

31 August 2020

[REDACTED]

By email only: [REDACTED]

Dear [REDACTED]

Official Information Act #20.025 - Simone Anderson

1. We refer to your request received on 3 August 2020 for the Commerce Commission's (Commission) findings in relation to the complaint received about Simone Anderson.¹
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.

The Commission's complaints screening process

4. To provide context to how the complaint was assessed, we have outlined the Commission's complaint screening process below.
5. When a consumer contacts the Commission with a complaint about a trader, this is logged in the Commission's complaint database.
6. The Commission receives thousands of complaints every year. Each complaint is initially assessed by the Enquiries Team on the basis of the information available at the time. When conducting this initial assessment, the Enquiries Team considers:

- 6.1 the likelihood of a breach of the relevant legislation (the Fair Trading Act 1986, the Commerce Act 1986 and the Credit Contracts and Consumer Finance 2003);

¹ A copy of the complaint can be found in the Official Information Act register on our website under reference OIA 19.181: <https://comcom.govt.nz/about-us/requesting-official-information/oia-register>

- 6.2 the Commission's Enforcement Response Guidelines,² and;
- 6.3 the Commission's strategic priorities and resourcing constraints.
7. The Commission has the power to act on complaints but is not required to take action in relation to all possible breaches of the legislation that we enforce.
8. If a report is deemed to meet certain criteria, it is reviewed by a panel of managers and subject matter experts from within the Competition Branch. The panel decides which reports are to be prioritised for further consideration by the Branch.
9. This process enables us to identify reports that best reflect our current enforcement priorities.³ The outcomes of the process are not final and we may revisit any report at a later stage, should we wish to reconsider the issues it presents.

Outcome

10. The complaint was assessed by the Enquiries Team and considered by the screening panel. During the screening process, the Commission discussed the matter with the Advertising Standards Authority (ASA) and the Women's Refuge.
11. The ASA advised it would not be investigating the donation issue, but would be issuing a decision relating to disclosure that social media posts were advertising.
12. The Women's Refuge advised it had received donations from Ms Anderson.
13. The panel decided not to take further action in relation to the complaint, on the basis that it was unclear whether there had been a misrepresentation (as to amounts that would be donated to charity due to the fact that Facebook posts where the representations were made are no longer available) and because the Commission needs to balance available resources when considering matters to investigate.
14. The Commission assessment of the complaint has been completed. We are not investigating the matter further at this time.
15. Please do not hesitate to contact us at oa@comcom.govt.nz if you have any questions about this request.

Yours sincerely

Mary Sheppard

OIA Coordinator

² Available at: <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-response-guidelines/>

³ For further information, see: <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-criteria/>