

Tai Wei Xuan Buddhist Artifacts

1511st Commissioners' Meeting (2020)

Case: Tai Wei Xuan Buddhist Artifacts violated the Fair Trade Law by falsely claiming the “Buddhist Calendar 2543–Nam Pa Ya statue for being a people person” marketed on Shopee’s platform was made of genuine elephant bone

Keyword(s): False advertising, religious commodity, material of product

Reference: Fair Trade Commission Decision of October 21, 2020 (the 1511st Commissioners' Meeting); Disposition Kung Ch'u Tzu No.109057

Industry: Retail Sale of Other New Goods in Specialized Stores (4852)

Relevant Law(s): Article 21 of the Fair Trade Law

Summary:

1. A complainant accusing that Tai Wei Xuan Buddhist Artifacts posted the wordings of “genuine elephant bone” and “this Nam Pa Ya statue...the one and only occasion selling our own genuine elephant bone collection...limited holy object made in the early days and now production of holy objects with elephant bone is now forbidden in Thailand” and so on while selling the “Buddhist Calendar 2543–Nam Pa Ya statue for being a people person” on Shopee’s platform. However, when investigators from Changhwa County Government inspected the object at the shop, it was found that the product in question was made of plastic and did not contain any characteristics of animal bone. In other words, the claim constituted false advertising in violation of Article 21 of the Fair Trade Law.
2. Findings of the FTC after investigation:
Tai Wei Xuan Buddhist Artifacts obtained the product in question from a temple in Thailand. It was told, through an interpreter, by a monk in the temple that the holy object was made by another monk a long while ago, using the bone of an elephant died of natural causes. Tai Wei Xuan Buddhist Artifacts brought it back to Taiwan and intended to sell it to someone who needed the holy object for better luck. However, Tai Wei Xuan Buddhist Artifacts could not provide any evidences to prove the product in question was made of genuine elephant bone. Meanwhile, as the record of examination made by Changhwa County Government indicated that, neither any Schreger line that would appear on the cross section of elephant bone products nor the Haversian system (irregular depressions like tiny cavities or scratches) that animal bone products would have had showed on the object. In other words, it was made of plastic, rather than the bone of a protected wildlife species.
3. Grounds for disposition:
The advertisement in question gave consumers the impression that the product in question was made of genuine elephant bone and it was a collectable item because of limited quantity. Changhwa County Government confirmed that the product did show any animal bone characteristics and was just a plastic product. At the same time, Tai Wei Xuan Buddhist Artifacts could not provide any evidences to prove the product was made of genuine elephant bone. Therefore, the claim of “genuine

elephant bone” was inconsistent with the fact. During the period beginning from 2018 to July 2020 that the advertisement was posted, Tai Wei Xuan Buddhist Artifacts claimed the product was made of genuine elephant bone without any proofs. Even though Tai Wei Xuan Buddhist Artifacts had deleted the wording of “genuine elephant bone” after Changhwa County Government confirmed that the product was not made of elephant bone, the advertisement still carried the wordings stating that production of holy objects made of elephant bone was forbidden in Thailand and the quantity was limited to signify the rarity of the product in question. The description of rarity of elephant-bone objects and the product being a collectable item were the factors that would affect consumers’ decision of making transactions. Consequently, the difference between the representation of the advertisement and the fact was obvious and could cause the trading counterparts to misunderstand or make erroneous decisions. It was in violation of Article 21(1) of the Fair Trade Law. Therefore, the FTC imposed an administrative fine of NT\$50,000 on Tai Wei Xuan Buddhist Artifacts.

Appendix:

Tai Wei Xuan Buddhist Artifacts’ Uniform Invoice Number: 72389162

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