

20 April 2021

[REDACTED]

By email only: [REDACTED]

Dear [REDACTED]

Official Information Act #20.184 - Emma Sleep New Zealand Limited

1. We refer to your request received on 31 March 2021 for the following information about Emma Sleep New Zealand Limited (**Emma Sleep**):
 - 1.1 whether the Commerce Commission (**Commission**) has received any complaints about Emma Sleep;
 - 1.2 if so, what the complaint(s) relate to (and in particular, Emma Sleep not honouring its 100 day free trial); and
 - 1.3 whether the Commission is looking into Emma Sleep.
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.

Emma Sleep

4. The Commission has received one complaint about Emma Sleep.¹ It is alleged:
 - 4.1 the mattress arrived with packaging destroyed, and consequently the mattress was damaged and dirty;
 - 4.2 the weight of the boxed mattress is heavier than advertised;
 - 4.3 the mattress has a chemical odour;

¹ At 31 March 2021.

- 4.4 the mattress is thin;
 - 4.5 it was difficult to obtain a refund under the 100 day free trial; and
 - 4.6 the trader has deleted customer comments from social media about its failure to provide refunds and/or respond to correspondence.
5. The Commission is presently assessing the complaint. We have outlined the Commission's complaint screening process below.

The Commission's complaints screening process

- 6. When a consumer contacts the Commission with a complaint about a trader, this is logged in the Commission's complaint database.
- 7. 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.
- 8. When conducting this initial assessment, the Enquiries Team considers:
 - the likelihood of a breach of the relevant legislation (Commerce Act 1986, Fair Trading Act 1986, and Credit Contracts and Consumer Finance 2003);
 - the Commission's Enforcement Response Guidelines,² and;
 - the Commission's strategic priorities and resourcing constraints.
- 9. 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.
- 10. If a complaint is deemed to meet certain criteria, it is reviewed by a panel of managers and subject matter experts from within the Competition Branch. The screening panel decides which complaints are to be prioritised for further consideration by the branch.
- 11. This process enables us to identify complaints that best reflect our current enforcement priorities.³ The outcomes of the process are not final, and we may revisit any complaint at a later stage, should we wish to reconsider the issues it presents.

Further information

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

³ For further information, see: <https://comcom.govt.nz/about-us/our-priorities>

12. Please note the Commission will be publishing this response to your request in the OIA register on our website.⁴ Your personal details will be redacted from the published response.
13. Please do not hesitate to contact us at uia@comcom.govt.nz if you have any questions about this request.

Yours sincerely

Mary Sheppard

OIA Coordinator

⁴ <https://comcom.govt.nz/about-us/requesting-official-information/oia-register>