THE CORPORATION OF THE CITY OF RICHMOND

In the matter of Section 60 of the Community Charter, SBC 2003, Chapter 26, which authorizes a municipal council to suspend or cancel a business licence; and

In the matter of the business licence of Nagoya Trading Ltd. (doing business as Tokyo Beauty) at Unit 3660, 4151 Hazelbridge Way in the City of Richmond, British Columbia

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AFFIDAVIT OF LYNA ENG

I, **LYNA ENG**, of the City of Burnaby, in the province of British Columbia, **AFFIRM THAT:**

1. I am a Senior Compliance Officer with the Health Product Compliance West Office within the Regulatory Operations and Enforcement Branch (ROEB) at Health Canada. I have been employed in this position since October 16th, 2020. My duties include conducting compliance promotion activities, inspections, audits, compliance verifications, enforcement and investigations, under the *Food and Drugs Act* and its regulations, in particular in relation to drugs and natural health products.

2. Because my role as a Senior Compliance Officer involves the conduct of inspections to verify compliance and prevent non-compliance with the *Food and Drugs Act* and its regulations, I am designated as an inspector under subsection 22(1) of the *Food and Drugs Act*. This designation enables me to exercise the authorities specifically granted to inspectors in the *Food and Drugs Act*. I have been designated as an inspector under the *Food and Drugs Act* since December 2008.

3. On February 27th, 2024, I carried out a compliance verification inspection under the *Food and Drugs Act* at Unit 3660, 4151 Hazelbridge Way in the City of Richmond, British Columbia, premises at which Tokyo Beauty carries out business. As such, I have personal knowledge of the facts and matters hereinafter deposed to, save and except where indicated to be on information and belief and where so stated I verily believe them to be true.

4. During the inspection of February 27th, 2024, I examined products located on site, as well as their labels. I also examined electronic data stored on the point-of-sale computer located on site. I identified four imported products being offered for sale by Tokyo Beauty that were labelled as containing prescription, controlled or over-the-counter drug ingredients and whose labels made health claims. These products are identified in the table below, where column 1 indicates the name of the products, column 2 indicates the drug ingredient identified on the label as being contained in the products and column 3 indicates the promoted use of the products (i.e. health claims on the label).

5. Products that make health claims and/or contain drug ingredients are "drugs" within the meaning of section 2 of the *Food and Drugs Act*. Multiple prohibitions and requirements apply in respect of the import and sale of drugs in Canada. These are set out in the *Food and Drugs Act*

and its regulations, in particular the *Food and Drug Regulations*, and are aimed at protecting the health and safety of Canadians. Under the *Food and Drugs Act*, sale includes offering for sale, exposing for sale, having in possession for sale and distribution.

6. On the basis of reasonable grounds to believe that the import and sale of the products identified in column 1 of the table were in contravention of one or more provisions of the *Food and Drugs Act* and *Food and Drug Regulations* applicable in respect of drugs, namely those identified and summarized in column 4 of the table, I seized those products pursuant to paragraph 23(2)(l) of the *Food and Drugs Act* during the February 27th, 2024 inspection. Prior to seizure, Tokyo Beauty was informed of the non-compliance of the products and grounds for seizure. Tokyo Beauty consented to the forfeiture of the seized products to the federal Crown in accordance with subsection 27(1) of the *Food and Drugs Act*.

7. Based on my recommendation, a prior public advisory dated September 18th, 2023 relating to Tokyo Beauty was updated and published on the Canada.ca website on March 8th 2024, to inform Canadians of the seizure of the products identified in column 1 of the table and of the health risks associated with the drug ingredients identified as being contained in the seized products (see https://recalls-rappels.canada.ca/en/alert-recall/unauthorized-health-products-seized-tokyo-beauty-and-healthcare-store-richmond-bc-may#aminocaproic_acid).

TABLE

Column 1 **Product Name**	**Column 2** **Drug ingredient**	**Column 3** **Health claim(s)**	**Column 4** **Provision(s)**
Santen Sante Beauteye Moon Care	Aminocaproic acid	Prevention of eye disease, conjunctival congestion, bleary eyes	9(1) FDA: Sale of a drug in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit or safety. C.01A.004(1) FDR: Import of a drug without an establishment licence C.01.014(1) FDR: Sale of a drug in dosage form that does not have a Drug Identification Number (i.e. unapproved drug) C.01.045 FDR: Import of a prescription drug by an unauthorized person.
Pair Acne Cream	Ibuprofen piconol 3%	Acne skin treatment	
Pabron Gold A Granules Cold Medication	Dihydrocodeine phosphate	Relief of cold symptoms	
Mentholatum Mediquick Eczema Rash Anti-Itch Ointment	Prednisolone valerate acetate	Eczema and rash relief	
Hadalabo Pearl Barley Face Wash	Aminocaproic acid	Skin treatment	

8. I understand that Health Canada and the City of Richmond have agreed that this affidavit is being provided on a voluntary basis and solely for the purpose of the November 25th, 2024 Richmond City Council hearing at which the cancellation of the business licence of Tokyo Beauty

is scheduled to be considered. The affidavit is being provided to support Richmond City Council and not to support a particular party in the proceedings.

9. I further understand that this affidavit will only be entered into evidence at the November 25th, 2024 Richmond City Council hearing if the "subpoena to witness" issued to me on October 25th, 2024 is vacated or withdrawn prior to doing so.

10. I further understand that it was agreed upon by Health Canada and the City of Richmond that this affidavit will not be subject to any rules of practice or procedure which may be applicable to the Richmond City Council hearing and that would entail further participation by Health Canada or myself in the proceedings. In particular, it was agreed upon that I would not be subject to examination, cross-examination or re-examination on this affidavit and would not produce any supporting documentary evidence.

11. In providing this affidavit, I am not waiving any federal Crown immunity applicable in respect of discovery or the application of provincial legislation.

Affirmed remotely by Lyna Eng)
at the City of Burnaby in the Province)
of British Columbia, before me at the)
City of Ottawa in the Province of Ontario,)
on November 15th, 2024, in accordance)
with O. Reg. 431/20, Administering)
Oath or Declaration Remotely)

Myers, Dennis
Digitally signed by Myers, Dennis
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Reason: I attest to the accuracy and integrity of this document
Location:
Date: 2024.11.15 11:39:37-05'00'
Foxit PDF Editor Version: 12.1.7

A Commissioner for Taking Affidavits)

Eng, Lyna
Digitally signed by Eng, Lyna
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Reason: I attest to the accuracy and integrity of this document
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LYNA ENG

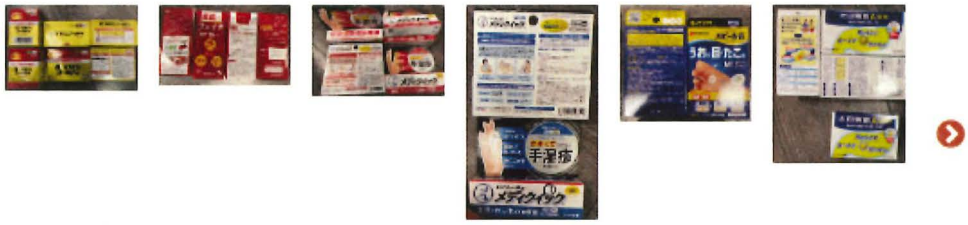
Public advisory

Unauthorized health products seized from Tokyo Beauty and Healthcare store in Richmond, B.C., may pose serious health risks

Last updated: 2024-03-08

Summary

Product: Unauthorized health products labelled to contain prescription, controlled or over-the-counter drugs
Issue: Health products - Product safety
What to do: Do not use these products. Buy your prescription drugs only from licensed pharmacies. Return products to your local pharmacy for proper disposal. Consult a health care professional if you have used any of these products and have health concerns. One of the products (Pabron Gold A Granules Cold Medication) contains an opioid. **If you suspect an opioid overdose, call 911 and administer naloxone if available.**



Affected products

Product	Promoted use	Drug on the label	Tokyo Beauty and Healthcare store
Pabron Gold A Granules Cold Medication	Relieve cold symptoms	Labelled to contain dihydrocodeine phosphate	120 - 8191 Westminster Highway, Richmond, B.C.
Kobayashi Pharmaceutical Faichi Iron + Folic Acid + Vitamin B12 Blood Supplement Tablets	Aid production of blood hemoglobin and improve anemia	Labelled to contain prescription-strength folic acid	120 - 8191 Westminster Highway, Richmond, B.C.
Mentholatum Mediquick Eczema Rash Anti-Itch Cream	Eczema and rash relief	Labelled to contain prednisolone valerate acetate	120 - 8191 Westminster Highway, Richmond, B.C.
Mentholatum Mediquick Eczema Rash Anti-Itch Ointment	Eczema and rash relief	Labelled to contain prednisolone valerate acetate	120 - 8191 Westminster Highway, Richmond, B.C.
Nichiban Speel Ko One-touch EX	Corns, callus and wart removal	Labelled to contain salicylic acid	120 - 8191 Westminster Highway, Richmond, B.C.

Ohta's Isan A	Aid digestion and relieve heartburn	Labelled to contain ursodeoxycholic acid	120 - 8191 Westminster Highway, Richmond, B.C.
Santen Beauteye Contact	Eye fatigue	Labelled to contain neostigmine methylsulfate	120 - 8191 Westminster Highway, Richmond, B.C.
Santen PC Eyedrops	Eye inflammation and fatigue	Labelled to contain neostigmine methylsulfate	120 - 8191 Westminster Highway, Richmond, B.C.
Smile 40EX Gold Cool MAX	Eye fatigue, blurred vision	Labelled to contain neostigmine methylsulfate	120 - 8191 Westminster Highway, Richmond, B.C.
Santen Sante Beauteye Moon Care	Prevention of eye disease, conjunctival congestion, bleary eyes	Labelled to contain aminocaproic acid	Unit 3660 - 4151 Hazelbridge Way, Richmond, B.C.
Pair Acne Cream	Acne skin treatment	Labelled to contain ibuprofen piconol 3%	Unit 3660 - 4151 Hazelbridge Way, Richmond, B.C.
Pabron Gold A Granules Cold Medication	Relieve cold symptoms	Labelled to contain dihydrocodeine phosphate	Unit 3660 - 4151 Hazelbridge Way, Richmond, B.C.
Mentholatum Mediquick Eczema Rash Anti-Itch Ointment	Eczema and rash relief	Labelled to contain prednisolone valerate acetate	Unit 3660 - 4151 Hazelbridge Way, Richmond, B.C.
Hadalabo Pearl Barley Face Wash	Skin treatment	Labelled to contain aminocaproic acid	Unit 3660 - 4151 Hazelbridge Way, Richmond, B.C.

Issue

UPDATE: March 8, 2024: Additional unauthorized health products seized from another Tokyo Beauty and Healthcare store in Richmond, B.C.

Further to its communication on September 18, 2023, Health Canada is warning consumers about additional unauthorized health products seized from another Tokyo Beauty and Healthcare store located at Unit 3660 - 4151 Hazelbridge Way, Richmond, B.C. These products are labelled to contain prescription, controlled, or over-the-counter drugs, and may pose serious health risks.

The list of products seized has been added to the Affected Products table. Information on the health risks associated with these drugs as well as information for consumers can be found further below.

Original Advisory: September 18, 2023: Unauthorized health products seized from a Tokyo Beauty and Healthcare store in Richmond, B.C., may pose serious health risks

Health Canada is warning consumers about unauthorized health products it seized from a Tokyo Beauty and Healthcare store in Richmond, B.C. (120 - 8191 Westminster Highway). The products are labelled to contain prescription, controlled or over-the-counter drugs and may pose serious health risks.

Selling unauthorized health products in Canada is illegal. Unauthorized health products have not been approved by Health Canada, which means that they have not been assessed for safety, efficacy and quality and may pose a range of serious health risks. For example, they could contain high-risk ingredients, such as prescription drugs, additives or contaminants that may or may not be listed on the label. These ingredients could interact with other medications and foods. In addition, these products may not actually contain the active ingredients that consumers would expect them to contain to help maintain and improve their health.

Prescription drugs should only be used under the advice and supervision of a health care professional because they are used to treat specific conditions and may cause serious side effects. Prescription drugs can only be legally sold to consumers in Canada with a prescription.

What you should do

- Do not use these products. Return the product to your local pharmacy for proper disposal.
- Consult a health care professional if you have used any of these products and have health concerns.
- Pabron Gold A Granules Cold Medication contains an opioid. **Opioid overdose is a medical emergency that could lead to death if untreated.** If you suspect an opioid overdose, call 911 and administer naloxone if available.
- Buy your prescription drugs only from licensed pharmacies.
- Read product labels to verify that health products have been authorized for sale by Health Canada. Authorized health products have an eight-digit Drug Identification Number (DIN), Natural Product Number (NPN) or Homeopathic Drug Number (DIN-HM). You can also check whether products have been authorized for sale by searching Health Canada's Drug Product Database and Licensed Natural Health Product Database.
- Report any health product-related side effects or complaints to Health Canada.

Additional information

▼ Background

Aminocaproic acid is a prescription drug ingredient used to decrease bleeding in various clinical situations. Exposure to aminocaproic acid in the eye may affect the eye itself, and the acid may be absorbed through the tear ducts into the blood. Side effects may include watery eyes, vision changes, headache, dizziness, nausea, muscle weakness and skin rash.

Dihydrocodeine phosphate is a controlled substance regulated under the Controlled Drugs and Substances Act and is similar to the opioid codeine. Although codeine is approved in Canada, Health Canada has not authorized any drug products containing dihydrocodeine. Dihydrocodeine tablets are approved in certain countries for the relief of severe and chronic pain or as cough suppressants. Common adverse reactions include dizziness, headache, vertigo, visual disturbances, confusion, euphoria, nausea, and constipation. As with all opioids, use of dihydrocodeine may lead to drug dependence (addiction). Dihydrocodeine may cause slowed or stopped breathing, which can lead to severe drowsiness, unconsciousness, and death (opioid overdose). People with other medical conditions, including but not limited to those that affect the lungs, liver or kidney, may be at a higher risk of overdose. Children are more susceptible to overdose due to their smaller size. Dihydrocodeine should not be used by those who are pregnant or breastfeeding, or by those with an allergy to dihydrocodeine. Using dihydrocodeine with other central nervous system depressants (e.g. alcohol, sleeping pills, etc.) may worsen its effects. In cases of overdose, naloxone can temporarily reverse the effects of dihydrocodeine.

Folic acid tablets at strengths above 1 mg are prescription drugs available in Canada for the prevention and treatment of: folate deficiency, birth defects, and side effects related to methotrexate treatment. Folic acid should not be taken at doses of more than 1 mg per day without the advice of a health care professional. Taking too much folic acid may hide signs of a vitamin B12 deficiency and increase the risk of progressive, unrecognized neurological damage. Taking too much folic acid may also increase the risk of colorectal and possibly other cancers in certain individuals. High doses of folic acid might lead to symptoms, including loss of appetite, nausea, abdominal bloating, gas, bitter taste, changes to sleep, trouble concentrating, depression, impaired judgement, and feeling irritable, excited, overactive or confused. Rare but serious side effects include severe allergic reactions. Folic acid should not be used by people who have untreated vitamin B12 deficiency. Oral folic acid is not to be used by people who have diseases of the small intestine, especially Crohn's disease and celiac disease, due to difficulties absorbing folic acid.

Ibuprofen piconol 3% is a topical (applied to the skin) non-steroidal anti-inflammatory drug (NSAID) used to relieve burns. Health Canada has not approved any drugs containing ibuprofen for topical use. Ibuprofen absorbed through the skin may cause side effects throughout the body, especially when used over a large surface area and for a long time, or on damaged skin. Topical ibuprofen may cause serious side effects in people who are allergic to ibuprofen, aspirin or other NSAIDs, or who are asthmatic. Use of topical ibuprofen may also cause serious side effects such as stomach and intestinal bleeding, renal (kidney) dysfunction or failure, or cardiovascular dysfunction or failure in people who have problems with these organs. Topical ibuprofen can also cause serious side effects in people who are pregnant or breastfeeding, such as delayed and increased duration of labour.

Neostigmine methylsulfate is a prescription drug available in Canada as an injection used to prevent and treat urine retention and intestinal complications after surgery, to reverse the paralyzing effect of certain drugs used in surgery and in shock therapy, and to control symptoms of myasthenia gravis (a disease that causes weakness in the skeletal muscles). It has not been approved for use as eye drops in Canada. In the past, drugs similar to neostigmine were used to treat glaucoma, a group of eye diseases traditionally characterized by elevated pressure within the eye. These medications are no longer widely used because of the significant number of potential eye-related side effects, including blurred distance vision, frontal headaches, twitching lids, red eyes, cataracts (clouding of the normally clear lens of the eye), allergic reactions, iris cysts, retinal detachment with symptoms of reduced vision, sudden appearance of flashes of light or floaters that could lead to permanent vision loss, and the potential for causing a specific type of glaucoma attack with potential permanent vision loss. In addition, absorption into the nose via the tear duct may cause serious cardiac and respiratory side effects.

Prednisolone valerate acetate is a prescription corticosteroid drug available in Canada as eye drops used to treat inflammation of several parts of the eye. It has not been approved for use in creams or ointments in Canada. Common side effects for topical corticosteroids include skin atrophy (thin and fragile skin with reduced elasticity), skin blood vessel changes (e.g., spider veins), change in skin color, stretch marks, swelling, dry skin, burning sensation, local irritation, rash, redness, itching, thinning hair or excessive hair growth, infections and allergic reactions. Topical corticosteroids absorbed through the skin may cause side effects throughout the body, especially when used over a large surface area and for a long time. This risk is greater in children, who may absorb proportionally larger amounts and be more susceptible to side effects. Systemic side effects could include high blood pressure, high blood sugar, blurred vision, uneven heartbeats, weakness, and swelling. Prednisolone acetate should not be used in patients who are allergic to prednisolone acetate or to any ingredient in the formulation. Prednisolone acetate is not to be used in children and is not recommended for use during pregnancy or breastfeeding.

Salicylic acid is a prescription drug when sold for topical uses at concentrations greater than 20% or with a certain level of acidity (pH less than 3.0) except when sold to be applied to warts, corns or calluses. It is also used to treat acne. It should not be used by people who are allergic to salicylic acid, by people with diabetes, poor circulation, loss of sensation in the extremities (e.g., hands and feet), or by children and teenagers with the flu or chicken pox (as it may increase the risk of Reye's syndrome, a serious disease that might lead to seizures and coma). It should not be used by pregnant or nursing people unless the area of exposure and duration of therapy is limited. Some products containing salicylic acid should not be used in children younger than two years of age. Salicylic acid can cause serious allergic reactions (hives, itching, trouble breathing, and swelling of the face, lips, or tongue), and severe skin irritation (redness, burning, dryness, itching, and peeling). It can also cause salicylate toxicity, a serious condition with nausea, vomiting, dizziness, loss of hearing, ringing in the ears, diarrhea, confusion, rapid breathing, and drowsiness. Side effects are more likely to occur in children and in people with kidney or liver disease, and with prolonged use over large areas. Salicylic acid should not be used on infected areas, on moles, birthmarks, warts with hair growing from them, or warts on the face.

Ursodeoxycholic acid is a prescription drug used for the management of cholestatic liver diseases (diseases that involve blocked or reduced bile flow from the liver). Serious side effects of taking ursodeoxycholic acid include allergic reactions, chest pain and difficulty breathing, stomach ache, nausea, diarrhea or constipation, swelling of the extremities (e.g., hands and feet), high blood pressure, fatigue, dizziness, headache, itchiness, fever and jaundice. Some patients have experienced additional symptoms such as vomiting and pain in the abdominal area caused by blockages in the gastrointestinal tract, which requires medical intervention. Blood tests are needed to monitor for the risk of liver toxicity from taking this drug. Ursodeoxycholic acid should not be used by people who have an allergy to ursodiol, have a blockage of bile flow due to liver or other disease, or by people who are pregnant, planning to become pregnant, or breastfeeding.

▼ Details

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Companies
Published by: Health Canada
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Identification number: RA-74268

▼ Media and public enquiries

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Date modified: 2024-03-08

CANADA

CONSOLIDATION

CODIFICATION

Food and Drugs Act

Loi sur les aliments et drogues

R.S.C., 1985, c. F-27

L.R.C. (1985), ch. F-27

Current to October 30, 2024

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(c) is intended to be sent or conveyed from one province to another

in such a manner that it is likely to be mistaken for that food unless the article complies with the prescribed standard.

R.S., 1985, c. F-27, s. 6; R.S., 1985, c. 27 (3rd Supp.), s. 1.

Governor in Council may identify standard or portion thereof

6.1 (1) The Governor in Council may, by regulation, identify a standard prescribed for a food, or any portion of the standard, as being necessary to prevent injury to the health of the consumer or purchaser of the food.

Where standard or portion thereof is identified

(2) Where a standard or any portion of a standard prescribed for a food is identified by the Governor in Council pursuant to subsection (1), no person shall label, package, sell or advertise any article in such a manner that it is likely to be mistaken for that food unless the article complies with the standard or portion of a standard so identified.

R.S., 1985, c. 27 (3rd Supp.), s. 1.

Unsanitary manufacture, etc., of food

7 No person shall manufacture, prepare, preserve, package or store for sale any food under unsanitary conditions.

R.S., c. F-27, s. 7.

Drugs

Prohibited sales of drugs

8 No person shall sell any drug that

(a) was manufactured, prepared, preserved, packaged or stored under unsanitary conditions; or

(b) is adulterated.

R.S., c. F-27, s. 8.

Deception, etc., regarding drugs

9 (1) No person shall label, package, treat, process, sell or advertise any drug in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit or safety.

b) il a été expédié ou transporté d'une province à une autre;

c) il est destiné à être expédié ou transporté d'une province à une autre.

L.R. (1985), ch. F-27, art. 6; L.R. (1985), ch. 27 (3e suppl.), art. 1.

Spécification d'une norme ou d'un élément particulier d'une norme par le gouverneur en conseil

6.1 (1) En cas d'établissement d'une norme réglementaire à l'égard d'un aliment, le gouverneur en conseil peut, par règlement, spécifier que cette norme ou un élément particulier de celle-ci est nécessaire à la prévention d'un préjudice à la santé des consommateurs ou acheteurs de cet aliment.

Cas où un élément particulier est spécifié

(2) Dans les cas où, en application du paragraphe (1), le gouverneur en conseil spécifie soit une norme réglementaire à l'égard d'un aliment, soit un élément d'une telle norme, il est interdit d'étiqueter, d'emballer ou de vendre un aliment — ou d'en faire la publicité — de telle manière qu'il puisse être confondu avec l'aliment visé par la norme, à moins qu'il ne soit conforme à cette norme ou cet élément.

L.R. (1985), ch. 27 (3e suppl.), art. 1.

Conditions non hygiéniques

7 Il est interdit de fabriquer, de préparer, de conserver, d'emballer ou d'emmagasiner pour la vente des aliments dans des conditions non hygiéniques.

S.R., ch. F-27, art. 7.

Drogues

Vente interdite

8 Il est interdit de vendre des drogues qui, selon le cas :

a) ont été fabriquées, préparées, conservées, emballées ou emmagasinées dans des conditions non hygiéniques;

b) sont falsifiées.

S.R., ch. F-27, art. 8.

Fraude

9 (1) Il est interdit d'étiqueter, d'emballer, de traiter, de préparer ou de vendre une drogue — ou d'en faire la publicité — d'une manière fausse, trompeuse ou mensongère ou susceptible de créer une fausse impression quant à sa nature, sa valeur, sa quantité, sa composition, ses avantages ou sa sûreté.

Drugs labelled or packaged in contravention of regulations

(2) A drug that is not labelled or packaged as required by, or is labelled or packaged contrary to, the regulations shall be deemed to be labelled or packaged contrary to subsection (1).

R.S., c. F-27, s. 9.

Where standard prescribed for drug

10 (1) Where a standard has been prescribed for a drug, no person shall label, package, sell or advertise any substance in such a manner that it is likely to be mistaken for that drug, unless the substance complies with the prescribed standard.

Trade standards

(2) Where a standard has not been prescribed for a drug, but a standard for the drug is contained in any publication referred to in Schedule B, no person shall label, package, sell or advertise any substance in such a manner that it is likely to be mistaken for that drug, unless the substance complies with the standard.

Where no prescribed or trade standard

(3) Where a standard for a drug has not been prescribed and no standard for the drug is contained in any publication referred to in Schedule B, no person shall sell the drug unless

(a) it is in accordance with the professed standard under which it is sold; and

(b) it does not resemble, in a manner likely to deceive, any drug for which a standard has been prescribed or is contained in any publication referred to in Schedule B.

R.S., c. F-27, s. 10.

Unsanitary manufacture, etc., of drug

11 No person shall manufacture, prepare, preserve, package or store for sale any drug under unsanitary conditions.

R.S., c. F-27, s. 11.

Drugs not to be sold unless safe manufacture indicated

12 No person shall sell any drug described in Schedule C or D unless the Minister has, in prescribed form and manner, indicated that the premises in which the drug was manufactured and the process and conditions of

Étiquetage ou emballage non réglementaire

(2) La drogue qui n'est pas étiquetée ou emballée ainsi que l'exigent les règlements ou dont l'étiquetage ou l'emballage n'est pas conforme aux règlements est réputée contrevenir au paragraphe (1).

S.R., ch. F-27, art. 9.

Norme réglementaire

10 (1) En cas d'établissement d'une norme réglementaire à l'égard d'une drogue, il est interdit d'étiqueter, d'emballer ou de vendre une substance — ou d'en faire la publicité — de manière qu'elle puisse être confondue avec la drogue, à moins qu'elle ne soit conforme à la norme.

Normes de commerce

(2) En cas d'absence de norme réglementaire à l'égard d'une drogue mais de mention d'une norme comparable dans une publication dont le nom figure à l'annexe B, il est interdit d'étiqueter, d'emballer ou de vendre une substance — ou d'en faire la publicité — de manière qu'elle puisse être confondue avec la drogue, à moins qu'elle ne soit conforme à la norme.

Normes reconnues

(3) En cas d'absence de norme réglementaire à l'égard d'une drogue et de non-mention d'une norme comparable dans une publication dont le nom figure à l'annexe B, la vente de cette drogue est interdite sauf si celle-ci :

a) d'une part, est conforme à la norme reconnue sous laquelle elle est vendue;

b) d'autre part, ne ressemble pas, d'une manière qui puisse tromper, à une drogue à l'égard de laquelle il existe une norme réglementaire ou une norme comparable mentionnée dans une publication dont le nom figure à l'annexe B.

S.R., ch. F-27, art. 10.

Conditions non hygiéniques

11 Il est interdit de fabriquer, de préparer, de conserver, d'emballer ou d'emmagasiner pour la vente des drogues dans des conditions non hygiéniques.

S.R., ch. F-27, art. 11.

Vente d'une drogue mentionnée à l'ann. C ou D

12 Il est interdit de vendre une drogue mentionnée à l'annexe C ou D à moins que le ministre n'ait, selon les modalités réglementaires, attesté que les locaux où la

CANADA

CONSOLIDATION

CODIFICATION

Food and Drug Regulations

Règlement sur les aliments et drogues

C.R.C., c. 870

C.R.C., ch. 870

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(b) on request submit the record of such investigations to the Minister.

SOR/89-455, s. 2; SOR/94-36, s. 1; SOR/2018-69, s. 27.

C.01.013 (1) Where the manufacturer of a drug is requested in writing by the Minister to submit on or before a specified day evidence with respect to a drug, the manufacturer shall make no further sales of that drug after that day unless he has submitted the evidence requested.

(2) If the Minister determines that the evidence submitted by a manufacturer under subsection (1) is not sufficient, he or she shall so notify the manufacturer in writing.

(3) Where, pursuant to subsection (2), a manufacturer is notified that the evidence with respect to a drug is not sufficient, he shall make no further sales of that drug unless he submits further evidence and is notified in writing by the Minister that that further evidence is sufficient.

(4) A reference in this section to evidence with respect to a drug means evidence to establish the safety of the drug under the conditions of use recommended and the effectiveness of the drug for the purposes recommended.

SOR/2018-69, ss. 15, 27.

C.01.013.1 Section C.01.013 does not apply in respect of a veterinary health product.

SOR/2017-76, s. 2.

Assignment and Cancellation of Drug Identification Numbers

C.01.014 (1) No manufacturer shall sell a drug in dosage form unless a drug identification number has been assigned for that drug and the assignment of the number has not been cancelled under section C.01.014.6.

(2) Subsection (1) does not apply in respect of a veterinary health product, a ***study drug*** as defined in section C.03.301 or a ***medicated feed*** as defined in subsection 1(1) of the *Feeds Regulations, 2024*.

SOR/81-248, s. 2; SOR/97-12, s. 3; SOR/2013-179, s. 1; SOR/2017-259, s. 3; SOR/2018-77, s. 3; SOR/2024-132, s. 85.

C.01.014.1 (1) A manufacturer of a drug may make an application for a drug identification number for that drug.

b) soumettre, sur demande, le dossier de telles investigations au ministre.

DORS/89-455, art. 2; DORS/94-36, art. 1; DORS/2018-69, art. 27.

C.01.013 (1) Lorsque le ministre demande par écrit au fabricant d'une drogue de lui fournir, à ou avant une date donnée, des preuves concernant une drogue, le fabricant doit suspendre la vente de cette drogue après cette date, à moins qu'il n'ait fourni les preuves demandées.

(2) Si le ministre conclut que les preuves fournies par le fabricant en application du paragraphe (1) sont insuffisantes, il en avise le fabricant par écrit.

(3) Lorsque, conformément au paragraphe (2), un fabricant est avisé que les preuves concernant une drogue donnée sont insuffisantes, il doit susprendre la vente de ladite drogue, à moins qu'il ne fournisse d'autres preuves et qu'il ne soit avisé par écrit par le ministre que ces autres preuves sont suffisantes.

(4) Dans cet article ***preuves concernant une drogue*** signifie des preuves servant à établir l'innocuité de la drogue lorsqu'elle est utilisée dans les conditions d'emploi recommandées et son efficacité pour les indications recommandées.

DORS/2018-69, art. 15 et 27.

C.01.013.1 L'article C.01.013 ne s'applique pas à l'égard des produits de santé animale.

DORS/2017-76, art. 2.

Attribution et annulation de l'identification numérique des drogues

C.01.014 (1) Il est interdit à tout fabricant de vendre une drogue sous forme posologique à laquelle une identification numérique n'a pas été attribuée ou dont l'identification numérique a été annulée en application de l'article C.01.014.6.

(2) Le paragraphe (1) ne s'applique pas au produit de santé animale, à la ***drogue destinée à l'étude*** au sens de l'article C.03.301, ou à l'***aliment médicamenté*** au sens du paragraphe 1(1) du *Règlement de 2024 sur les aliments du bétail*.

DORS/81-248, art. 2; DORS/97-12, art. 3; DORS/2013-179, art. 1; DORS/2017-259, art. 3; DORS/2018-77, art. 3; DORS/2024-132, art. 85.

C.01.014.1 (1) Le fabricant d'une drogue peut présenter une demande d'identification numérique pour cette drogue.

prescription more than the number of times specified by the practitioner.

SOR/78-424, s. 4; SOR/2013-122, s. 11.

C.01.042.1 A person referred to in paragraph C.01.041(1)(a) shall indicate on the original of or on the copy of the written prescription or the written record created under subsection C.01.041(2) or in a record kept under the name of the patient in question, as the case may be,

(a) the date on which the prescription was filled;

(b) the date of each refill, if applicable;

(c) the quantity of drug sold when the prescription was filled and, if applicable, for each refill; and

(d) the name of the person who sold the drug.

SOR/2013-122, s. 11.

C.01.043 (1) A person may sell a prescription drug to

(a) a drug manufacturer;

(b) a practitioner;

(c) a wholesale druggist;

(d) a pharmacist; or

(e) the Government of Canada or the government of a province, for the use of a department or agency of that government, on receipt of a written order signed by the minister responsible for the department or by the person in charge of the agency, or by their duly authorized representative.

(2) If a person sells a prescription drug under paragraph (1)(e), they shall retain the written order for the drug for a period of at least two years after the day on which the drug is sold.

SOR/2013-122, s. 11.

C.01.044 If a person advertises a prescription drug to the general public, the person shall not make any representation other than with respect to the brand name, the proper name, the common name and the price and quantity of the drug.

SOR/78-424, s. 5; SOR/93-202, s. 7; SOR/93-407, s. 3; SOR/2013-122, s. 11.

C.01.045 No person, other than one of the following, shall import a prescription drug:

(a) a practitioner;

sur ordonnance à moins d'obtenir du praticien une autorisation à cet effet, auquel cas elle ne peut le faire pour un nombre de fois supérieur à celui fixé par ce dernier.

DORS/78-424, art. 4; DORS/2013-122, art. 11.

C.01.042.1 La personne visée à l'alinéa C.01.041(1)a) inscrit sur l'original ou une copie de l'ordonnance écrite ou du document mentionné au paragraphe C.01.041(2), ou dans un dossier sur le patient en question, selon le cas :

a) la date d'exécution de l'ordonnance;

b) la date d'exécution de chaque renouvellement, le cas échéant;

c) la quantité de drogue vendue lors de l'exécution de l'ordonnance et, le cas échéant, lors de l'exécution de chaque renouvellement;

d) le nom de la personne qui vend la drogue.

DORS/2013-122, art. 11.

C.01.043 (1) Est permise la vente de drogues sur ordonnance aux personnes et entités suivantes :

a) les fabricants de drogues;

b) les praticiens;

c) les pharmaciens en gros;

d) les pharmaciens;

e) le gouvernement du Canada ou d'une province, à l'usage d'un de ses ministères ou organismes, sur réception d'une commande écrite signée par le ministre en cause ou le responsable de l'organisme, ou leur représentant dûment autorisé.

(2) Quiconque vend une drogue sur ordonnance en vertu de l'alinéa (1)e) doit conserver la commande écrite relative à la drogue durant une période d'au moins deux ans suivant la date de la vente.

DORS/2013-122, art. 11.

C.01.044 Quiconque fait la publicité auprès du grand public d'une drogue sur ordonnance ne peut faire porter la publicité que sur la marque nominative, le nom propre, le nom usuel, le prix et la quantité de la drogue.

DORS/78-424, art. 5; DORS/93-202, art. 7; DORS/93-407, art. 3; DORS/2013-122, art. 11.

C.01.045 Est interdite l'importation de drogues sur ordonnance par les personnes autres que les personnes suivantes :

a) les praticiens;

(b) a drug manufacturer;

(c) a wholesale druggist;

(d) a pharmacist; or

(e) a resident of a foreign country while a visitor in Canada.

SOR/93-407, s. 4; SOR/2013-122, s. 11.

(b) les fabricants de drogues;

c) les pharmaciens en gros;

d) les pharmaciens;

e) les résidents d'un pays étranger, durant leur séjour au Canada.

DORS/93-407, art. 4; DORS/2013-122, art. 11.

C.01.046 [Repealed, SOR/2013-122, s. 11]

C.01.047 [Repealed, SOR/80-543, s. 4]

Distribution of Drugs as Samples

[SOR/2020-74, s. 2]

C.01.048 (1) If a practitioner or pharmacist has signed an order specifying the proper name or common name, the brand name and the quantity of a drug, other than the following, the person who receives the order may distribute or cause to be distributed the drug, in dosage form, as a sample to that practitioner or pharmacist if the drug meets the requirements of these Regulations:

(a) a *narcotic* as defined in the *Narcotic Control Regulations*;

(b) a *controlled drug* as defined in section G.01.001; or

(c) [Repealed, SOR/2020-74, s. 3]

(d) a *prescription drug* as defined in subsection 1(2) of the *Cannabis Regulations*.

(1.1) A person may distribute or cause to be distributed a prescription drug as a sample under subsection (1) only to a practitioner or pharmacist who is entitled, under the laws of the province in which they are practising, to prescribe or dispense that drug, as the case may be.

(2) An order referred to in subsection (1) may provide that the order be repeated at specified intervals during any period not exceeding six months.

(3) Despite subsection (1), a person may distribute or cause to be distributed a drug, in dosage form, as a sample to a practitioner or pharmacist without a signed order if that drug is not a prescription drug and is part of a class of drugs that is set out in column 1 of List D, and if all of the following conditions are met:

(a) the drug contains, as its only medicinal ingredients, one or more of those set out in column 2, each of

Distribution de drogues à titre d'échantillons

[DORS/2020-74, art. 2]

C.01.048 (1) La personne qui reçoit une commande signée par un praticien ou un pharmacien peut distribuer ou faire distribuer à celui-ci, à titre d'échantillon, une drogue sous forme posologique, autre que celles mentionnées ci-après, dont le nom propre ou le nom usuel, la marque nominative et la quantité sont précisés dans la commande, si la drogue est conforme aux exigences du présent règlement :

a) un *stupéfiant* au sens du *Règlement sur les stupéfiants*;

b) une *drogue contrôlée* au sens de l'article G.01.001;

c) [Abrogé, DORS/2020-74, art. 3]

d) une *drogue sur ordonnance* au sens du paragraphe 1(2) du *Règlement sur le cannabis*.

(1.1) Il n'est permis, en vertu du paragraphe (1), de distribuer ou de faire distribuer une drogue sur ordonnance, à titre d'échantillon, à un praticien ou à un pharmacien que si celui-ci est autorisé à prescrire ou à dispenser la drogue en vertu des lois de la province où il exerce.

(2) Une commande dont il est question au paragraphe (1) peut spécifier que ladite commande sera renouvelée à intervalles y indiqués pendant une période d'au plus six mois.

(3) Malgré le paragraphe (1), il est permis de distribuer ou de faire distribuer à un praticien ou à un pharmacien, à titre d'échantillon, une drogue sous forme posologique qui n'est pas une drogue sur ordonnance et qui appartient à une catégorie de drogues figurant à la colonne 1 de la Liste D, sans avoir reçu au préalable une commande signée à cet égard, si les conditions suivantes sont réunies :

(1.1) This Division and Division 2 do not apply to a veterinary health product or an active pharmaceutical ingredient that is used in the fabrication of a veterinary health product.

(2) This Division and Divisions 2 to 4 do not apply to the affixing of a label to a previously labelled container.

(3) This Division applies to the importing, by a pharmacist, a veterinary practitioner or a person who compounds a drug under the supervision of a veterinary practitioner, of an active pharmaceutical ingredient for veterinary use that is for the purpose of compounding, pursuant to a prescription, a drug in dosage form that is not commercially available in Canada, if that ingredient is set out in List A.

SOR/97-12, s. 5; SOR/98-7, s. 2; SOR/2001/-203, s. 1; SOR/2004-282, s. 2; SOR/2012-129, s. 1; SOR/2017-76, s. 8; SOR/2021-46, s. 10.

C.01A.003 This Division and Divisions 2 to 4 apply to the following distributors:

(a) a distributor of an active ingredient; and

(b) a distributor of a drug for which the distributor holds the drug identification number.

SOR/97-12, s. 5; SOR/2002-368, s. 2; SOR/2013-74, s. 3; SOR/2017-259, s. 12.

C.01A.003.1 For the purposes of this Division and the provisions of Divisions 2 to 4 that are prescribed in paragraphs A.01.048(b) to (d),

(a) a reference to a distributor referred to in section C.01A.003 or a distributor referred to in paragraph C.01A.003(a) includes a reference to a distributor of an active ingredient that is intended for use outside Canada; and

(b) a reference to a distributor referred to in section C.01A.003 or a distributor referred to in paragraph C.01A.003(b) includes a reference to a distributor of a drug in dosage form that is intended for consumption or use outside Canada.

SOR/2022-100, s. 2.

Prohibition

C.01A.004 (1) Subject to subsection (2), no person shall, except in accordance with an establishment licence,

(a) fabricate, package/label or import a drug;

(b) perform the tests, including examinations, required under Division 2;

(1.1) Le présent titre et le titre 2 ne s'appliquent pas au produit de santé animale ou à l'ingrédient actif pharmaceutique qui est utilisé dans la manufacture d'un produit de santé animale.

(2) Le présent titre et les titres 2 à 4 ne s'appliquent pas dans le cas de l'activité visant à apposer une étiquette sur un récipient déjà étiqueté.

(3) Le présent titre s'applique à l'importation, par un pharmacien, un vétérinaire ou une personne qui prépare une drogue sous la supervision d'un vétérinaire, d'un ingrédient actif pharmaceutique, pour usage vétérinaire, qui figure dans la Liste A à des fins de préparation d'une drogue sous forme posologique conformément à une ordonnance et qui n'est pas disponible sur le marché canadien.

DORS/97-12, art. 5; DORS/98-7, art. 2; DORS/2001-203, art. 1; DORS/2004-282, art. 2; DORS/2012-129, art. 1; DORS/2017-76, art. 8; DORS/2021-46, art. 10.

C.01A.003 Le présent titre et les titres 2 à 4 s'appliquent aux distributeurs suivants :

a) le distributeur d'un ingrédient actif;

b) celui d'une drogue dont il a obtenu l'identification numérique.

DORS/97-12, art. 5; DORS/2002-368, art. 2; DORS/2013-74, art. 3; DORS/2017-259, art. 12.

C.01A.003.1 Pour l'application du présent titre et des dispositions des titres 2 à 4 qui sont prévues aux alinéas A.01.048b) à d) :

a) toute mention du distributeur visé à l'article C.01A.003 ou à l'alinéa C.01A.003a) comprend celle du distributeur d'un ingrédient actif qui est destiné à l'usage à l'extérieur du Canada;

b) toute mention du distributeur visé à l'article C.01A.003 ou à l'alinéa C.01A.003b) comprend celle du distributeur d'une drogue sous forme posologique qui est destinée à l'usage ou à la consommation à l'extérieur du Canada.

DORS/2022-100, art. 2.

Interdiction

C.01A.004 (1) Sous réserve du paragraphe (2), il est interdit, sauf conformément à une licence d'établissement :

a) de manufacturer, d'emballer-étiqueter et d'importer une drogue;

b) d'effectuer les analyses, y compris les examens, exigées au titre 2;

(c) distribute as a distributor referred to in section C.01A.003 a drug other than

(i) an active pharmaceutical ingredient, or

(ii) an active ingredient that is used in the fabrication of a drug that is of non-biological origin and that is listed in Schedule C to the Act; or

(d) wholesale a drug other than

(i) an active pharmaceutical ingredient, or

(ii) an active ingredient that is used in the fabrication of a drug that is of non-biological origin and that is listed in Schedule C to the Act.

(2) A person does not require an establishment licence to perform tests under Division 2 if the person holds an establishment licence as a fabricator, a packager/labeller, a distributor referred to in paragraph C.01A.003(b) or an importer.

(3) No person shall carry on an activity referred to in subsection (1) unless the person holds

(a) in respect of a ***narcotic*** as defined in the *Narcotic Control Regulations*, a licence for that narcotic under those Regulations;

(b) in respect of a ***controlled drug*** as defined in section G.01.001, a licence for that drug under Part G; or

(c) in respect of a drug containing ***cannabis*** as defined in subsection 2(1) of the *Cannabis Act*, a licence for that drug to conduct that activity under the *Cannabis Regulations*.

SOR/97-12, s. 5; SOR/2002-368, s. 3; SOR/2013-74, s. 4; SOR/2017-259, s. 13; SOR/2018-144, s. 368; SOR/2019-171, s. 24; SOR/2022-100, s. 3.

c) de distribuer à titre de distributeur visé à l'article C.01A.003 une drogue autre que :

(i) l'ingrédient actif pharmaceutique,

(ii) l'ingrédient actif utilisé dans la manufacture d'une drogue d'origine non biologique visée à l'annexe C de la Loi;

d) de vendre en gros une drogue autre que :

(i) l'ingrédient actif pharmaceutique,

(ii) l'ingrédient actif utilisé dans la manufacture d'une drogue d'origine non biologique visée à l'annexe C de la Loi.

(2) Une personne n'est pas tenue d'être titulaire d'une licence d'établissement pour effectuer les analyses exigées au titre 2 si elle est autorisée par une licence d'établissement à manufacturer, emballer-étiqueter, distribuer à titre de distributeur visé à l'alinéa C.01A.003b) ou importer une drogue.

(3) Il est interdit d'exercer une activité visée au paragraphe (1), à moins d'être titulaire de l'une ou l'autre des licences suivantes :

a) s'agissant d'un ***stupéfiant*** au sens du *Règlement sur les stupéfiants*, la licence prévue pour ce stupéfiant dans ce même règlement;

b) s'agissant d'une ***drogue contrôlée*** au sens de l'article G.01.001, la licence prévue pour cette drogue à la partie G;

c) s'agissant d'une drogue contenant du ***cannabis*** au sens du paragraphe 2(1) de la *Loi sur le cannabis*, la licence prévue pour cette drogue afin d'exercer cette activité au titre du *Règlement sur le cannabis*.

DORS/97-12, art. 5; DORS/2002-368, art. 3; DORS/2013-74, art. 4; DORS/2017-259, art. 13; DORS/2018-144, art. 368; DORS/2019-171, art. 24; DORS/2022-100, art. 3.

Application

[SOR/2011-81, s. 1(E)]

C.01A.005 (1) A person who wishes to apply for an establishment licence shall submit an application to the Minister, in a form established by the Minister, that contains the following information and documents:

(a) the applicant's name, address and telephone number, and their facsimile number and electronic mail address, if any;

Demande

[DORS/2011-81, art. 1(A)]

C.01A.005 (1) Toute demande de licence d'établissement est présentée au ministre, en la forme établie par celui-ci, et contient les renseignements et documents suivants :

a) les nom, adresse et numéro de téléphone du demandeur ainsi que, le cas échéant, son numéro de télécopieur et son adresse électronique;

b) les nom et numéro de téléphone d'une personne qu'il est possible de joindre en cas d'urgence ainsi que,

REMEDIOS & COMPANY
LAWYERS

1010 THE BURRARD BUILDING
1030 WEST GEORGIA STREET
VANCOUVER, BC
CANADA V6E 2Y3

TEL: (604) 688-9337
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www.remediosandcompany.com

November 15, 2024

City of Richmond
Richmond City Hall
6911 No. 3 Road
Richmond, British Columbia
V6Y 2C1 Canada

Attention: City Clerk

Dear Madam/Sir,

RE: Representation of Nagoya Trading Ltd./Tokyo Beauty – Cancellation of Business Licence – Special Council Meeting Scheduled for November 25, 2024

Please be informed that we are the legal counsel for Nagoya Trading Ltd., doing business as Tokyo Beauty, in respect of the above-captioned matter.

Our client was served with a notice from the City of Richmond indicating that the City Council is contemplating the cancellation of our client's business licence. This decision is recommended by Mr. Mark Corrado in his Report to City Council, dated October 11, 2024, with the file number 12-8275-01/2024-Vol 01. Our client has been informed that a special council meeting is scheduled for November 25, 2024, to consider this matter.

We have been instructed to represent our client at the said special council meeting, and to submit our client's position regarding the said report. Please note that the following persons are authorized by our client to present submission at the special council meeting:

Lawrence Hung
Barrister & Solicitor
Remedios & Company
1010 – 1030 West Georgia St
Vancouver, B.C. V6E 2Y3
Email: lawrence.hung@remedios.lawyer

Matthew Remedios
Articled Student
Remedios & Company
1010 – 1030 West Georgia St
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Email: matthew.remedios@remedios.lawyer

Hanyuan Wu
Articled Student
Remedios & Company
1010 – 1030 West Georgia St
Vancouver, B.C. V6E 2Y3
Email: hanyuan.wu@remedios.lawyer

If any documentation is required to facilitate our representation of our client at the special council meeting, please advise us. Please also inform us of the expected duration of the meeting and the timeframe within which we may submit on our client's behalf.

Please note that written submissions will follow and will be provided to the City in advance of the hearing for consideration.

Sincerely,

REMEDIOS & COMPANY
Per:

Kuo Wei Lawrence Hung 9TRMKU
Digitally signed by Kuo Wei Lawrence Hung 9TRMKU
Date: 2024.11.14 22:23:28 -08'00'

Lawrence Hung
Barrister & Solicitor
Enclosed

Corrado, Mark

From: Corrado, Mark
Sent: Monday, 18 November 2024 18:32
To: 'lawrence.hung@remedios.lawyer'; 'matthew.remedios@remedios.lawyer'; 'hanyuan.wu@remedios.lawyer'
Cc: 'Donald Howieson'
Subject: Proposed Cancellation of Business Licence Issued to Nagoya Trading Ltd. (doing business as Tokyo Beauty)
Attachments: AFFIDAVIT OF LYNA ENG_signed.pdf

Good evening,

Please find attached the affidavit of Lyna Eng which will be relied upon at the upcoming hearing.

Mark Corrado | Director, Community Bylaws and Licencing
City of Richmond
Direct: 604.204.8673 | mcorrado@richmond.ca

THE CORPORATION OF THE CITY OF RICHMOND

In the matter of Section 60 of the Community Charter, SBC 2003, Chapter 26, which authorizes a municipal council to suspend or cancel a business licence; and

In the matter of the business licence of Nagoya Trading Ltd. (doing business as Tokyo Beauty) at Unit 3660, 4151 Hazelbridge Way in the City of Richmond, British Columbia

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AFFIDAVIT OF LYNA ENG

I, **LYNA ENG**, of the City of Burnaby, in the province of British Columbia, **AFFIRM THAT:**

1. I am a Senior Compliance Officer with the Health Product Compliance West Office within the Regulatory Operations and Enforcement Branch (ROEB) at Health Canada. I have been employed in this position since October 16th, 2020. My duties include conducting compliance promotion activities, inspections, audits, compliance verifications, enforcement and investigations, under the *Food and Drugs Act* and its regulations, in particular in relation to drugs and natural health products.

2. Because my role as a Senior Compliance Officer involves the conduct of inspections to verify compliance and prevent non-compliance with the *Food and Drugs Act* and its regulations, I am designated as an inspector under subsection 22(1) of the *Food and Drugs Act*. This designation enables me to exercise the authorities specifically granted to inspectors in the *Food and Drugs Act*. I have been designated as an inspector under the *Food and Drugs Act* since December 2008.

3. On February 27th, 2024, I carried out a compliance verification inspection under the *Food and Drugs Act* at Unit 3660, 4151 Hazelbridge Way in the City of Richmond, British Columbia, premises at which Tokyo Beauty carries out business. As such, I have personal knowledge of the facts and matters hereinafter deposed to, save and except where indicated to be on information and belief and where so stated I verily believe them to be true.

4. During the inspection of February 27th, 2024, I examined products located on site, as well as their labels. I also examined electronic data stored on the point-of-sale computer located on site. I identified four imported products being offered for sale by Tokyo Beauty that were labelled as containing prescription, controlled or over-the-counter drug ingredients and whose labels made health claims. These products are identified in the table below, where column 1 indicates the name of the products, column 2 indicates the drug ingredient identified on the label as being contained in the products and column 3 indicates the promoted use of the products (i.e. health claims on the label).

5. Products that make health claims and/or contain drug ingredients are "drugs" within the meaning of section 2 of the *Food and Drugs Act*. Multiple prohibitions and requirements apply in respect of the import and sale of drugs in Canada. These are set out in the *Food and Drugs Act*

and its regulations, in particular the *Food and Drug Regulations*, and are aimed at protecting the health and safety of Canadians. Under the *Food and Drugs Act*, sale includes offering for sale, exposing for sale, having in possession for sale and distribution.

6. On the basis of reasonable grounds to believe that the import and sale of the products identified in column 1 of the table were in contravention of one or more provisions of the *Food and Drugs Act* and *Food and Drug Regulations* applicable in respect of drugs, namely those identified and summarized in column 4 of the table, I seized those products pursuant to paragraph 23(2)(l) of the *Food and Drugs Act* during the February 27th, 2024 inspection. Prior to seizure, Tokyo Beauty was informed of the non-compliance of the products and grounds for seizure. Tokyo Beauty consented to the forfeiture of the seized products to the federal Crown in accordance with subsection 27(1) of the *Food and Drugs Act*.

7. Based on my recommendation, a prior public advisory dated September 18th, 2023 relating to Tokyo Beauty was updated and published on the Canada.ca website on March 8th 2024, to inform Canadians of the seizure of the products identified in column 1 of the table and of the health risks associated with the drug ingredients identified as being contained in the seized products (see https://recalls-rappels.canada.ca/en/alert-recall/unauthorized-health-products-seized-tokyo-beauty-and-healthcare-store-richmond-bc-may#aminocaproic_acid).

TABLE

Column 1 **Product Name**	**Column 2** **Drug ingredient**	**Column 3** **Health claim(s)**	**Column 4** **Provision(s)**
Santen Sante Beauteye Moon Care	Aminocaproic acid	Prevention of eye disease, conjunctival congestion, bleary eyes	9(1) FDA: Sale of a drug in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit or safety. C.01A.004(1) FDR: Import of a drug without an establishment licence C.01.014(1) FDR: Sale of a drug in dosage form that does not have a Drug Identification Number (i.e. unapproved drug) C.01.045 FDR: Import of a prescription drug by an unauthorized person.
Pair Acne Cream	Ibuprofen piconol 3%	Acne skin treatment	
Pabron Gold A Granules Cold Medication	Dihydrocodeine phosphate	Relief of cold symptoms	
Mentholatum Mediquick Eczema Rash Anti-Itch Ointment	Prednisolone valerate acetate	Eczema and rash relief	
Hadalabo Pearl Barley Face Wash	Aminocaproic acid	Skin treatment	

8. I understand that Health Canada and the City of Richmond have agreed that this affidavit is being provided on a voluntary basis and solely for the purpose of the November 25th, 2024 Richmond City Council hearing at which the cancellation of the business licence of Tokyo Beauty

is scheduled to be considered. The affidavit is being provided to support Richmond City Council and not to support a particular party in the proceedings.

9. I further understand that this affidavit will only be entered into evidence at the November 25th, 2024 Richmond City Council hearing if the "subpoena to witness" issued to me on October 25th, 2024 is vacated or withdrawn prior to doing so.

10. I further understand that it was agreed upon by Health Canada and the City of Richmond that this affidavit will not be subject to any rules of practice or procedure which may be applicable to the Richmond City Council hearing and that would entail further participation by Health Canada or myself in the proceedings. In particular, it was agreed upon that I would not be subject to examination, cross-examination or re-examination on this affidavit and would not produce any supporting documentary evidence.

11. In providing this affidavit, I am not waiving any federal Crown immunity applicable in respect of discovery or the application of provincial legislation.

Affirmed remotely by Lyna Eng)
at the City of Burnaby in the Province)
of British Columbia, before me at the)
City of Ottawa in the Province of Ontario,)
on November 15th, 2024, in accordance)
with O. Reg. 431/20, Administering)
Oath or Declaration Remotely)

Myers, Dennis
Digitally signed by Myers, Dennis
DN: C=CA, O=GC, OU=Jus-Jus, CN="Myers, Dennis"
Reason: I attest to the accuracy and integrity of this document
Location:
Date: 2024 11 15 11:39:37-05'00'
Foxit PDF Editor Version: 12.1.7

A Commissioner for Taking Affidavits)

Eng, Lyna
Digitally signed by Eng, Lyna
DN: C=CA, O=GC, OU=HC-SC, CN="Eng, Lyna"
Reason: I attest to the accuracy and integrity of this document
Location:
Date: 2024 11 15 08:36:15 -05'00'
Foxit PDF Editor Version: 12.1.7

LYNA ENG

Corrado, Mark

From: Lawrence Hung <lawrence.hung@remedios.lawyer>
Sent: Monday, 18 November 2024 23:28
To: Corrado, Mark
Subject: Read: Proposed Cancellation of Business Licence Issued to Nagoya Trading Ltd. (doing business as Tokyo Beauty)
Attachments: Read: Proposed Cancellation of Business Licence Issued to Nagoya Trading Ltd. (doing business as Tokyo Beauty)

Corrado, Mark

From: Lawrence Hung <lawrence.hung@remedios.lawyer>
To: Corrado, Mark
Sent: Monday, 18 November 2024 23:28
Subject: Read: Proposed Cancellation of Business Licence Issued to Nagoya Trading Ltd. (doing business as Tokyo Beauty)

Your message

To: 'lawrence.hung@remedios.lawyer'; 'matthew.remedios@remedios.lawyer'; 'hanyuan.wu@remedios.lawyer'
Cc: 'Donald Howieson'
Subject: Proposed Cancellation of Business Licence Issued to Nagoya Trading Ltd. (doing business as Tokyo Beauty)
Sent: 11/18/2024 6:31 PM

was read on 11/18/2024 11:26 PM.

City of Richmond

6911 No. 3 Road
Richmond, BC V6Y 2C1
www.richmond.ca

November 20, 2024
File: 12-8275-01/2024-Vol 01

Law and Community Safety Division
Community Bylaws
Telephone: 604-276-4328
Fax: 604-276-4157

Via Email and Courier

Nagoya Trading Ltd.
8191 Westminster Highway, Unit 120
Richmond, BC V6X 1A7
Attention: Zhou Zhu, Director

Remedios & Company
1010 – 1030 West Georgia Street
Vancouver, BC V6E 2Y3
Attention: Lawrence Hung, Barrister & Solicitor
Matthew Remedios, Articling Student
Hanyuan Wu, Articling Student

Dear Sirs:

Re: Proposed Cancellation of Business Licence Issued to Nagoya Trading Ltd. (doing business as Tokyo Beauty)

Further to our letter dated October 23, 2024 and the Notice and Agenda package sent to Nagoya Trading Ltd. by the City Clerk's Office in respect of the above noted matter that is scheduled for a hearing at 4pm on November 25, 2025 at Richmond City Hall (Anderson Room), please find enclosed the following additional documents which will be relied upon at the hearing:

1. Affidavit of Lyna Eng;
2. Hyperlinked document referred to in paragraph 7 of the Affidavit of Lyna Eng;
3. Food and Drugs Act provisions referred to in paragraph 7 of the Affidavit of Lyna Eng;
4. Food and Drug Regulations referred to in paragraph 7 of the Affidavit of Lyna Eng;
5. Correspondence received from counsel for Nagoya Trading Ltd; and
6. Confirmation of delivery of Affidavit of Lyna Eng to counsel for Nagoya Trading Ltd.

Please feel free to contact me if you have any questions.

Yours truly,

Mark Corrado
Director, Community Bylaws and Licensing
(604-204-8673)
encl.

Richmond