



出國報告(出國類別：出席國際會議)

出席國際消費者產品安全健康組織 (ICPHSO) 第15屆年會會議

服務機關：經濟部標準檢驗局、行政院消費者保護委員會

姓名職稱：莊主任秘書素琴、莊消保官惠媛、張科員祐瑄

派赴國家：美國華盛頓特區

出國期間：97年2月18日至21日

報告日期：97年5月20日

出席「國際消費者產品安全健康組織」

(ICPHSO) 第 15 屆年會

出國報告摘要

國際消費者產品健康與安全組織 (International Consumer Product Health and Safety Organization, 簡稱 ICPHSO) 第 15 屆年會於 2008 年 2 月 18 日至 2 月 21 日假美國華盛頓特區之 Capital Hilton Hotel 舉行。本次會議主題包括產品安全之全球化、美國消費者產品安全委員會 (CPSC) 業務介紹及最新規範、消費產品安全法令研討等議題。主辦單位 ICPHSO 援例邀請世界各國從事消費者產品安全工作或對此領域有興趣之人士，共同參與以推動消費者產品安全，保障消費者權益。

本次會議，我方循例由行政院消費者保護委員會及經濟部標準檢驗局共同派員出席，消費者保護官莊惠媛並應邀於本次大會中就「臺灣消費者保護官在產品安全所扮演的角色與執法經驗」為題進行經驗分享，獲與會者廣泛好評，有效提高我方於本領域之國際能見度。

本次會議結語及建議如次：

- 一、持續參與國際會議，加強國際交流，建立長期合作關係，並增加我國國際能見度
- 二、公私協力推動消費者保護工作之重要性
- 三、健全不安全產品之召回及通報機制
- 四、持續強化我國對於進口產品之監控系統，並宣導消費者廣為週知
- 五、評估舉辦相關主題會議，再度邀請相關人士來台

出席「國際消費者產品安全健康組織」

(ICPHSO) 第 15 屆年會

出國報告

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壹、前言

國際消費者產品健康與安全組織 (International Consumer Product Health and Safety Organization, 簡稱 ICPSO) 第 15 屆年會於 2008 年 2 月 18 日至 2 月 21 日假美國華盛頓特區之 Capital Hilton Hotel 舉行。本次會議主題包括產品安全之全球化、美國消費者產品安全委員會 (CPSC) 業務介紹及最新規範、消費產品安全法令研討等議題，主辦單位 ICPSO 援例邀請世界各國從事消費者產品安全工作或對此領域有興趣之人士，共同參與以推動消費者產品安全，保障消費者權益。

本次會議，我方循例由行政院消費者保護委員會及經濟部標準檢驗局共同派員出席，以收集產品健康與安全領域之最新資訊，並增加參與國際會議、國際交流之經驗，提高我方於本領域之國際能見度。

另值得一提的是，行政院消費者保護委員會消費者保護官莊惠媛應邀於本次大會中就「臺灣消費者保護官在產品安全所扮演的角色與執法經驗」為題進行經驗分享，並獲與會者廣泛好評，特此收錄莊消保官發表之全文。

貳、ICPHSO 簡介

國際消費者產品健康與安全組織（ICPHSO）成立於 1993 年，其前身為美國食品與藥物管理官員協會（Association of Food and Drug Officials, 簡稱 AFDO）所轄之產品安全委員會（Product Safety Committee）。

因該委員會一直未能參與 AFDO 的消費者產品安全計畫，故未能發揮實際功能，1993 年美國消費者產品安全委員會（CPSC）之官員與業界、消費者代表，以及來自加拿大與英國代表等 25 人參與 AFDO 於美國佛羅里達州之會議，與會代表一致決議成立一個由 AFDO 贊助，專責於消費者產品安全之新組織，ICPHSO 就此正式成立。

ICPHSO 主要任務在致力於解決行銷全球市場產品之健康和 safety 議題。會員代表包括政府機關（包括美國地方政府、州政府、聯邦政府及外國政府機關）、製造商、輸入商、零售商、驗證 / 測試實驗室、法律事務所、學術機構、標準制定組織、媒體及消費者保護團體等。

該組織每年度皆依據產品安全問題之急迫程度，挑選當前最重要的產品健康與安全議題，排定年度大會及研討會議程，以吸引來自世界各地產品健康與安全等領域的專家學者及會員代表齊聚一堂，彼此進行經驗交流，並交換對於產品健康與安全的經驗與觀念。

參、會議議程

本次會議於 97 年 2 月 18 日至 2 月 21 日於美國華盛頓特區舉行，會議議程如下：

ICPHSO 15th ANNUAL MEETING AND TRAINING SYMPOSIUM

Washington ,U.S.A

February 18-21, 2008

PROCEEDINGS

Monday, February 18

Globalization of Product Safety

Keynote Speaker - Takashi Honjo Director-General for Product Safety Policy - METI (Ministry of Economy, Trade and Industry)

Presentations : Safety for long-term use products

Sourcing Products/Specifications in the Global Economy

Presentations:

Alan Schoem, Senior Vice President, Global Product Risk Practice, Marsh USA

Eric Christopher, VP, Quality Assurance, QVC, Inc.

Chuck Rogers, Quality Systems Manager, Global Production Division, Wal-Mart Stores, Inc.

Charles (Chuck) Coletta, P.E., Technical Director, SGS Consumer Testing

Services

Manufacturing Products in the Global Economy

Presentations:

Kitty Pilarz, Director, Mattel Worldwide, Product Safety, Fisher-Price, Inc.

Bob Coughlin, Product and Sr. Manager, Regulatory Affairs, Product Integrity, Fisher-Price, Inc.

Sharda Bhasker, Manager, Technique, Quality and Environment, IKEA Trading, North America

Hari Bapuji, Assistant Professor, Asper School of Business, The University of Manitoba, Winnipeg

The Post-Recall Universe: What Happens After a Recall

Presentations:

John Gibson Mullan, Director, Compliance and Field Operations, CPSC

Rick Locker, Locker, Greenberg & Brainin, PC

John Rogers, Executive Director, American Fireworks Standards Laboratory

David Pittle, Ph.D., Consumer, Commissioner, CPSC (1973-1982)

Government Compliance of Product Safety Laws Around the Globe

Presentations:

Huei-Yuan Chuang, Consumer Ombudsman, Consumer Protection Commission, Executive Yuan, R.O.C.

Richard O'Brien, Director of International Programs and Intergovernmental Affairs, U.S. CPSC

Paulo Roberto Coscarelli de Carvalho Junior, Vice Director of Quality-DQUAL - Inmetro, Brazil

Stefano Soro, Head of Unit Production and Service Safety, EU

Panel Concluding Remarks

Presentations:

Carter Keithley, President, Toy Industry Association, Inc.

Edmund Mierzwinski, Consumer Program Director, U.S. PIRG

Marc J. Schoem, Deputy Director, Compliance and Field Operations, CPSC

Tuesday, February 19

CPSC Workshops & Updates

Keynote Speaker - Martin Eichelberger, M.D., Chairman, Safe Kids Worldwide

Presentations:

Safe Kids Worldwide: Vaccine for Unintentional Injury Caravan/Jeep Collision video

CPSC Workshops:

#1 Current CPSC Issues (Rules/Regulations)

Presentations:

John Gibson Mullan, Director, Compliance and Field Operations, CPSC

Robert J. Howell, Deputy Director, Hazard Identification and Reduction, CPSC

#2 Office of Compliance Beginners Course

Presentations:

Marc J. Schoem, Deputy Director, Compliance and Field Operations, CPSC

Workshops:

#1 Current Product Safety Research - Panel I

Presentations:

Carol Pollack-Nelson, Ph.D., Human Factors Psychologist, Independent Safety Consulting

R. Dawn Comstock, Ph.D., Assistant Professor, The Ohio State University College of Medicine, Hazards presented by motorized toy vehicles (e.g., ATVs, Go-karts, etc.)

Andrew Gordon, Senior Technologist, Commercial and Electrical Division, Intertek, UK, Children 's understanding of electrical risks

Celestine Kiss, M.A., Engineering Psychologist, Division of Human Factors, CPSC, What do consumers really think and do about consumer product recalls?

#2 “ Chemical Management System ” Safety: A Vital Component of Corporate Sustainability

Presentations:

Rick Horwitsch, Vice President, Business Development and Marketing, Bureau Veritas Consumer Products Services

*Elizabeth Hausler, Director, Analytical Services (Americas Region),
Bureau Veritas Consumer Product Services*

Kyle Holifield, Director, Compliance, Wal-Mart Stores, Inc.

Workshops:

#1 Current Product Safety Research - Panel II

Presentations:

*Carol Pollack-Nelson, Ph.D., Human Factors Psychologist, Independent
Safety Consulting*

*Hari Bapuji, Ph.D., Assistant Professor, Asper School of Business,
University of Manitoba, Canada, Toy recalls: What do the two decades of
data tell us?*

*Greg Barron, Ph.D., Assistant Professor, Harvard Business School, The
effects of safe experiences on warning effectiveness*

*Suad Nakamura, Ph.D., Health Scientist, Division of Health Sciences, CPSC,
When toddlers fall: smooth objects, mouthing and unsteadiness*

#2 New Technologies and Emerging Issues

Presentations:

*Greg Orloff, New Business Development Manager, OnSpeX, Welcome and
introduction*

*Guillermo Rodriguez, Senior Manager, Quality Assurance, Office Depot, A
retail perspective on product innovation and life cycle management*

*Kenneth Ross, Counsel, Bowman & Brooke LLP, Gas water heaters—flammable
ignition-resistant technology*

*Peter Voldner, Consultant and President, Peregrine Software, Inc./CSA
International; Quality System Audits, ISO 9000, Safety and software
technology*

Gordon Gillerman, Conformity Assessment Advisor, Homeland Security

National Institute of Standards and Technology (NIST), Safety system challenges

Caucuses:

#1 International Safety Caucus

Presentations:

Bruce Farquhar, Independent Consultant

#2 Consumer Safety Caucus

Presentations:

Rachel Weintraub, ICPHSO Vice President & Symposium Planning Committee Chair

Wednesday, February 20

Consumer Product Safety Law Seminar & Workshops

Keynote Speaker - Peter L. (Pete) Schaefer, Corporate Vice President, Safety, Security & Social Accountability Dept., McDonald's Corp.

Presentations:

Consumer Product Safety Law Seminar

Presentations:

Peter L. Winik, Deputy Managing Partner, Latham & Watkins LLP - Washington, D.C.

Eric A. Rubel, Partner, Arnold & Porter LLP

Jennifer S. Yelle, Senior Manager, Product Safety and Compliance, Target Corporation

Safety Agency Preemption - Part 2

Presentations:

Mary Martha McNamara, Esq., McNamara & L'Heureux, P.C.

David Arkush, Director, Public Citizen's Congress Watch

Quin Dodd, Chief of Staff, U.S. CPSC

Paul Laurenza, Member, Dykema Gossett PLLC

Ryan Trainer, Executive Vice President & General Counsel, International Sleep Products Association

Workshops:

#1 Risk Assessment Techniques and Exercise

Presentations:

Kenneth Ross, Bowman and Brooke LLP & Jason L. Hertzberg, Ph.D., P.E., Principal Engineer and Director, Exponent, Inc. - Chicago Office

Risk Assessment: Techniques and Software

Avoiding and Managing Product Recalls

Risk Assessment and Product Liability

Consumer Product Recalls: An Engineering Perspective

#2 Age Grading

Presentations:

Nancy A. Cowles, Executive Director, Kids in Danger

Susan DeRagon, Associate Director, Toys & Premiums - STR Specialized Technology Resources, Inc.

Celestine Kiss, M.A., Engineering Psychologist, Division of Human Factors, CPSC

Carol Pollack-Nelson, Ph.D., Human Factors Psychologist, Independant Safety Consulting

#3 What ' s Happening in the States?

Presentations:

Alan Korn, J.D., Director of Public Policy and General Counsel, Safe Kids Worldwide

Joy Feigenbaum, Bureau Chief of the Consumer Frauds & Protection Bureau at the New York State Attorney General's Office

Cara Smith, Illinois Attorney General Lisa Madigan's Deputy Chief of Staff for Policy & Communications

Timothy E. Sullivan, Deputy Attorney General, California Department of Justice (Attorney General's Office, Environmental Section)

肆、會議重點內容概述

本次會議主題包括美國消費者產品安全委員會(CPSC)業務介紹、最新規範、產品安全之全球化、消費產品安全法令研討等議題，謹將重點摘要如次：

一、CPSC 業務介紹及最新訊息

- (一) CPSC 為聯邦政府之獨立機關，自 2008 年起，為使 CPSC 能夠僱用更多人力，並進行教育訓練工作，年度預算已由過去的 6,300 萬美元，增加為 8,000 萬美元。另預計自 2008 年 10 月 1 日起，CPSC 將會增聘約 20 名員工。
- (二) CPSC 下設 3 位委員，由總統提名經參議院通過後就職，總統並指派其中 1 位擔任主席，前主席 Hal Stratton 於 2006 年 7 月辭職後，由 Ms. Nancy A. Nord 擔任代理主席至今。
- (三) CPSC 主要功能為保護消費者，避免與產品有關之傷害。主要被授權範圍包括審查產品相關法案及計畫、開啟相關調查行動、處理相關案例或是移交司法部門進行審理等。
- (四) CPSC 內部主要有 3 個業務單位，其功能職掌分述如下：
 - 危險物質鑑識防制中心 (EXHR)：負責經濟分析、科學鑑識、流行病學、健康科學、實驗室科學(含意外傷害趨勢、危險分析、資料蒐集、強制性標準之研發、自願性標準之研發與監控)，職員包括化學、微生物學、生理、心理、經濟、防火、紡織、電子、機械、金屬材料、流行病、統計等各種領域專家。
 - 資訊及公共事務室(OIPA)：負責：發布新聞、安全警訊、舉辦記者會、媒體採訪等。
 - 產品符合性中心(EXC)：強制性標準之執行及報告、危險產品調查及上市前監控、產品回收改善、與海關合作、研發規範及協助企業符合法規、透過全美 48 個駐點進行事故調查，對進口商、製造商、經銷商等進行檢查及樣本蒐集。
- (五) CPSC 主管之重要法令包括消費產品安全法、聯邦危險物質法、毒物包裝管制法、易燃紡織品法、電冰箱安全法等。依消費產品安全法之規定，CPSC 監管之消費產品多達 1 萬 5 千種以上。惟下列物品由其他機關主管：車輛及設備 (National Highway Traffic Safety

Administration, 簡稱 NHTSA); 槍械 (Bureau of Alcohol, Tobacco and Firearms, 簡稱 BATF); 食品、藥品、醫療器材、化妝品 (Food and Drug Administration, 簡稱 FDA); 航空器 (Federal Aviation Administration, 簡稱 FAA); 船 (Coast Guard); 殺蟲劑 (Environment Protection Agency, 簡稱 EPA)。

- (六) CPSC 對於進口產品監督機制之變革：CPSC 過去並未設置全職人員負責進口產品的監控，針對不安全產品也無法有足夠的能力去管制，僅能仰賴海關人員的協助。未來 CPSC 進口產品監督部門將會在進出港口設置「調查員」，不再只是由海關人員協助，而是由調查員每天進行對於進口產品安全性之管控。CPSC 最初將會先把管控重點聚焦在 10 個最大的海港，再逐漸擴大管控範圍。
- (七) CPSC 目前已成為國際貿易資訊系統 (International Trade Data System, 簡稱 ITDS) 及自動商業環境體系 (Automated Commercial Environment, 簡稱 ACE) 參與機關之一。CPSC 能夠從中得到更多足夠的資訊去管控消費者產品安全問題。
- (八) Nord 委員於 2007 年 6 月提出一個名為「產品召回、資訊、安全及現代化法案」 (Product Recall, Information, Safety and Modernization Act, 簡稱 PRISM), 其中包括擴大認證機制 允許 CPSC 尋求公正第三人進行測試工作、強化港口的管制、加強對兒童產品的管制規範、要求製造商於產品包裝清楚標示相關資訊、強化召回的管制權及資訊揭露等項目內容，均被納入白宮版及參議院版的法案中。

二、巴西經驗 - 對於產品安全的市場監督機制

- (一) 主要推動產品安全之政府機構 - 國家測量、標準化及工業品質協會 (National Institute of Metrology, Standardization and Industrial Quality, 簡稱 INMETRO): 於 1973 年設立，目前共有 1150 位員工及 60 間實驗室。主要任務在於致力於推動專業、合法的測量任務，並關切世界貿易組織的協議對於貿易帶來的障礙問題，以及對於測量實驗室進行認證等。
- (二) 其他相關政府機構：另外，巴西尚有 27 個有關於產品及服務管制的相關機構。例如：國家衛生管制局 (National Agency of Sanitary

Suveillance, 簡稱 ANVISA) 主要在推動藥品的登記、標示、合法化、查緝偽藥及藥品進口等任務；國家石油局 (National Petroleum Agency, 簡稱 ANP) 主要任務在於管制石油及其衍生產品；國家電信局 (National Agency of Telecommunication, 簡稱 ANATEL) 則在於管制電信業務的稅率及價格等項目。

- (三) 管制方式：巴西政府對於產品安全，主要透過認證、賦與供應商責任、標示、測試及檢查等方式來進行管控。其中，INMETRO 藉由檢查產品包裝所提供之資訊以及對產品本質進行檢驗等兩種方式追蹤、控管市場產品。
- (四) 產品安全管制機制面臨之困難點及解決方式：執行上之困難點包括當地領土廣泛，難以全面推行同一套機制；所需耗費的費用龐大，以及檢驗之困難性等。巴西政府將採取引入私部門進行協助之方式尋求解決。
- (五) 市場監督機制與國際合作：INMETRO 參與歐盟經濟委員會 (UNECE) - 市場監督倡議團體 (MARS) 之運作；同時參加歐洲產品安全強化論壇 (PROSAFE) 之調查工作，致力於全球市場監督機制之強化工作。

三、 歐盟委員會 (European Commission, 簡稱 EC) 的產品安全問題評估

- (一) 評估目的：本次評估的目的在於檢視近年來在歐洲消費者產品 (不包括食品) 安全機制之優缺點。本次評估於 2007 年 9 月上半旬執行，並以當年夏季玩具產品之召回作為一個案研究。
- (二) 本次評估出發點在於消費者產品安全問題之重要性，對開放市場與自由競爭等概念之信念，以及站在與中國、美國等國家共同合作之立場。
- (三) 本次評估之範圍包括法規體系、企業經營者、歐盟會員國相關之政策作為以及歐盟與中國、美國之間的國際合作關係等 4 個面向來進行檢視，評估結果將作為未來執行上之參考。
- (四) 本次評估結論如次：

- 1、透過評估檢視法規體系，並設立一套對企業、會員國及國外合作夥伴強化管制之法規機制。
- 2、製造商及進口商必須確保市場中的產品安全無虞，並且對於召回命令作出正確行動，但政府仍有改善空間。
- 3、2008 年歐盟將透過一系列的措施，與製造商、零售商及進口商以安全合約重建消費者的信心。
- 4、對於中國及其他市場進行歐盟玩具安全標準之教育訓練。
- 5、歐盟委員會將與會員國一同改善現行之市場監督機制。
- 6、在最新的報告中顯示中國的行政體系對於產品安全問題做了重要的強化措施及努力：在 2006 年 1 月總共 268 項調查案中，其中 116 個案例已採取因應措施；並有 93 個實行出口管制的案例；14 個案件中，監督權追溯延伸至中國的製造商；另外，共有 9 個其他的改正措施被中國的製造商或出口商所採納的案例。
- 7、歐盟委員會將持續提供中國技術上支持及教育訓練協助；另外，有關建立中國國內警訊發布系統及源頭管制措施都是當務之急。
- 8、歐盟與美國將共同維護產品安全及進行進口管制，並共享合作利益。

伍、我方於大會上發表之報告 - 「臺灣消費者保護官 在產品安全所扮演的角色與執法經驗」

報告人：消費者保護官莊惠媛

主席、各位女士、先生，大家午安：

我很高興有這機會跟大家報告臺灣消費者保護官在產品安全上所付出的努力以及執法成效。我將從消費者保護制度之組織、法制、消費者保護官之職責、成功案例分享、教育等層面提出報告。首先，在臺灣，我們政府體制分為中央政府與地方政府。中央政府於 1994 年設立消費者保護委員會，該會職掌消費者保護政策之研擬與審議，並於同年公布消費者保護法。在整個消費者保護機制來說，消費者保護官在中央政府有 12 位，地方政府有 31 位。其次，依據消費者保護法第 4 條及第 5 條規定，企業經營者應充分提供消費者商品或服務的正確資訊，第 10 條規定，企業經營者在有事實足認所提供的商品或服務有危害消費者安全與健康之虞時，應立刻回收該批商品或停止服務。

在臺灣，消費者保護官之責任有調查重大消費事件、致力消費者保護工作、與相關機關(構)共同合作使消費者免於遭受不實業者欺騙、協調消費者與企業經營者間之消費爭議、檢測商品並將結果對外召開記者會。目前我們每位消費者保護官每年都至少有 1 個商品品質及標示專案檢測計劃，除此之外，對於因商品品質瑕疵所致之突發重大消費事件，我們中央消費者保護官也會於事件發生時，會同地方消費者保護官進行調查。接下來讓我來介紹黑心床墊、黑新電視、除濕機以及層積材等 4 個消費者保護官處理的成功案例。

當談到床墊問題，最有名的案例就是對於黑心床墊案之處理過程。當新聞報導有地下工廠，用來路不明的廢氣床墊組裝成新貨，並以新品價格進行銷售時，我們消費者保護官立即連絡各地方消費者保護官，主動進行實地查核瞭解。結果發現，在台中、桃園、臺北縣以及臺北地區皆有此情形。企業經營者利用政府機關招標委外處理廢氣彈簧床墊之機會，標得廢氣床墊，並將此重製品以新品方式販售，卻未依消費者保護法告知消費者，讓購買的消費者發生睡眠品質差、皮膚

過敏的情形，經過申訴後，經消費者保護官調查後始知此以重製品而謊稱新品之真相。消費者保護官於調查後將此案移送司法機關，並於法院審判時作證處理情形，終將企業經營者判刑。消費者保護官在本案的努力，成功讓消費者對於消費者保護官產生信賴感，而「黑心商品」之名稱，更因此案成為後來瑕疵商品之專有名詞。

其次，對於黑心電視機案，企業經營者同樣係以舊機換新殼的方式，重新拼裝電視機，再以新品價格於各通路進行販售，賺取暴利。我們消費者保護官在獲悉此消息後，先由中央消費者保護官函請主管機關經濟部查明實情，同時消費者保護官也會同經濟部官員以及警察進行調查，並將查獲的電視機進行封存。本案也以詐欺、偽造文書罪嫌移送司法機關。此外，消費者保護官也要求本案的企業經營者向消費者道歉，並提出解決方案。本會也要求主管機關成立電視機檢查專案，一旦發現有違規電視機，立即下架。另外，我們消費者保護官更積極發動全國消費者保護官會同經濟部標準檢驗局辦理「市售電器商品檢驗標示聯合查核」，保障消費者權益。

再來，關於除濕機案件，在臺灣因為氣候潮濕，很多家庭都喜歡使用除濕機，趕走潮濕。不過，除濕機其實存在著危險。一台除濕機因為零件問題起火後，燒得只剩下金屬機殼。經消保官調查發現，從 2006 年下半年起，東穎惠而普除濕機當中的 ADS051M 機型，至少引起了 5 次火災，經過消保官半年追蹤調查，除濕機容易自己燃燒的主要原因是出在使用同一間公司代工，而這可能有問題的零件--繼電器，讓除濕機的安全拉警報。因為繼電器若有問題，除濕機多次開關後就容易短路，產生自燃的危險。市面上包括有惠而浦、大同、三洋、歌林、東元、吉普生等 6 大品牌，有特定型號都使用這款有問題的繼電器，只要製造日期是在 2003 年 1 月到 2005 年 6 月間的特定型號除濕機，廠商都應該盡快召回檢修，全台灣有將近百分之 40、數量高達 7 萬 2 千台的除濕機都有可能發生這樣的情況。同時，我們消費者保護官在調查後也發布警訊，一方面呼籲民眾主動檢查自家除濕機是否為經調查有問題的機型，若是屬於有問題的機型，可以要求廠商免費收回檢修，另一方面，要求廠商以及通路商，在各自的入口網站充分告知信息，同

時依據維修記錄、保證卡、銷售記錄等各種資料，主動通知消費者，還有印製召回通知書與夾報、海報一起發送消費者，經統計廠商已經主動召回逾 16,000 台除濕機。

剛剛也有提到，我們消費者保護官每年都有檢測市售產品品質專案，舉例來說，目前在臺灣因為成本考量，都採取國外進口木材裝潢。2007 年，我在市場上採樣進口裝潢材料層積材，進行甲醛含量品質檢測。因為層積材所使用的膠合劑如果甲醛含量如過高，將會影響人體皮膚、眼、鼻、呼吸系統，長期接觸會引發慢性呼吸道疾病、結膜炎，以及鼻咽癌等病症。檢測結果發現，13 件檢體中，12 件都為中國大陸進口，2 件未符合我國強制納檢的國家標準規定。針對此結果，我國消費者保護官要求主管機關於進口時加強抽驗，並對於後市場也加強查核，同時也召開記者會，教導消費者如何選購以及如何正確使用層積材之資訊，保障消費者權益。

以上經驗，只是臺灣消費者保護官保障消費者之部分具體作為。臺灣自 1994 年施行消費者保護法，並且成立專責處理消費者保護基本政策制定、監督各部會的行政院消費者保護委員會以來，對於消費者的保護竭盡心力，我們中央消費者保護官以及地方消費者保護官努力提供安全的消費環境給消費者，對於任何有可能危害消費者權益的產品，在接獲消息的時候，立刻啟動查核機制，會同相關主管機關至現場查核，並發布新聞或是召開記者會，將此消費警訊告知消費者。另外，每位消費者保護官也定期或不定期辦理教育宣導活動，教導相關消費資訊，讓消費者學會如何保障自己。雖然我們僅有 43 位消費者保護官來負責臺灣 22,958,360 消費者的權益，但我們仍以讓消費者 ” 買的安心、用的放心 ” 為努力的目標。希望藉由這次的報告，讓台灣的經驗與大家分享，並能雙向交流討論。謝謝大家。

(英文版報告全文)

The Roles and Enforcement of Consumer Ombudsmen in influencing the Safety of Products in Taiwan

Mr. Chairman, ladies and gentlemen—good afternoon!

I am very glad to have this opportunity to report to you about the efforts that Taiwan's consumer safety ombudsmen have made in the area of products safety, and about the results of their enforcement of the law. My speech contains organization, legal framework, consumer ombudsmen's responsibility, some successful experiences and education. First, our governmental system is divided into the central and local government levels in Taiwan. The Consumer Protection Commission which belongs to central government was established in 1994 and our Consumer Protection Law was enacted in the same year. The powers of Consumer Protection Commission are to study, propose and review the basic policies and measures concerning consumer protection. As far as the consumer protection mechanisms are concerned, there are 12 consumer ombudsmen in the central government and 31 in local governments. Second, based on Articles 4 and 5 of the Consumer Protection Act, business operators are required to provide to consumers full and accurate information concerning the products or services they provide to consumers, and Article 10 stipulates that when a business operator has factual cause sufficient to lead him or her to believe that a good or service provided to customers threatens consumer safety and health, then he or she must immediately recall the good or suspend the service.

Then, the responsibility of consumer ombudsmen in Taiwan are as following: investigating major complaints, promoting the work of consumer protection, coordinating related agencies to protect consumers from deceptive commercial practices, testing qualities of products, negotiating with consumers and business operators, and holding press conferences. Presently in Taiwan, each of our consumer ombudsmen handles at least one special product quality and standards review project per year. In addition, whenever a product quality defect leads to an unexpected major

consumer incident, the consumer ombudsmen at the central government level will work together with their counterparts at the local level in conducting investigations. Let me introduce four successful experiences, mattress cases, black-heart TVs, dehumidifiers and plywood respectively that our consumer ombudsmen did before.

When it comes to talk about the mattress case, it was the most famous one. In this case, there were first media reports of underground factories that took discarded mattresses of unknown origin and then repackaged and sold them as new products. The ombudsmen at the central government level immediately contacted all the local ombudsmen, who then conducted on-site investigations. Sure enough, it was discovered that this was occurring in Taichung, Taoyuan, Taipei County, and Taipei City. Moreover, it was found that the business operators were competing to bid for government contracts to process discarded mattresses, and they would then turn around, repackage them, and sell them as new—without informing consumers in line with the Consumer Protection Act. As a result, the buyers would find that their sleep quality was poor, they would have skin rashes, and so on. After receiving complaints about it, the consumer ombudsmen conducted their investigation and discovered the truth. The consumer ombudsmen then referred the case to the judicial authorities and were ready to present their evidence in court. In the end, the business operators received prison sentences. The effort that our ombudsmen had put into this case was also successful in that it increased consumers' trust in the system. I should note that the Chinese term popularly used to describe those mattresses—*hei-hsin chuang-tien* or “black-heart mattresses”—has taken on a life of its own, so that *hei-hsin* is now the standard word used to describe defective products in general.

In the case of the exploding television sets—or the “black-hearted TVs”—the business operators were likewise putting old stuffing into new packages. They would re-outfit, distribute, price, and sell them as new, so there was a large profit involved. After receiving word of this, our consumer ombudsmen at the central government level first requested the Ministry of Economic Affairs by formal letter to conduct an

investigation. They also joined with officials from the Ministry of Economic Affairs and the police to conduct investigations, and they sealed the TVs that they had seized. The perpetrators were charged with fraud and forgery and taken to court by consumer ombudsmen. The ombudsmen also demanded that the business operators involved issue an apology to consumers and proposed a solution. The Consumer Protection Commission also requested that the competent authorities set up a special task force to investigate TV sets and to empower it to remove from the shelves any TV sets that were in violation of regulations. In addition, our consumer ombudsmen further mobilized ombudsmen throughout Taiwan to join with the Bureau of Standards, Metrology, and Inspection of the Ministry of Economic Affairs in conducting an investigation of the labeling of electronic products being sold on the market as a means of protecting consumers' rights and interests.

As for the dehumidifiers, these are quite popular in Taiwan because of the damp climate. However, there is a fire risk involved with them, because if any part is faulty, it can burn down to its metal casing. An investigation by consumer ombudsmen discovered that the ADS051M model dehumidifier produced by Whirlpool was responsible for at least five fires starting in the latter half of 2006. After further investigation lasting half a year, ombudsmen found that the main reason they were so easily catching fire was that it was probably due to a part—a relay—supplied by another company. If the part is faulty, then a short can result after the dehumidifier turns off and on several times. In fact, it was found that certain models being produced by the six leading dehumidifier brands in Taiwan—Whirlpool, Tatung, Sanyo, Kolin, TECO, and Gibson—had the same faulty relay, which appeared in dehumidifiers manufactured between January 2003 and June 2005. It was decided that a recall was in order. This involved nearly 40% of Taiwan's dehumidifiers, as many as 72,000 units. Meanwhile, the ombudsmen issued an alert, calling on the public to check whether their dehumidifiers were the faulty models and to ask the manufacturer for a free repair; they also asked manufacturers and distributors to place

announcements of the recall on their websites and to take the initiative to contact their customers (based on repair records, guarantee cards, sales records, etc.) and to print recall notices, fliers, and posters announcing the recall. Statistics indicate that more than 16,000 dehumidifiers have been recalled this way.

I have mentioned that our consumer ombudsmen do special projects each year testing the quality of goods on the market. For example, currently most wooden interior decoration in Taiwan nowadays uses imported wood, due to cost considerations, so in 2007, we sampled imported plywood and tested it for formaldehyde content, because if the formaldehyde content is too high, it can affect the skin, eyes, nose, and respiratory system, and long-term exposure can cause chronic bronchitis, conjunctivitis, nasopharyngeal cancer, and other conditions. Of the 13 samples tested, 12 were imported from Mainland China, and two of them did not meet our national standards. In light of this result, ombudsmen requested the relevant authority to enhance random testing of plywood being imported and of plywood already on the market. Meanwhile, they called a press conference, provided instructions to consumers on how to select and purchase the right plywood, and how to use it properly.

The cases I have just described represent only a fraction of everything that Taiwan's consumer ombudsmen have accomplished. Since the Consumer Protection Act was enacted and Consumer Protection Commission was established in 1994, our ombudsmen at the central and local government levels have done their utmost to protect consumers and build a safe environment for them, and to start up the testing mechanism as soon as information is received on products that may threaten consumer rights. They work in coordination with other relevant agencies in conducting on-site investigations; they issue news announcements or convene press conferences to alert consumers. They also organize regular or occasional educational and promotional activities to instruct consumers on how to protect themselves.

Although we have only 43 consumer ombudsmen serving Taiwan's 22,958,360 consumers, we continue to work hard to achieve the goal of letting them "buy with assurance and use worry-free." I hope this report to share Taiwan's experience helps to encourage broader discussion. Thank you.

陸、結語與建議

一、持續參與國際會議，加強國際交流，建立長期合作關係，並增加我國國際能見度：

ICPHSO 之會議為我方近年來持續參與之國際會議之一，包括 2006 年比利時第 3 屆歐洲會議、2007 年美國佛羅里達州舉行之第 14 屆年會、2007 年假中國大陸北京首度召開之亞洲會議等，我方皆積極派員參加，與 ICPHSO 組織建立一定程度之交流與互動，對推展我方消保業務之國際交流甚具成效。

例如，去年度 ICPHSO 於中國大陸北京舉辦之亞洲會議，因中方單方面擅改我方名稱，遭我方退席抗議一事，ICPHSO 組織極度重視，除以電子郵件向我方致歉，並再三向我方表示往後絕不會有類此事件再度發生。該組織執行長 Ross Koeser 並於本次會議期間多次向我方代表表達歉意。

而本年度我方行政院消費者保護委員會消費者保護官莊惠媛應邀於本次大會中就「臺灣消費者保護官在產品安全所扮演的角色與執法經驗」為題提出報告，詳細介紹我方在推動產品安全上之努力，獲得與會者一致好評，更使得我方在國際能見度大幅提高。故今後持續參與國際組織之會議，奠定我方與各組織間之良好關係基礎，並積極尋求對外發聲之機會，應為我方日後繼續推動之重點。

二、公私協力推動消費者保護工作之重要性：

在政府資源有限，民間資源源源不絕之情況下，政府機構加強與民間團體的合作、善加運用其人力與資源已是大勢所趨。例如，由巴西政府及歐盟之經驗分享中，均可見引進私部門協助之案例。

另就本次會議而言，亦可清楚得知美國消費者產品安全委員會（CPSC）與國際消費者產品健康與安全組織（ICPHSO）之合作關係，CPSC 為美國消費者產品安全政策與法令執行機關，透過 ICPHSO 所辦理之年度大會，與國內外政府及相關消保組織、大型企業建立起資訊與意見溝通、交流之平台，並宣導有關 CPSC 之相關業務與最新規範。

我國中華民國消費者文教基金會、台灣消費者保護協會等民間消保團體雖非完全透過政府部門贊助成立，但行政院消費者保護委員會、經濟部標準檢驗局等政府機關仍透過補助或共同辦理活動之形式與該等組織維持合作關係，如何有效運用民間團體的資源，並掌控合作辦理事項之推動方向，以達到預期效益，共同創造政府及民間之雙贏，當是未來重要課題。

三、健全不安全產品之召回及通報機制：

以 CPSC 為例，CPSC 若認定某項產品會導致實質傷害時，可立即發布命令要求製造商、經銷商、零售商等對消費者發布召回 (Recall) 訊息。召回方式則包括產品修復 (Repair)、免費替換 (Replace) 及退款 (Refund) 等。至於發布方式也有規定，例如聯合舉行記者會、電視新聞等，以確保有 50% 以上的消費者 % 可以透過媒體得知相關訊息。CPSC 也要求零售商必須在商店明顯處，最少張貼經由 CPSC 認可之回收訊息海報 120 天，業者也必須在網站上公布相關訊息，並允許線上登記回收。

為加強對不安全產品之管制，我國行政院消費者保護委員會於 96 年 3 月 29 日第 145 次委員會議要求經濟部應儘速研擬「商品安全管理法」草案或研修「商品檢驗法」，納入業者強制通報責任，規劃並建置商品事故通報機制。

經濟部於 96 年 7 月 11 日修正公布「商品檢驗法」新增第 49 條第 4 項規定，發布「應施檢驗商品發生事故通報辦法」，並訂於 97 年 7 月 1 日正式實行。經濟部標準檢驗局同時於 96 年設立「商品安全資訊網」 (<http://safety.bsmi.gov.tw>)，並於 97 年 1 月正式上線，以作為提供業者與消費者有關商品安全資訊的管道；此外，業者與消費者在得知商品事故時，亦可透過該網站進行通報，使標準檢驗局可以與業者及消費者共同攜手防止事故擴大或類似事故再次發生。

我國雖已建置不安全產品召回及通報機制，惟本機制尚在起步階段，未來應廣泛蒐集國外相關資訊，積極學習國外之經驗，建立一套更加完備之整體機制，以確保產品安全及維護消費者權益。

四、持續強化我國對於進口產品之監控系統，並宣導消費者

廣為週知：

本次會議中，大多數與會者都提及中國進口產品之影響，顯見世界各國對於管控進口產品（特別是中國生產之產品）之重視程度。

我國政府業於去年度正式建置「不安全進口產品資訊網」(網址 <http://unsafe.nat.gov.tw>)，由行政院消費者保護委員會負責管理該網站建置及維護事宜，透過發布消費警訊之方式，提醒消費者注意進口產品衛生及安全之相關訊息。如何加強我國對於不安全進口產品之監控，持續強化並改善本網站之功能，並擴大宣導本網站，應為日後繼續努力之方向。

五、評估舉辦相關主題會議，再度邀請相關人士來台：

我國經濟部標準檢驗局於 96 年 5 月間舉辦「APEX 市場監督研討會」，除邀請 CPSC 代理主席 Ms. Nancy A. Nord 等人來台參與，同時於會後，由經濟部標準檢驗局、行政院消費者保護委員會及 CPSC 共同進行三方會談，甚具國際交流成效，並使 N 代理主席一行人對我國留下深刻印象。

此次會議，我方出席人員亦利用會議期間，當面向 N 代理主席致意，並釋出善意，歡迎 N 代理主席再度來台訪問，N 代理主席欣然同意，我國或可評估於適當時機再度舉辦類似會議，增加國際交流機會。

柒、附件

一、會議照片



照片 1：我方消費者保護官莊惠媛（右二）於大會中發表報告。



照片 2：大會實況



照片

3：我方出席代表與美國 CPSC N 代理主席合影。



照片 4：會議實況

二、會議資料

The Roles and Enforcement of Consumer Ombudsmen in influencing the Safety of Products in Taiwan

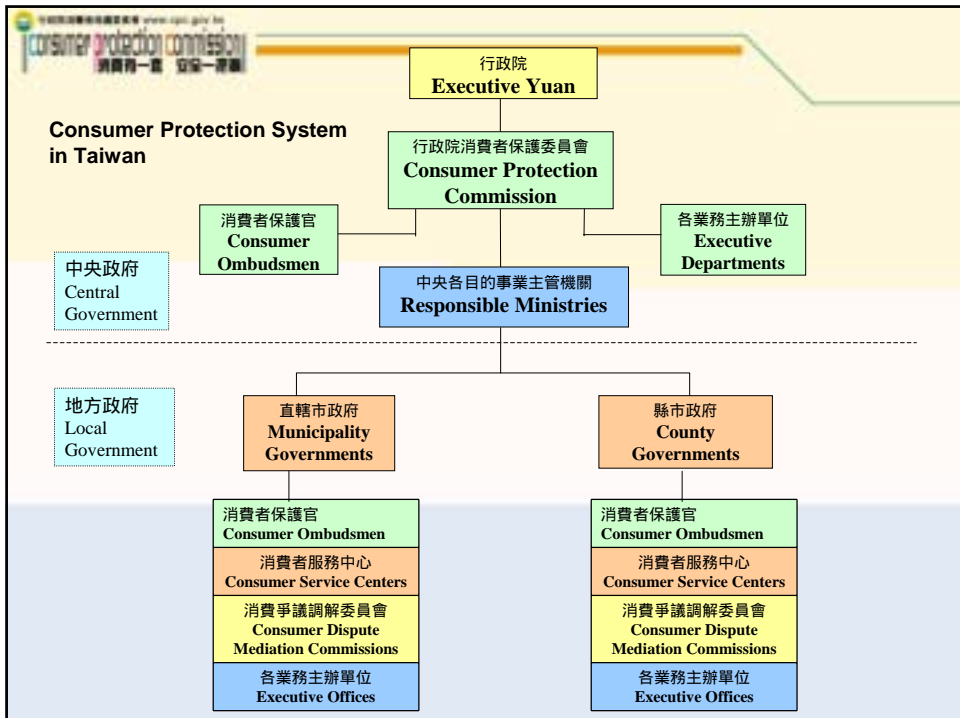
Huei-Yuan Chuang
Consumer Ombudsman, Consumer Protection
Commission Executive Yuan, R.O.C.

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- Organization
- Legal framework
- Consumer Ombudsmen's responsibility
- Successful experiences
- Education
- Conclusion

Organization- Consumer Protection Commission Executive Yuan,R.O.C

- **Governmental department responsible for consumer protection policy implementation**
- **Established in 1994**
- **Consumer Protection Law 1994**
- **We have 43 consumer ombudsmen now.**



Legal framework

- **Consumer Protection Law:**

Art 39: The Consumer Protection Commission and the municipality and county (city) governments shall respectively maintain several consumer ombudsmen.

Art 4: With regard to goods or services provided by them, business operators shall pay attention to the health and safety of consumers, and shall explain to the consumers the methods of use for goods and services, ensure the fairness of transactions, provide consumers with adequate and accurate information, and implement other measures necessary to protect consumers.

Legal framework

- **Consumer Protection Law:**

Art 5: All the government, business operators and consumers shall endeavor together to enhance consumer information, provide the same to be used by the consumers so as to ensure that appropriate and reasonable consumer behaviors can be adopted, in order to ensure their safety and interests.

Legal framework

- Consumer Protection Law:

Art 10: Where there are facts sufficient to prove the existence of suspicion that goods or services provided will endanger the safety and health of the consumers, business operators shall immediately recall such goods or discontinue such services, provided that if necessary treatments taken by the business operators are sufficient to remove such danger, the foregoing recalling is not applicable.

Where goods or services are of a threat to endanger the lives, bodies, health or properties of the consumers in the absence of conspicuous warning label with descriptions of the methods for emergency handling of such danger, the provision of the preceding paragraph shall apply mutatis mutandis.

The responsibility of Consumer Ombudsmen in Taiwan

- Investigating major complaints
- Promoting the work of consumer protection
- Coordinating related agencies to protect consumers from deceptive commercial practices
- Testing qualities of products
- Negotiating with consumers and business operators
- Holding press conferences

Successful experiences



Successful experiences- mattress case

- The origin of the term "hei-hsin" or "black-heart"
- The business operators received prison sentences.
- Increased consumers' trust.



mattress case



Successful experiences- black-hearted TVS



Successful experiences- dehumidifiers

- The main reason dehumidifiers were so easily catching fire was that it was probably due to a part – a relay.
- More than 16,000 dehumidifiers have been recalled.



dehumidifiers



Successful experiences- plywood

- We sampled all kinds of plywood to make sure the formaldehyde content in accordance with the rule.
- If the formaldehyde content is too high, it can affect the eyes, nose, and respiratory system, and long-term exposure can cause chronic bronchitis, cancer, and other conditions.
- Of the 13 samples tested, 12 were imported from Mainland China, and two of them did not meet our national standards.

plywood



Education

- Issue news
- Convene press conferences
- Give lectures
- Organize activities
- TV programmes
- Radio



Conclusion

Our 43 consumer ombudsmen continue to work hard to build a “buy with assurance and use worry-free” environment.

Thank you for your attention

Huei-Yuan Chuang

Consumer Protection Commission Executive Yuan,R.O.C

Tel:886-2-2886-3257

E-mail:oub7@cpc.gov.tw