

Salesperson of medicine shop convicted of engaging in unfair trade practices in sale of proprietary medicine and Chinese herbal medicines

A salesman of a medicine shop was convicted of applying a false trade description in the course of selling a proprietary medicine, and engaging in a commercial practice involving a misleading omission in the sale of Chinese herbal medicines, in contravention of the Trade Descriptions Ordinance (TDO), and was remanded in custody pending sentence, at the Kowloon City Magistrates' Courts on November 6. He was sentenced to a fine of \$4,000 and four weeks' imprisonment suspended for 18 months today (November 20).

Earlier, a Customs officer, disguised as a customer, conducted a test-buy operation at a medicine shop in Tsim Sha Tsui. A salesman was suspected of making a false claim in the course of selling a medicine by saying that it was a particular brand of medicine. However, the officer later found that the medicine was not the brand specified by the salesman.

Separately, the salesman, during the course of selling three types of Chinese medicines, was suspected of providing untimely material information about the total price of the Chinese medicines. After the medicines were ground into powder, the salesman revealed the actual price of the medicines, which was almost eight times higher than what was expected.

Customs reminds traders to comply with the requirements of the TDO. Consumers should procure products from reputable traders. They are also reminded to check carefully the total price and unit price of the goods before making payment, and to retain the transaction receipts and related records, which can be used as the basis for follow-up action in case a complaint is lodged in the future.

Under the TDO, any person who in the course of any trade or business applies a false trade description to any goods commits an offence. 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. The maximum penalty upon conviction of two offences is a fine of \$500,000 and imprisonment for five years.

Members of the public may report any suspected violation of the TDO to Customs' 24-hour hotline 182 8080 or its dedicated crime-reporting email account (crimereport@customs.gov.hk) or online form (eform.cefs.gov.hk/form/ced002).