

Epson, Apple face French legal pressure over planned obsolescence (Update)

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French prosecutors have launched a probe into Japanese printer maker Epson for alleged planned obsolescence in its products, using landmark consumer legislation that campaigners hope to turn against Apple as well.

The investigation, confirmed to AFP by a legal source on Thursday, was opened in November and is being led by anti-trust and consumer protection specialists in the French economy ministry under the instruction of prosecutors in the Nanterre suburb of Paris.

It comes after a complaint by the association Stop Planned Obsolescence (HOP or Halte a l'Obsolescence Programmee) which filed a case against printer makers Epson, HP, Brother and Canon in September alleging they were tricking consumers into replacing ink cartridges before they were empty.

The group filed a separate complaint on Wednesday against Apple after the US tech giant admitted earlier this month that it intentionally slowed down older models of its iPhones over time.

Reacting to news of the Epson probe, the pro-recycling association called it "very good news."

"For the first time in France and to our knowledge in the world, judicial authorities of a country have taken up a case of planned obsolescence," HOP lawyer Emile Meunier told AFP.

Planned obsolescence is a widely criticised commercial practice in which manufacturers build in the expiry of their products so that consumers will be forced to replace them.

It is decried by consumer groups as being unethical and is suspected of being particularly prevalent in the electronics industry, which produces mountains of unrecyclable waste each year.

'Hamon's law'

To tackle the problem, France passed landmark legislation in 2015 known as "Hamon's law" which made the practice illegal and—in theory—obliged retailers to say whether replacement parts were available.

The law, named after former Socialist minister Benoit Hamon, stipulates that a company found to be deliberately shortening the life of its products can be fined up to five percent of its annual sales while executives can face up to two years in jail.

The Epson case—if the initial legal inquiry finds enough evidence for a trial—could lead to the first prosecution for the crime, which some lawyers have warned will be difficult to prove in court.

The company did not comment on the legal probe when contacted by AFP on Thursday.

HOP filed its complaint against the printer manufacturers because of techniques allegedly used by them to force users to change their ink cartridges before they were empty.

Printer companies earn far higher margins on replacement cartridges than on printers, which are often sold cheaply.

Pointing to thousands of complaints online, HOP said that many printers stopped working when ink levels were shown as too low and also said other components were wrongly flagged as needing replacement.

Earlier this month, Apple confirmed what critics had suspected for years: that it intentionally slows performance of older iPhones as their batteries weaken with age.

The company said this was to extend the performance of the phone, which uses less power when running at slower speeds, and was to prevent unexpected shutdowns due to a low battery charge.

It denied incorporating planned obsolescence—but Thursday issued an apology for slowing down performance of older models and said it would discount replacement batteries for some handsets.

"We know that some of you feel Apple has let you down. We apologize," Apple said in a message to customers on its website.

"We've always wanted our customers to be able to use their iPhones as long as possible. We're proud that Apple products are known for their durability, and for holding their value longer than our competitors' devices."

Critics accused Apple of nudging iPhone users to upgrade to newer models by letting them think it was the handsets that needed replacing, rather than just the battery.

"Apple has put in place a global program of planned obsolescence with a view to increasing its sales," the HOP association said in a statement issued on Wednesday.

It believes Apple could be liable for a fine in line with the value of all of

its iPhone sales in France since Hamon's law came into force on August 17, 2015.

The California-based group also faces a class-action suit in the United States.

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