

27 March 2020

[REDACTED]

By email only: [REDACTED]

Dear [REDACTED]

Official Information Act #19.139 - Pedal Bicycle Product Safety

1. We refer to your request received on 1 March 2020 for information about whether the Commerce Commission (Commission) has investigated your complaints about The Warehouse Group Limited (The Warehouse), ENQ0533019 (14 November 2019) and ENQ0535702 (31 January 2020).
2. We have treated this as a request for information under the Official Information Act 1982 (OIA).

Our response

3. We have decided to grant your request.

ENQ0533019 (14 November 2019)

4. In response to ENQ0533019, we sent a letter to The Warehouse to assist its compliance with the law.¹ The letter stated that:
 - 4.1 The Commission has received a complaint alleging The Warehouse is offering bicycles for supply that may not comply with the mandatory product safety standard for bicycles.
 - 4.2 The Commission considers the matters raised in the complaint, if substantiated, could give rise to a possible breach of section 30(1) of the Fair Trading Act 1986 (FTA), for advertising for supply and supplying bicycles that may not meet the requirements of the safety standard.

¹ You can find further information about the Commission's enforcement responses in the Enforcement Response Guidelines on our website: <https://comcom.govt.nz/about-us/our-policies-and-guidelines/investigations-and-enforcement/enforcement-response-guidelines>

- 4.3 We outlined the safety standard, and advised The Warehouse it should ensure that all bicycles it is advertising for supply in store meet all the requirements of the safety standard.
- 4.4 If consumers are able to purchase display models they should be checked to ensure they are correctly set up, no components or parts are loose, and they are supplied with full and complete instructions for the bicycle being supplied. These checks should be carried out by persons who are competently able to assess that a bicycle meets the requirements of the safety standard.
- 4.5 We recommended The Warehouse ensure that its assemblers are completing the assembly of any bicycles for sale, in a competent manner and that the assembled bicycles meet the requirements of the safety standard.

ENQ0535702 (31 January 2020)

5. In response to ENQ0535702, we made a test purchase of a bike from The Warehouse. On assembly, it appeared to meet the requirements of the safety standard for pedal bicycles. The Commission will not be taking any further action in relation to this complaint.

Further information

6. Please note the Commission will be publishing this response to your request in the Official Information Act register on our website.² Your personal details will be redacted from the published response.
7. Please do not hesitate to contact us at ويا@comcom.govt.nz if you have any questions about this request.

Yours sincerely

Mary Sheppard

Mary Sheppard
OIA Coordinator

² <https://comcom.govt.nz/about-us/requesting-official-information/oia-register>