

3 November 2020

[REDACTED]

By email only: [REDACTED]

Dear [REDACTED]

**Official Information Act #20.072 - Misrepresentation of car parts**

1. We refer to your request received on 5 October 2020 for further information about a car part supplier allegedly misrepresenting car parts as genuine, referred to in an Insurance Council of New Zealand article dated 5 October 2020.<sup>1</sup>
2. The scope of your request is:
  - 2.1 all correspondence from complainants to the Commerce Commission (**Commission**) in relation to alleged misrepresentations that car parts are genuine; and
  - 2.2 the identity of the supplier making the alleged misrepresentations;
  - 2.3 the identity of the complainants to the Commission.
3. We have treated this as a request for information under the Official Information Act 1982 (**OIA**).

**Our response**

4. We have decided to grant your request.
5. In response to paragraph [2.2] of your request, the identity of the supplier allegedly misrepresenting car parts as genuine is Just Utes Limited, trading as A&W Autospares. We note this information is publicly available.

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<sup>1</sup> Car insurers investigate misrepresentation of car parts: <https://www.icnz.org.nz/media-resources/media-releases/single/item/car-insurers-investigate-misrepresentation-of-car-parts/>

6. In response to paragraph [2.3] of your request, the Commission has received three complaints about A&W Autospares in relation to allegations that it has misrepresented car parts as genuine.<sup>2</sup> The complaints are from:
  - 6.1 Holden New Zealand Limited on 23 September 2020 (ENQ0545610).
  - 6.2 IAG New Zealand Limited on 2 September 2020 (ENQ0546265).
  - 6.3 We have withheld the name of the third complainant, received on 2 September 2020 (ENQ0544474). We have withheld the identity of the complainant under section 9(2)(ba)(i) of the OIA to prevent prejudice to the supply of similar information, or information from the same source, where it is in the public interest that such information should continue to be supplied to the Commission.
7. In response to paragraph [2.1] of your request, we have prepared a summary of the issue raised by the complaints, which is that for a period of at least a year, Just Utes Limited trading as A & W Autospares, allegedly misrepresented aftermarket vehicle parts as original equipment manufacturer (**OEM**) car parts. These have been used in the repair of vehicles by repairers. The repairs have been financed either by insurers or by private individuals. In either case those paying for the repairs did so in the belief that the replacement parts used were OEM parts.
8. We have prepared this summary pursuant to section 16(e) of the OIA, to prevent prejudice to our ongoing investigation of the matter, under section 6(c) of the OIA.
9. We have **attached** a copy of a video provided by one of the complainants, which we note was shown in part on 'The Project' on 5 October 2020.
10. We have removed the first four seconds of the video which show an individual's face, to protect the privacy of natural persons under section 9(2)(a) of the OIA. We note is this consistent with what was shown on 'The Project'.
11. Where we have withheld information, we consider that good reasons exist and these are 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).

### Further information

12. 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.

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<sup>2</sup> At 30 October 2020.

13. Please note the Commission will be publishing this response to your request in the OIA register on our website.<sup>3</sup> Your personal details will be redacted from the published response.
14. Please do not hesitate to contact us at [uia@comcom.govt.nz](mailto:uia@comcom.govt.nz) if you have any questions about this request.

Yours sincerely

*Mary Sheppard*

OIA Coordinator

Released Under Official Information Act 1982

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<sup>3</sup> <https://comcom.govt.nz/about-us/requesting-official-information/oia-register>