

Salesperson of medicine shop imprisoned for engaging in commercial practice involving misleading omission in selling Chinese herbal medicine

A salesman of a medicine shop today (July 3) was 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), and was sentenced to immediate imprisonment for four weeks at the West Kowloon Magistrates' Courts.

Customs earlier received information from a Mainland visitor alleging that a staff member of a medicine shop in Mong Kok misled him in the course of selling cordyceps. After an investigation, it was revealed that the staff member had misled the visitor to believe that by purchasing one tael of cordyceps at the price of \$1,680, he would receive other goods worth about \$1,400 in total free of charge. After the cordyceps were ground into powder, the staff member revealed that the cordyceps were priced per mace, which was 10 times higher than what was expected. The visitor was forced to accept the transaction in the end.

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 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.

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).