



Customs & Excise Department

Consumer Protection Bureau (2)

Trade Descriptions Ordinance
(Cap 362, Laws of Hong Kong)

Trade Descriptions Ordinance (TDO)

Cap. 362

To prohibit false or misleading trade descriptions, false marks and mis-statements in respect of goods in the course of trade or business.

Regulations on

- **Trademarks**
- **Trade Descriptions**

Trade Descriptions

An indication, direct or indirect, and by whatever means given, of any of the following matters with respect to any goods or parts of goods:

- 1) quantity (which includes length, width, height, area, volume, capacity, weight and number), size or gauge;
- 2) method of manufacture, production, processing or reconditioning;
- 3) composition;
- 4) fitness for purpose, strength, performance, behaviour or accuracy;

Trade Descriptions (cont'd)

- 5) any physical characteristics;
- 6) **testing** by any person and results thereof;
- 7) **approval** by any person or conformity with a type approved by any person;
- 8) **place or date of manufacture**, production, processing or reconditioning;
- 9) **person by whom manufactured**, produced, processed or reconditioned;
- 10) other history, including previous ownership or use

Trade Descriptions (cont'd)

- 11) availability in a particular place of after-sale service, or spare parts for the goods;
- 12) warranty of the after-sale service or spare parts;
- 13) persons who provides the after-sale service or spare parts;
- 14) the scope of the after-sale service;
- 15) the period for the after-sale service and spare parts are available
- 16) the charge or cost for the service or spare parts.

False Trade Descriptions

- A trade description which is **false to a material degree**
- A trade description, though not false, is **misleading**

Offences related to Trade Descriptions

- In the course of any trade or business -
 - **apply** a false trade description to any goods
 - **supply** or offer to supply any goods to which a false trade description is applied
- **In possession for sale** or for any purpose of trade or manufacture any goods to which a false trade description is applied
- **Import or export** any goods to which a false trade description is applied for trade or business

Penalties

Any person who commits an offence under the TDO is liable:

- to a maximum **fine of \$500,000** and
- **imprisonment for 5 years**

Consumer Protection Bureau (2)

Enforcement work under TDO

- Patrol at retail shops and exhibitions to ensure the traders' in compliance with the TDO
- Investigate into complaints and cases suspected of violating the TDO

Consumer Protection Bureau (2)

Enforcement work under TDO

- Quick Response Team (QRT)

promptly handle trade descriptions related complaints lodged by short-haul visitors outside office hours

Consumer Protection Bureau (2)

Enforcement work under TDO

- Product Monitoring Scheme (PMS)
 - conduct research and assessment on consumer goods in the market to screen out dubious products for test-purchase, product testing and investigation

Consumer Protection Bureau (2)

Enforcement work under TDO

- Deliver educational seminars to the retail industry to make them familiar with the TDO

Consumer Protection Bureau (2)

Enforcement work under TDO

- Cooperate closely with the Consumer Council, publish on the “CHOICE” Magazine the latest enforcement actions against false trade descriptions/forged trademarks and remind consumers of common unscrupulous sales practices

選擇

CHOICE MAGAZINE
香港消費者委員會主辦

膠原蛋白補充

飲食物語

選擇第一款膠原蛋白產品時，應考慮其來源、製法、成分、劑量及服用方法。市面上多款產品，其成分、劑量及服用方法均不相同。在選擇時，應注意產品的來源、製法、成分、劑量及服用方法。市面上多款產品，其成分、劑量及服用方法均不相同。在選擇時，應注意產品的來源、製法、成分、劑量及服用方法。

何謂必需脂肪酸?

必需脂肪酸是指人體不能自行合成，必須從食物中攝取的脂肪酸。必需脂肪酸分為兩種：亞麻酸及亞油酸。兩者均屬多元不飽和脂肪酸。

不同油種的營養含量各異

所有食油都含有飽和脂肪酸、單不飽和脂肪酸及多不飽和脂肪酸。只是飽和脂肪酸與多不飽和脂肪酸的數量不同，這就造成了不同油種的營養含量各異。因此，在選擇食油時，應注意其營養含量。

海

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飲食物語



慎防螺片充乾鮑

民以食為天，香港人尤其捨得花錢買美食。過時過節與人聚餐，不少不吃一頓豐盛的晚餐，即將來臨的父親節，你會準備鮑魚海鮮讓家人吃個痛快嗎？

然而，偶爾有傳聞指市面出售的鮑魚中有偽冒及劣質貨，令人擔心受騙。香港海關早前執行其「產品監控計劃」，進行抽查，發現有部分聲稱是鮑魚的產品竟然是由平價螺類製成。至少有26間零售商的負責人因而被判罰。

將螺肉標示為「鮑魚片」

海關去年2月在海內外各區，包括西貢、北角、灣仔、九龍、深水埗、油蔴地、新上區、紅磡、上水、大埔、沙田及屯門，從多間海味零售店購入11款分別標稱為「鮑魚片」、「澳洲鮑魚片」、「日本鮑魚片」、「美洲鮑魚片」及「澳洲鮑魚片」的產品。

經化驗後，大部分均已檢出螺肉。在化驗結果顯示，螺肉每斤每百元至五百多不等。海關將本案移交化驗局處理，以結果顯示全部樣本都屬螺肉與鮑魚。因此，

已有多宗成功檢控 最高罰款十萬元

截至3月底，海關已完成24宗鮑魚的調查工作並作出檢控。其罰款額均在1萬至5萬不等。海關表示，上週7宗個案涉及的海關去年2月的採取執法行動，共擊破31間海味零售店，並檢獲超過一百斤假冒鮑魚片。總值約200,000元。行動中共拘22名男子及3名女子，年齡介乎20至50歲。



海味零售店東主或負責人，因製售及售賣假冒鮑魚片，被法庭定罪及判處罰款。其中一名店東被判監禁兩月，另一名店東則被判罰款一萬元。另外，一名店東被判罰款一萬元。另外，一名店東被判罰款一萬元。

數千名消費者，而且目前少會吃片鮑魚。由於螺片的來源，使這類的每斤約250元至300元。另外，一名店東被判罰款一萬元。另外，一名店東被判罰款一萬元。

選購乾鮑小貼士 各種鮑魚產品

香港海味零售店表示，乾鮑以日本上等的丸鮑為最。乾鮑的製法，不與鮑魚片相同。乾鮑的製法，不與鮑魚片相同。乾鮑的製法，不與鮑魚片相同。

消費者可向海關舉報

海關表示，在報關的執法行動後，海關又表示，根據《海關條例》

投訴實錄

政府擬修例 打擊服務行業不良銷售手法

隨著市民越來越注重生活健康，不少消費者都購買健身中心會員或參加健身課程，以從事於休閒運動，強身健體。這個需求形成一個龐大的消費市場，行業內的競爭也非常激烈。業界慣用月費、套券、預繳等形式作銷售推廣，消費者簽約後能享有折扣優惠。預繳的金額由數千至數萬元不等。利益所在，導致個別店戶以不良的銷售手法推銷服務，甚至明知公司未必能履行合約條款或結業倒閉在即，仍遊說顧客入會，使消費者的權益嚴重受損。近日，警方大舉拘捕多名強中心高層人士；健身及瑜伽中心的銷售手法再度引起大眾關注。



投訴數字及分析

2010年1月至3月，消費者委員會共收到31宗投訴及47宗投訴。投訴個案中，涉及健身中心服務及健身中心的投訴，佔總投訴個案的百分之四十五。投訴個案中，涉及健身中心服務及健身中心的投訴，佔總投訴個案的百分之四十五。

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投訴個案摘要

個案一：消費者投訴，一名健身中心負責人，在健身中心經營期間，先後與多名消費者簽約。消費者投訴，一名健身中心負責人，在健身中心經營期間，先後與多名消費者簽約。

個案二：一名健身中心負責人，在健身中心經營期間，先後與多名消費者簽約。消費者投訴，一名健身中心負責人，在健身中心經營期間，先後與多名消費者簽約。

個案三：一名健身中心負責人，在健身中心經營期間，先後與多名消費者簽約。消費者投訴，一名健身中心負責人，在健身中心經營期間，先後與多名消費者簽約。

個案四：一名健身中心負責人，在健身中心經營期間，先後與多名消費者簽約。消費者投訴，一名健身中心負責人，在健身中心經營期間，先後與多名消費者簽約。

個案五：一名健身中心負責人，在健身中心經營期間，先後與多名消費者簽約。消費者投訴，一名健身中心負責人，在健身中心經營期間，先後與多名消費者簽約。

個案六：一名健身中心負責人，在健身中心經營期間，先後與多名消費者簽約。消費者投訴，一名健身中心負責人，在健身中心經營期間，先後與多名消費者簽約。

個案七：一名健身中心負責人，在健身中心經營期間，先後與多名消費者簽約。消費者投訴，一名健身中心負責人，在健身中心經營期間，先後與多名消費者簽約。



個案八：一名健身中心負責人，在健身中心經營期間，先後與多名消費者簽約。消費者投訴，一名健身中心負責人，在健身中心經營期間，先後與多名消費者簽約。

個案九：一名健身中心負責人，在健身中心經營期間，先後與多名消費者簽約。消費者投訴，一名健身中心負責人，在健身中心經營期間，先後與多名消費者簽約。

個案十：一名健身中心負責人，在健身中心經營期間，先後與多名消費者簽約。消費者投訴，一名健身中心負責人，在健身中心經營期間，先後與多名消費者簽約。

Testing Involved in Food Identification

- Authentication testing
- Composition
- Quantitative analysis
- Methods / Place of manufacture

Testing Agency

- Government Laboratory
- Accredited laboratories

Cases Sharing (1)

Vegetables falsely represented as organic products

- A stall owner falsely claimed that the vegetables sold by him were organic ones and sourced from an organic farm certified by the Hong Kong Baptist University
- He was convicted and fined \$2,500 and the offending goods were ordered to be forfeited

Cases Sharing (2)

Fake Abalone Slices

- Under the Product Monitoring Scheme, test purchased samples of dried abalone slices from dried seafood shops throughout the territory
- Testing result revealed that all samples were conches instead of abalone
- A total of 33 retailers and 5 wholesalers were convicted and fined a total of \$446,000
- Among the convicted parties, two were sentenced to 4 months and 1 month suspended imprisonment respectively, another one was bounded over for 1 year

Cases Sharing (3)

Fake Canned Abalone

- Complaints received during Food Expo 2010 alleging that the canned abalone sold by an exhibitor was fake
- Testing by Government Laboratory revealed that the purchased samples were conches
- The exhibitor and the importer of the goods were convicted and fined \$12,000 respectively

Cases Sharing (4)

Adulterated Edible Oil

- Under the Product Monitoring Scheme, Customs purchased samples of edible oil of different brands on the market.
- Testing result revealed that one peanut oil sample and one corn oil sample were adulterated with 50% and 100% of soybean oil respectively.
- Two bottlers were convicted and fined \$18,000 and \$42,000 respectively. Offending goods worth \$37,000 were ordered to be forfeited
- Warning was issued to 16 involved retailers.

Cases Sharing (5)

Strawberries with false origin

- A fruit retailer cum wholesaler was found displaying for sale strawberries bearing false origin labels (claimed to be of Japan/Korea origin) on the package
- The strawberries were actually imported from Mainland China. The proprietor was convicted and fined \$13,000. Offending goods were ordered to be forfeited

Cases Sharing (6)

Fake dried deer tendon

- Under the **Product Monitoring Scheme**, Customs test purchased 29 samples of dubious dried deer tendons for testing.
- Laboratory DNA testing and examination by expert revealed that 28 samples were cattle tendons
- In September 2011, 28 dried seafood retailers were raided. 187 catties of suspected fake dried deer tendons worth \$41,000 were seized
- Retailers and suppliers involved will be prosecuted by Customs



Thank You