

Automotive: Toyota recalls Prius; shows lack of disaster planning

It's beginning to look as if Toyota simply had no disaster plan. It took a year to decide that the sticky pedal was a real problem, and only last week they said the Prius wasn't affected. It is now. And the sharks are circling as a litigation bandwagon starts to roll. But not all faults are attributable to cars.

Toyota is the mass brand with a reputation for quality.

Mitsubishi can attest to what happens when that title is lost - in Europe it used to be known as "The Japanese BMW" but a series of niggling problems, including a notoriously unreliable and expensive to fix gearbox, put paid to that. Its has largely lost its prospects in the mid-to-large sector in Europe and its survival there owes more to its motorsport heritage in small-mid size cars than to its former reputation. The irony is that Mitsubishi's quality now appears to once more exceed much of the output of European manufacturers.

Ignoring, for a moment, the long-running saga of "unintended acceleration" that was such an elusive problem that it was almost an urban myth, the real problem for Toyota arose a little over a year ago when a problem with a sticky brake pedal arose on some older models.

There are many different stories of exactly what gets stuck and where, and which component is to blame. Toyota started to investigate. Some ten months later, they decided that the problem afflicted more models, spread over more model years, than they first thought.

They concluded that the problem was that some pedals were fouling the carpets in some models and sent out recall notices and changed the carpets. Toyota was adamant: it was not a safety issue.

But the problem did not go away.

Within weeks, Toyota reached another conclusion: the problem was with some pedals which were

manufactured by a company in the USA. Another recall - affecting millions of vehicles worldwide hit the news in a big way, and was capitalised upon by, in particular, US manufacturers. Moreover, it affected cars built in a jointly-run factory where Peugeot and Citroen cars were built.

A statement was issued: the Prius was not affected.

But now more than 300,000 Prius models, the 2010 model year, have also been recalled.

Toyota has issued a stream of apologies. It has also said that there is no reason to compensate owners and that it will not take back cars from owners who claim they are not fit for their purpose: the cars are not "lemons" and so California's "Lemon Law" has no application, the company says.

The company says it will create a new, global, quality task force.

Last week, US Transport (ation) Secretary Ray LaHood suggested that Toyota owners should stop driving their cars until they were repaired: he later said that he had not meant to make such a devastating statement and that he meant only to say that owners should take precautions whilst driving and should not delay taking their recalled vehicles into dealers.

But the result of his statement was that Toyota's phone lines were jammed with customers wanting to get their cars in first - and that many Toyota cars were simply driven to Toyota dealers and left there, even before stocks of the component required to fix the problem were delivered.

Toyota had said that the problem was attributable to wear on older models and that it would be solved by attaching a plate to pedals to restore them to specification and prevent further wear. But that now seems, also, to have been a mis-statement.

Toyota, in rushing out explanations and apologies, has seemingly increased not decreased concern amongst owners even as it delivers the parts and begins remedial work.

But that's not stopping litigation-hungry lawyers in the US from drumming up business for class actions. At last count, more than 30 actions have been started by law firms who are hunting for "lead plaintiff." Their rationale? Toyota has a lot of money in the bank and they might as well grab some of it.

The number of recalled vehicles has now risen to as many as eight million.

The cases are being driven by those "urban myths" alleging that 19 deaths have been caused by "sudden acceleration" or "unintended acceleration." The cases rely on the legendary status of the Ford Pinto cases where a known wiring design fault was the root cause of a number of cars bursting into flames when hit, at a particular angle, from behind. Ford, notoriously, did a statistical analysis of crashes and decided that the number of cars being hit at exactly the wrong place would be small; it took advice on the likely cost of damages, including damages for death, in such cases and did a cost analysis. It was cheaper to pay out damages, it decided, than to recall and fix all Pintos. At trial, Ford tried to hide, and then suppress, the evidence that it knew of the risks but the jury was incensed that the company was so cavalier and very substantial damages were awarded. The case led to the modern industry of class-actions in which companies frequently pay out rather than fight an endless stream of cases, claiming them to be consumer led.

The lawyers are relying on many current and former Toyota owners coming forward saying that they, too, had accidents regardless of the cause: they are banking on the keeping the Toyota problems in the news, something that, currently, Toyota appears to be managing all on its own.

Lawyers are already pushing the hype, claiming that "unintended acceleration" has been pushed under the carpet by Toyota and that many people have bought cars that they would not otherwise have bought had the real situation been known. The reality that, if "unintended acceleration" actually exists - and that's a big "if" - a statistically insignificant number of examples have come to light and in none of those cases has anyone proved that it was the car that was at fault.

In class-action trials, much turns on "expert witnesses" who are paid substantial fees to produce reports and give evidence. Already there are those who are stating their position and using the media to promote themselves. One has produced a report, almost 200 pages long, that says that Toyota has still not identified the "unintended acceleration" issue. The author of that report has already been added to the list of those who will "give testimony" to a US government committee. Reuters says that the author of the report has admitted that some of its research has been funded by a litigation law firm.

There are allegations that the unintended acceleration is nothing to do with the pedal or floormats but is, instead, due to a problem with the electronic throttle control. Toyota says that's nonsense and that there are failsafes which would prevent the situation that is alleged to occur. The report says that "at least " 2,262 Toyota and Lexus owners in the USA have reported that their cars surged forward when they did not expect it resulting in more than 800 crashes, more than 340 injuries and 19 deaths.

However, the report has not broken down the number of cars into automatic and manual models nor taken account of weather conditions where, for example, a driver may have had a wet foot which slipped off a brake pedal onto an accelerator, drivers with large feet or boots who may have pressed the throttle at the same time as the brake - both of which are known causes of accidents which have in the past been blamed on cars apparently accelerating under braking.

Indeed, this author recently found that the difference between the welts on two pairs of shoes was sufficient to depress the throttle at the same time as the brake in German manufactured car from a US manufacturer. On several occasions, the car surged forward when it should have been slowing down - on one occasion onto a busy roundabout. The fix? Change shoes; it was not to call a lawyer and certainly not to blame the manufacturer.