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Osaka University
MUNICIPAL ORDINANCE ON CONSUMER PROTECTION OF OSAKA CITY

Junichi EGUCHI

CHAPTER I GENERAL PROVISIONS

Article 1 — (Purposes)

The purposes of the ordinances shall be to define the respective obligations of the City, the Business community, and the consumer in relation to civic consumer life, and to ensure and promote civic consumer life by protecting consumer interests, securing necessary consumer goods, and stabilizing the prices thereof.

Article 2 — (Municipal obligation)

The City has the obligation:

(1) To organize and carry out fundamental and comprehensive measures for the protection and promotion of consumer interests;

(2) In implementing the measures as stipulated in the preceding para-

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1) Osaka Municipal Ordinance No. 32, 1976. Related rules and regulations are as follows: Enforcement Regulation of the Ordinance on Consumer Protection of Osaka City (Osaka City Regulation No. 4, 1977); Regulation as to the Council for Consumer Protection of Osaka City (Osaka City Regulation No. 89, 1976), including Outline for the Sectional Committee for Consumer Complaints and Outline of the Sectional Committee for Rationalizations.

In Japan, since the enactment of Fundamental Law for Consumer Protection (SHÔHISHA-HOGO-KIHON-HÔ) of May 30, 1968, many local self-governing bodies (prefectures and cities) have established successively their local ordinances for consumer protection. Among them are Tokyo Prefectural Ordinance on Rationalization of Business Activity as to Presentation for Prevention of Injury of Living Necessaries and on Relief of Consumer Damage of October 22, 1975, Osaka Prefectural Ordinance on Consumer Protection of October 22, 1976, Municipal Ordinance for Protecting the Living of the Citizens of Kobe of May 31, 1974, and Municipal Ordinance on Consumer Protection of Kyoto City of August 14, 1975.

This material is a part of a paper on consumer protection in Osaka Prefecture prepared by the contributor.

2) Professor of International Economic Law, Faculty of Law, Osaka University. LL.M. Kyoto University, 1960. Member of Committee for Rationalization of Consumer Commodities, etc. of Osaka Prefecture, and member of Consumer Protection Council of Osaka City.

The contributor is grateful to Professor Leslie C. Sackett, Foreign Language Department of Kyoto Industrial University for his help with translation.
graph, to request the State and other related public entities to take appropriate measures, and to endeavor to reflect the views of the consumer;

(3) To endeavor to foster sound and independent organizations for the stabilization and promotion of consumer life;

(4) To endeavor to spread knowledge, offer information, and enhance consumer education so that the consumer may lead a sound consumer life.

Article 3 — (Obligation of business proprietor)

The proprietor ("Proprietor" means a person who conducts business of commerce, industry, service industry, or others. The same shall apply hereinafter.) shall cooperate with the City in implementing consumer protection measures, and has the obligation:

(1) Concerning the goods and services he offers to the consumer, (Hereinafter, the "goods"). to take necessary measures to prevent injury or damage to life, body, and property. (Hereinafter, the "injury").

(2) To endeavor to improve the quality and other aspects of the goods he offers to the consumer, rationalize the representation, packaging, and measurement of the goods, and meet such reasonable demands of the consumer such as repairs, etc. of the goods even after the sale thereof.

(3) Concerning the goods he offers to the consumer, to offer information necessary for the selection of the goods by the consumer and to endeavor to compete fairly and freely in his business activity.

(4) To handle complaints from the consumer fairly, properly, and promptly with a well-organized complaint channel and to endeavor to reflect the views of the consumer in his business.

Article 4 — (Obligation of consumer)

The consumer shall voluntarily acquire knowledge of consumer life and express his views positively to protect his own rights and promote his interests and shall endeavor to act independently and rationally in concert with consumers.
CHAPTER II ENSURING CONSUMER INTERESTS

CLAUSE 1. PREVENTION OF INJURY

Article 5 — (Prohibition of the sale of defective goods)

The proprietor shall not offer goods which will or may inflict injury on the consumer. (Hereinafter, “defective goods”.)

2. If the goods offered by the undertaker are found to be defective, or strongly suspected to be such, the proprietor shall immediately withdraw them and take such necessary measures as the improvement of producing and processing methods of the said goods for the prevention of injury.

3. In the case of such a situation as stated in the preceding paragraph, the proprietor shall publish the following items:
   (1) The names of the defective goods.
   (2) The details and cause of injury.
   (3) The measures taken against the defective goods.

Article 6 — (Investigation and public announcement of injury)

If the Mayor recognizes a suspected violation of the provision of Article 5.1, he may request the proprietor concerned to prove that the goods in question are not harmful to the consumer.

2. If the Mayor deems it necessary in the case stated in the preceding paragraph, he may conduct a necessary investigation or inspection of the goods in question.

3. If the goods in question are found to be defective by the investigation or inspection made as stipulated in the preceding paragraph, the Mayor may advise the proprietor concerned to take the measures as provided for in Article 5.2. If the proprietor fails to comply with this recommendation, the Mayor may publish the course and result of the investigation or inspection made.

Article 7 — (Preventive measures for emergency injury)

If the Mayor recognizes that defective goods will or may inflict a serious injury on the life or body of the consumer, he shall publish the names of the goods in question and the proprietor concerned, the details of the injury, and any other pertinent items.
2. When the publication, as provided for in the preceding paragraph, has been made, the proprietor offering the goods in question shall immediately cease the production and sale thereof and shall take any emergency measures necessary such as the withdrawal of the goods.

Article 8 — (Standards for prevention of injury)

If the Mayor deems it necessary in order to prevent injury, he may fix standards concerning the goods to be observed by the proprietor.

CLAUSE 2. INVESTIGATION AND INSPECTION OF GOODS

Article 9 — (Investigation and inspection of goods)

If the Mayor deems it necessary in order to protect and promote consumer interests, he shall make an investigation and inspection of the goods and publish the results thereof.

CLAUSE 3. RATIONALIZATION OF PACKAGING

Article 10 — (Rationalization of packaging)

The proprietor shall not magnify the contents of the goods nor increase waste quantities through excessive packaging. ("Packaging" includes the container. The same shall apply hereinafter.)

2. The Standard for excessive packaging shall be set by the Mayor.

Article 11 — (Ensuring the safety of packaging)

The proprietor shall ensure the safety of packaging so as not to cause any injury to the consumer.

Article 12 — (Guidance, advice, and publication)

The Mayor may guide or advise any proprietor offering goods in violation of the provision of Article 10 or 11 to take necessary measures for the redress of the violation.

2. If the proprietor fails to comply to the advice prescribed in the preceding paragraph, the Mayor may publish the names of the proprietor concerned and the goods in question and any other pertinent items.
CLAUSE 4. RATIONALIZATION OF PRESENTATION

Article 13 — (Presentation of goods)

If the Mayor deems it necessary in order to prevent the damage of consumer interests through selection, use, or storage of goods improperly, he may set standards to be observed by the proprietor concerning the ingredients, performance, use, methods of storage, dates of production of the goods, the name and address of the supplying proprietor, and any other matters pertinent to be indicated and the method thereof.

2. If the goods are offered by vending machines or other similar devices and the Mayor recognizes the necessity of doing so to enable the consumer to discern the contents and details of the transaction, he may designate the items to be indicated on the machines in question.

Article 14 — (Guarantee presentation of the goods)

If the Mayor deems it necessary, he may designate goods to be guaranteed for quality and performance.

2. In the case of the preceding paragraph, the Mayor may fix the term, details, and any other pertinent items of guarantee to be indicated on the goods in question and the method of indication.

Article 15 — (Presentation of price and unit price)

The proprietor shall endeavor to indicate the unit and price of the goods in a discernable place so that the consumer may choose the goods easily and correctly in his purchase or use thereof.

2. The proprietor shall indicate the unit price calculated by the standard unit quantity in the method of indication fixed respectively for the goods as designated by the Mayor so that the consumer may compare easily and choose goods in terms of price.

Article 16 — (Guidance, advice, and publication)

The Mayor may guide or advise any proprietor who is offering goods in violation of the provision of Article 15.2 to take necessary measures to redress the violation.

2. If the proprietor fails to comply with the advice stipulated in the preceding paragraph, the Mayor may publish the names of the proprietor
concerned and the goods in question and any other pertinent matters.

CLAUSE 5. RATIONALIZATION OF ADVERTISEMENT AND TRANSACTIONS

Article 17 – (Rationalization of advertisement)
In advertising the goods, the proprietor shall endeavor to provide the information necessary for correct selection of goods by the consumer, avoiding expressions which may cause the consumer to make an inappropriate selection of the goods.

Article 18 – (Prohibition of unfair transactions)
In offering the goods, the proprietor shall not carry out such a transaction as may cause the consumer to make an incorrect choice of the goods by taking advantage of the consumer's lack of knowledge, capacity, or experience.
2. Any proprietor who conducts door to door or mail order sales shall refrain from such sales methods as excessively stimulating consumption. The proprietor must also rationalize contracts, and provide complete after-sale service.
3. Concerning door to door and mail order sales, the Mayor may fix standards to be observed by the proprietor.

CHAPTER III SECURING NECESSITIES AND STABILIZATION OF COMMODITY PRICES

CLAUSE 1. SECURING NECESSITIES

Article 19 – (Collecting and providing information)
The Mayor shall endeavor to make clear the actual conditions of the production, sales, stock, and prices (Hereinafter, “distribution conditions”.) of commodities necessary for daily civic life. (Hereinafter “necessities”.)
2. The proprietor shall cooperate in investigations deemed necessary by the Mayor to achieve the object stated in the preceding paragraph.

Article 20 – (Securing necessities)
If the Mayor recognizes that necessities are scarce, that the prices thereof have risen remarkably, or that there is a fear thereof, he may request the proprietor to cooperate in securing the smooth supply of the necessities in question.

CLAUSE 2. ELIMINATION OF UNREASONABLE BUSINESS ACTIVITY

Article 21 – (Designation of specific commodities)

If prices of certain necessities rise remarkably, or there is a fear thereof and the necessities in question are cornered or hoarded or there is a fear thereof, the Mayor may designate the necessities in question as specific goods.

2. If the Mayor recognizes that such situations as stated in the preceding paragraph have ceased to exist, he shall cancel the designation made under the preceding provision.

Article 22 – (Investigation of actual state of the specific goods)

The Mayor shall make clear the distribution conditions of specific goods stipulated under Article 21.

2. When the Mayor deems it necessary in the context of the preceding provision, he may request the proprietor to provide any relevant data.

Article 23 – (Cooperation by the proprietor)

If the Mayor deems it necessary in order to ensure the smooth supply of specific goods, he may request the proprietor handling the specific goods in question to take necessary measures such as the sale thereof, etc.

2. If the proprietor is requested to take measures as provided for in the preceding paragraph, he shall comply with the request.

Article 24 – (Prohibition of unreasonable behaviour)

The proprietor shall not sell the specific goods at such prices as to unreasonably prevent the smooth distribution thereof or to profit thereby unreasonably.

2. When the Mayor recognizes that the proprietor is suspected of such improper activity as stipulated in the preceding paragraph, he shall investi-
gate the actual stage thereof.

Article 25 — (On the spot investigation)
If the Mayor deems it necessary in order to investigate as stipulated in the preceding paragraph, he may have an official enter the office, factory, workshop, store, or warehouse with the cooperation of the proprietor to investigate account ledgers, papers, and other matters.

Article 26 — (Written requests for cooperation)
When the proprietor fails to comply with the request to provide relevant data as stipulated in Article 22.2 or to cooperate in on the spot investigations as stipulated in the preceding paragraph, the Mayor shall request in writing with the reasons for the necessity thereof the cooperation of the proprietor concerned.

Article 27 — (Guidance, advice, and publication)
When the proprietor fails to comply with the request stipulated in Article 23.2 or when his behaviour is unreasonable as stipulated in Article 24.1, the Mayor may give guidance or advice to the proprietor concerned for the redress of his actions.
2. When the proprietor fails to cooperate with the request stipulated in Article 26 or to comply with the advice stipulated in the preceding paragraph, the Mayor may publish the course and facts thereof.

CHAPTER IV RELIEF OF CONSUMER DAMAGE

Article 28 — (Handling complaints)
When a complaint is filed by the consumer, the Mayor shall endeavor to mediate between the parties concerned properly and promptly and if he deems it necessary in order to prevent further consumer damage and to realize the fair relief thereof, he shall publish the course and result of the mediation.
2. To the extent necessary for the mediation of the complaint stipulated in the preceding paragraph, the Mayor may request the proprietor to provide the results of inspection of the goods and any other pertinent data.
3. When the Mayor deems it necessary for the mediation of complaint, he shall take counsel with the Consumer Protection Council.
Article 29 — (Guidance, advice, and publication)

If the proprietor fails to appear on the day of mediation without good reason, the Mayor shall give guidance or advice to the proprietor concerned so that he will comply with the request to appear.

2. If the proprietor fails to comply with the advice stipulated in the preceding paragraph, the Mayor may publish the fact thereof.

Article 30 — (Aid for consumer suit)

If the consumer fulfills the following requisites concerning his consumer suit ("Consumer suit" means a suit filed by the consumer damaged by the goods against the proprietor concerned. The same shall apply hereinafter.), the Mayor may provide loans for the court costs and other aid necessary for the maintenance of the suit:

(1) That many consumers have been harmed by the same cause or the same kind of cause.

(2) That the consumer finds it difficult to seek relief of damage by a suit filed on his own for fear that the court costs should exceed the damages.

(3) That the Consumer Protection Council recognizes the aid as reasonable.

2. The lending of court costs stipulated in the preceding paragraph shall be determined by the Mayor.

Article 31 — (Reimbursement of loan)

The consumer who has received a loan covering court costs for the consumer suit as provided for in Article 30 shall reimburse the loan in question promptly upon completion of the consumer suit.

2. If the Mayor recognizes the existence of the particular reason therefor, he may remit the full or part of the reimbursement in question.

CHAPTER V THE CONSUMER PROTECTION COUNCIL

Article 32 — (Organization)

To promote the administration of consumer protection, a Consumer Protection Council shall be formed as an affiliated organization of the Mayor. (Hereinafter, the "Council").
Article 33 – (Details of office)

The Council shall take charge of the following matters:

(1) Offering opinions on the fixing of standards stipulated in Article 8, Article 10.2, Article 13.1, and Article 18.3.

(2) Offering opinions on the designation stipulated in Article 13.2, Article 14.1, Article 15.2, and Article 21.1, and on the cancellation thereof stipulated in Article 21.2.

(3) Offering opinions on the handling of complaints stipulated in Article 28.3.

(4) Offering opinions on the aid for consumer suits as stipulated in Article 30.1.

(5) Investigation of and deliberation on important matters concerning the administration of consumer protection.

2. Any necessary matters concerning the organization and conduct of the Council shall be fixed by the Mayor.

CHAPTER VI MISCELLANEOUS PROVISION

Article 34 – (Details of enforcement)

Necessary matters for the enforcement of the ordinances shall be fixed by the Mayor.

SUPPLEMENTARY PROVISION

The date of enforcement of the ordinances shall be fixed by the Mayor.