

Medicine store salesman convicted of engaging in commercial practice involving misleading omission for selling Chinese herbal medicine

A salesman of a medicine store was earlier convicted of engaging in a commercial practice involving a misleading omission in the sale of a Chinese herbal medicine, in contravention of the Trade Descriptions Ordinance (TDO), at the Kowloon City Magistrates' Courts on November 14, and was remanded in custody pending sentence. He was sentenced to 200 hours' community service order today (November 28).

A Customs officer disguised as customer and conducted a test-buy operation at a medicine shop in Tsim Sha Tsui in March this year. A salesman was suspected to have misled the officer to believe that the unit price of American ginseng was calculated per catty. After the product was sliced, the salesman revealed that American ginseng was priced per tael. The charged price was 16 times different from what was expected.

Customs reminds traders to comply with the requirements of the TDO while consumers should procure products from reputable traders and keep transaction receipts.

Under the TDO, any trader who engages in a commercial practice that omits or hides material information or provides material information in a manner that is unclear, unintelligible, ambiguous or untimely, and as a result causes, or is likely to cause, an average consumer to make a transactional decision, commits an offence of misleading omissions. The maximum penalty upon conviction is a fine of \$500,000 and imprisonment for five years.

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Members of the public may report any suspected violation of the TDO to Customs' 24-hour hotline 2545 6182 or its dedicated crime-reporting email account (crimereport@customs.gov.hk) or online form (eform.cefs.gov.hk/form/ced002).