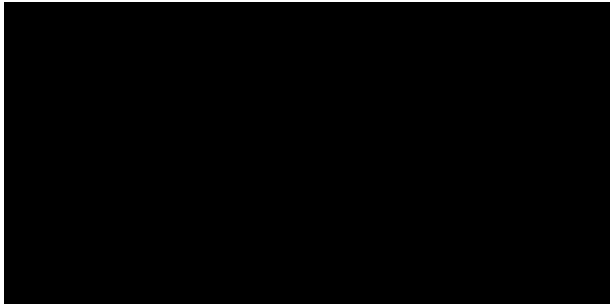


31 July 2024



Official Information Act #24.003 - Response

1. We refer to your request received on 3 July 2024 under the Official Information Act 1982 (OIA) for information about Greenpeace’s complaint about Fonterra’s labelling of its grass-fed butter. Specifically, you have asked for:
 - 1.1 “Copies of all correspondence between the ComCom and Fonterra regarding the complaint.
 - 1.2 Minutes and notes from all meetings between the ComCom and Fonterra regarding the complaint.
 - 1.3 All emails and other communications between ComCom staff regarding the complaint.
 - 1.4 The evidence that ComCom gathered regarding the complaint, particularly evidence that Fonterra had allegedly changed their packaging to change the reference to grass fed.
 - 1.5 The minutes of all Comcom meetings regarding the complaint and the records of decisions taken in relation to the complaint.”

Our response

2. We have decided to grant your request.
3. In the process of answering your request we have consulted with Fonterra and the Ministry for Primary Industries (MPI).

- 3.1 We set out below in **Appendix A** the five documents we are releasing to you in response to [1.1].
- 3.2 We set out below in **Appendix B** the two documents we are releasing to you in response to [1.2].
- 3.3 We set out below in **Appendix C** the three documents we are releasing to you in response to [1.3].
- 3.4 We set out below in **Appendix D** the three documents we are releasing to you in response to [1.4].
4. We are withholding information within certain documents listed in Appendices A-D for the following reasons.
 - 4.1 Section 9(2)(a) of the OIA because the withholding of the information is necessary to protect the privacy of natural persons.
 - 4.2 Section 6(c) of the OIA as release would prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.
5. We consider that good reasons exist for withholding information under section 9 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).
6. In response to your request at [1.5], six documents have been withheld in full under 6(c) of the OIA as release would prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial. A list of the documents withheld in full is at **Appendix E**.
7. Some information within the documents listed in Appendix E is also out of scope of the request. That includes information that is about other cases.

Further information

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 will be publishing this response to your request on its website. Your personal details will be redacted from the published response.
10. Please do not hesitate to contact us at oja@comcom.govt.nz if you have any questions about this request.

Yours sincerely



OIA and Information Coordinator

Appendix A – Correspondence between the Commission and Fonterra			
Document number	Date	Document type	Redactions
CC.01.0001	12 March 2024	Letter	s 9(2)(a) of the OIA
CC.01.0006	13 February 2024	Emails	s 9(2)(a) of the OIA
CC.01.0017	14 February 2024 to 7 March 2024	Emails	s 9(2)(a) of the OIA
CC.01.0018	12 March 2024	Cover email	s 9(2)(a) of the OIA
CC.01.0019	18 March 2024	Email	s 9(2)(a) of the OIA

Appendix B – Minutes from meetings between the Commission and Fonterra			
Document number	Date	Document type	Redactions
CC.01.0002	13 February 2024	Email file note	No redactions
CC.01.0012	15 February 2024	File note of phone call	s 9(2)(a) of the OIA

Appendix C – Correspondence between Commission staff			
Document number	Date	Document type	Redactions
CC.01.0029	16 January 2024	Email	No redactions
CC.01.0030	24 January 2024	Email	No redactions
CC.01.0030.0001	24 January 2024	Memo	s 6(c) of the OIA

Appendix D – Evidence gathered regarding the complaint			
Document number	Date	Document type	Redactions
CC.01.0021	15 January 2024	Email from MPI	No redactions
CC.01.0022	10 January 2024 to 15 January 2024	Emails between the Commission and MPI	No redactions
CC.01.0026	28 November 2023	Complaint	s 9(2)(a) of the OIA

Appendix E – Minutes of all Commission meetings regarding the complaint and the records of decisions			
Document number	Date	Document type	Withheld in full
CC.01.0024	5 December 2023	Fair Trading Screening Agenda	s 6(c) of the OIA
CC.01.0025	5 December 2023	Fair Trading Screening Agenda	s 6(c) of the OIA
CC.01.0031	30 January 2024	Fair Trading Screening Agenda	s 6(c) of the OIA
CC.01.0032	30 January 2024	Fair Trading Screening Agenda	s 6(c) of the OIA
CC.01.0033	1 March 2024	2024 prioritisation slides	s 6(c) of the OIA
CC.01.0034	1 March 2024	Prioritisation meeting notes	s 6(c) of the OIA