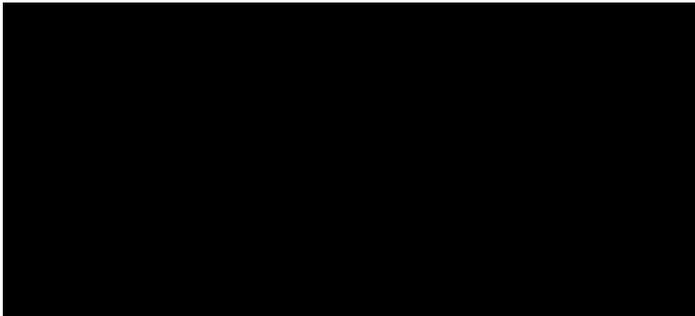


4 November 2022



Official Information Act #22.055 - Response

1. We refer to your request received on 22 September 2022 for summaries of the 20 complaints received by the Commerce Commission (**Commission**) about supermarket promotions during the period from 1 June to 22 September 2022 (**relevant period**).¹
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 and have provided summaries of 22 complaints received about supermarket promotions during the relevant period, at **Appendix A** below.²

Further information

4. Please note the Commission will be publishing this response to your request in the OIA register on our website.³ Your personal details will be redacted from the published response.

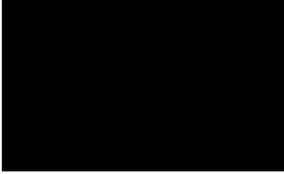
¹ Complaints related to supermarket 'promotions' contain issues such as: 1) promotions are the same or more expensive than the normal price; 2) issues with stock of promotional items (X item is on special, but there aren't many available to buy); 3) issues with stock of promotional reward items and/or; 4) promotional signage by the wrong product (leading to consumers believe the sale is on a different product).

² We note that two additional complaints were received following our Communication Team's email to you on 22 September 2022.

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

5. Please do not hesitate to contact us at uia@comcom.govt.nz if you have any questions about this request.

Yours sincerely



OIA and Information Coordinator

Released Under Official Information Act 1982

Appendix A		
Enquiry number	Date received	Summary
ENQ0565679	2/06/2022	Complaint about The Warehouse: The Warehouse was advertising milk at \$3 and butter \$4. Customer went to the store three times, but they didn't have the stock. Manager claimed delivery issues. Trader was selling 3 packs for \$5 on website advertisement. The staff in store had no idea about the sale. Complainant went on Wednesday but there was a limit of 2 butters per customer.
ENQ0566514	26/06/2022	Complaint about New World: Silverstream New World, 26 June 2022. Attached pictures: "Club Deal" \$2.49, regular price \$2.49. Use of term "deal" indicates there should be some saving versus the regular price.
ENQ0566660	2/07/2022	Complaint about Countdown: Misleading pricing for 20% off when a product is originally \$4.70. 20% off is not \$4, 20% off is \$3.76.
ENQ0566890	9/07/2022	Complaint about PAK'nSAVE: Advertising a special on bags of cashews, at just under 1/2 their normal price. But they don't have any of the advertised product on the shelves (being dark chocolate cashews). They've stacked the shelves with ones that aren't on special (\$9.49 per bag) and refuse to honour the advertised price as they ones on the shelf are milk chocolate ones, not dark chocolate ones. Complainant claimed that it is pretty dishonest and highly misleading.
ENQ0567101	14/07/2022	Complaint about The Warehouse: MarketClub voucher promotion: complainant states that the price of MarketClub food item raised during voucher period.
ENQ0567056	14/07/2022	Complaint about New World: complainant states that per kilo sticker price of item is lower than the per kilo price charged at checkout.
ENQ0568039	19/07/2022	Complaint about PAK'nSAVE: complainant states that 'low price' aisle at entrance advertises all products are 'on sale' but does not include original price of items and/or amount of discount.
ENQ0567511	26/07/2022	Complaint about PAK'nSAVE: Store doesn't have product available that was advertised. There is a disclaimer on the "birthday deals" promo email about availability in different stores, but as the email is "signed off" by Pak n Save Te Awamutu, complainant was led to believe that the specials were available at that particular store.

Appendix A		
Enquiry number	Date received	Summary
		<p>The massive "chickens \$7.99" sign but no \$7.99 chickens underneath it. There were Inghams chickens under the sign, but they were \$15.99 each. Complainant claimed it was horrendously misleading.</p> <p>Complainant also concerned about won't be able to check what you have paid for or what specials HAVE NOT been applied if want to have a chance to win a price, you have to put your til receipt in a box as you leave the store.</p>
ENQ0567474	26/07/2022	<p>Complaint about New World: New World advertised a 40c per litre fuel discount if you spent over \$200 between Friday 8th and Sunday 10th July. Complainant placed an online order on Wednesday 6th and paid for this on the Friday 8th and had it delivered on the 8th. This was ordered online and delivered by New World Birkenhead. Complainant was advised that would not be eligible for the fuel discount.</p>
ENQ0567628	28/07/2022	<p>Complaint about Countdown: Countdown has been advertising specials on chicken and meat products that change weekly. Mostly, this has happened on several occasions the advertised lower price sign is found in the aisle but the product is sold at the regular price (Normal Price). The system to pick up this error or the process of implementing the specials is flawed. In short, the special prices are not being implemented as required. This evening, complainant had such an experience and reported it to the store manager. The manager explained that the advertised product was not available and could not change the price to honour the sign and removed the sign. This amounts to deliberately selling a product at a higher than advertised price and not acknowledging wrong pricing. The second issue is that it costs \$13.90/ kg for a large pack but the small pack is sold at \$15.00/kg for the same item.</p>
ENQ0567610	28/07/2022	<p>Complaint about Countdown: complainant states that a number of products advertised as 'hot hot hot specials' have been for sale at the 'special' price or lower for several months.</p>
ENQ0567821	3/08/2022	<p>Complaint about Countdown: complainant states that 'two for' promotion does not represent a saving compared to price of the individual item(s).</p>
ENQ0568050	9/08/2022	<p>Complaint about Countdown: complainant states that a number of items advertised as 'fresh deals' do not represent a discount compared to regular price for the same items.</p>

Appendix A		
Enquiry number	Date received	Summary
ENQ0568966	3/09/2022	Complaint about Countdown: complainant states that a number of items advertised as 'specials' represent a price increase compared to regular price for the same items.
ENQ0569183	9/09/2022	Complaint about Countdown: complainant states that placement of "3 for \$20" signage is unclear about which item(s) included.
ENQ0569367	9/09/2022	Complaint about New World: complainant states that product advertised 'on sale' via email and in store is not available, no 'rainchecks' allowed.
ENQ0569257	12/09/2022	Complaint about Countdown Wiltshire cutlery promotion: complainant states that on a number of occasions staff have requested more stamps than stated to redeem cutlery items (e.g. 30 stamps requested to redeem 20 stamp item).
ENQ0569398	14/09/2022	Complaint about FreshChoice: complainant states that 1) FreshChoice is not honouring its 'Price Promise' guarantee; 2) items advertised as 'discounted' have not previously been sold at the higher 'regular' price shown or if so, only very briefly and/or some time ago; 3) products advertised on sale not available, no 'rainchecks' allowed.
ENQ0569432	16/09/2022	Complaint about PAK'nSAVE: complainant states that 1) 'two for' promotion does not represent saving compared to price of the individual item(s); and 2) item advertised 'on special' represents a price increase from regular price.
ENQ0569505	16/09/2022	Complaint about FreshChoice: complainant states that item advertised on sale in weekly specials mailer not available in store, not clear that store ever stocked the item.
ENQ0569621	22/09/2022	Complaint about Countdown Wiltshire cutlery promotion: cutlery sets out of stock, complainant alleges Countdown does not hold enough stock to fulfil promotion but continues to advertise it in order to encourage consumers to spend
ENQ0569630	22/09/2022	Complaint about Countdown Wiltshire cutlery promotion: cutlery sets out of stock and complainant cannot redeem