

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

A medicine shop salesman 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 West Kowloon Magistrates' Courts on February 21. After being remanded in custody for 14 days, the salesman was sentenced to 120 hours' community service order today (March 7) and must compensate the victim in the case by an amount of \$11,000.

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 a Chinese herbal medicine. After an investigation, it was revealed that the staff member did not disclose the pricing unit of the medicine despite the visitor's inquiry, misleading the visitor to believe that the unit price of the medicine was calculated per catty. After the medicine was ground into powder, the staff member revealed that it was priced per mace and cost \$22,400 in total, which was 160 times higher than what was expected. Eventually the visitor was forced to purchase a portion of the medicine at around half the price.

Customs has long been concerned about visitors being misled into making purchases by unfair trade practices and has established a Quick Response Team to handle urgent complaints lodged by short-haul visitors. The complaints will be promptly referred to investigators to handle with priority.

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 a 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.

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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.cefss.gov.hk/form/ced002) .