

# Business Day

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## For Japan's Toyota Owners, Little Help With Acceleration Problems

By HIROKO TABUCHI

TOKYO — Feeling her Toyota Mark X station wagon lurch forward at a busy intersection, Masako Sakai slammed on the brakes. But the pedal “had gone limp,” she said. Downshifting didn’t seem to work either.

“I tried everything I could think of,” Mrs. Sakai, 64, said, as she recently recalled the accident that happened six months ago.

Her car surged forward nearly 3,000 feet before slamming into a Mercedes Benz and a taxi, injuring drivers in both those vehicles and breaking Mrs. Sakai’s collarbone.

As shaken as she was by the accident, Mrs. Sakai says she was even more surprised by what happened after. She says that Toyota — from her dealer to headquarters — has not responded to her inquiries, and Japanese authorities have been indifferent to her concerns as a consumer.

Mrs. Sakai says the Tokyo Metropolitan Police urged her to sign a statement saying that she pressed the accelerator by mistake — something she strongly denies. She says the police told her she could have her damaged car back to get it repaired if she made that admission. She declined.

The police say it was a misunderstanding and that they kept



KO SASAKI FOR THE NEW YORK TIMES

Masako Sakai, 64, in Tokyo, where she said her Toyota suddenly accelerated before hitting two other vehicles and injuring three people. She said Toyota was not interested in her complaint.

her car to carry out their investigation.

But veterans of Japan’s moribund consumer rights movement say that Mrs. Sakai, like many Japanese, is the victim of a Japanese establishment that values Japanese business over

Japanese consumers, and the lack of consumer protections here.

“In Japan, there is a phrase: if something smells, put a lid on it,” said Shunkichi Takayama, a Tokyo-based lawyer who has handled complaints related to

Toyota vehicles.

Toyota has recalled eight million cars outside Japan because of unexpected acceleration and other problems, but has insisted that there are no systemic problems with its cars sold in Japan. The company recalled the Prius

for a brake problem earlier this year.

Critics say many companies benefit from Japan’s weak consumer protections. (The country has only one full-time automobile recall investigator, supported by 15 others on limited contracts.)

In a case in the food industry, a meat processor called Meat Hope collapsed in 2008 after revelations that it had mixed pork, mutton and chicken bits into products falsely labeled as pure ground beef, all under the noses of food inspectors.

A 2006 police inquiry into gas water heaters made by the manufacturer Paloma found that a defect had resulted in the deaths of 21 people over 10 years from carbon monoxide poisoning.

Paloma initially insisted that users had tampered with the heaters’ safety device; the company ultimately admitted that the heaters were at fault — and that executives had been aware of a potential problem for more than a decade. Executives are now being charged with professional negligence, and a court verdict is due in May.

When it comes to cars, the rapid growth of the auto industry here and of car ownership in the 1960s and ’70s was accompanied by a spate of fatal accidents. A consumer movement

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soon emerged among owners of these defective vehicles.

The most active was the Japan Automobile Consumers Union, led by Fumio Matsuda, a former Nissan engineer often referred to as the Ralph Nader of Japan. But the automakers fought back with a campaign discrediting the activists as dangerous agitators. Mr. Matsuda and his lawyer were soon arrested and charged with blackmail. They fought the charges to Japan’s highest court, but lost.

Now, few people are willing to take on the country’s manufacturers at the risk of arrest, Mr. Matsuda said in a recent interview. “The state sided with the automakers, not the consumers,” he said.

It has become difficult for drivers to access even the most elementary data or details on incidents of auto defects, says Hiroko Isomura, an executive at the National Association of Consumer Specialists and a former adviser to the government on auto recalls. “Unfortunately, the Automobile Consumers Union was shut down,” she said. “No groups like that exist any more.”

For the government to order a recall, it must prove that automobiles do not meet national safety standards, which is difficult to do without the automakers’ cooperation. Most recalls are done on a voluntary basis without government supervision.

An examination of transport ministry records by The New York Times found that at least 99

incidents of unintended acceleration or surge in engine rotation had been reported in Toyotas since 2001, of which 31 resulted in some form of collision.

Critics like Mr. Takayama charge that the number of reports of sudden acceleration in Japan would be bigger if not for the way many automakers in Japan, helped by reticent regulators, have kept such cases out of official statistics, and out of the public eye.

In 2008, about 6,600 accidents and 30 deaths were blamed on drivers of all kinds of vehicles mistakenly pushing the accelerator instead of the brakes, according to the Tokyo-based Institute for Traffic Accident Research and Data Analysis.

But Mr. Takayama has long argued that number includes cases of sudden acceleration. “It has become the norm here to blame the driver in almost any circumstance,” he said.

“Regulators have long accepted the automakers’ assertions at face value,” said Yukiko Seko, a retired lawmaker of the Japan Communist Party who pursued the issue in Parliament in 2002.

The police strongly deny pressuring drivers to accept the blame in any automobile accident. “All investigations into auto accidents are conducted in a fair and transparent way,” the Tokyo Metropolitan Police said in response to an inquiry by The Times.

Figuring out who is really to blame can be hard because of Japan’s lack of investigators.

Japan’s leniency has also meant that automakers here have routinely ignored even some of the safety standards for cars sold in the United States.

Until the early 1990s, Japanese cars sold domestically lacked the reinforcing bars in car walls required of all vehicles sold in the United States. Critics say skimping on safety was one way automakers generated profits in Japan to finance their export drive abroad.

A handful of industry critics like Mr. Takayama and Ms. Seko have, over the years, voiced concern over cases of sudden acceleration in Toyota and other cars in Japan. Under scrutiny especially after the introduction of automatic transmission cars in the late 1980s, Toyota recalled five models because a broken sol-

### A pro-business culture, and a tiny consumer movement.

der was found in its electronics system, which could cause unintended acceleration.

In 1988 the government ordered a nationwide study and tests, and urged automakers to introduce a fail-safe system to make sure the brakes always overrode the accelerator. This month, more than 20 years later, Toyota promised to install a brake override system in all its new models.

Meanwhile, Toyota maintains a large share on the Japanese market, with about 30 percent. The Prius gas-electric hybrid remained the top-selling car in Japan in February despite the automaker’s global recalls, figures released Thursday showed.

But Japan’s pro-industry postwar order may be changing.

In 2009, in one of the last administrative moves by the outgoing government, a new consumer affairs agency was set up to better police defective products, unsafe foods and mislabeling.

The new government’s transport minister, Seiji Maehara, has been outspoken against Toyota.

He said last week that he would push to revamp the country’s oversight of the auto industry, including adding more safety investigators. The government has also said it was examining 38 complaints of sudden acceleration in Toyotas reported from 2007 through 2009, as well as 96 cases in cars produced by other automakers.

Toyota continues to deny there are problems with unintended acceleration in Japan.

“Yes, there have been incidents of unintended acceleration in Japan,” Shinichi Sasaki, Toyota’s quality chief, said at a news conference last week. “But we believe we have checked each incident and determined that there was no problem with the car,” he said.

Mrs. Sakai said she has called and visited her Toyota dealer, as well as Toyota Motor itself, but has not received a response.

A Toyota spokeswoman, Mieko Iwasaki, confirmed that the automaker had been contacted about complaints of a crash caused by sudden acceleration in September. She said, however, that she could not divulge details of how the company handled each case.

“We are investigating the accident alongside the police, and are cooperating fully with investigations,” she said. “Anything we find, we will tell the police.”

Makiko Inoue and Yasuko Kamiizumi contributed from Tokyo.