Guidelines for Description of Products in Advertisements

These guidelines review the terms concerning the point of view toward representation of the effects and efficacy of antibacterial products as stipulated in "Labeling and Terminology Manual" (established on November 30, 1998), and stipulate points to note concerning the description of registered products in advertisements and the application of SIAA brand marks to them from the viewpoint of legal compliance as guidelines.

1. Objective

These guidelines provide information related to the matters stipulated in "SIAA Brand Mark Management and Operation Provisions" as well as points to note concerning product descriptions, advertisements, and so on from the viewpoint of legal compliance, in order for member companies to use appropriate terms and make representations that avoid misleading consumers in explanations (advertisements) of the functions and effects of registered products and convey information on the functions of products to consumers correctly.

2. Scope

These guidelines apply to advertising media (such as stickers attached to products, user instructions, product packages, catalogs, brochures, point-of-purchase displays for sales promotion, and descriptions on web pages) for antibacterial, antifungal, and antiviral products (hereinafter referred to as "products") registered with SIAA for general consumers.

Advertisements mentioned here shall satisfy the following three points, based on the Notification from the Director of the Compliance Division, Pharmaceutical and Medical Safety Bureau, Ministry of Health and Welfare (Iyakukan No. 148):

- Having a clear intention of inducing customers (encouraging customers to buy the product)
- Indicating the product name clearly
- Recognizable to general consumers

3. Policies Regarding Description of Products in Advertisements

(1) Observe the Pharmaceuticals and Medical Devices (PMD) Act, and avoid claiming or implying the pharmaceutical/medical device efficacy and effects of products that are not approved by the PMD Act.
(2) Observe the Premiums and Representations Act, and avoid claiming effects and performances with no reasonable grounds.
(3) Avoid bearing marks and making representations that could mislead consumers.

PMD Act: Act on Securing Quality, Efficacy and Safety of Products Including Pharmaceuticals and Medical Devices
The Premiums and Representations Act: Act against Unjustifiable Premiums and Misleading Representations

Details are as follows:

(1) Avoid providing descriptions implying disease treatment or prevention or related descriptions.
(2) Avoid describing the names of pathogenic bacteria and viruses as well as effects on them.
However, antibacterial and antifungal products may indicate the names of test bacteria evaluated based on JIS Z 2801 and 2911.

Example: Tested in accordance with JIS Z 2801 (test bacteria: Escherichia coli and Staphylococcus aureus) and satisfies the criteria stipulated by SIAA.

(3) Avoid indicating the names of viruses on antiviral products even if they are test viruses, because viruses are closely related to diseases.

(4) Putting test reports issued by test institutions on web pages and so on is allowed for antibacterial and antifungal products but not allowed for antiviral products.

(5) When bearing multiple marks such as SIAA brand mark, company logo mark, and marks of other organizations, pay careful attention not to mislead consumers.

4. Matters to Note Concerning Advertisements (Descriptions of Functions) for Products

In order to claim the pharmaceutical efficacy and effects of products in advertisements, it is necessary to obtain approval based on the PMD Act. For products that are not approved based on this act, it is prohibited to claim the prevention and treatment of human diseases and effects that affect the structure and functions of the human body, by Article 68 "Prohibition of the Advertisement of Pharmaceuticals, Medical Devices, and Regenerative Medicine Products Before Their Approval" of this act. In addition, based on the Notice from the Director of the Compliance Division, Pharmaceutical and Medical Safety Bureau, Ministry of Health and Welfare, implying pharmaceutical efficacy and effects is also regarded as claiming the efficacy and effects. Therefore, it is necessary to pay careful attention not to use phrases and expressions that violate the PMD Act in product descriptions and advertisements.

Furthermore, the PMD Act has punitive clauses, and violating Article 68 is punishable by "imprisonment of not more than two years, a fine of not more than two million yen, or both", based on Item 5, Article 85 of this law.

The Premiums and Representations Act prohibits representations concerning the quality and specifications of products and services contrary to actual ones and facts, which could mislead general consumers into thinking that the they are significantly better than competitors'. In addition, representations of effects and performances with no reasonable grounds are also regarded as misleading representations.

The following are the points to note concerning product advertisements for non-pharmaceuticals, non-medical devices, and so on. For details concerning descriptions in advertisements, consult the pharmaceutical affairs section of administrative organs or professionals.

(1) **Expressions related to treatment and prevention of diseases are unusable**

Disease names and expressions implying the prevention of diseases are unusable. For example, phrases such as "food poisoning prevention", "infections disease prevention", "contagious infection prevention", "droplet infection prevention", "viral infection prevention", "influenza prevention", and "COVID-19" are unusable because they are pharmaceutical efficacy and effects.

Unusable:
Food poisoning, infection control, infection prevention, influenza, COVID-19, anti-COVID-19 measures, etc.

For example, if a product is described as "preventing influenza", it may be regarded as a medical device because this expression implies that this product is intended to prevent a disease named influenza.

(2) **Terms such as "disinfection" and "antisepsis" are unusable to express effects on bacteria and viruses**

Terms such as "disinfection", "bacterial destruction", and "antisepsis" are unusable because they are strongly related to medical care and are highly likely to violate the PMD Act. "Inactivation", "deactivation", and "devitalization" are also unusable because they are synonyms of "disinfection". In addition, terms that have the same level of meaning as "killing bacteria and viruses", such as "killing" and "destroying", are also unusable.

Unusable:
Disinfection, bacterial destruction, antisepsis, inactivation, deactivation, devitalization, killing, destroying, and etc.

(3) **Names of specific pathogenic bacteria and viruses are unusable**

Names of specific pathogenic bacteria and viruses cannot be described because the prevention of diseases related to such bacteria and viruses is implied.

For example, phrases such as "effective against O-157", "salmonella", "applicable to SARS virus", "effective against influenza viruses", "measures for COVID-19", "SARS-CoV-2", and so on cannot be used.

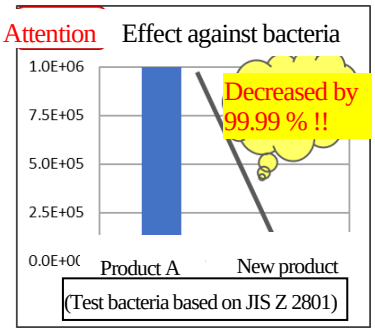
Unusable:
O-157, salmonella, influenza viruses, COVID-19, SARS-CoV-2, and so on

However, the following descriptions can be used for test bacteria based on JIS Z 2801:

- "Evaluated according to JIS Z 2801 (test bacteria: Escherichia coli and Staphylococcus aureus) and satisfies the criteria stipulated by SIAA."
- "Inhibits the proliferation of bacteria on the product (test bacteria based on JIS Z 2801: Escherichia coli and Staphylococcus aureus)

(4) **Avoid emphasizing antibacterial and antiviral effects**

Although test results provide the grounds for claiming functions, there is a possibility of violating the PMD Act and misleading general consumers depending on the method of description. For example, describing the names of pathogenic bacteria and viruses may possibly violate the PMD Act. In addition, emphasizing values may possibly cause misunderstanding that they show disinfection or virus inactivation effects. For these reasons, careful attention needs to be paid. When indicating an activity (value), use descriptions such as "antibacterial activity of 2.0 or higher" and "> 99 %", because the criteria value of the activity of antibacterial and antiviral products is 2.0 or higher.



(5) **Examine the comments from medical experts and university professionals before using them**

Before carrying newspaper or magazine articles, statements from doctors and academics, theories, stories of personal experiences, and so on, be careful to check they are not implying pharmaceutical efficacy or effects.

For example, the phrase "Recommended by Professor ○○ of ○○ university: This product is expected to be useful in preventing COVID-19 infection" may possibly violate the PMD Act even if it is true.

Attention:
Adopted at ○○ university hospital, recommended by Professor ○○ of medical department

This product is expected to be effective in preventing viral infection

In addition, pay careful attention when using photos or images of hospitals, white coats, and so on, because they give the impression of medical treatment.

(6) **Pay attention to editorial advertisements**

If a pharmaceutical effect of a specific ingredient is introduced in an information column and there is an advertisement of a product containing the ingredient near there, the advertisement may possibly be regarded to include this information. Even if the advertisement itself is compliant with the PMD Act, consumers may be misled depending on the content of the information column. In addition, if technical information (article) describing a pharmaceutical effect, etc. includes a link to a web page introducing a product that utilizes the technology, consumers may also possibly be misled.

Attention:
We have developed a new technology that is effective against COVID-19.

The product A utilizes this new technology.

Furthermore, even articles concerning technologies may violate the PMD Act, depending on their contents. For these reasons, careful attention needs to be paid.

(7) **Avoid describing effects with no test data**

Descriptions of antibacterial, antifungal, and antiviral effects require data supporting such effects.

For example, even if an antibacterial effect is seen as a result of a test based on JIS Z 2801, only describing the fact is insufficient to explain the effects of the product against viruses, odors, etc. Claiming effects without any grounds (objective data) is regarded as a misleading representation and may violate the Premiums and Representations Act.

Attention:
Claiming effects requires objective data.

(8) **Pay attention when comparing with similar or competitors' products**

Descriptions that compare a certain company's product with similar or competitors' products with insufficient objective data and could be interpreted as if it is superior to them may possibly mislead general consumers and be regarded as a misleading representation.

Attention:
Comparison with similar products requires sufficient objective data.

5. Points to Note Concerning the Application of SIAA Brand Marks

Matters concerning the application of SIAA brand marks are as stipulated in the "SIAA Brand Mark Management and Operation Provisions". This term describes other points to note.

(1) Registered functions and product functions

If a product has any other functions than the ones registered with SIAA and they are also described in media such as brochure and web site, clarify the functions registered with SIAA to avoid misleading consumers. For example, if a product has "antibacterial, antiviral, and deodorizing effects" as product functions but it is registered with SIAA as an "antibacterial product" only, this fact needs to be shown clearly and an explanation needs to be added. The figure on the right may possibly be misunderstood as if three functions are registered

with SIAA. Therefore, the descriptions on deodorizing and antiviral effects need to be placed apart from the antibacterial SIAA brand mark.

(2) Avoid integrating with other marks and logos

SIAA brand marks shall be independent. Incorporating or combining other marks is not permitted.

(3) Pay attention when placing other organizations' certification marks together

As placing other organizations' marks related to antibacterial and antiviral effects and SIAA brand marks together may possibly mislead consumers, avoid doing so as much as possible. If they need to be placed together, devise ways of placing marks to show the object of each mark correctly.

Former "Labeling and Terminology Manual" (Formulated: November 30, 1998)
These guidelines Formulated: December 14, 2021

Reference 1: PMD Act and Relevant Notices

- **PMD Act (Act on Securing Quality, Efficacy and Safety of Products Including Pharmaceuticals and Medical Devices)**

  https://elaws.e-gov.go.jp/document?lawid=335AC0000000145

（Abstract）

(Definitions)
Article 2 (1) The term "pharmaceutical" as used in this Act refers to the following items:
(i) items listed in the Japanese Pharmacopoeia;
(ii) items that are intended for use in the diagnosis, treatment or prevention of disease in humans or animals, and that are not medical appliances or instruments, etc. (referring to medical appliances or instruments, dental materials, medical supplies, sanitary goods, and programs (referring to instructions given to a computer and built so as to obtain a certain result; hereinafter the same applies), and recording media on which programs are recorded; hereinafter the same applies) (excluding quasi-pharmaceutical products and regenerative medicine products);
(iii)items that are intended to affect the structure and functioning of a human or animal's body, and that are not medical appliances or instruments, etc. (excluding quasi-pharmaceutical products, cosmetics, and regenerative medicine products).
(iv)The term "medical device" as used in this Act refers to appliances or instruments, etc. that are intended for use in the diagnosis, treatment or prevention of disease in humans or animals, or intended to affect the structure or functioning of the bodies of humans or animals (excluding regenerative medicine products), and that are specified by Cabinet Order.

(Prohibition of the Advertisement of Pharmaceuticals, Medical Devices, and Regenerative Medicine Products Before Their Approval)
Article 68 No person may advertise the name, manufacturing process, efficacy, effects or performance of pharmaceuticals or medical devices, or regenerative medicine products provided in Article 14, paragraph (1), Article 23-2-5, paragraph (1) or Article 23-2-23, paragraph (1), that have not yet been approved pursuant to the provisions of Article 14, paragraph (1), Article 19-2, paragraph (1), Article 23-2-5, paragraph (1), Article 23-2-17, paragraph (1), Article 23-25, paragraph (1), Article 23-37, paragraph (1), or that have not yet been certified pursuant to the provisions of Article 23-2-23, paragraph (1)

Article 85 A person falling under any of the following items is to be punished by imprisonment for not more than two years or a fine of not more than 2,000,000 yen, or both:
(v) a person who violates the provisions of Article 68;

- **Interpretation of pharmaceutical efficacy and effects**

  Partial amendments to the Standards Concerning the Range of Pharmaceuticals (The Notification No. 33, 0331 from the Director of the Pharmaceutical Safety and Environmental Health Bureau, Ministry of Health and Welfare Dated March 31, 2020)

  https://www.mhlw.go.jp/content/000658257.pdf

✓ Instructions on and Control over Non-Approved and Unauthorized Pharmaceuticals (The Notification No. 4, 0418 from the Director of the Pharmaceutical Safety and Environmental Health Bureau, Ministry of Health and Welfare Dated April 18, 2018)

https://www.mhlw.go.jp/kinkyu/diet/dl/torishimari.pdf

(Exhibit) Standards Concerning the Range of Pharmaceuticals

(Abstract)

2. Interpretation of pharmaceutical efficacy and effects

If the efficacy and effects as shown below are represented or explained by the container, package, package insert, advertising items such as leaflet, brochure, publication, and website, or statements for an article, it is regarded as claiming pharmaceutical efficacy and effects. In addition, the same applies to descriptions and explanations of the name, ingredients, manufacturing method, origin, etc. that claim or imply similar efficacy and effects.

(1) Efficacy and effects for treating or preventing diseases

(Example) Representations such as "prevents gastroduodenal ulceration", "cures hepatic and renal disorders", "cures cancer" for those who have diabetes, high blood pressure, or arteriosclerosis, and representations such as "treats constipation" for those who have eye trouble

(2) Efficacy and effects mainly for general increase and enhancement of bodily tissue functions

However, representations concerning nutrition support, health maintenance, etc. are excluded.

(Example) Fatigue recovery, vitality increase (invigoration) and tonicity, body strength increase, appetite improvement, aging prevention, learning capability enhancement, sexual rejuvenation, rejuvenescence, sexual power increase, metabolism increase, endocrine function enhancement, detoxication function enhancement, heart activity increase, blood purification, enhancement of natural healing ability against diseases, enhancement of digestive and absorptive function of stomach and intestines, stomachic and intestinal regulation actions, when suffering or recovering from illness, growth promotion, and so on

(3) Implication of pharmaceutical efficacy and effects

(a) Implicit names and catchphrases

(Example) Life-sustaining ○○, spirit of ○○ (source of immortality), spirit of ○○ (source of eternal youth), medial ○○, perpetual youth and longevity, spirit of centenarian, secret Chinese medicine recipe, Chinese imperial medicine formulation, Japanese traditional medicinal method, and so on

(b) Implicit representations and explanations of ingredients

(Example) Physical constitution improvement, "containing ○○○ that is known to have stomachic and intestinal regulation effect as an ingredient", "to which useful components are added", "generates synergy", and so on

(c) Implicit explanations of manufacturing methods

(Example) "… is made from ○○○○, which is a plant that grows wild in the Miyama Plateau in Japan, as main ingredient, and medical plants including △△△ and ××× using our unique manufacturing method (patent applied for this manufacturing method)" and so on

(d) Implicit explanations on origin and derivation

(Example) "… opens the stomach, shakes off depression, aids digestion, kills worms, and removes frog, according to an old natural science book named "○○○". As such experiences have been passed down from ancient times, it used to be served up at each meal." and so on

(e) Implicit quotation and publication of newspaper or magazine articles, statements from doctors and academics, theories, stories of personal experiences, and so on

(Example) Statement from ○○○○, M.D., Ph.D.

"There is a legend that eating ○○○○ with Sekihan (glutinous rice steamed with red beans) prevents cancer. It is considered that ○○○ may be related to abnormal lipid, carbohydrate, and protein metabolism of cancer cells." and so on

- **Relevance of advertisements under the PMD Act**

”Relevance of Advertisements of Pharmaceuticals under the PMD Act”
(Notification No. 148 from the Director of the Compliance Division, Pharmaceutical and Medical Safety Bureau, Ministry of Health and Welfare dated September 29, 1998)
https://www.mhlw.go.jp/bunya/iyakuhin/koukokukisei/dl/index_d.pdf

(Abstract)

Regarding the relevance of advertisements of pharmaceuticals, etc. under the Pharmaceuticals Affairs Act, information satisfying all of the following requirements has been regarded as falling under advertisement. Please understand this and pay continuous attention to monitoring and guidance of advertisements based on the Pharmaceutical Affairs Act.

- Having a clear intention of inducing customers (encouraging customers to buy the product)
- Indicating the product names of specified pharmaceuticals clearly
- Recognizable to general consumers

- **Article-like advertisements on the Internet and newspapers** (Bureau of Social Welfare and Public Health)
https://www.fukushihoken.metro.tokyo.lg.jp/kenkou/iyaku/sonota/koukoku/huteki/zenpan/kigihu.html

(Abstract)

- Article-like advertisements on curation sites

If a site that posts generalities introducing the effect of a specific ingredient is intentionally combined with an advertisement of a product containing the ingredient, they may be regarded as an advertisement containing such information.

Even if the advertisement of a specific product itself observes the Act on Pharmaceuticals and Medical Devices, it may mislead those who browsed it. Therefore, careful attention needs to be paid.

Contents
The content of a generality: “Immunity improvement effect of △△ lactic bacteria”
The content of a product advertisement: “▲▲▲ containing △△ lactic bacteria”

Note: Descriptions as shown above could mislead as if ▲▲▲ containing △△ lactic bacteria has an immunity improvement effect. As healthy foods are not allowed to claim efficacy and effects such as “immunity improvement”, this advertisement may violate the Act on Pharmaceuticals and Medical Devices.

- Article-like advertisements on newspapers

If the effect of a specific ingredient is introduced in an information column and there is an advertisement of a product containing the ingredient extremely near there, they may be regarded as an advertisement containing such information.
Even if the advertisement of a specific product itself observes the Act on Pharmaceuticals and Medical Devices, it may mislead consumers, depending on the content of the information column. Therefore, careful attention needs to be paid.

- Examples of the case where the Act on Pharmaceuticals and Medical Devices is violated

1. Page layout that makes the distinction between information column and advertisement confusing
   A page, divided into upper and lower sections, is carrying "general information" in the upper section and "product advertisement" in lower section.
   Two facing pages are carrying "general information" on the left page and "product advertisement" on the right page.
2. Contents
   The content of an information column: "As a result of years of research, it was found that the △△ ingredient contained in royal jelly had an anticancer effect."
   The content of a product advertisement: "Product A (so-called healthy food) contains royal jelly."

Note: Descriptions as shown above could mislead consumers into believing product A containing royal jelly has an anticancer effect. As so-called healthy foods are not allowed to claim efficacy and effects such as "anticancer effect", this advertisement may violate the Act on Pharmaceuticals and Medical Devices.

- **Relevance to pharmaceuticals of "disinfecting and antiseptic agents"**

(Practical Affairs Notice Regarding Monitoring and Guidance No. 931-1 by the Pharmaceutical Affairs Bureau, Ministry of Health and Welfare Notification from the Chief of the First Monitoring Unit, Monitoring and Guidance Section, Pharmaceutical Affairs Bureau, the Ministry of Health and Welfare dated November 19, 1993) (Abstract)

1. Antiseptic and disinfecting agents that fall under pharmaceuticals
   Agents claiming disinfection or antiseptic effect that fall under any of the following:
   (1) Agents that are used directly on the human body
   (2) Agents used for medical devices (such as surgical knife, tweezers, and contact lenses)
   (3) Agents that are used for other goods and intended to prevent diseases
   (i) Agents with a representation regarding specific pathogenic bacterium, infectious substance, or disease
   Example: "Disinfection and antisepsis of MRSA", "disinfection of trichophyton"
   (ii) Agents that are used in facilities requiring particular attention to infection prevention, such as medical institutions, for the purpose of infection prevention
   Example: "Product that prevents hospital-spread infection", "disinfection and antisepsis of facilities in hospitals"
   (iii) Agents used for public hygiene
   Example: "Disinfection of drinking water", "disinfection of pool water", "disinfection of feces and urine", "disinfection of effluent from septic tanks"

2. Antiseptic and disinfecting agents that do not fall under pharmaceuticals
   Agents used for home floors, handrails, furniture, and so on that claim antibacterial and sterilizing effects only

Reference 2: The Premiums and Representations Act and examples of improvement requests based on this act

- **The Premiums and Representations Act: Act against Unjustifiable Premiums and Misleading Representations**

https://elaws.e-gov.go.jp/document?lawid=337AC0000000134

(Abstract)

(Prohibition of Misleading Representations)

Article 5 No Entrepreneur may make a Representation as provided for any one of the following items in connection with the transaction of goods or services which the 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 significantly superior to that of the actual goods or services, or are portrayed as being, contrary to fact, significantly superior to those of other Entrepreneurs who supply the same kind of or similar goods or services as those supplied by the relevant Entrepreneur, thereby being likely 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 significantly more advantageous 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 being likely to induce customers unjustly and to interfere with general consumers' voluntary and rational choice-making; or

(iii) Beyond 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 that 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.

(Orders for Action)

Article 7 (1) The Prime Minister may, in the event that an Entrepreneur acts in violation of the limitations or prohibition under the provisions of Article 4 or the provisions of Article 5, order the relevant Entrepreneur to cease committing the violation, or to take measures necessary to prevent the reoccurrence of the violation, or to take any other necessary measures including public notification of the particulars relating to the implementation of the measures. Such an order may be issued to the following persons even when the violation has already ceased to exist:

(i) The Entrepreneur who committed the violation;

(ii) Where the Entrepreneur who committed the violation is a corporation and has ceased to exist as a result of a merger: the corporation that continues to exist after the merger takes place or the corporation that becomes incorporated upon the merger taking place;

(iii) Where the Entrepreneur who committed the violation is a corporation: another corporation that has taken over the whole of or part of the business pertaining to the violation from the corporation as a result of a split; and

(iv) the Entrepreneur who has acquired the whole or part of the business pertaining to the violation from the Entrepreneur who committed the violation.

(2) With regard to the order prescribed in the preceding paragraph, when the Prime Minister finds it necessary in order to evaluate whether any Representation falls under Article 5, item (i), the Prime Minister may designate a period of time and require the relevant Entrepreneur to submit data as reasonable grounds for the Representation the Entrepreneur has made. In such cases, if the Entrepreneur fails to submit the data, the Representation concerned is deemed to fall under the same item for the purpose of applying the provisions of the same paragraph.

- **Guidelines to Application of Article 7, Clause 2 of the Act against Unjustifiable Premiums and Misleading Representation**

  - Guidelines on the unverified advertisement regulation -

(October 28, 2003, Japan Fair Trade Commission) Partially amended on April 1, 2016 by the Consumer Affairs Agency

https://www.caa.go.jp/policies/policy/representation/fair_labeling/guideline/pdf/100121premiums_34.pdf

（Abstract）

Article 1 An overview of representations prohibited by Article 5, Item 1 of the Premiums and Representations Act

1. Representations subject to the Premiums and Representations Act

Representations under the Premiums and Representations Act includes representations on products themselves (including containers and packages), point-of-purchase representations, leaflets, advertisements in newspapers or magazines, and advertisements on television and the Internet. The Premiums and Representations Act is widely applied to the representations concerning products and services that are provided to general consumers through various representation media (Item 3 of the Notice from the Japan Fair Trade Commission dated on June 30, 1962).

2. Representations prohibited by Article 5, Item 1 of the Premiums and Representations Act

(1) In Article 5, Item 1 of the Premiums and Representations Act, any representation where the quality, standard or any other particular relating to the content of goods or services (hereinafter referred to as "content of goods or services") is portrayed to general consumers as being significantly superior to that of the actual goods or services, or is portrayed to general consumers, contrary to fact, as being significantly superior to those of other entrepreneurs in competition with the relevant entrepreneur, thereby being likely to induce customers unjustly and to interfere with fair competition is prohibited as misleading representation.

(2) The Premiums and Representations Act regulates misleading representations for the purpose of preventing unjust inducement of customers and securing general consumers' appropriate choice of products and services. Whether a representation portrays a product as "being significantly superior" is determined in terms of whether general consumers, who are the recipients of the representation, recognize it as "being significantly superior", but not on the basis of the recognition of the entrepreneur that implements industrial practices and makes the representation. In addition, the term "significantly" refers to a case where the degree of exaggeration of the representation exceeds the degree permissible for the general public and affects general consumers' choice of product or service.

In other words, representations where the content of goods or services is portrayed as being significantly superior to that of the actual goods or services, or is portrayed, contrary to fact, as being significantly superior to those of other entrepreneurs in competition with the relevant entrepreneur refer to representations where the content of goods or services is portrayed to general consumers as being significantly superior to that of the actual goods or services, exceeding the degree of exaggeration permissible to the general public. Such representations could mislead general consumers about the content of products or services.

Whether a representation portrays as "being significantly superior" is determined on the basis of general consumers' impressions and recognitions retained from the entire content of the representation, but not on the basis of general consumers' impressions and recognitions retained from specific texts, figures, photos, and so on contained in the representation.

Article 3 Criteria for determining as "reasonable grounds"

1. Basic policy

If data as reasonable grounds for the representation is required, the following two requirements need to be satisfied to determine that the data submitted by the relevant entrepreneur (hereinafter referred to as "submitted data") show reasonable grounds for the representation:

(1) The content of the submitted data is verified in an objective manner

(2) The effects and performances portrayed in the representation correspond appropriately to the content verified by the submitted data

2. The content of the submitted data shall be verified in an objective manner

The submitted data shall be able to explain that concrete effects and performances represented are true. For this purpose, the content shall be verified in an objective manner.

Contents verified in an objective manner fall under any of the followings:

(1) Results obtained through tests or investigations

(2) Expert's, experts', or professional body's view or academic literature

(1) Results obtained through tests or investigations

(a) If the result obtained through a test or an investigation is submitted as reasonable grounds for the representation, the test or investigation shall be conducted by the method that is generally accepted in the academia or industry related to the effects and performances for represented products or services or by the method accepted by many experts in related fields.

<Example>

- An antibacterial test of convenience goods conducted by the method stipulated in JIS (Japanese Industrial Standards)
- A fuel efficiency test of an automobile conducted by the 10-15 mode method
- A flame retardance test of a textile product conducted by an inspection institute designated based on the Fire Service Act

(b) If there are no methods generally accepted in academia or industry or accepted by many experts in related fields, such test and inspection shall be conducted by the method that is deemed appropriate under normal social conventions and general rules.

Concrete methods that are deemed appropriate under normal social conventions and general rules shall be determined comprehensively based on the content of the representation, characteristics of services or products, and whether the experts in related fields consider them appropriate.

- **News Release from the Consumer Affairs Agency (February 19, 2021)**

"Request for improvement of representations for products claiming COVID-19 prevention effect and caution for general consumers"

Second release (March 27, 2020)

Third release (June 5, 2020)

The Consumer Affairs Agency called for improvements to make appropriate representations of healthy foods, negative ion generators, and sterilizing sprays (virus prevention products) that claim COVID-19 prevention effect in Internet advertisements, taking advantage of the spread of COVID-19 infection, from the perspective of the Premiums and Representations Act (misleading representations) and the Health Promotion Act (false and exaggerated representations of foods).

Examples of improvements made are as follows:

Product or service category	Represented effect and so on

Sterilizing spray (Silver ion, electrolyzed water, and so on) [Three entrepreneurs, three products]	- Eradicates viruses with the same viral structure with COVID-19 at 97.9 % or higher, A COVID-19-eradicating spray is now on sale! [verified by a third-party institution] Eradicates viruses with the same viral structure as COVID-19! - Also kills COVID-19, a test proved that it was also effective against COVID-19
Building material [One entrepreneur, one service]	- Effective against COVID-19? - Decomposes attached viruses promptly. That's why it is drawing attention for its potential to be effective against infections such as COVID-19 infection!
Chlorine dioxide humidifier [One entrepreneur, one product]	- Overwhelming disinfective effect that is also expected to be effective against COVID-19
Antiviral mattress [One entrepreneur, one product]	- COVID-19/Antibacterial and antiviral mattress - Absorbs and destroys viruses to decrease them by 99.99 %
Photocatalytic spray [One entrepreneur, one product]	- Recommended for COVID-19 countermeasures! Photocatalytic/sterilizing, antibacterial, and odor-eliminating spray, sprayable on masks and clothes, also sprayable on sofas, walls, and in spaces
Sterilizing and antibacterial spray (Amino acid, photocatalyst, and so on) [Eight entrepreneurs, seven products]	- [Emergency measures] Eradicates COVID-19 and bacterial thoroughly!! - It is estimated that this product is expected to inactivate all viruses related to COVIC-19 - Also effective against COVID-19! - Effective in preventing COVID-19, norovirus, O-157, and influenza virus as well as odor elimination - Countermeasure against COVID-19 and pollen allergy! Spraying it to masks to produce antibacterial and sterilizing effects - Destroys COVID-19 instantaneously! - As the effects of photocatalyst and silver ion do not vary depending on the types and strains of viruses, this product protects your family from unknown new viruses. - Photocatalyst in silver ion　Coating agent for COVID-19 countermeasures