

Trade Descriptions Ordinance  
Undertaking to the Customs and Excise Department  
given for the purposes of Section 30L of the Trade Descriptions Ordinance  
by  
LAM XXX Wo  
HKID No.: \*\*\*\*\*(\*)

**Person giving this undertaking**

1. This undertaking is given to the Customs and Excise Department (C&ED) by LAM XXX Wo (HKID No.: \*\*\*\*\*(\*) trading as I-Brand International (BR no. 55247891-000), business address: Flat F, 9/F., Goodwill Industrial Building, 36-44 Pak Tin Par Street, Tsuen Wan, New Territories, for the purposes of section 30L of the Trade Descriptions Ordinance Cap.362 (the Ordinance).

**Background**

2. LAM XXX Wo is the sole proprietor of I-Brand International which mainly supplies beauty products.

3. C&ED received a report from a member of the public who was supplied with 2 bottles of “Dermis unique” Resveratrol Refining skin care serums (“the Product”) from a beauty centre. The paper packaging and the product labels of the Product contained two certification marks, namely “ECOCERT” and “NATRUE”.

4. Investigation by C&ED revealed that the Product was supplied by I-Brand International to the beauty centre and that both I-Brand International and the beauty centre had not been authorized by the owners of the above certification marks to apply the said certification marks onto the Product.

5. LAM XXX Wo admits that he had respectively supplied 250 bottles of the Product on or about 22 September 2016 and another 250 bottles on or about 6 October 2017 to the beauty centre in question and arranged printing of the paper packaging and product labels of the said Product containing the certification marks of “ECOCERT” and “NATRUE” based on the information provided by the beauty centre. LAM XXX Wo also admits that he had not been authorized by the owners of the certification marks of “ECOCERT” and “NATRUE” to have the certification marks applied on the Product.

6. Given that LAM XXX Wo had, on behalf of I-Brand International, applied false trade descriptions on the paper packaging and product labels of the Product by arranging printing of the paper packaging and product labels respectively on or about 22 September 2016 and on or

about 6 October 2017, it is believed that LAM XXX Wo has engaged in conduct that constitutes an offence under section 7 of the Ordinance.

7. LAM XXX Wo agrees to give this undertaking under section 30L of the Ordinance and not to continue or repeat the conduct mentioned in paragraph 3 to paragraph 5 nor to engage in conduct of that kind, or any conduct of a substantially similar kind, in the course of trade or business.

### **Commencement of Undertaking**

8. This undertaking comes into effect when:

- (a) the undertaking is executed by LAM XXX Wo; and
- (b) C&ED accepts the undertaking so executed.

9. Upon the commencement of this undertaking, LAM XXX Wo undertakes to assume the obligations set out in paragraphs 10 below.

### **Undertakings**

10. LAM XXX Wo undertakes for the purposes of section 30L of the Ordinance:-

- (a) that for a period of 2 years,
  - (i) he will ensure that he will not continue or repeat the conduct mentioned in paragraphs 4 and 5 above;
  - (ii) he will not engage in the conduct mentioned in paragraphs 4 and 5 above or any conduct of a substantially similar kind, or any activities in contravention of section 7 of the Ordinance in relation to the products sold by I-Brand International;
- (b) he will carefully review all the details of printed matter, packaging, advertisement etc., to prevent similar errors and omissions; and
- (c) he will not quote information which may cause misunderstandings;
- (d) that LAM XXX Wo will:
  - (i) when arranging printing of materials, packaging, promotional leaflet etc., ensure that the contents are correct and use of any certification mark, trade mark, logo and pictures is authorized; and
  - (ii) edit the product narrative and booklet to ensure that they do not contain

information, certification mark, trade mark, logo and pictures that are misleading;

- (e) put in place a compliance program for his staff; and
- (f) give any other assistance, information or cooperation to the C&ED for the purpose of performance of the compliance checks on LAM XXX Wo.

### **Acknowledgment**

11. LAM XXX Wo acknowledges that:-

- (a) C&ED may cause this undertaking to be published in any form and manner, and to any extent, including by publishing it on the C&ED's public register of section 30L Undertakings on its website;
- (b) C&ED may, from time to time, make public reference to the undertaking including in news media statements and in C&ED publications;
- (c) this undertaking in no way derogates from the rights and remedies available to any other person arising from the conduct of concern; and
- (d) According to section 30N(3) of the Ordinance, when the acceptance of this undertaking is withdrawn, a statement of any fact contained in the undertaking may be admitted in evidence in any proceedings in a court relating to the matter to which the undertaking relates, and on its admission, is conclusive evidence in those proceedings of the fact stated in the undertaking.

Executed on 7<sup>th</sup> day of May 2019

### **Signed and delivered**

by LAM XXX Wo as his deed

HKID No.: \*\*\*\*\* (\*)

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( signed )

LAM XXX Wo

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ACCEPTED BY AN AUTHORIZED OFFICER OF THE CUSTOMS AND EXCISE

DEPARTMENT PURSUANT TO SECTION 30L OF THE TRADE DESCRIPTIONS  
ORDINANCE WITH THE WRITTEN CONSENT OF THE SECRETARY FOR JUSTICE

\_\_\_\_\_ ( signed ) \_\_\_\_\_ (Authorized Officer)  
CHIK Shun-kwan (Head of Trade Descriptions Investigation Bureau)

This 10<sup>th</sup> day of May 2019