

## “Dumplings and Dodgy Foods in Japan: Implications for the Australia-Japan FTA”

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Issue 19(2) of this *Reporter* recently reviewed ongoing litigation in Australia over asbestos. It also introduced “soft law” and new regulatory powers regarding foodstuffs proposed by the Public Health Bill in New Zealand. Those are likely to impact on Australia given growing harmonisation in this field derived from the two countries’ free trade agreement (FTA – “ANZCERTA”) in force since 1983.<sup>1</sup> This year also marks the commencement of formal negotiations for an Australia-Japan FTA. Policy-makers, legal advisors and businesspeople in Australia therefore need to pay particular attention to product safety issues emerging in Japan.

In late 2006 we published a report on a series of product safety problems that escalated in quick succession from mid-2005 in Japan: ‘ABCs’ involving asbestos, building design, consumer electrical goods labelling, and then Schindler elevators.<sup>2</sup> Widespread public debate and product-specific (‘vertical’) re-regulation led, in turn, to revisions in late 2006 to the (‘horizontal’) Consumer Product Safety Law of 1973 (CPSL), similar to Part V Div 1A of our Trade Practices Act (TPA).<sup>3</sup> Japanese manufacturers (and importers) must now inform regulators of serious-product related accidents, as in the EU and the US, and as proposed by some now for Australia.<sup>4</sup>

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<sup>1</sup> Gotis-Graham C and Gregory C *Asbestos Litigation: Breach of Duty and Causation Hard to Prove* (2008) 19 (1) *Australian Product Liability Reporter* 8; Stubbs P *Impact of Public Health Bill on the Food Industry in New Zealand* (2008) 19 (1) *Australian Product Liability Reporter* 4.

<sup>2</sup> Nottage L *The ABCs of Product Safety Re-Regulation in Japan: Asbestos, Buildings, Consumer Electrical Goods, and Schindler’s Lifts* (2006) 15 (2) *Griffith Law Review* 242.

<sup>3</sup> Nottage L *Reviewing Product Safety Regulation in Australia - and Japan?* (2005) 16 (7-8) *Australian Product Liability Reporter* 100.

<sup>4</sup> Nottage L *The Productivity Commission’s Inquiry into Australia’s Consumer Policy Framework: A Partial Response* (2008) 18 (9) *Australian Product Liability Reporter*.122. Nonetheless, the final Inquiry Report (No. 45, 30 April

These developments suggest a growing awareness in Japan, as well as the EU, that even “strict” product liability (PL) cannot and does not readily generate optimal levels of product safety. Japan’s PL Law of 1994, modelled (like TPA Pt VA) on the 1985 EC Directive, has led to quite surprising amounts of reported case law. However, as in Australia, the levels remain lower than many predicted (or feared, at the time of enactment), and minuscule compared to those in the US.<sup>5</sup> Significant effects of PL law reforms are felt further down the “dispute resolution pyramid” in Australia and Japan, but as in the Asia-Pacific generally as well as the EU, these remain relatively small and often indirect.<sup>6</sup> Meanwhile, increasingly open economies are enjoying many benefits from the boom in the People’s Republic of China (PRC), but extensive problems with Chinese-made toys and other exports recently have also highlighted the increased risks involved.

It remains true that Japan has shifted away significantly from ex ante product safety regulation from the mid-1990s, in parallel with the establishment of the WTO. This trend accelerated in the late 1990s as part of broader deregulation programs and judicial system reform, aimed at more indirect socio-economic ordering prompted by private initiative such as ex post compensation claims. Yet, Japan is now looking to develop some of the many other areas of law that can impact on product safety:<sup>7</sup>

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2008) proposes a much weaker Recommendation 8.2: compare <http://www.pc.gov.au/inquiry/consumer/docs/finalreport> with Nottage, in the previous issue.

<sup>5</sup> Nottage L *Comparing Product Liability and Safety in Japan: Path-Dependent Globalization* in Scheiber H and Mayali L (eds), *Emerging Concepts of Rights in Japanese Law* (UC Berkeley - Robbins Collection, Berkeley, 2007) 159; Kellam J and Nottage L *Happy 15th Birthday, T.P.A. Part V.A.! Australia’s Product Liability Morass* (2007) 15 (1) *Competition and Consumer Law Journal* 26.

<sup>6</sup> Kellam J and Nottage L ‘Europeanisation of Product Liability in the Asia-Pacific Region: A Preliminary Empirical Benchmark’ (2008) 31 *Journal of Consumer Policy* 217, updating and abridging Nottage L and Kellam J ‘Report on Clayton Utz Asia Pacific Product Liability Survey’ (2006) 17 (9) *Australian Product Liability Reporter* 121.

<sup>7</sup> Adapted from Nottage L *Product Safety* in Howells, G, Ramsay I and Wilhelmsson T (eds), *Handbook of International Consumer Law and Policy* (Edward Elgar, Cheltenham, 2008), forthcoming.

<b>Markets</b>  (limited especially by information problems)	Insurance	First-party, third-party, mandatory vs voluntary
	Corporate governance	Including employees, creditors (& insolvency regimes), and other stakeholders; broader Corporate Social Responsibility
<b>Judicial system</b> - mainly private law  (limited especially by access)	Contracts	Subject to insolvency law and privity doctrine
	Tort	Product liability, especially vs manufacturers
		Breach of statutory duty, vs manufacturers
Compensation for negligence, especially vs state		
<b>Political system</b> – mainly public law	Product safety regulation	Generic ('horizontal') vs Product/Sector-specific ('vertical'); 'performance-based regulation'
	General criminal law	'Professional negligence causing death', vs individuals; 'corporate manslaughter', vs firms
	Environmental or labour law	

In particular, as shaded in this Table, Japan appears to be re-evaluating potential synergies between PL and administrative law, as well as (often overlapping) general criminal law. The latter has long been used to influence norms and behaviour in other areas of tort law, such as medical malpractice and traffic accidents.<sup>8</sup>

### **Dodgy Domestic Foods and Chinese Dumplings**

<sup>8</sup> Nottage L *Product Liability and Safety Regulation* in McAlinn G (ed.) *Japanese Business Law* (Kluwer, The Hague, 2007) 221.

This provides one major part of the backdrop for yet another series of product safety concerns that have arisen in Japan since early 2007. The first wave involved a series of mislabelling scandals, mainly of locally produced “dodgy foods” (see Appendix A). Over 2007, 52 suspected violations of food safety laws were followed by up to 90 arrests. Most notoriously meat supplier “Meat Hope” was found to have mixed cheaper pork and other mince meat into its “100% beef” mince, leading to the arrests of its principals. A number of firms (including major cake manufacturers Akafuku and Ishiya) admitted to falsifying production and expiry dates. More remarkably, Akafuku was exposed as having done so consistently for 34 years, while even some McDonald’s and Mister Donut outlets had also been using ingredients past their expiry dates. This was despite the bad press received by the McDonald’s franchise chain a decade ago, when its defective orange juice resulted in the first pro-plaintiff judgment under the PL Law.<sup>9</sup>

However, such mislabelling does not readily fall foul of the PL Law, as opposed for example to the Consumer Contracts Law of 2000. The mislabelled goods were probably not unsafe. Anyway, there appears to have been little (if any) proven physical injury or consequential loss – even taking into account that Japan’s PL Law goes beyond the EC Directive and TPA Pt VA to allow compensation for loss to other “business” property, not just property ordinarily for personal use.<sup>10</sup> If there were safety issues that resulted in injury or consequential loss, we would anyway expect settlements out-of-court under the otherwise clear provisions of the PL Law, even more quickly than occurred in the wake of the Snowbrand defective milk debacle in 2000.<sup>11</sup>

The main response to this first wave, therefore, was a package of minor reforms announced in late 2007 to beef up some disturbingly persistent lacuna in the Food Sanitation Law and

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<sup>9</sup> Kitagawa T and Nottage L ‘Japan’s First Judgment under its PL Law of 1994: Echoes of *Donoghue v Stevenson*’ (2000) 10 (10) *Australian Product Liability Reporter* 121.

<sup>10</sup> Nottage L *Product Safety and Liability Law in Japan: From Minamata to Mad Cows* (RoutledgeCurzon, London, 2004) Chapter 3.

<sup>11</sup> Nottage L ‘New Concerns and Challenges for Product Safety in Japan’ (2000) 11 (8) *Australian Product Liability Reporter* 100.

other mainly administrative law. The Perishable Goods Labelling Standards, under the Japanese Agricultural Standards Law, have been widened to extend obligations to display name and place of origin to producers of ingredients in processed goods. The Premiums and Representations Law has been strengthened. Consumer organisations accredited under the Consumer Contracts Law, first enacted in 2000 and amended in 2006 to allow them to bring representative proceedings by way of injunctions to prevent misrepresentations under that Law, will be able to seek injunctions (from April 2009) if suppliers mislabel the quality of goods as “exceptionally good” in violation of the Premiums Law.<sup>12</sup> In addition, the Cabinet Office has created a special government task force for dealing with future mislabelling scandals.

A second wave of product safety problems gathered momentum from late 2007, quickly displacing the first. It involved dumplings (*gyoza*), mostly imported frozen from China nowadays, which were eventually identified as the source of food poisoning throughout Japan (see Appendix B). Again, it seemed like *déjà vu*. As in the Snowbrand case, authorities were slow to collect, share and report problems under the revised Food Sanitation Law – which completely displaced the CPSL.<sup>13</sup> Despite random inspections of five percent of frozen food imports under the Food Sanitation Law, the pesticides were not initially detected since quarantine procedures require inspection only for bacteria and harmful

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<sup>12</sup> See <<http://www.consumer.go.jp/seisaku/cao/soken/seido/hourei/hourei.html>> (in Japanese). Six organisations have been accredited between 23 August 2007 and 28 May 2008: <<http://www.consumer.go.jp/seisaku/cao/soken/tekikaku/zenkoku/zenkoku.html>> (in Japanese). This latest amendment may encourage further applications for accreditation, increasing the threat of injunctions under either Law. Further, the Premiums Law is administered by the Japan Fair Trade Commission (see the translation via <<http://www.jftc.go.jp/e-page/legislation/index.html>>), whereas the Consumer Contracts Law is under the jurisdiction of the Cabinet Office (translation at <<http://www.consumer.go.jp/english/cca/index.html>>). So this more concerted approach itself suggests the growing importance of consumer law in Japan.

<sup>13</sup> See CPSL Art 2(1), expressly excluding that Law’s applicability where specified legislation applies (for example, as well, automobiles and pharmaceuticals). By contrast, the EU’s General Consumer Product Safety Directive of 1992 (strengthened in 2001), clearly applies to fill in any gaps in “vertical” Directive regimes: see Fairgrieve D ‘General Product Safety - a Revolution through Reform?’ (2006) 69 *Modern Law Review* 59.

ingredients. Nor were food poisoning cases reported by municipal health authorities to the Ministry of Health Welfare and Labor for more than a month, since current guidelines require notification only for outbreaks harming 50 or more people.

But a new dimension was that the dumplings came from China, a country with which Japan has a long history of tense diplomatic and economic relations. Relations reached a low point during the prime ministership of Junichiro Koizumi, following his controversial visits to the Yasukuni war shrine, and culminating in violent anti-Japanese protests in Shanghai and other cities in 2005. Koizumi's successor, former Prime Minister Shinzo Abe (September 2006 – September 2007), campaigned on the basis of a more assertive defence policy vis-à-vis China, and was also the key architect of the now-abandoned quadrilateral security dialogue of Asia-Pacific democracies (Australia, India, Japan and the US), interpreted by China as an attempt at containment. Opinion polling on Japanese attitudes towards China shows a deepening distrust. For the first time, and consistently since 2005, respondents indicating an overall negative impression of China outnumbered those with an overall positive impression.<sup>14</sup> Japanese confidence in Chinese consumer goods, similarly, was already low due to scares over exports of diethylene glycol-laced toothpaste and lead-painted children's toys to the US and Europe earlier in 2007.

On the economic front, Japanese firms have made very large investments in China since the 1990s, mainly to cut costs especially as recession deepened back home. Yet, some feel forced into this strategy, or object when Japanese firms are targeted – with more or less tacit approval, arguably, from the Chinese government – by Chinese consumers or the media. In some sectors, such as fruit and vegetables, Japanese farmers have not shifted production to China and increasingly feel the pinch from Chinese exporters. In 2001 the Japanese government invoked “safeguard” measures under the WTO to limit sudden increases in certain vegetable imports from China.<sup>15</sup> The government, local farmers and Japanese consumer groups have also complained repeatedly about excessive chemical residues in

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<sup>14</sup> Takashi S, 'Reassessing Japan's Diplomatic Options' (2008) 35(2) *Japan Echo* 28.

<sup>15</sup> Park J-H, 'Agricultural Trade between Korea, China and Japan: Disputes and Countermeasures' (2002) 14 (3) *East Asian Review* 49, 60. Even today Chinese vegetables make up nearly 2/3rds of all Japanese vegetable imports.

Chinese food imports.<sup>16</sup> This background helps explain a remarkable episode reported on 2 February 2008, when PM-hopeful Taro Aso “thanked” China for the debacle involving imported dumplings, because this would make relatively expensive Japanese-produced foods more commercially attractive.

Another complication, however, was that circumstantial evidence suggested that the dumplings had been deliberately injected by pesticides after production in China – and possibly after importation into Japan.<sup>17</sup> Japan’s PL Law (Art 3) requires the harmed plaintiff to prove that the goods contained a defect when delivered. By contrast, under TPA s 75AK(1) (and under the EC Directive), the defendant must make out an affirmative defence that the goods did not contain the defect when supplied. That was enough to help the Australian plaintiff in *Effem Foods Ltd v Nicholls* [2004] NSWCA 332. The NSW Court of Appeal held the defendant manufacturer liable for a safety pin that had made its way into a Snickers bar. It applied the presumption of innocence (*Briginshaw v Briginshaw* (1938) CLR 336 at 362-3) when the defendant manufacturer only established a possibility of deliberate sabotage in the retailer’s shop.

Japanese law also does not have an administrative law regime specifically covering food tampering, like that applied to food businesses in Queensland under the Food Amendment Act 2006, which followed incidents earlier that year in Sizzler restaurants (also popular in Japan). Japan may well develop such a legislative scheme, as possible tampering incidents continue to emerge.<sup>18</sup> Somewhat ironically, such re-regulation might dampen (already relatively muted) calls to amend the PL Law.

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<sup>16</sup> See eg <http://www.ers.usda.gov/amberwaves/november03/findings/chinavegetableexports.htm>. This is notwithstanding the fact that some 99.81% of Chinese imports passed inspection in 2007, higher than domestic produce in the same year.

<sup>17</sup> The density of pesticide found was some 400 times higher than Japanese regulatory standards, making it highly unlikely that it was residue from vegetable ingredients, while the outer layer of most contaminated packages contained a 1mm to 3mm piercing.

<sup>18</sup> See eg “Insecticide Found in Canned Coffee”, *Japan Times*, 11 May 2008, at <http://search.japantimes.co.jp/mail/nn20080511a8.html>.

## Implications for an FTA Era

Overall, nonetheless, ongoing public debate and existing or likely government reactions do create a stronger platform for further reforms. Social psychology explains how “norm cascades” can develop momentum, for better or worse, and such phenomena seems to underlie Japan’s re-regulation of unsecured consumer lending from 2006.<sup>19</sup> Prompted by the tenth anniversary of the PL Law, consumer interests did call for further strengthening of that regime, but many proposals focus on broader access to justice issues. A particular interest remains an opt-in class action scheme or some other new form of representative damages claim, going beyond the injunction proceedings available since 2007 under the Consumer Contracts Law.<sup>20</sup> Collective redress for consumers is also a centrepiece of the latest round of consumer law reform initiatives in the EU, and in other countries.<sup>21</sup> The EU appears increasingly influential in Japanese consumer law reform, and the EU’s greater priority given to consumer interests over the last decade also underpins calls by the present PM Yasuo Fukuda for a new “Consumer Agency” (or the like) for Japan. Prime Minister Fukuda appointed a “Committee for the Promotion of Consumer Administration” in February, tasked with the amalgamation of all consumer-related administrative functions into a single Consumer Agency, with management of food safety as one of its central pillars.<sup>22</sup> Food safety is currently managed by one part of the increasingly powerful Cabinet

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<sup>19</sup> Kozuka S and Nottage L 'Re-Regulating Unsecured Consumer Credit in Japan: Over-Indebted Borrowers, the Supreme Court, and New Legislation' (2007) 07/62 *Sydney Law School Research Paper* <http://ssrn.com/abstract=1019392> (forthcoming in the 2009 *Yearbook of Consumer Law*), and especially Kozuka S and Nottage L 'The Myth of the Cautious Consumer: Law, Culture, Economics and Politics in the Rise and Partial Fall of Unsecured Lending in Japan' in Niemi-Kiesilainen J, Ramsay I and Whitford W (eds), *Consumer Credit, over-Indebtedness and Bankruptcy: National and International Dimensions* (Hart, Oxford, 2008) forthcoming.

<sup>20</sup> See above n. 12; Nottage, above n. 9 at 250; and a 2007 comparative study on the latter commissioned by Japan’s Cabinet Office (in Japanese, including a National Report on Australia prepared by Luke Nottage & Michelle Tan), available via [www.cao.go.jp](http://www.cao.go.jp).

<sup>21</sup> Cashman P K *Class Action Law and Practice* (Federation Press, Annandale, NSW 2007) and [http://ec.europa.eu/consumers/redress/collect/index\\_en.htm](http://ec.europa.eu/consumers/redress/collect/index_en.htm).

<sup>22</sup> See the website of the Prime Minister of Japan and His Cabinet: [www.kantei.go.jp](http://www.kantei.go.jp); and Michelle Tan,

Office.

Perhaps this is part of a broader trend in our “global risk society”.<sup>23</sup> Just as in the EU, however, there remain concerns that various improvements to Japan’s consumer safety framework may be intended – or operate – as disguised trade barriers, discriminating particularly against certain countries.<sup>24</sup> For example, despite a 33% decline in Chinese vegetable imports over the year to February 2008, Japan’s Ministry of Agriculture, Forestry and Fisheries (MAFF) set up a new “Food Security Department” from April, with a 1.7 billion yen budget aimed at raising public awareness of the country’s declining food self-sufficiency rate. Australians negotiating now the FTA with Japan should factor in possibly protectionist impulses when tailoring state-to-state dispute settlement procedures – too often left to the last moment, and lacking in broader perspective.<sup>25</sup> Under Article 8 of Food Sanitation Law, amended around the time the WTO Agreements came into effect, Japan is able to unilaterally ban imports of food products on a country-by-country basis for health and safety reasons. Australian exporters should also be thinking of ways of minimising disputes in the first place. One inspiration from ANZCERTA would be some commitment to business law harmonisation, including ‘horizontal’ consumer product safety regimes with information-sharing among regulators in Australia and Japan. A more ambitious objective could be targeted collaboration modelled on Food Standards Australia New Zealand.<sup>26</sup>

To balance efficiency with legitimacy, we should seek to build such initiatives into FTAs between close economic partners, especially when Australia, Japan and New Zealand (as

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‘Consumers in Japan: Where are we now? Where do we want to be?’, notes from a presentation to the 6<sup>th</sup> ANJEL conference in Japanese Law, available via [www.law.usyd.edu.au/anjel/content/anjel\\_events\\_anjelconf2008.html](http://www.law.usyd.edu.au/anjel/content/anjel_events_anjelconf2008.html).

<sup>23</sup> Beck U *World Risk Society* (Polity Press, Malden, Mass, 1999).

<sup>24</sup> Similar concerns surfaced following the outbreak of “mad cow disease” in Japan: see Nottage L and Trezise M, ‘Mad Cows and Japanese Consumers’ (2003) 14 (9) *Australian Product Liability Reporter* 125.

<sup>25</sup> See also eg Nottage L and Miles K, *Back to the Future for Investor-State Arbitrations: Revising Rules for Public Interests in Australia and Japan* (2008) *Sydney Law School Research Paper* via [www.ssrn.com](http://www.ssrn.com).

<sup>26</sup> See [www.foodstandards.gov.au/](http://www.foodstandards.gov.au/)

well as the PRC) are also beginning to investigate participation in broader regional FTAs.<sup>27</sup> If we can get this right, bilateral and (perhaps especially) regional FTAs may neatly avoid both “regulatory capture” by national interests, and the “democratic deficits” that tend to afflict multilateral systems like the WTO.<sup>28</sup>

### Appendix A: Domestic dodgy foods – a selective smorgasbord

Brand	Issue
Akafuku	Confectionary maker admitted to falsifying production and expiry dates on signature red bean jam products for 34 years. Received business suspension order.
Fujiya	Confectionary maker was discovered to have been producing cream puffs using expired milk after bacterial contaminations found.
Hinajidori	Accused of marketing meat of retired roosting chickens as superior quality free-range meat. President and executives arrested.
Ishiya	Manufacturer of the popular <i>Shiroi Koibito</i> white chocolate cookies falsified expiration dates.
McDonald's	At least four franchises in Tokyo used expired milk and yogurt products and falsified production dates on salads.
Meat Hope	Meat manufacturer had mixed pork, chicken and rabbit mince with beef mince, labelled as 100% beef, for over two decades. Health authorities raided the company and its president and executives were arrested and charged with violating the Unfair Competition Law.
Mister Donut	Nationwide donut (and Chinese dim sum) retailer revealed expired fruit syrups had been used in soft drinks in at least 181 outlets. Suspended sales.
Ofuku Mochi	Main competitor to Akafuku, admitted to falsifying expiry dates 27 years

<sup>27</sup> Notably, the “East Asia Summit” (ASEAN+6): see eg Kawai M, *Evolving Economic Architecture in East Asia* (2007) 84 ADB Institute Discussion Paper <http://www.adbi.org/files/dp84.evolving.economic.architecture.east.asia.pdf>, 22-3.

<sup>28</sup> Nottage and Trezise, above n. 24; Nottage L, ‘PM Takes Our Japan Trade to New Levels’, *Australian Financial Review*, 13 July 2008, 73.

	ago.
Senba Kitcho	Restaurant chain discovered to have falsely labelled meats (including country of origin for eel meat) and falsified expiry dates on sweets for over 10 years.

**Primary source:** newspaper articles from The Japan Times Online, searchable via [www.japantimes.co.jp](http://www.japantimes.co.jp) (and available on request from authors)

**Appendix B: Chinese dumplings (*gyoza*) – an exotic taste**

Date	Events	Business/economic response
Late Dec 07	Retailer in Osaka returns six packages of frozen gyoza made by Tianying food company in China to importer JT Foods (subsidiary of Japan Tobacco), citing sticky surfaces and strange smells Another Osaka supermarket notices similar issues but continues to sell another 25 packages anyway	
28 Dec 2007	2 people become ill in Chiba after eating gyoza	
5 Jan 2008	3 members of family in Hyogo become dizzy and start vomiting after eating gyoza	
17 Jan 2008	1 person suffers diarrhoea and vomiting after eating gyoza	
22 Jan 2008	5 people in Chiba become ill, one seriously, after eating different gyoza made by same company	
mid- Jan 2008	Police detect traces of methamidophos (a pesticide commonly used in China but not approved in Japan) inside	

	<p>packaging and uneaten products</p> <p>Ministry of Health, Welfare and Labour (MHWL) asks JT to stop importing gyoza from Tianying</p>	
30 Jan 2008	<p>2 other people fall ill in Chiba</p> <p>Tokyo Metropolitan Government the first to announce illnesses</p> <p>Chinese quality control officials announce that government is investigating manufacturer</p>	<p>JT Foods recalls all 23 products marketed by Tianyang in Japan</p>
31 Jan 2008	<p>Reported cases of food poisoning from gyoza reaches 451 in 35 prefectures – MHWL compiles a national food poisoning database</p> <p>Cabinet Office, MHWL, MAFF and the National Policy Agency (NPA) create joint team to deal with poisonings</p> <p>PM Fukuda announces need to review channels of communication between prefectural health departments and MHWL</p> <p>MHWL reveals that kindergartens and schools in Akita and Tochigi had served foods subject to recall</p> <p>MHWL orders 19 importers to recall products made by Tianying</p>	<p>Skylark family restaurant announces it will stop using processed food from China</p> <p>Other major department stores also announce they will consider pulling all Chinese-made foods</p> <p>JT shares fall as far as 7.1%, closing 0.7% down at ¥558,000</p> <p>Other frozen food importers announce similar recalls</p>
1 Feb 2008	<p>Reported cases reach 1088</p> <p>Reported Tianying made foods served to SDF</p> <p>Chinese General Administration of Quality Supervision, Inspection and Quarantine say tests at</p>	<p>Major losses predicted for frozen food importers and even domestic producers, including predictions of mergers</p>

	<p>manufacturer reveal no traces of pesticide – 24 non-related quality control tests over past year had found no problems – announce group of Quarantine and Commerce Ministry officials to be dispatched to Japan</p>	
2 Feb 2008	<p>Aso Taro “thanks” China for making relatively expensive Japanese produce more commercially attractive</p>	
3 Feb 2008	<p>Chinese delegation meets with Japanese counterparts              Kishida Fumio, “Quality of Life” Minister praises rapid Chinese response in contrast with Japan’s delay of one month since first reported case              Police discover six more pesticide-tainted packs among recalled products</p>	
5 Feb 2008	<p>Second pesticide – dichlorvos – found in other Tianying gyoza products with different manufacturing dates (earlier) from original poisoned products – most of 8820 packages produced on same day believed to have already been consumed              Police indicate that of nearly 2000 reported food poisoning cases only 10 directly linked to gyoza.</p>	<p>Food retailers report drop in frozen food sales of 20 to 30% since announcement of food poisoning</p>
6 Feb 2008	<p>Chinese delegation states opinion that gyoza was deliberately</p>	<p>JT Foods and Nisshin Food Products Co. announce halt to</p>

	injected with pesticide inside Japan after having left China – presumably by someone in Japan wanting to worsen relations between the countries	planned merger of frozen food divisions, citing gyoza incident – deny reports of insider trading before 30 Jan announcement
7 Feb 2008		JT group sales predicted to drop by ¥8 billion and operating profits by ¥3 billion
10 Feb 2008		In opinion poll 76% of respondents claimed they would never eat Chinese-made food again
11 Feb 2008	Dichlorvos located on 4 more packages of gyoza in Tokushima from differing dates, but all within safe limit	
13 Feb 2008	NPA announces plans to send delegation to China	
22 Feb 2008	Methamidophos found in frozen nikuman bound for export in China, but within safe limits Cabinet Office announces reforms to improve information flows on food poisoning incidents between local and national govts	
28 Feb 2008	Chinese authorities reassert opinion that poisonings did not occur in China, accuse Japanese police of being uncooperative	
Feb 2008	Osaka police discover methamidophos in recalled package of Tianying gyoza with no holes or damage to packaging	
3 Mar 2008		Tianying sacks entire staff of 300 people

6 Mar 2008	Foreign Ministry sources indicate Hu Jintao may have to delay state visit to Japan, citing dispute over origin of poison in gyoza	MAFF announces that imports of Chinese vegetables in February decreased 39.7% on the previous year
17 Mar 2008	Japan's NPA reveals that gyoza investigations have reached a deadlock due to conflicting views by Chinese and Japanese authorities as to origin of contamination	
29 Apr 2008	Methamidophos found in another recalled package of Tianying gyoza with no holes or damage to packaging, as well as a further 38	
1 May 2008		Japan Tobacco reports drop in sales of frozen foods by 70% and predicts drop in group operating profit to March 2009 of 29.7%
5-9 May 2008	Chinese President Hu Jintao makes state visit to Japan In joint statement President Hu and Prime Minister Fukuda agree to strengthen bilateral co-operation in gyoza investigation	
15 May 2008	Chiba Prefecture police announce that tests reveal dumplings consumed in Chiba contained 103 000 times the permitted level of methamidophos	
22 May 2008		Japan Consumers' Co-op Union announces offer of several million yen in damages to families poisoned by gyoza in Chiba Prefecture JT Foods revealed to be in similar

		discussions with families in Chiba and Hyogo
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**Primary source:** newspaper articles from The Japan Times Online, searchable via [www.japantimes.co.jp](http://www.japantimes.co.jp) (and available on request from authors)