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保存年限：

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受文者：教育部體育署

發文日期：中華民國104年9月9日

發文字號：經標五字第10400587811號

速別：普通件

密等及解密條件或保密期限：

附件：如文(10400587812-2.PDF)

主旨：函轉我國駐美國代表處經濟組函報美國消費者產品安全委員會(CPSC)發布新聞稿，指出臺商喬山健康科技股份有限公司及其北美分公司就CPSC指控未遵守聯邦法規，有意不在規定期限內向CPSC報告其健身器材產品缺陷事，已同意支付3百萬美元民事之罰款，請查照。

說明：

- 一、依據駐美國代表處經濟組104年8月14日經美字第10400008490號函(如附件)辦理。
- 二、旨揭健身器材(跑步機)非屬本局公告之應施檢驗商品。
- 三、CPSC業於103年1月23日公布召回該等跑步機(網址：<http://www.cpsc.gov/en/Recalls/2014/Matrix-Fitness-Ascent-Trainers-and-Ellipticals-Recalled-by-Johnson-Health-Tech/>)。
- 四、繫案跑步機係屬運動設施，爰轉知旨揭訊息。

正本：教育部體育署

副本：本局第三組

電子公文交換戳記

2015/09/10



1040027922

檔 號：

保存年限：

駐美國代表處經濟組 函

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受文者：經濟部標準檢驗局

發文日期：中華民國104年8月14日

發文字號：經美字第10400008490號

速別：最速件

密等及解密條件或保密期限：

附件：如文(附件一 313150000G0000000_0814ATT1.doc)

主旨：陳報美國消費者產品安全委員會(CPSC)發布有關臺商喬山健康科技股份有限公司及其北美分公司同意支付3百萬美元民事罰款之新聞稿，敬請 查照。

說明：

一、CPSC本(104)年8月14日發布旨揭新聞稿指出，喬山健康科技股份有限公司(Johnson Health Tech Co., Ltd.)及Johnson Health Tech North America Inc. (of Cottage Grove, Wis.)已就CPSC指控該兩公司未遵守聯邦法規，有意不在規定期限內向CPSC報告其產品缺陷事，與CPSC達成和解，喬山健康科技等兩家公司同意支付3百萬美元之民事罰款(civil penalty)。新聞稿相關重點謹摘陳如后：

(一)CPSC職員指控該兩公司之健身器材(Matrix Fitness Ascent Trainers and Elliptical Trainers)具有缺陷及嚴重傷害之不合理風險(a defect and an unreasonable risk of serious injury)。

(二)前述產品於2014年1月公布回收，惟已在全國出售超過3,000臺，每臺於2011年9月自2012年12月之售價介於6,000美元至11,000美元之間。

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(三)除支付300萬美元罰款以外，Johnson Health Tech North America Inc. 承諾將實施遵守消費者產品安全法 (Consumer Product Safety Act, CPSA)規定之內部管控計畫 (compliance program)，以書面載明標準、政策及程序，確保CPSA相關資訊確實傳達至負責相關業務之員工。該內部管控計畫必須敘明下列重點：

- 1、負責相關業務機密之員工須向資深經理報告有關符合法規之關切；
- 2、有效傳達符合法規之政策及程序，包含訓練；
- 3、資深管理階層須負責符合法規，並加入監督委員會 (board oversight of compliance)；
- 4、設置保存紀錄之相關設備。

(四)Johnson Health Tech不承認CPSC職員之指控。

(五)CPSC委員會以3比2票數通過本案之罰款和解。

二、檢送旨揭新聞稿如附件(共2頁)，併請卓參。

本：經濟部標準檢驗局

副本：經濟部國際貿易局



駐美國代表處經濟組

Release Date: August 14, 2015

Release Number: 15-216

Johnson Health Tech Agrees to Pay \$3 Million Civil Penalty for Failure to Report Defective Fitness Equipment

<http://www.cpsc.gov/en/Newsroom/News-Releases/2015/Johnson-Health-Tech-Agrees-to-Pay-3-Million-Civil-Penalty-for-Failure-to-Report-Defective-Fitness-Equipment/>

WASHINGTON, D.C. – The U.S. Consumer Product Safety Commission (CPSC) announced today that Johnson Health Tech Co. Ltd, of Taiwan, and Johnson Health Tech North America Inc., of Cottage Grove, Wis., have agreed to pay a \$3 million civil penalty. The civil penalty agreement settles CPSC staff's charges that Johnson Health Tech knowingly failed to report to CPSC immediately, as required by federal law, regarding a defect and an unreasonable risk of serious injury with Matrix Fitness Ascent Trainers and Elliptical Trainers.

The fitness trainers' defect involved a build-up of moisture in the power sockets of the units from perspiration or cleaning liquids, which caused the machines to short circuit. Between March 2012 and October 2013, Johnson Health Tech received multiple reports of smoking, sparking or melted power components and reports of fires involving the trainers. Despite these reports and two design changes to fix the problem, Johnson Health Tech failed to report the defect, the consumer incidents or the design changes to CPSC immediately (within 24 hours). There were no injuries or property damage reported.

The Matrix Fitness Ascent Trainers and Elliptical Trainers were recalled in January 2014, after Johnson Health Tech had manufactured, imported and sold more than 3,000 units nationwide. The firm sold the trainers from September 2011 through December 2012 for between \$6,000 and \$11,000 each.

In addition to paying the \$3 million civil penalty, Johnson Health Tech North America has agreed that the company has, and will maintain, a compliance program to ensure compliance with the Consumer Product Safety Act (CPSA) and a related system of internal controls and procedures.

The compliance program requires written standards, policies, and written procedures



to ensure that all information regarding the firm's compliance with the CPSA, including reports and complaints, is conveyed to the firm's responsible employees, whether an injury is referenced or not. The compliance program also must address:

- confidential employee reporting of compliance concerns to a senior manager;
- effective communication of compliance policies and procedures, including training;
- senior management responsibility for, and board oversight of compliance; and
- requirements for record retention.



Johnson Health Tech does not admit to CPSC staff's charges.

The penalty agreement has been accepted provisionally by the Commission by a 3 to 2 vote.

Photos available at

<http://www.cpsc.gov/en/Newsroom/News-Releases/2015/Johnson-Health-Tech-Agrees-to-Pay-3-Million-Civil-Penalty-for-Failure-to-Report-Defective-Fitness-Equipment/>