

7 July 2022

[REDACTED]  
[REDACTED]  
[REDACTED]

By email only: [REDACTED]

Dear [REDACTED]

#### Official Information Act #21.209 - Response

1. We refer to your request received on 16 June 2022 for the names of the traders the Commerce Commission (**Commission**) has received the most complaints about in respect of delivery time and non-delivery during the period from 1 July 2018 to 31 May 2022.
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.

#### Number of complaints

4. On 16 June 2022 we advised the Commission received 1,616 complaints in relation to delivery time and non-delivery during the relevant period, broken down as follows:

Year	Number
2018 (from 1 July)	112
2019	295
2020	587
2021	471

Year	Number
2022 (to 31 May)	151

5. We confirmed the complaints were received across the retail categories of domestic appliance retail, retail clothing, retail (no product), furniture retail, household consumables, and homeware, fabrics and soft goods. The number reflects all complaints related to delivery time and non-delivery within these categories and therefore includes a variety of issues.
6. We note the on-going pandemic, weather events, and other international developments are affecting the production and distribution of goods, and from time to time there are delivery delays. The Commission encourages businesses to communicate clearly and regularly to customers about when goods will be available and delivered.

### Traders

7. The Commission received the most complaints about the following traders in relation to delivery time and non-delivery during the relevant period:

Year	Trader	Number
2018 (from 1 July)	NZ Sale Limited	20
2019	Sephora Digital SEA Pte Ltd	22
2020	Noel Leeming Group Limited T/A Noel Leeming	138
2021	Noel Leeming Group Limited T/A Noel Leeming	62
2022 (to 31 May)	Shekou New Zealand Limited	11

8. It is important to read this information in the following context:
  - 8.1 Complaints data on its own cannot paint a complete picture of compliance with the law. The fact that a complaint has been received does not necessarily mean that a trader has done anything wrong or any harm has been caused to any consumer or competitor. Some complaints will not be investigated by the Commission because they are unfounded or outside our jurisdiction, and some complaints that are investigated will not proceed to further action.
  - 8.2 The complaints data only reflects what consumers have chosen to report to the Commission or to other organisations that have in turn provided

information to the Commission. Some complaints on the same matter are likely to have reached other complaint bodies instead of the Commission.

- 8.3 Larger traders are likely to generate more complaints as a function of their scale; we have not adjusted for this.
- 8.4 Complaint volumes for a trader can be about a single matter or multiple matters. Some matters that attract a high level of publicity can generate a large volume of complaints.

### Steps taken by the Commission

#### *NZ Sale Limited*

9. In March 2022, the Commission contacted NZ Sale Limited to remind it of its obligations under the Fair Trading Act 1986 (FTA) in relation to stock availability, delivery, and order cancellations.

#### *Sephora Digital SEA Pte Ltd*

10. In April 2017 and September 2019, the Commission contacted Sephora Digital SEA Pte Ltd to remind it of its obligations under the FTA in relation to stock availability, delivery, and order cancellations.

#### *Noel Leeming Group Limited T/A Noel Leeming*

11. In December 2020, the Commission warned Noel Leeming Group Limited T/A Noel Leeming under the FTA for making delivery representations in connection with the supply or possible supply of particular goods which it did not have reasonable grounds for, and/or accepting payment for these goods when, at the time of acceptance, it did not have reasonable grounds to believe it could deliver the goods within a reasonable time.<sup>1</sup>
12. The Commission has an active FTA investigation into Noel Leeming Group Limited T/A Noel Leeming connected to a number of the complaints falling within the scope of the request. The investigation is at an early stage and the Commission has not yet formed a view on breach(es) of the law.

#### *Shekou New Zealand Limited*

13. In December 2021, the Commission contacted Shekou New Zealand Limited to remind it of its obligations under the FTA in relation to delivery delays and non-delivery.

### Further information

---

<sup>1</sup> [https://comcom.govt.nz/\\_data/assets/pdf\\_file/0018/230265/Warning-letter-to-Noel-Leeming-Group-Limited-10-December-2020.pdf](https://comcom.govt.nz/_data/assets/pdf_file/0018/230265/Warning-letter-to-Noel-Leeming-Group-Limited-10-December-2020.pdf)

14. Please note the Commission will be publishing this response to your request in the OIA register on our website.<sup>2</sup> Your personal details will be redacted from the published response.
15. Please do not hesitate to contact us at [uia@comcom.govt.nz](mailto:uia@comcom.govt.nz) if you have any questions about this response.

Yours sincerely



OIA and Information Coordinator

Released under Official  
Information Act 1982

---

<sup>2</sup> <https://comcom.govt.nz/about-us/requesting-official-information/oia-register>