

DH steps up enforcement actions against illegal use of pharmacy logo

With a view to preventing the illegal use of logos and titles of Authorized Sellers of Poisons (ASP) (commonly known as pharmacies), the Department of Health (DH) said today (March 19) that it has enhanced the relevant enforcement actions as well as related publicity and public education work.

The DH has been collecting intelligence through different channels. If any retailer is suspected of illegally displaying a pharmacy logo in the prescribed form or pharmacy title, the DH will follow up and carry out investigation immediately, and conduct joint operation with relevant departments when necessary. Since the end of September 2023, the DH has conducted investigations against 13 retailers, which are suspected of illegally displaying logo which so resembled the logo in the prescribed form of a pharmacy and/or the use of a pharmacy title. A retailer, who is not an ASP, was charged for displaying a logo which so resembled the logo in the prescribed form of a pharmacy at the premises of his shop. On March 8 this year, the proprietor was convicted and fined \$4,000 at the Kowloon City Magistrates' Courts.

According to the Pharmacy and Poisons Ordinance (Cap. 138) (the Ordinance), only persons authorised by the Pharmacy and Poisons Board of Hong Kong (the Board) as ASPs are allowed to conduct the relevant retail business of selling poisons, including poisons listed in Part 1 and Part 2 of the Poisons List at Schedule 10 to the Pharmacy and Poisons Regulations (Cap. 138A).

Furthermore, according to the Ordinance, displaying a logo in the prescribed form of a pharmacy or a logo which so resembled the logo in the prescribed form at a premises other than the registered premises of a pharmacy, or using the Chinese term "藥店" or the terms such as "pharmacy", "dispensary", "drug-store" in connection with any business engaged in the retail sale of poisons commits an offence. The maximum penalty upon conviction is a fine of \$100,000 and two years' imprisonment.

A spokesman for the DH stressed that the use of a pharmacy logo (see Annex I) or its title as stipulated by the Ordinance is applicable to all retailers, including those that are not licensed by the Board. The DH will take enforcement action if a contravention of the law is found.

To prevent the inappropriate use of relevant logos and titles by medicine retailers, and to enhance public knowledge of registered pharmacies, the Board recently endorsed and will adopt the following measures:

1. Issuing letters to all listed sellers of poisons to remind them of the legislative requirements which prohibit the use of the logo in the

prescribed form or a logo which so resembles a logo in the prescribed form of pharmacy and pharmacy title;

2. For applicants for medicine retailer licence (i.e. listed seller of poisons licence) who are not ASPs, they must not use or display the Chinese title "藥店" in its premises; and
3. Formulating a label (see Annex II) for identification of registered pharmacies which will be sent to each pharmacy in the second quarter this year for display in a conspicuous position in the pharmacy. Members of the public could obtain information of the registered pharmacy by scanning the QR Code on the label. The Drug Office of the DH has uploaded the names and addresses of all licensees (including ASPs) on its website (www.drugoffice.gov.hk/eps/do/en/pharmaceutical_trade/search_drug_dealers.html) for public information.

The spokesman reminded members of the public and travellers to verify the pharmacy logo in the prescribed form when purchasing medicines. To further assist the public in differentiating the different types of medicine retailers and enhancing their understanding on the legal requirements and regulatory control on medicines, the website of the Drug Office of the DH also provides educational materials, including "['Pharmacies' in Hong Kong](#)" and "[Do you know the differences between Pharmacy & Medicine Store?](#)" for public viewing.