under the provisions of that paragraph, or who fails to answer the question under the provisions of that paragraph or gives a false answer to the question is punished by a fine of not more than fifty thousand yen.

Article 12 When the representative of a juridical person or an agent, employee or other worker of a juridical person or individual commits any of the violations set forth in the preceding two Articles with regard to the business of the juridical person or individual, not only the offender but also the juridical person or individual is punished by the fine prescribed in the respective Articles.

Appended Table

(i) food prescribed in Article 4, paragraph (1) of the Food Sanitation Act (Act No. 233 of 1947), additives prescribed in paragraph (2) of that Article, apparatuses prescribed in paragraph (4) of that Article, containers and packaging prescribed in paragraph (5) of that Article, toys prescribed in Article 62, paragraph (1) of that Act and cleaning agents prescribed in paragraph (2) of that Article

(ii) medicines prescribed in Article 2, paragraph (1) of the Pharmaceutical Affairs Act (Act No. 145 of 1960), quasi-medicines prescribed in paragraph (2) of that Article, cosmetics prescribed in paragraph (3) of that Article and medical equipment prescribed in paragraph (4) of said Article

(iii) beyond what is set forth in the preceding two items, products whose manufacture, import or sale is controlled by prescribing types or standards pursuant to the provisions of Act specified by Cabinet Order, and which are deemed to be unlikely to cause damage to human health due to harmful substances contained therein owing to the control