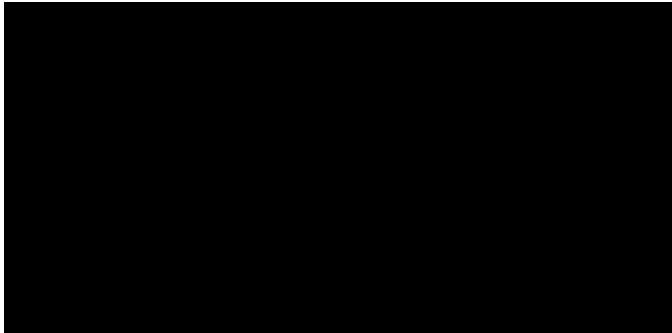


8 March 2022



#### **Official Information Act #21.136**

1. We refer to your request received on 25 February 2022 for information about the 31 complaints about potentially counterfeit N95 and KN95 face masks the Commerce Commission (**Commission**) has received, specifically:
  - 1.1 Of the 31 complaints, how many businesses (traders) did these relate to?
  - 1.2 How many businesses were subject to multiple complaints?
  - 1.3 How many businesses were issued with compliance advice letters (CAL)?
  - 1.4 Is it possible to receive an example of that compliance advice letter?
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.

##### *Paragraph [1.1]*

4. The 31 complaints received relate to 27 different traders.

##### *Paragraph [1.2]*

5. Three traders were the subject of multiple complaints.
  - 5.1 Two traders were the subject of two complaints; and

5.2 one trader was the subject of three complaints.

*Paragraph [1.3]*

6. Six traders were issued CALs.

*Paragraph [1.4]*

7. We have provided an example copy of a CAL, with redactions, at **Attachment A**. We have withheld the name of the trader under s 9(2)(a) of the OIA to protect the privacy of natural persons.
8. We note that the wording of CALs is dependant on the particular facts of the case; there is not a single 'templated' example.
9. This is because the mask misrepresentations of one trader may not have been the same as another and may have related to more than just representations on the masks. These representations could include website advertising, packaging and issues around documents supplied to substantiate claims being made.

*Further information*

10. We consider that good reasons exist for withholding information and this is not outweighed by other considerations which would make it desirable, in the public interest, to make the information available (section 9(1) of the OIA).
11. If you are not satisfied with the Commission's response to your 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.
12. Please note the Commission will be publishing this response to your request on its website. Your personal details will be redacted from the published response.
13. Please do not hesitate to contact us at [oia@comcom.govt.nz](mailto:oia@comcom.govt.nz) if you have any questions about this request.

Yours sincerely



Alexandra Murray  
OIA and Information Coordinator