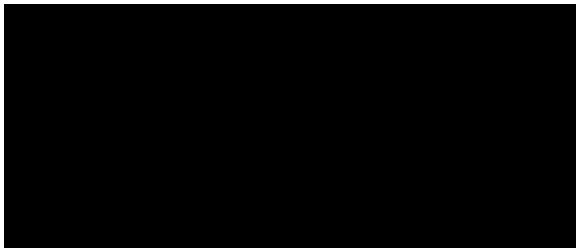


2 December 2022



Official Information Act #22.077 – Response

1. We refer to your request received on 11 November 2022 for information about:
 - 1.1 when one brand of product is on special, whether it is legal for supermarkets to raise the price of other products in that category, and then once the promotion has finished, for the products that were not on promotion to reduce to their original price? and
 - 1.2 whether the Commerce Commission (the Commission) has received any similar complaints to your query in [1.1] in the last three years?
2. We have treated this as a request for information under the Official Information Act 1982 (OIA).

Our response

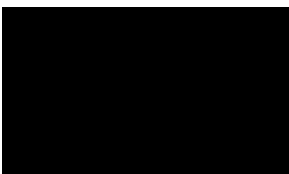
3. We have searched our database for complaints similar to the query you raise at [1.1]. The Commission has not received any similar complaints during the period 1 November 2019 to 11 November 2022 (relevant period).
4. As New Zealand's competition, consumer and regulatory agency, the Commission is responsible for educating, monitoring and enforcing a number of New Zealand's competition and consumer laws, including the [Fair Trading Act 1986](#) and the [Commerce Act 1986](#), as well as regulating a number of specific industries.

Fair Trading Act 1986

5. The Fair Trading Act prohibits businesses from conducting themselves in a misleading and deceptive manner or making false representations. This would include, for example, ensuring that any reasons given for price increases are correct and accurate.

6. Where the Commission becomes aware that a business is breaching the Fair Trading Act, the Commission may choose to open an investigation and may take enforcement action, including prosecution. Examples of previous enforcement cases the Commission has taken in relation to breaches of the Fair Trading Act are available on our [case register](#).
7. New Zealand law does not prohibit price gouging/excessive pricing generally. High prices and increasing prices above levels charged previously is not illegal in New Zealand (under the Fair Trading Act), because businesses are free to set their own prices. Please see our [pricing factsheet](#).
8. If a business gives a reason for the increase, then that reason must be true. This is because the Fair Trading Act prohibits misleading and deceptive conduct, and false representations. Consumers may ask for the reason a price has increased and if they are concerned the reason that is given is not true, they should let us know by filling out the [complaint form](#) on our website.
9. If you are not satisfied with the Commission's response to your OIA request, section 28(3) of the OIA provides you with the right to ask an Ombudsman to investigate and review this response. However, we would welcome the opportunity to discuss any concerns with you first.
10. Please note the Commission will be publishing this response to your request on its website.¹ Your personal details will be redacted from the published response.
11. Please do not hesitate to contact us at oia@comcom.govt.nz if you have any questions about this response.

Yours sincerely



OIA and Information Coordinator

¹ <https://comcom.govt.nz/about-us/requesting-official-information/oia-register>