

Cease and Desist Orders against Manufacturers and Sellers of goods claiming anti-snoring etc.  
( Tentative Translation )

March 16, 2009  
Japan Fair trade commission

The Japan Fair Trade Commission (JFTC) has investigated three companies of manufacturers and sellers (henceforth "Three Companies") of goods claiming anti-snoring etc. (henceforth "the Goods") and found that it was considered that the representation related to the Goods sold by them corresponded to Item 1, Paragraph 1, Article 4 of the Premiums and Representation Act (Misleading representation about quality) according to the provision of Paragraph 2, Article 4 of the Act, and that Three Companies were in violation of the provision in Item 1, Paragraph 1, Article 4 of the Act, JFTC issued today cease and desist orders to Three Companies in accordance with the provision in Paragraph 1, Article 6 under the Act.

1 Outline of the Parties Concerned

Entrepreneur	Location
PIP-TOKYO Co., Ltd.	3-3-7, Uchi-Kanda, Chiyoda-ku, Tokyo
PIP-FUJIMOTO Co., Ltd.	2-1-36, Nouninbashi, Chuo- ku, Osaka
Keytron Inc.	1-11-6, Kitakata, Ichikawa-shi, Chiba

2 Outline of the Goods

The Goods are as follows, and these are used by attaching to a nose.

Entrepreneur	Business category	Name of goods	Claimed effect
PIP-TOKYO Co., Ltd.	Selling business	“Snore clip”	By attaching the Goods to a nose, a snore is reduced.
PIP-FUJIMOTO Co., Ltd.	Manufacturing and selling business		
Keytron Inc.	Manufacturing and selling business	“Magnetic clip”	By attaching the Goods to a nose, nasal breathing is promoted and a snore is reduced.

### 3 Summaries of the cease and desist orders.

#### (1) Summary of the violation

In selling the goods described in the above 2 to general consumers, Three Companies respectively represented as if the snore is reduced by attaching such goods to a nose on the packing container of the goods and the website on the Internet as the appendix, but when JFTC required Three Companies to submit data as reasonable grounds for the representation, PIP-TOKYO Co., Ltd. and PIP-FUJIMOTO Co., Ltd. did not submit the data. Keytron Inc. submitted the data within the deadline but it was not recognized that the data was reasonable grounds for the representation.

#### (2) Contents of cease and desist measures

- A. Three Companies shall announce publicly that the above-mentioned representations gave general consumers the impression that their goods were much more superior than it actually was.
- B. Three Companies shall take measures to prevent recurrence and have these measures thoroughly disseminated to its officer and employees.
- C. Three Companies shall not make similar representation in the future.

Parties concerned	Contents of representation	Represented time	Representation medium
PIP-TOKYO Co., Ltd.	[obverse side] • "No snore, quiet sleep. " [reverse side] • "stimulating nasal septum (wall which divides the holes of a snout), and no snore."	From around October, 2005 at the latest, to around January, 2009.	Cardboard on packaging container
	• "Goods for quiet sleep which suppress a snore. No snore and quiet sleep." • "Only attaching to a nose at the time of sleep, a snore is mitigated."		Website
PIP-FUJI MOTO Co., Ltd.	[obverse side] • "No snore, quiet sleep. " [reverse side] • "stimulating nasal septum (wall which divides the holes of a snout), and no snore."	From around October, 2005 at the latest, to around January, 2009.	Cardboard on packaging container
	• "Only attaching to a nose at the time of sleep, a snore is mitigated."		Website
Keytron Inc.	[obverse side] • "Measures for snoring and apnea. " • "74% effective" • "nasal breathing support" [reverse side] • "Refresh nose! Breathing resistances is inhibited to 47% or less! "	From around January, 2008 to around November of the same year	Cardboard on packaging container
	• "Ultralight magnetic clip standards are high-quality articles of nose clip for a snore control." • "A snore can be easily controlled at home and while traveling! " • " • Ultralight magnetic clip standards help open the nasal passages, prompt nasal breathing, make breathing resistances small, prevent what is called mouth-breathing that opens a mouth to sleep and control a snore." • " • 74% of those who have a snore deemed the effect! " • "Although 13 years have passed since the ultralight magnetism clip went on sale, as a result of collecting the questionnaires of the people who used it and totaling, 74% of those answered that the snore was reduced, and they got relief from dryness and dried-up of the throat and daytime sleepiness etc."	From around November, 2007 to around November, 2008.	Website