

Man jailed for illegal sale and possession of alternative smoking products, unregistered pharmaceutical products and Part I poison

A 33-year-old man was sentenced to 24-day imprisonment at the West Kowloon Magistrates' Courts today (July 3) for illegal sale and possession of alternative smoking products (ASPs), unregistered pharmaceutical products and Part I poison. Another 30-year-old man involved in the same case was earlier sentenced to Community Service Orders of 200 hours by court.

The Tobacco and Alcohol Control Office and Drug Office of the Department of Health (DH) mounted a joint operation with the Police on May 4, 2022, against the illegal sale of ASPs. During the operation, the two men involved in the case were found selling ASPs making use of a mobile stall and a vehicle parked nearby. Two-hundred-and-forty items of electronic cigarette cartridges and 75 alternative smoking product devices were seized inside the vehicle.

The Smoking (Public Health) Ordinance (Cap. 371) prohibits the promotion, manufacture, sale and possession for commercial purposes of ASPs. Offenders are subject to a maximum fine of \$50,000 and imprisonment for six months.

Nicotine (except tobacco) is listed as a Part 1 poison, while nicotine-containing ASPs are pharmaceutical products under the Pharmacy and Poisons Ordinance (Cap. 138). According to the Pharmacy and Poisons Ordinance (Cap 138), all pharmaceutical products must be registered with the Pharmacy and Poisons Board of Hong Kong before they can be sold legally in the market. Part 1 poisons should be sold at pharmacies under the supervision of registered pharmacists. Illegal sale or possession of unregistered pharmaceutical products and Part I poisons are criminal offences. The maximum penalty for each offence is a fine of \$100,000 and two years' imprisonment.

A spokesman for the DH said that the department will continue to take stringent enforcement action. The spokesman also cautioned against the use of any ASPs and stressed that these products contain amounts of nicotine similar to those of conventional cigarettes in order to sustain addiction. In addition, health hazards of long-term exposure to these new products are unknown. The Government appeals to smokers to quit smoking as early as possible for their own health and that of others. They are encouraged to call the DH's Integrated Smoking Cessation Hotline on 1833 183. The hotline is operated by registered nurses and provides professional counselling services on smoking cessation. Information on smoking cessation can also be obtained from www.livetobaccofree.hk.