

First-ever conviction case of ginseng and dried seafood shop engaging in aggressive commercial practices

A director and a salesperson of a ginseng and dried seafood shop were sentenced today (June 15) after conviction for engaging in aggressive commercial practices to coerce customers into procuring Chinese medicine, in contravention of the Trade Descriptions Ordinance (TDO), at West Kowloon Magistrates' Courts. They were each sentenced to six months' immediate imprisonment. This is the first-ever conviction case of a ginseng and dried seafood shop engaging in aggressive commercial practices since the TDO was amended in July 2013.

Hong Kong Customs welcomes the sentences, which have achieved a deterrent effect and have also reflected the seriousness of the offence. A clear warning has been imposed on unscrupulous practitioners in the industry.

Customs earlier received information alleging that salespersons of a ginseng and dried seafood shop in Mong Kok had in the course of selling Chinese medicine engaged in aggressive commercial practices by using threatening language and physical force to coerce customers into purchasing Chinese medicine.

After investigation, Customs found that the first victim went to the above-mentioned shop in March last year and was persuaded to buy Chinese medicine. When he refused to purchase and was ready to leave the shop, the two defendants stopped him from leaving and then snatched his mobile phone. They then forcibly used the victim's fingerprint to activate the electronic wallet function for payment.

Another victim in the same month also visited the shop, where the defendants promoted Chinese medicine in an ambiguous way. The victim refused to pay for the goods after learning the price was 16 times different from expected. The defendants scolded and slapped her when she intended to leave.

Customs reminds traders to comply with the requirements of the TDO. Consumers are also reminded to procure goods from reputable shops.

Under the TDO, any trader commits an offence of engaging in aggressive commercial practices if harassment, coercion or undue influence is used to impair the consumer's freedom of choice or conduct in relation to the product concerned, causing the consumer to make a transactional decision. 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 25456182 or its dedicated crime-reporting email account (crimereport@customs.gov.hk).