

The Guidelines on Indication of Special Provisions on Returns in Mail Order Sales

In the Act on Specified Commercial Transactions (Act No. 57 of 1976; hereinafter referred to as "the Act"), there are provisions about the withdrawal of an offer for a contract in Mail Order Sales to prevent problems on returns caused by unclear indication of whether goods or designated rights can be returned in Mail Order Sales (Article 15-2).

These provisions provide that, if the business operator indicates special provisions on the withdrawal of an offer (hereinafter referred to as "special return provisions") in the advertisements, such special return provisions will prevail.

Moreover, administrative controls specify that matters on the withdrawal of the offer for a contract including the special return provisions must be indicated in the advertisements when the sales conditions of goods are advertised.

With regard to these special return provisions, in consideration of the purpose of Article 15-2 of the Act to prevent return disputes in Mail Order Sales, Article 9 and Article 16-2 of Regulations for Enforcement of the Act on Specified Commercial Transactions (Ordinance of the Ministry of International Trade and Industry No. 89 of 1976; hereinafter referred to as "the Regulations for Enforcement") specify that it "must be indicated in an easily-visible place in a clear, legible manner for customers, or in other manner easily-recognizable by customers."

In these guidelines, specific examples are shown for each advertising medium, to give an idea of such easily-recognizable indications, as well as the indication methods that increase the possibility of consumers making the offer for a contract without recognizing the special return provisions.

These guidelines are just an example, and sellers are expected to continue to make efforts so as to make the indication easier to understand for consumers.

I. Common matters to each advertising medium

1. Indication methods of special return provisions

(1) Indication size and place

If special return provisions are indicated in a very small font or at a place which is hard for consumers to recognize in advertisements, regardless of the media, it is not considered to be an easily-recognizable indication for customers, and thus it is necessary to indicate them in an easily-recognizable manner in terms of indication size and place.

(2) Clear distinction from matters other than special return provisions

In order to enable consumers to easily recognize special return provisions, it is necessary to indicate the provisions so that they stand out and won't blend in with other matters such as offering process or bank transfer method, regardless of the media.

For example, it is necessary to take measures such as indicating near a place where the matters consumers will check for sure, such as the price of goods or telephone number for making an offer, are indicated, or indicating the special return provisions in a separate space with a title such as "matters on returns" so as to make a distinction from other matters.

(3) Method for indicating "whether returns are possible," "return conditions," and "the necessity of shipping charges for returns" in special return provisions

"Whether returns are possible," "return conditions," and "the necessity of shipping charges for returns" (hereinafter referred to as "important matters in special return provisions") are main causes of return problems, and thus it is necessary to indicate them in a clearer manner than that for other matters so as to enable consumers to easily recognize the contents, in consideration of the purpose of Article 15-2 of the Act.

For example, it is necessary to take measures such as indicating near a place where matters consumers will check for sure, such as the price of goods or telephone number for making an offer, are indicated, indicating with the same font size as the price of goods, etc., indicating in color or bold, or indicating in a font size larger than other matters (refund methods, etc.) related to special return provisions.

(4) Usage of a page that indicates common rules to be applied to all goods

In consideration of the purpose of Article 15-2 of the Act, in advertisements, all contents

of the special return provisions should be in principle indicated for each good, but there are various types of advertisements, many of which have limited space or time. Moreover, if all of the special return provisions are indicated for each good, it will be too much information and may not serve the convenience of consumers.

Mainly in Catalog Mail Order Sales or Internet Mail Order Sales, on the other hand, the special return provisions are sometimes indicated on a page where common rules such as a "user guide" to be applied to all goods are indicated (hereinafter referred to as "common indication part").

Such indication methods may not only solve restrictions on advertising space, but also be easier for consumers to understand than repeated explanation for each good.

Thus, if the common indication part is used as the indication method, it may be considered to be an indication easily recognizable by consumers.

2. Special provisions on warranty against defects

These guidelines only show methods of indicating special return provisions for cases where such provisions are provided for goods without defects.

On the other hand, if special provisions on the seller's warranty against defects are provided for cases where the goods have defects, indication to that effect is separately required pursuant to Article 8, item (v) of the Regulations for Enforcement under Article 11, item (v) of the Act.

As administrative controls, the former is a matter which must be indicated regardless of the contents, whereas the latter is a matter which must be indicated only if special provisions are provided in order to avoid responsibility even when the goods have defects.

Considering the difference of these characteristics, when indicating special provisions, it is necessary to clarify whether they are special return provisions for the case that sellers sold goods without defects, or they are special provisions about the seller's warranty against defects in the case of goods with defects.

If it is hard to tell which of the above is indicated from the way it is indicated, such

advertising content is interpreted, based on the spirit of the Act and in terms of civil liability, as providing only for the special return provisions for goods without defects, and thus for the seller's warranty against defects in case that goods have defects, the general principles of the Civil Code and Commercial Code must be followed.

II. Indication of special return provisions in each advertising media

1. In the case of advertising by paper media such as a catalog

(1) Indication methods of special return provisions without using the common indication part

① Indication method of special return provisions which is considered to be easily recognizable by customers (Fig. 1)

Method of indicating all of the special return provisions in the description section of each good in the advertisements, in a clear manner, and so as not to be hidden or lost among other matters (e.g., the indication, etc. in the same font size as the price of goods, in color or bold, near a place where matters that consumers will check for sure, such as the price of goods or telephone number for making an offer, are indicated).

② Indication method of special return provisions which may not be easily recognizable by customers (Fig. 2)

Method of indicating no special return provisions in the description section of each good in the advertisements, method of indicating indistinctly (e.g., indication in a very small font), or method of indicating so as to be hidden or lost among other matters.

(2) Indication methods of special return provisions by using the common indication part

① Indication method of special return provisions which is considered to be easily recognizable by customers (Fig. 1)

Indication methods that satisfy all the conditions listed under i to iii below in the advertising part of each good and in the common indication part.

i. Indication in the advertisements of each good

- Method of showing a mark or letters indicating the "important matters in special return provisions," such as "returns are not accepted," "returns are accepted only within ○ days after arrival," "returns are accepted unless it is used," or "the shipping charges are borne by customers," in a clear manner, so as not to be hidden or lost among other matters in the description section of each good in the advertisements.
- When the special return provisions are provided for several cases, and such cases are categorized as "return A" or "return B," a method of showing a mark or letters indicating those categories in a clear manner, so as not to be hidden or lost among other matters.
- In addition to making the above indication, stating "please refer to the User Guide (page ○) for more details on returns," and indicating the details of the special return provisions in the common indication part.

ii. Indication in the common indication part

- Method of indicating special return provisions in the common indication part in a way such provisions are easily recognizable at first glance (e.g., clarifying the place where the special return provisions are described by providing a title such as "notification about returns" for consumers)
- Method of indicating "important matters in special return provisions" in a clearer manner than the indication of the other details of the special return provisions so as to enable consumers to easily recognize the contents (e.g., using the same font size as the price, etc. of goods, indicating in color or bold, etc.)

iii. Correspondence between advertised goods and special return provisions

- When different special return provisions apply to different goods that are advertised in the same catalog, a method of clarifying the correspondence between each good and the common indication part by clearly indicating which special return provision apply to which good for consumers (e.g., a method of clarifying which kinds of goods are subject to the special return provisions by indicating "the return of underwear (including stocking as and excluding colored or patterned T-shirts) is not accepted" or "the return

of food and drink (excluding supplements) is accepted" in the common indication part.)

② In cases where the common indication part is used, an indication method of special return provisions which may not be easily recognizable by customers (Fig. 2)

Indication methods falling under any of the following i to iv in the advertising part of each good and in the common indication part

i. Indication in the advertisements of each good

- Method of indicating nothing about special return provisions in the description section of each good in the advertisements

- Method in which the explanation of special return provisions is lost among other matters because they are indicated together with other matters without a title such as "returns are not accepted" or "returns are accepted only within ○ days after arrival" in the description section of each good in the advertisements

- Method of indicating them in a place which is hard to recognize, such as on the corner of a page

- A method of indicating them in a very small font

- Method in which it is hard for consumers to recognize that the special return provisions are indicated in the common indication part, e.g., the notification that the details of special return provisions are indicated in the common indication part, such as "please see here for the details of returns," is indicated in a very small font, or only on every several pages

ii. Indication in the common indication part

- Method in which the indication of special return provisions in the common indication part is lost among other matters because they are indicated without distinction from other matters as part of purchase rules comprised of tens of Articles including those about matters other than special return provisions

- Method of indicating special return provisions in a very small font

iii. Correspondence between advertised goods and special return provisions

• When different special return provisions apply to different goods that are advertised in the same catalog, a method that does not clearly indicate which special return provisions apply to which goods for consumers and thus does not clarify the correspondence between each good and the common indication part (e.g., the range of goods subject to special return provisions is unclear, such as cases where only "returns are not accepted for goods whose value significantly falls after purchase or use, such as underwear or food and drink" is indicated and thus it is unclear whether T-shirts which may be used like underwear or dietary supplements which are not general food or drink are also subject to the special return provisions.)

iv. Other

• When the common indication part is indicated in a separate book from the catalog, and the offer can be made by referring only to the catalog, ① method in which they are separately distributed, such as not bundling the book with the catalog, ② method in which the size of the book is so small that it can easily be lost among other items that are also bundled with the catalog, or ③ method in which the correspondence between the catalog and the book is unclear because it is not shown in the catalog that the common indication part is indicated in the separate book.

It should be noted that even though the catalog and the separate book are together considered to be one advertisement, physically they are separated; therefore it is desirable to take such measures as providing, also in the catalog, the common indication part about at least important matters in special return provisions.

2. Advertising on the Internet

(1) Indication methods of special return provisions without using the common indication part

① Indication method of special return provisions which is considered to easily recognizable by customers (Fig. 3)

Method in which all of the special return provisions are indicated in the description section of each good in the advertisements and the page for finalizing an offer, in a clear manner and so as not to be hidden or lost among other matters (e.g., indication in the same font size as prices of goods, in a font size of 12 points or more at a default setting in the case of personal computers, or in color or in bold, near a place where matters consumers will check for sure, such as the price of goods or telephone number for making an offer, are indicated)

② Indication method of special return provisions which may not be easily recognizable by customers (Fig. 4)

Method of indicating no special return provisions in the description section of each good in the advertisements, method of indicating indistinctly (e.g., indication in a very small font), or method of indicating so as to be hidden or lost among other matters

(2) Indication methods of special return provisions by using the common indication part (indication in the advertising)

① Indication method of special return provisions which is considered to be easily recognizable by customers (Fig. 3)

Indication methods that satisfy all the conditions under i to iv below in the advertising part of each good and in the common indication part

i. Indication in the advertisements of each good

• Method of showing a mark or letters mainly indicating the "important matters in special return provisions," such as "returns are not accepted," "returns are accepted only within ○ days after arrival," "returns are accepted unless it is used," or "the shipping charges are borne by customers," in a clear manner, so as not to be hidden or lost among other matters in the description section of each good in the advertisements (e.g., indication in the same font size as prices of goods, in a font size of 12 points or more at a default setting in the case of personal computers, or in color or in bold, near a place where matters consumers will check for sure, such as the price of goods or telephone number for making an offer, are indicated).

- When the special return provisions are provided for several cases, and such cases are categorized as "return A" or "return B," a method of showing a mark or letters indicating those categories in a clear manner, so as not to be hidden or lost among other matters.
- In addition to making the above indication, stating "please refer to the User Guide for more details on returns" for other details of the special return provisions, and setting up a link on the sentence so that the common indication part will be displayed when clicking on the link

ii. Indication through a so-called index tab

Method in which the common indication part is indicated by clicking on the labeling "User Guide" or the like, on a so-called "index tab" or other system for promptly displaying desirable pages, which is displayed throughout all processes from the advertising to the offer.

iii. Indication in the common indication part

- Method of indicating special return provisions in the common indication part in a way such provisions are easily recognizable at first glance (e.g., clarifying the place where the special return provisions are described by providing a title such as "notification about returns" for consumers)
- Method of indicating "important matters in special return provisions" in a clearer manner than the indication of the other details of the special return provisions so as to enable consumers to easily recognize the contents (e.g., using the same font size as the price, etc. of goods, indicating in color or bold, etc.)

iv. Correspondence between advertised goods and special return provisions

- When different special return provisions apply to different goods that are advertised on the same website, a method of clarifying the correspondence between each good with the common indication part by clearly indicating which special return provisions apply to which goods for consumers (e.g., a method of clarifying which kinds of goods are subject

to the special return provisions by indicating "the return of underwear (including stockings and excluding colored or patterned T-shirts) is not accepted" or "the return of food and drink (excluding supplements) is not accepted" in the common indication part.)

② Indication method of special return provisions which may not be easily recognizable by customers (Fig. 4)

Indication methods falling under any of the following i to iv in the advertising part of each good and the common indication part

i. Indication in the advertisements of each good

- Method of indicating nothing about special return provisions in the description section of each good in the advertisements

- Method in which titles such as "returns are not accepted" or "returns are accepted only within ○ days after arrival" are indicated in the description section of each good in the advertisements, but they are visible only after scrolling all the way down the page.

- Method in which the explanation of special return provisions is lost among other matters because a title like "About Returns" is not provided

- Method of indicating them in a place which is hard to recognize, such as on the corner of a page

- Method of indicating them in a very small font

- Methods in which the notification for consumers that the details of special return provisions are indicated in the common indication part, such as "please see here for the details of returns," is indicated in a very small font, or the common indication part cannot be reached without going through many pages

ii. Indication through a so-called index tab

- Method in which a so-called index tab or similar system that shows the common indication part when clicked is not indicated

iii. Indication in the common indication part

- Method in which the indication of special return provisions in the common indication part is lost among other matters because they are indicated without distinction from other matters as part of purchase rules comprised of tens of Articles including those about matters other than special return provisions

- Method of indicating special return provisions in a very small font

iv. Correspondence between advertised goods and special return provisions

- When different special return provisions apply to different goods that are advertised on the same website, a method that does not clearly indicate which special return provisions apply to which goods for consumers and thus does not clarify the correspondence between each good and the common indication part (e.g., the range of goods subject to special return provisions is unclear, such as cases where only "returns are not accepted for goods whose value significantly falls after purchase or use, such as underwear or food and drink" is indicated and thus it is unclear whether T-shirts which may be used like underwear or dietary supplements which are not general food or drink are also subject to the special return provisions.)

(3) Indication method of special return provisions on the page for finalizing an offer which is considered to be easily recognizable by consumers

① Indication method of special return provisions which is considered to be easily recognizable by customers (Fig. 5)

Indication methods that satisfy all the conditions under i to iv below in the description section of each good and in the common indication part

i. Indication on the page for finalizing an offer

- Method of showing, on the page for finalizing an offer, a mark or letters indicating the special return provisions in addition to the indication of names or prices of each good in a clear manner so as not to be hidden or lost among other matters (e.g., indication in a

font size of 12 points or more at a default setting in the case of personal computers, or in color or in bold, etc.).

- When the special return provisions are provided for several cases, and such cases are categorized as "return A" or "return B," a method of showing, along with the names and prices of each good, a mark or letters indicating those categories in a clear manner, so as not to be hidden or lost among other matters.

- In addition to making the above indication, stating "please refer to the User Guide for more details on returns" for other details of the special return provisions, and setting up a link on the sentence so that the common indication part will be displayed when clicking on the link

ii. Indication through a so-called index tab

Method in which the common indication part is indicated by clicking on the labeling "User Guide" or the like, on a so-called "index tab" or other system for promptly displaying desirable pages, which is displayed throughout all processes from the advertising to the offer.

iii. Indication in the common indication part

- Method of indicating special return provisions in the common indication part in a way such provisions are easily recognizable at first glance (e.g., clarifying the place where the special return provisions are described by providing a title such as "notification about returns" for consumers)

- Method of indicating "important matters in special return provisions" in a clearer manner than the indication of the other details of the special return provisions so as to enable consumers to easily recognize the contents (e.g., using the same font size as the price, etc. of goods, indicating in color or bold, etc.)

iv. Correspondence between advertised goods and special return provisions

- When different special return provisions apply to different goods that are advertised on the same website, a method of clarifying the correspondence between each good and

the common indication part by clearly indicating which special return provisions apply to which goods for consumers (e.g., a method of clarifying which kinds of goods are subject to the special return provisions by indicating "the return of underwear (including stockings and excluding colored or patterned T-shirts) is not accepted" or "the return of food and drink (excluding supplements) is not accepted" in the common indication part.)

② Indication method of special return provisions which may not be easily recognizable by customers (Fig. 6)

Indication methods falling under any of the following i to iv in the description section of each good and in the common indication part

i. Indication in the advertisements of each good

- Method of indicating nothing about special return provisions in the description section of each good on the page for making an offer

- Method in which titles such as "returns are not accepted" or "returns are accepted only within ○ days after arrival" are indicated, but they are visible only after scrolling all the way down the page.

- Method in which the explanation of special return provisions is lost among other matters because a title like "About Returns" is not provided

- Method of indicating them in a place which is hard to recognize, such as on the corner of a page

- Method of indicating them in a very small font

- Methods in which the notification for consumers that the details of special return provisions are indicated in the common indication part, such as "please see here for the details of returns," is indicated in a very small font, or the common indication part cannot be reached without going through many pages

ii. Indication through a so-called index tab

- Method in which a so-called index tab or similar system that shows the common indication part when clicked is not indicated

iii. Indication in the common indication part

- Method in which the indication of special return provisions in the common indication part is lost among other matters because they are indicated without distinction from other matters as part of purchase rules comprised of tens of Articles including those about matters other than special return provisions

- Method of indicating special return provisions in a very small font

iv. Correspondence between advertised goods and special return provisions

- When different special return provisions apply to different goods that are advertised on the same website, a method that does not clearly indicate which special return provisions apply to which goods for consumers and thus does not clarify the correspondence between each good and the common indication part (e.g., the range of goods subject to special return provisions is unclear, such as cases where only "returns are not accepted for goods whose value significantly falls after purchase or use, such as underwear or food and drink" is indicated and thus it is unclear whether T-shirts which may be used like underwear or dietary supplements which are not general food or drink are also subject to the special return provisions.)

3. Advertising on TV

(1) Indication method of special return provisions which is considered to be easily recognizable by customers (Fig. 7 and 8)

Methods that satisfy all the conditions under following items in the description section of each good

- Method of indicating special return provisions for each good whenever a screen for consumers to make an offer is displayed (a screen that shows a telephone number, etc.), or for a certain time before or after such screen is shown.

- Method of indicating special return provisions so as not to be hidden or lost among other matters

- Method of indicating important matters of special return provisions in a clear manner (e.g., using the same font size as prices of goods, etc., in color or in bold, or for a longer display time)

- In the case of a long advertisement, it is desirable to indicate them not only on a screen where a consumer is able to make an offer, but also in the middle of the advertising. (It should be noted that, if a telephone number is constantly displayed, it might be difficult to show the matters on returns constantly as well due to problems of the screen layout, etc. In this case, if the details of goods are always indicated on the corner of the screen, for example, a method in which such details and an explanation of matters on returns are alternately indicated for a certain period of time is also permitted as a method complying with the constant indication.)

- It is desirable to also orally explain special return provisions during the advertising.

(2) Indication method of special return provisions which may not be easily recognizable by customers (Fig. 9, 10)

Indication methods falling under any of the following i to iv in the description section of each good

- Method of indicating nothing about special return provisions for each good when a screen that shows information for consumers to make an offer is displayed (price of goods, telephone numbers, etc.), or before and after such screen is shown

- Method in which the part where special return provisions are indicated is hard to recognize, because there are no titles such as "About Returns," although special return provisions are indicated on the screen

- Method of indicating them in a place which is hard to recognize, such as on the corner of a screen

- Method of indicating them in a very small font

4. Advertising on the radio

(1) Indication method of special return provisions which is considered to be easily recognizable by customers (Fig. 11)

① Method in which all of the special return provisions are explained in a manner that consumers are able to easily hear during the explanation of each good (e.g., indication at the same volume as that for other matters, explanation at a speed which is easy to understand)

② If the method explained in ① is not used, method that meets all of the following i to ii. (*In the case of advertising on the radio, it is highly difficult to indicate many matters due to its nature, and thus it is considered sufficient to meet only i to ii below, as an exception.)

i. Indication in the advertising of each good

- When special return provisions are explained by a customer service representative in a call center, a method in which an explanation to that effect is given in a manner that enables consumers to recognize that the speaker is talking about the special return provisions, in a way consumers are able to easily hear (e.g., indication at the same volume as that for other matters, explanation at a speed which is easy to understand), such as by saying "please ask our customer service representative about delivery, returns, etc." after the explanation of the prices of goods and other details.

ii. Response by a customer service representative

- Method of explaining special return provisions before starting procedures for offer
- Method of explaining special return provisions at a speed which is easy to understand

(2) Indication method of special return provisions which may not be easily recognizable by customers (Fig. 12)

① Method of indicating nothing about special return provisions in the explanation of

each good

② If the fact that they will be explained by a customer service representative is explained in the advertisements, method which falls under any of the following i to ii

i. Indication in the advertisements of each good

- When special return provisions are explained by a customer service representative, the method in which explanation to that effect is given to consumers, but in a manner that is hard for consumers to hear (e.g., explaining at a very low volume, speaking too quickly, etc.)

ii. Response by a customer service representative

- Method of explaining nothing about special return provisions even though it is explained in the advertisements that the special return provisions will be explained by a customer service representative in a call center

- Method of explaining special return provisions at the end of procedures for making an offer

- Method of explaining special return provisions so fast that it is hard for consumers to understand them