

Trade Descriptions Ordinance
Undertaking to the Customs and Excise Department given for the purposes of Section 30L
of the Trade Descriptions Ordinance
by Pretty Beauty SPA Limited
Business Registration No. 35758658-000 / Company Registration No. 978790

Company giving this Undertaking

1. This undertaking is given to the Customs and Excise Department (**C&ED**) by Pretty Beauty SPA Limited (BR No. 35758658-000 / CR No. 978790) of 2/F., Yanville, 8 Tai Yuen Street, Wanchai, Hong Kong (**Company**) for the purposes of section 30L of the Trade Descriptions Ordinance (**the Ordinance**).

Background

2. The Company provides body massage, facial and dermal therapy treatment.
3. On 28 March 2018, the Company supplied moisturising products to a customer, including 2 bottles of “Dermis unique” Resveratrol Refining skin care serums (“the Product”). Printed on labelling and packaging boxes of the Product were two certification marks “*ECOCERT*” and “*NATRUE*”.
4. Investigation revealed that during the period between 23 December 2015 and 6 October 2017, the Company ordered a total of 750 bottles of the Product from one of the Company’s suppliers. Before the Company placed order, the said supplier represented to the Company that they could use the certification marks referred to in paragraph 3 above on the bottles and packaging boxes of the Product.
5. The Company admits that they relied on those representations in placing order and designing the product labelling and packaging boxes without verifying the representation. The Company also admits that it had never received any authorization from the owners of the two certification marks “*ECOCERT*” and “*NATRUE*”.
6. Given that the Company has supplied the Product to which false trade descriptions was applied without having been authorized to do so, C&ED believes that the supply of the Product has contravened section 7 of the Ordinance.
7. The Company acknowledges that between 15 February 2016 and around 26 June 2018 the Company was engaging in offering for sale the Product to and applying the Products on its customers who patronised the relevant dermal therapy treatments. Such activity has ceased and the Company has already taken actions to redress its wrongs, namely, all the Products were withdrawn from sale, contents of the Product were poured into plain

bottles and all the Product's packaging and labelling were destroyed and disposed of on or about 26 June 2018. The Company agrees to give this undertaking under section 30L of the Ordinance and not to continue or repeat the conduct mentioned in paragraph 6 nor to engage in conduct of that kind, or any conduct of a substantially similar kind, in the course of its trade or business.

Commencement of Undertaking

8. This undertaking comes into effect when the undertaking is executed by the Company and the C&ED accepts the undertaking so executed.
9. Upon the commencement of this undertaking, the Company undertakes for the purposes of section 30L of the Ordinance and for a period of 24 months the Company will assume the obligations set out below:-
 - a. give any such required assistance, information or co-operation to the C&ED for the purpose of performance of compliance checks on the Company during the period of this undertaking;
 - b. not in the course of trade or business or in a commercial practice continues or repeats the conduct mentioned in paragraph 6 or any conduct of a substantially similar kind, or any activities which will contravene false description provisions under the Ordinance.;
 - c. provide adequate training to its staff members, so as to ensure that its staff members understand the requirements and regulations under the Ordinance and comply with the same; and
 - d. carry out internal reviews on the implementation of its trade descriptions policies regularly, and seek legal advice where appropriate, to ensure compliance with the Ordinance.

Acknowledgment

10. The Company acknowledges:-
 - a. pursuant to section 30L of the Ordinance, the C&ED may cause this undertaking to be published in any form and manner, and to any extent that C&ED thinks appropriate, including but not limited to publishing it on C&ED's public register on its website;
 - b. C&ED may, from time to time, publish or make public reference to this undertaking including but not limited to doing so in news media statements and in C&ED's publications;

