

## **Decision of the Chinese Medicines Board made at a meeting held under section 7(1) of the Chinese Medicines Traders (Regulatory) Regulation**

Name of the Chinese medicines trader : The Jason's (O/B J. Profits Golden Horse Limited)

Shop B, C and D, G/F, Medilink Square, 525-543A Nathan Road, Kln

Retailer licence in Chinese herbal medicines : CR-2018-00045

Date of meeting of the Chinese Medicines Board : 18 December 2020

According to information received from the Department of Health (hereinafter called "DH") as referred by the Food and Environmental Hygiene Department, in which The Jason's Canadian Ginseng Slices (Small) – 4 Taels (hereinafter called "The Jason's Ginseng Slices") sold by The Jason's (O/B J. Profits Golden Horse Limited) (hereinafter called "The Jason's") were suspected of containing rubber band shreds, the DH commenced investigation by purchasing a pack of The Jason's Ginseng Slices from The Jason's on 1 August 2018. The pack was found with foreign matters in brownish-yellow plastic pellets, leading to the suspicion that rubber band fragments had been adulterated with Radix Panacis Quinquefolii slices. During the investigation, DH officers examined all the stock of The Jason's Ginseng Slices (4 packs in total) in The Jason's, where foreign matters in brownish-yellow plastic pellets were found similarly. Upon identification by the Chinese Medicines Identification Unit, The Jason's Ginseng Slices were proved to contain Radix Panacis Quinquefolii, a Chinese herbal medicine (hereinafter called "Chm") listed in Schedule 2 to the Chinese Medicine Ordinance. The foreign matters in brownish-yellow plastic pellets found therein were, upon examination by the Government Laboratory, confirmed to be elastic polymers.

Subsequently, The Jason's operator, J. Profits Golden Horse Limited, was prosecuted, which pleaded guilty with the facts of the case agreed, was convicted of selling to the prejudice of a purchaser a drug which is not of the quality demanded by the purchaser, thereby contravening section 52(1), section 150 and Schedule 9 to the Public Health and Municipal Services Ordinance, Chapter 132 of the Laws of Hong Kong, and was fined HK\$2,500 at the Kwun Tong Magistrates' Courts on 31 December 2018. Hence, the DH alleged that The Jason's had violated the relevant regulations of the Practising Guidelines for Retailers of Chinese Herbal Medicines (hereinafter called "the Guidelines").

The Chinese Medicines Board considered that the allegations made by the DH against The Jason's were established. It was held that the company had violated the following regulations of the Guidelines:

- (i) section 3.1(1), should not engage in the dealing of processed herbal medicines of dubious quality;
- (ii) section 3.1(4)ii, implement and comply with the prescribed codes of practice and relevant laws, namely section 52(1), section 150 and Schedule 9 to the Public Health and Municipal Services Ordinance (Chapter 132 of the Laws of Hong Kong) ;
- (iii) section 3.2.2(1), the responsible person should check to ensure that the processed herbal medicines purchased, and sold, are of good quality and are suitable for use;
- (iv) section 3.4(1), the duties of a sales person should cover to check the quality of the processed herbal medicines purchased and sold;
- (v) section 5.4.1(3), check the authenticity and quality of the processed herbal medicines. Do not accept any processed herbal medicine not conforming to the stated specifications. Those processed herbal medicines should be returned to the delivery person on the spot. If circumstances do not permit such action (for example, if the delivery person has already left), inform the supplier immediately to arrange for the return of the medicines; and
- (vi) section 3.1(7), properly manage the Chinese medicines retail shop.

In accordance with the power specified in section 139(2)(d) of the Chinese Medicine Ordinance, the Chinese Medicines Board decided that a warning be issued to The Jason's.