

LUKE NOTTAGE, *Product Safety and Liability Law in Japan.
From Minamata to Mad Cows*

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Recent headlines from Japan have startled Western consumers addicted to Japanese products for their technical features and reliability. Large-scale food-poisoning with some 14,000 victims, exploding television sets and literally hundreds of thousands of recalls of defective cars awoke memories of the 1960s, when mass-tort litigation in Japan was an answer to faulty domestic products. So, is Japan at the beginning of the new millennium still a “producer’s paradise”, as in the 1950s and 1960s when economic growth was the paramount goal? *Luke Nottage* thinks otherwise. In his thoughtful and comprehensive analysis of the law and practice of product safety and liability in present-day Japan, he views the recent events in a more positive light. In his opinion, the recent scandals should rather be interpreted as a sign that problems can no longer be kept hidden and that people are ready to complain and take steps against producers. The author thus, cautiously, sees a more appropriate balance between consumer and producer interests as the emerging framework for the 21st century.

Nottage’s work can easily be qualified as *the* treatise on product safety and liability in Japan in any Western language.¹ It benefits from its long genesis, and the fact that the author has been engaged with the topic for many years from a theoretical as well as a practical perspective. The impressive 30-page bibliography (in small print) gives a hint of the amount of research work that he has invested. The result is comparative law at its best. The reader learns much about black-letter law, primarily in form of the 1994 Product Liability Law and emerging case law, compared to developments under the regime established by the pertinent EC Directives, a similar model in Australia, and more divergences in the U.S. Equally, the reader finds more contextual information related to product liability practice, including the resolution of disputes in court and beyond, for example in ADR centres.

More generally, and perhaps most interestingly, the book supplies fundamental insights about changes in Japanese law and society in a broader sense. Thus the treatise should appeal as much to the comparative lawyer interested in product safety and liability regulation in Japan, as to the Japanese law specialist interested in the role of law in this specific area. In short, for anyone with a serious interest in Japanese law *Nottage’s* vividly written analysis is a “must-have”.

1 For a specific comparison between the Japanese and German regulation of product liability cf. the conference volume *Produkthaftung in Deutschland und Japan*, ed. by J. GROTHEER / M.K. SCHEER (Hamburg 1998).