

(Translation)

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2 February 2007

Miss Mary SO  
Clerk to Panel  
Panel on Health Services  
Legislative Council  
8 Jackson Road  
Central  
Hong Kong

Dear Miss So,

At the meeting of the Legislative Council Panel on Health Services on 25 September 2006, Members discussed the enforcement of the Undesirable Medical Advertisements Ordinance (UMAO)(Cap. 231) and requested the Administration to provide information after the meeting with examples of cases which had led and had failed to lead to prosecution under the UMAO, the penalties for cases resulted in conviction as well as the number of warning letters issued to publishers and legal actions taken in 2004.

The following are examples of cases which had led and had failed to lead to prosecution-

- In December 2005, a health product was advertised in the newspapers, with the claims that it could alleviate the condition of serious fatty liver. That constituted a suspected breach of the UMAO. As the product supplier continued to publish the advertisement after receiving the

warning letter, DH referred the case to the Police for follow up. The supplier was ultimately convicted and sentenced to a fine of \$3,000.

- In November 2006, a health product was advertised in the newspapers, with the claims that it could help prevent eye inflammation and ulceration. That constituted a suspected breach of the UMAO. DH subsequently issued warning letters to the supplier and publisher. The advertisement of the same product appeared again in January 2007 but its contents were revised and did not contravene the UMAO. As such, DH has not taken further action.

A breakdown of the warning letters issued to publishers and of the organizations against which legal actions were taken in 2004 and 2005 are at Annex 1 and Annex 2 for reference.

Yours sincerely,

(Miss Pamela LAM)  
for Secretary for Health, Welfare and Food

**No. of warning letters issued to publishers by the Department of Health**

<b>Publishers</b>	<b>2004</b>	<b>2005</b>
Three Weekly	50	70
am730	0	5
Amy	0	1
Beauty & Hair	0	14
Bella 完全女人手冊	0	6
Cosmopolitan	1	1
ELLE	0	2
Fashion & Beauty	0	2
HIM	0	2
Jessica Code	0	1
Lisa 味道	4	4
The Standard	0	1
TVB Weekly	43	68
Ta Kung Pao	29	26
Epoch Times	0	3
Sun News	279	269
Wen Wei Po	37	18
去街 Guide	0	9
Sing Pao Daily News	153	108
Cable Guide	0	1
Esquire	0	1
完全女人週報	0	1
Express Weekly	61	49
Sisters' Pictorial	24	31
Sudden Weekly	20	43
Ming Pao	62	84
Ming Pao Weekly	24	34
East Touch	1	5
Oriental Daily News	345	283
Oriental Sunday	26	46
East Week	69	87
Senior Magazine Biweekly	0	1
Hong Kong Economic Journal	6	3
South China Morning Post	9	10
Sing Tao Daily	101	99
8 Weekly	11	24
美容採購指南	0	4
Fashion & Beauty	3	0

<b>Publishers</b>	<b>2004</b>	<b>2005</b>
The Standard	3	0
More Vitality	1	0
Hong Kong Beauty Almanac 2006	0	9
Hong Kong Beauty Magazine	14	24
Hong Kong Health Journal	1	0
Hong Kong Commercial Daily	72	117
香港藥食同源學報	1	0
Wedding	0	1
荃灣星報	1	0
Health Plus Magazine	3	10
Metro Hong Kong	6	19
Easy Finder	14	18
Next Magazine	35	73
New Monday	0	7
Weekend Weekly	8	13
Hong Kong Daily News	150	123
Economic Digest	0	10
Hong Kong Economic Times	42	55
Hong Kong Nightlife	0	1
Parents	0	3
Headline Daily	0	6
Apple Daily	164	204
觀塘星報	1	0
<b>Total</b>	<b>1 874</b>	<b>2 109</b>

**Organizations prosecuted**

Company category	2004		2005	
	No. of Cases	Publishers prosecuted (if any)	No. of Cases	Publishers prosecuted (if any)
Western medical practitioner centres	1		3	
Chinese herbalist centres	3		6	Sun News (1 case) Oriental Daily (1 case)
Medical centres in the Mainland	2	Oriental Daily (2 cases)	4	Sing Pao Daily News (1 case) Hong Kong Commercial Daily (2 cases) Hong Kong Daily News (1 case)
Beauty centres	1	East Touch (1 case)	2	Three Weekly (1 case) Easy Finder (1 case)
Western drugs traders			1	
Chinese medicine traders	5	Sun News (2 cases)	19	Three Weekly (1 case) Sun News (3 cases)
Health products traders	4		23	Sing Tao Daily (1 case) Apple Daily (1 case)
Others	1		1	
Total	17	Total	59	