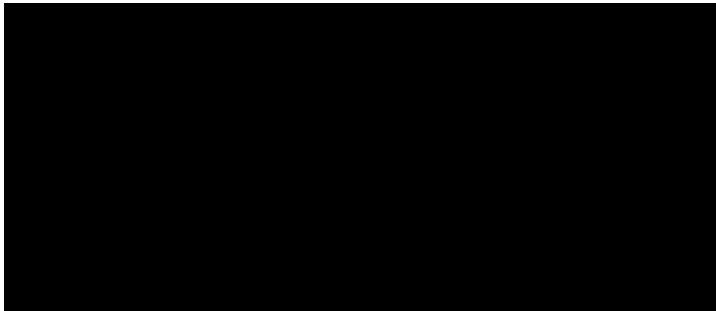


17 October 2022



Official Information Act #21.156 - Environmental Claims

1. Further to our email of 26 May 2022 in respect of your Official Information Act 1982 (OIA) request for information about the number of complaints received by the Commerce Commission (Commission) since 1 July 2018 categorised as 'Environmental Claims', including the issue and outcome for each complaint.
2. Since 1 July 2018,¹ the Commission has received 114 complaints categorised as 'Environmental Claims'. For each complaint, we have provided our internal reference number, the date received, issue(s)² and outcome at **Appendix A** below.
3. A description of the issues and complaint outcomes is at **Appendix B** below. You can find further information about the Commission's enforcement responses in the Enforcement Response Guidelines on our website.³
4. 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.
5. Please do not hesitate to contact us at uia@comcom.govt.nz if you have any questions about this request.

¹ To the date of your request, 28 March 2022.

² We note, as outlined at Appendix A, that complaints can be categorised to more than one issue.

³ Enforcement Response Guidelines:
https://comcom.govt.nz/data/assets/pdf_file/0030/62589/Enforcement-Response-Guidelines-October-2013.pdf

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

Yours sincerely



OIA and Information Coordinator

Released Under Official Information Act 1982

Appendix A					
Enquiry number	Date received	Primary issue	Secondary issue	Key term	Outcome
2018 (from 1 July 2018)					
ENQ0516135	23/07/2018	Disposal Claims	Misc	Plastic composition claims	CAL
ENQ0517021	15/08/2018	Disposal Claims		Composability claims	Demand
ENQ0517017	20/08/2018	Composition claims			NFA
ENQ0517377	27/08/2018	Disposal Claims		Composability claims	NFA
ENQ0517950	17/09/2018	Disposal Claims		Biodegradable claims	Demand
ENQ0529738	30/09/2018	Disposal Claims		Biodegradable claims	NFA
ENQ0518724	01/10/2018	Disposal Claims		Compostable claims	NFA
ENQ0518654	09/10/2018	Misc		Environmental benefit claims	NFA
ENQ0519040	24/10/2018	Disposal Claims	Misc	Eco-friendly and biodegradable claims	CAL
ENQ0519475	30/10/2018	Composition claims	Misc		NFA
ENQ0519533	31/10/2018	Disposal Claims		Biodegradable claims	NFA
ENQ0519700	05/11/2018	Production claims	Disposal Claims		Demand
ENQ0519757	06/11/2018	Carbon Claims		Environmental impact claims - Carbon reduction claims	NFA
2019					
ENQ0522326	28/01/2019	Disposal Claims		Eco and degradable claims	CAL
ENQ0523402	22/02/2019	Disposal Claims		Compostable claims	NFA
ENQ0529445	03/03/2019	Misc		Biodegradable claims	NFA
ENQ0524103	06/03/2019	Disposal Claims			Demand
ENQ0524728	27/03/2019	Disposal Claims		Compostable claims	IPTT

Appendix A					
Enquiry number	Date received	Primary issue	Secondary issue	Key term	Outcome
ENQ0527009	14/06/2019	Disposal Claims		Environmentally friendly claims	Demand
ENQ0527719	21/06/2019	Composition claims		Electricity generation from renewable resources	IPTT
ENQ0527750	22/06/2019	Composition claims		Plastic bag free claims	NFA
ENQ0527281	23/06/2019	Disposal Claims		Plastic - packaging	NFA
ENQ0527780	30/06/2019	Disposal Claims	Misc	Recycling claims	IPTT
ENQ0527811	01/07/2019	Production claims		Biodegradable claims	NFA
ENQ0527853	02/07/2019	Disposal Claims		Recyclable claims	Demand
ENQ0528296	09/07/2019	Production claims	Composition claims	Electricity generation from renewable resources	IPTT
ENQ0528560	13/07/2019	Disposal Claims		Recycling claims	NFA
ENQ0528905	30/07/2019	Disposal Claims		Compostable claims	NFA
ENQ0529112	05/08/2019	Production claims	Composition claims	Electricity generation from renewable resources	IPTT
ENQ0529895	06/08/2019	Composition claims	Disposal Claims	Recyclable claims	NFA
ENQ0529377	13/08/2019	Disposal Claims		Compostable claims	Demand
ENQ0529866	23/08/2019	Production claims		Certification claims	CAL
ENQ0530124	29/08/2019	Disposal Claims		Recyclable claims	IPTT
ENQ0530698	12/09/2019	Disposal Claims		Compostable claims	CAL
ENQ0531505	04/10/2019	Disposal Claims		Biodegradable claims	NFA
ENQ0531868	15/10/2019	Disposal Claims		Biodegradable claims	NFA
ENQ0532069	17/10/2019	Composition claims		Composition claims	IPTT
ENQ0532368	22/10/2019	Composition claims	Disposal Claims	Saving plastic claims	NFA

Appendix A					
Enquiry number	Date received	Primary issue	Secondary issue	Key term	Outcome
ENQ0532521	03/11/2019	Misc		Eco-friendly claims	NFA
ENQ0532627	06/11/2019	Production claims	Composition claims	Composition claims	CAL
ENQ0532808	11/11/2019	Production claims		Electricity generation from renewable resources	IPTT
ENQ0533051	11/11/2019	Production claims	Carbon Claims	Product made from renewable resources	NFA
ENQ0535162	20/12/2019	Composition claims	Disposal Claims	Biodegradable claims	NFA
ENQ0534399	30/12/2019	Disposal Claims		Compostable claims	CAL
2020					
ENQ0535397	03/02/2020	Disposal Claims		Recycling claims	Warning ⁵
ENQ0536348	11/02/2020	Production claims		Environmental claims	IPTT
ENQ0535965	19/02/2020	Disposal Claims		Degradable claims	NFA
ENQ0536059	23/02/2020	Composition claims		Composition claims	NFA
ENQ0536117	25/02/2020	Composition claims		Composition claims	NFA
ENQ0536251	26/02/2020	Disposal Claims		Biodegradable claims	NFA
ENQ0536570	05/03/2020	Production claims		Organic claims	NFA
ENQ0536933	11/03/2020	Disposal Claims		Biodegradable claims	IPTT
ENQ0536991	19/03/2020	Production claims		Sustainable building product	NFA
ENQ0537546	03/04/2020	Misc		Environmental home certification	NFA
ENQ0538485	22/04/2020	Disposal Claims		Compostable soft plastic	Demand
ENQ0538579	24/04/2020	Composition claims		Cruelty-free shampoo	NFA

⁵ Glopac NZ Limited: <https://comcom.govt.nz/case-register/case-register-entries/glopac-nz-limited>

Appendix A					
Enquiry number	Date received	Primary issue	Secondary issue	Key term	Outcome
ENQ0539345	09/05/2020	Composition claims	Refunds		Demand
ENQ0539705	16/05/2020	Disposal Claims	Misc	Biodegradable claims	NFA
ENQ0541230	04/06/2020	Disposal Claims		Degradable certification claims	NFA
ENQ0541070	11/06/2020	Misc		Ethical investment	NFA
ENQ0541146	15/06/2020	Disposal Claims		Soft plastic recycling	NFA
ENQ0541392	18/06/2020	Composition claims		Eco-friendly claims	NFA
ENQ0541502	21/06/2020	Disposal Claims		Flushable claims	IPTT
ENQ0541631	24/06/2020	Composition claims		Greenwashing	IPTT
ENQ0541957	01/07/2020	Carbon Claims		Carbon off-sets	NFA
ENQ0542264	08/07/2020	Disposal Claims		Recycling claims	IPTT
ENQ0542541	09/07/2020	Carbon Claims			NFA
ENQ0542377	10/07/2020	Composition claims		Environmental claims	NFA
ENQ0542381	10/07/2020	Composition claims			NFA
ENQ0542399	12/07/2020	Misc		Environmental ratings	IPTT
ENQ0542689	20/07/2020	Production claims	Misc	Environmentally friendly claims	IPTT
ENQ0542859	24/07/2020	Composition claims		Environmentally friendly claims	NFA
ENQ0543186	31/07/2020	Composition claims	Disposal Claims	Compostable and recyclable claims	NFA
ENQ0543226	03/08/2020	Disposal Claims		Biodegradable claims	IPTT
ENQ0543239	03/08/2020	Disposal Claims		Biodegradable claims	Demand
ENQ0543377	04/08/2020	Disposal Claims		Environmental claims	Demand

Appendix A					
Enquiry number	Date received	Primary issue	Secondary issue	Key term	Outcome
ENQ0543925	21/08/2020	Composition claims		Renewable resources / plastic lined packaging	NFA
ENQ0544660	03/09/2020	Misc			NFA
ENQ0545121	12/09/2020	Disposal Claims		Biodegradable claims	IPTT
ENQ0546634	15/10/2020	Disposal Claims		Eco-friendly claims	Demand
ENQ0546801	15/10/2020	Production claims		Sustainable cotton	Demand
ENQ0547474	02/11/2020	Production claims		Environmental impact claims	CAL
ENQ0547640	07/11/2020	Disposal Claims		Compostable certification claims	IPTT
ENQ0548337	27/11/2020	Composition claims		Composition claims	NFA
ENQ0548832	05/12/2020	Composition claims			NFA
2021					
ENQ0549608	10/01/2021	Disposal Claims		Recycling claims	NFA
ENQ0549958	19/01/2021	Disposal Claims	Composition claims, Carbon Claims, Production claims	Environmental claims	Demand
ENQ0549999	20/01/2021	Composition claims		Plastic bag free claims	Demand
ENQ0551072	16/02/2021	Disposal Claims		Recycling claims	NFA
ENQ0552321	18/03/2021	Composition claims		Recycling claims	Demand
ENQ0552609	27/03/2021	Misc		Air purifying claims	NFA
ENQ0554358	18/05/2021	Disposal Claims		Disposal Claims	NFA
ENQ0556040	28/06/2021	Disposal Claims			NFA
ENQ0556326	19/07/2021	Disposal Claims		Recyclable	NFA
ENQ0556463	24/07/2021	Disposal Claims		Zero waste	NFA

Appendix A					
Enquiry number	Date received	Primary issue	Secondary issue	Key term	Outcome
ENQ0556747	29/07/2021	Carbon Claims		Carbon	NFA
ENQ0556966	06/08/2021	Carbon Claims			NFA
ENQ0557565	11/08/2021	Composition claims			Demand
ENQ0557329	18/08/2021	Misc		Sustainable	Demand
ENQ0557667	27/08/2021	Disposal Claims		Biodegradable	Demand
ENQ0558020	06/09/2021	Disposal Claims		Biodegradable	NFA
ENQ0558207	13/09/2021	Disposal Claims		Biodegradable	IPTT
ENQ0558319	14/09/2021	Composition claims	Disposal Claims	Plastic	IPTT
ENQ0558567	22/09/2021	Misc		Recycling	NFA
ENQ0559096	07/10/2021	Disposal Claims			NFA
ENQ0559141	14/10/2021	Composition claims		Organic	NFA
ENQ0559741	03/11/2021	Disposal Claims		Plastics	NFA
ENQ0559785	05/11/2021	Composition claims			NFA
ENQ0560858	09/12/2021	Production claims		Renewable	Project
2022 (to 30 April)					
ENQ0563027	04/03/2022	Disposal Claims		Environmentally friendly	IPTT
ENQ0563887	29/03/2022	Misc			NFA
ENQ0564099	04/04/2022	Composition claims			NFA
ENQ0564107	06/04/2022	Composition claims		Compostable	NFA
ENQ0564130	06/04/2022	Composition claims		Flushable representations	NFA

Appendix B	
Term	Definition
Issues	
Carbon claims	Representations that a product or service has a beneficial impact on the environment that are carbon related (this could include 'carbon friendly' representations or claims about the emissions related to the product or service)
Composition claims	Related to product composition
Disposal claims	Related to representations around the disposal of products (this could include for example 'compostable')
Production claims	Related to representations about how a product is made
Misc	Where the issue(s) raised do not fit any other category (in full or part)
Outcomes	
Added to demand (Demand)	A demand is the name the Commission gives a matter where we intend to complete further work. We place demands on a list and prioritise them based on our Enforcement Criteria and current strategic priorities. We review our demand lists on a regular basis and sometimes demands are removed from the list, this is called a resource review. We may remove a demand from our list of pending work for several reasons (e.g. the trader has amended its conduct, the trader is no longer operating, and/or other matters have come to our attention that have de-prioritised previous demands).
Add to project (Project)	We may add an enquiry to an existing project. The Fair Trading branch currently has several open projects which focus on certain areas, such as product safety and consumer information standards, credence claims, egregious conduct, rights and obligations and retail pricing and promotion activities.
Compliance Advice Letter (CAL) ⁶	CALs are educative and are issued in response to problematic conduct that we have identified. Accordingly, what the letter advises of is the risk of conduct breaching the law, and how to avoid a potential breach in future. A CAL does not represent a finding that a trader has contravened

⁶ Page 7, Commission's Enforcement Response Guidelines.

Appendix B	
Term	Definition
	the law. Only the Courts can decide if a breach of the law has occurred.
Information passed to trader (IPTT)	We may take the opportunity to contact a trader to assist them in better understanding and complying with the law. We refer to this as Information passed to trader (IPTT). We find that raising such issues directly with businesses can help them to understand and better comply with their legal obligations.
No Further Action (NFA) ⁷	The Commission may decide not to take further action in relation to a complaint for a number of reasons. These reasons include, but are not limited to, circumstances where we consider the complaint is better suited to private action by the complainant, the complaint is subject to the jurisdiction of another agency, or where there is no clear breach of the law.
Warning Letter ⁸	The purpose of a warning letter is to inform the trader of our view that there has been a likely breach of the law, to prompt a change in the trader's behaviours, and to encourage future compliance. A warning letter does not represent a finding that a trader has contravened the law. Only the Courts can decide if a breach of the law has occurred.

⁷ Page 7, Commission's Enforcement Response Guidelines.

⁸ Page 8, Commission's Enforcement Response Guidelines.