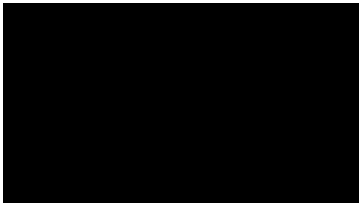



9 October 2018



By email: 

Dear 

### Official Information Act #18.069 – Credence Claims

1. We refer to your request of 17 September 2018 for the following information:
  - 1.1 any recent Commerce Commission (Commission) legal decisions in relation to 'Fat Free' or 'XXX Free' credence claims; and
  - 1.2 whether the Commission's interpretation is that "free" means no detectable amount, in the context of food credence claims.
2. We have treated this as a request for information under the Official Information Act 1982 (OIA).

### Our response

#### 1.1 - Legal decisions

3. We have searched our complaints and documents databases for information relating to 'Fat Free' and 'Free From' claims. These searches did not return any information falling within the scope of your request.
4. We have also made enquiries with Commission staff from relevant teams, who could not recall any cases or investigations falling within the scope of your request.

#### 1.2 - Commission's interpretation

5. The Commission does not have a policy in relation to the maximum amount of a substance which may be present in a product in order to make a 'Free From' claim.
6. Credence claims are assessed on a case-by-case basis, and depend on multiple factors, including the context of the claim and the reasonable expectations of consumers.
7. Guidance on the Commission's approach to credence claims can be found at:  
<https://comcom.govt.nz/business/dealing-with-typical-situations/making-accurate-claims>

8. 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.
9. Please note the Commission intends to publish this response to your request on its website. Personal details will be redacted from the published response.
10. If you have any questions in regards to this request, please do not hesitate to contact us at [uia@comcom.govt.nz](mailto:uia@comcom.govt.nz)

Yours sincerely

A handwritten signature in blue ink, consisting of the initials 'RB' followed by a long horizontal line.

Rosie Brown  
OIA Coordinator