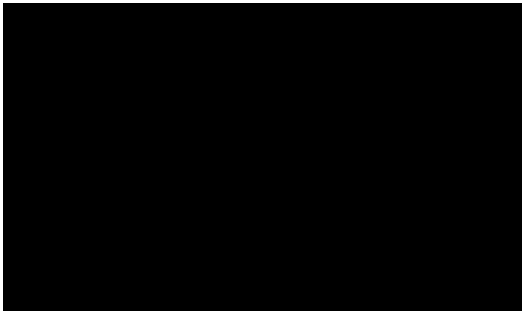


26 February 2024



### **Official Information Act 23.169 – Most complained about businesses in New Zealand**

1. We refer to your request received on 26 January 2024 for information about the most complained about businesses in New Zealand. You requested:
  - 1.1 The names of the 20 most complained-about businesses in the 2023, 2022, 2021, 2020, and 2019 calendar years, and how many complaints were received for each individual business. I would like this data to be provided individually year by year.
  - 1.2 Are there any notable themes to the 2023 complaints?
  - 1.3 Are any of the businesses on the 2023 list of top 20 being investigated by the Commerce Commission, as a result of the complaints? If so, which ones?
  - 1.4 Total number of complaints received about all businesses in 2019, 2020, 2021, 2022, and 2023. I would like this data to be provided individually year by year.
2. We have treated this as a request for information under the Official Information Act 1982 (OIA).

### **Our response**

3. All complaints (referred to as enquiries) received by the Commission are entered into our complaint database. The Commission categorises incoming contacts as enquiries if they raise a *potential* issue under one or more of the Acts that the Commission enforces, whether this is later investigated or not. Enquiries to the Commission help us to better understand where to focus our activity and resources – identifying what we should investigate.

4. It is important to consider enquiry numbers in the following context:
- 4.1 Enquiries data on its own cannot paint a complete picture of compliance with the law. The fact that an enquiry has been received does not necessarily mean that there has been a complaint, that a trader has done anything wrong, or any harm has been caused to any consumer or competitor. Some enquiries will not be investigated by the Commission because they are unfounded or outside our jurisdiction, and some enquiries that are investigated will not proceed to further action.
  - 4.2 The enquiries 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 (and is reported from their perspective only). Some enquiries on the same matter are likely to have reached other bodies instead of the Commission.
  - 4.3 Larger traders, and those with a high public profile, are likely to generate more enquiries as a function of their scale; we have not adjusted for this.
  - 4.4 Enquiry 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 enquiries.
5. Therefore, the number of total enquiries received by the Commission about any entity in any one year does not indicate actual non-compliance with relevant law. The number of investigated enquiries is a more useful measure of trader performance.

*Top 20 most complained about*

6. We have identified the names of the 20 most enquired-about entities and the number of enquiries received by the Commission about each business in the years 2019 to 2023. This information is set out in **Appendix A** below.
7. Note that in some instances we have enquiries spread across multiple banners within a company structure (such as Foodstuffs in 2023) and the enquiries relate to retail brands which can be separate from corporate structures, for example: Foodstuffs South Island Limited and Foodstuffs North Island Limited are independent cooperatives with different governance, practices and processes and operate exclusively in the South and North Islands respectively. It is not possible to advise which enquiries about New World and Pak'n'Save relate to which cooperative.

*Themes for 2023*

8. There are 10 notable themes that are common among the enquiries in 2023. We have listed these themes alongside our definition of each in the table in **Appendix B** below.

*Investigations 2023*

9. Eleven entities listed in the top 20 most enquired about in 2023 are being investigated at the Commission as a result of enquiries received. We have listed this information in the table in **Appendix C** below.

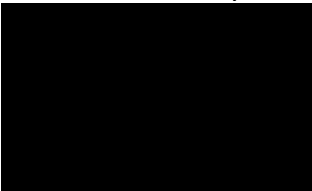
*Total enquiries*

10. We have identified the total number of enquiries received by the Commission about all businesses in the years 2019 to 2023. This information is set out in the table below.

Year	Enquiries
2019	9,059
2020	10,264
2021	8,719
2022	9,415
2023	12,307

11. Please note the Commission will be publishing this response to your request on its website. Your personal details will be redacted from the published response.
12. Please do not hesitate to contact us at [ويا@comcom.govt.nz](mailto:ويا@comcom.govt.nz) if you have any questions about this response.

Yours sincerely



OIA and Information Coordinator

**Appendix A: Top 20 most enquired about entities 2019-2023**

<b>Top 20 most enquired about entities 2019</b>		
<b>Rank</b>	<b>Entity</b>	<b>Number of enquiries</b>
1	Viagogo	360
2	One New Zealand Group Limited	324
3	Spark New Zealand Trading Limited	288
4	Air New Zealand Limited	127
5	Noel Leeming Group Limited T/A Noel Leeming	114
6	Two Degrees New Zealand Limited	93
7	Quadsaa Pty Ltd T/A Pretty Penny Loans	67
8	New Zealand Post Limited	65
9	The Warehouse Limited	64
10	Progressive Enterprises Limited T/A Countdown	64
11	Trade Me Limited (auction site) <sup>1</sup>	60
12	Wilson Parking New Zealand Limited	55
13	Harvey Norman Stores (NZ) Pty Ltd T/A Harvey Norman	54
14	BP Oil New Zealand Limited	53
15	Tru Water Filters NZ (trading via truwater.co.nz)	52
16	Chorus New Zealand Limited	51
17	Trustpower Limited T/A Kinect	50
18	PB Technologies Limited	49
19	Pak'n'Save (Foodstuffs)	46
20	Loyalty New Zealand Limited T/A FlyBuys	45

<sup>1</sup> Enquiries data pertaining to Trade Me Limited (auction site) and Trademe does not include enquiries about Trade Me users. Trade Me user enquiries are logged separately against the entity that is the subject of the enquiry.

<b>Top 20 most enquired about entities 2020</b>		
<b>Rank</b>	<b>Entity</b>	<b>Number of enquiries</b>
1	Air New Zealand Limited	349
2	Noel Leeming Group Limited T/A Noel Leeming	241
3	One New Zealand Group Limited	220
4	Spark New Zealand Trading Limited	164
5	Progressive Enterprises Limited T/A Countdown	136
6	Flight Centre (NZ) Limited	134
7	Pak'n'Save (Foodstuffs)	117
8	Jetstar Airways Pty Limited	109
9	The Warehouse Limited	108
10	Trade Me Limited (auction site)	98
11	New World (Foodstuffs)	98
12	Two Degrees New Zealand Limited	87
13	New Zealand Post Limited	87
14	PB Technologies Limited	66
15	Viagogo	64
16	Harvey Norman Stores (NZ) Pty Ltd T/A Harvey Norman	63
17	STA Travel (NZ) Limited	59
18	Airbnb Limited	58
19	Myfi Services	51
20	Sky Network Television Limited	44

<b>Top 20 enquired about entities 2021</b>		
<b>Rank</b>	<b>Entity</b>	<b>Number of enquiries</b>
1	One New Zealand Group Limited	188
2	Progressive Enterprises Limited T/A Countdown	184
3	New World (Foodstuffs)	174
4	Noel Leeming Group Limited T/A Noel Leeming	166
5	Viagogo	144
6	Spark New Zealand Limited	130
7	Air New Zealand Limited	103
8	New Zealand Post Limited	95
9	Trade Me Limited (auction site)	87
10	PB Technologies Limited	80
11	Pak'n'Save (Foodstuffs)	79
12	Two Degrees New Zealand Limited	59
13	Trade Depot Limited	55
14	Kogan HK Limited T/A Dick Smith Electronics	53
15	Harvey Norman Stores (NZ) Pty Ltd T/A Harvey Norman	52
16	The Warehouse Limited	52
17	HelloFresh New Zealand Limited	45
18	Aramex New Zealand Holdings Limited	43
19	Chorus New Zealand Limited	42
20	Brand Developers Limited	42

<b>Top 20 most enquired about entities 2022</b>		
<b>Rank</b>	<b>Entity</b>	<b>Number of enquiries</b>
1	We Are Bamboo Limited	238
2	Progressive Enterprises Limited T/A Countdown	186
3	One New Zealand Group Limited	186
4	Spark New Zealand Limited	149
5	Air New Zealand Limited	139
6	Pak'n'Save (Foodstuffs)	130
7	The Warehouse Limited T/A Noel Leeming	87
8	Two Degrees New Zealand Limited <sup>2</sup>	87
9	Viagogo	80
10	Sky Network Television Limited	77
11	Jetstar Airways Pty Limited	68
12	New World (Foodstuffs)	67
13	New Zealand Post Limited	65
14	The Warehouse Limited	63
15	Chemist Warehouse Limited	62
16	Shekou New Zealand Limited	54
17	Trademe	51
18	Ticketek New Zealand Limited	51
19	PB Technologies Limited	49
20	Wilson Parking New Zealand Limited	44

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<sup>2</sup> Includes combined Two Degrees Mobile Limited and Vocus NZ enquiries

<b>Top 20 most enquired about entities 2023</b>		
<b>Rank</b>	<b>Entity</b>	<b>Number of enquiries</b>
1	Progressive Enterprises Limited T/A Countdown	402
2	Kogan Australia Pty Ltd	270
3	New World (Foodstuffs)	266
4	One New Zealand Group Limited	265
5	Air New Zealand Limited	235
6	Pak'n'Save (Foodstuffs)	215
7	HelloFresh New Zealand Limited	199
8	Two Degrees New Zealand Limited <sup>3</sup>	153
9	Spark New Zealand Limited	145
10	Sky Network Television Limited	125
11	New Zealand Post Limited	101
12	The Warehouse Limited T/A Noel Leeming	91
13	Fullers Group Limited	83
14	Chemist Warehouse Limited	78
15	Duco Events Australia Pty Ltd	71
16	Containerpools Limited	60
17	Jetstar Airways Pty Limited	59
18	The Warehouse Limited	58
19	Mercury Energy Limited	53
20	Smart Compliance Management	52

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<sup>3</sup> Includes combined Two Degrees Mobile Limited and Vocus NZ enquiries



**Appendix B: Notable themes in all enquiries 2023**

<b>Notable themes in all enquiries 2023</b>	
<b>Most complained about themes</b>	<b>Definition</b>
Promotions	Complaints related to the trader's promotion of their goods or service. Concerns sales, reductions in price, free gifts or other bonuses.
Refunds	Where the complaint raises a refund as an issue, this could include complaints where the Trader has said they will provide a refund but have not.
Characteristics	Complaints related to the Characteristic of a good or service
Price inaccuracies	Where the issue is a difference between the price advertised (either in store or in advertising) and the checkout price.
High price complaints	Complaints that the price of good/service is too high, can include comparisons with other locations, traders or it may relate to increases in prices.
Contractual issues	Complaints regarding the contract between the consumer and Trader.
Non-delivery	Where the complainant does not receive the item paid for.
Subscription traps	Complaints that relate to a consumer being trapped in a subscription.
Undisclosed charges	Where the complaint relates to or includes charges that were not disclosed to the consumer prior to purchasing the good or service.
Fault with item or service	Where the complaint is about an item or service having a fault.

**Appendix C: Current investigations in the 2023 top 20 most enquired about entities**

<b>2023 Rank</b>	<b>Entity Name</b>
<b>1</b>	Progressive Enterprises Limited T/A Countdown
<b>2</b>	Kogan Australia Pty Ltd
<b>3</b>	New World (Foodstuffs)
<b>4</b>	One New Zealand Group Limited
<b>6</b>	Pak'n'Save (Foodstuffs)
<b>7</b>	HelloFresh New Zealand Limited
<b>8</b>	Two Degrees New Zealand Limited
<b>9</b>	Spark New Zealand Limited
<b>12</b>	The Warehouse Limited T/A Noel Leeming
<b>17</b>	Jetstar Airways Pty Limited
<b>19</b>	Mercury Energy Limited