

## E-Life Mall

### 1626<sup>th</sup> Commissioners' Meeting (2022)

Case: E-Life Mall violated the Fair Trade Law by posting false advertisements to market Coway air purifiers

Keyword(s): Air purifier, therapeutic effect, false advertisement

Reference: Fair Trade Commission Decision of November 23, 2022 (the 1626<sup>th</sup> Commissioners' Meeting); Disposition Kung Ch'u Tzu No. 111085

Industry: Retail Sale of Electrical Household Appliances in Specialized Stores (4741)

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

#### Summary:

1. The FTC received complaints that E-Life Mall Co., Ltd. (hereinafter referred to as E-Life Mall) posted an advertisement for a Coway air purifier on its Facebook fan page, claiming that the product was the only product on the market passing medical certification. However, air purifiers were not any types of medical equipment. The claim was based on the test results of the Research Center for Emerging Viral Infections of Chang Gung University, yet the Research Center did not have the qualification to certify medical equipment. The informer thought the advertisement was false.
2. Findings of the FTC after investigation:  
The caption of the advertisement showed the wording of "the only one on the market passing medical certification – Top choice for epidemic prevention – Coway air purifier." It was followed by the text of "the only product passing the test performed by Chang Gung University – Coronavirus (229E) inhibition achieving 99.9999%" and there was also a picture carrying the wording of "effectively inhibiting 99.99% of many respiratory tract viruses." However, according to the Ministry of Health and Welfare, there was no record of the product in question being registered as "medical equipment" and the Research Center for Emerging Viral Infections of Chang Gung University was not a recognized medical equipment certification lab at all. Subsequently, E-Life Mall confessed that the claim of "medical certification" was posted because it believed that the Research Center was part of a relevant medical test group. In addition, E-Life Mall claimed that the supplier of the product had registered the trademark of the filter of the product and that was why the word "only" was included. The company insisted that it had no intention to elaborate on the therapeutic effect of the product.

3. Grounds for disposition:

- (1) The advertisement gave people the impression that the product was an air purifier with therapeutic effects. Compared to other air purifiers of similar specifications, its virus inhibition performance was better. According to Article 46 of the Medical Devices Act, however, common products could not be labeled or advertised as having therapeutic effects. The product might have been tested as having the capacity to inhibit a number of viruses, but it was still different from passing medical certification. The Ministry of Health and Welfare also concurred that the expression in the advertisement for the product was not entirely clear and likely to be misleading for consumers. Therefore, the claim of passing medical certification in the advertisement for the product was false, not to mention being the “only one passing certification.”
- (2) The benefits of air purifiers for human health were an important factor when consumers considered whether they would purchase such products. The false and misleading advertisement for the product was able to cause the general public to have wrong perceptions about the product quality or make wrong decisions. It was therefore in violation of Article 21(1) of the Fair Trade Law. After assessing the motive and purpose behind the unlawful act of E-Life Mall, the inappropriate profit expected, the level of harm to trading order, the duration the advertisement was posted, the profit obtained, the business scale, management condition and market status of the offender, past violations, corrections made after the violation, and the cooperativeness throughout the investigation, the FTC cited the first section of Article 42 of the Fair Trade Law and imposed an administrative fine of NT\$300,000 on E-Life Mall.

Appendix:

E-Life Mall Co., Ltd.’s Uniform Invoice Number: 22006252

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