

27 September 2019

[REDACTED]

By email only: [REDACTED]

Dear [REDACTED]

**Official Information Act #19.041 - Little Genie nappies**

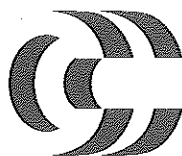
1. We refer to your request received on 12 September 2019 for information about whether the Commerce Commission (Commission) has provided Enviro Choice New Zealand Limited (trading as Little Genie) with compliance advice or a warning and if so, a copy of the letter sent.
2. We have treated this as a request for information under the Official Information Act 1982 (OIA).

**Our response**

3. We have decided to grant your request.
4. The Commission issued compliance advice to Little Genie in July 2012 about its representations as to the petrochemical content in Little Genie nappies. A copy of the letter dated 31 July 2012 is **attached**.
5. 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.
6. 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



COMMERCE COMMISSION

Reference- 13660

31 July 2012

Paul Drew – Managing Director  
EnviroChoice New Zealand Ltd  
PO Box 8396  
Cherrywood  
Tauranga 3145

By email to [paul@envirochoice.co.nz](mailto:paul@envirochoice.co.nz)

Dear Paul

**Fair Trading Act – Compliance Advice**

Thank you for your recent correspondence in response to our information request.

As you will recall the complaint was made under the Fair Trading Act 1986 (the Act) about Little Genie nappies and related to:

- Nappy degradation
- Absorbent material
- Petrochemicals

**1. Nappy degradation**

EnviroChoice has provided copies of the independent testing conducted by CSIRO in Australia in relation to the Little Genie nappies. It is clear that the statements made on the packaging can be substantiated by the test results.

We are advised that the complainant when referring to 90% of the padding degrading was referring to the old packaging. The website was updated to show 50% degradation of padding over 180 days following further tests and the packaging has also been altered. We understand that any discrepancies between website and packaging are as a result of old packaging being sold by retailers.

We trust that EnviroChoice will continue to update its testing and inform consumers of the results and ensure statements on packaging matches other communications where possible. We will not take any further action on this issue at this point.

**2. Absorbent material**

We have been provided with details of the absorbent materials contained within Little Genie nappies. Lysorb is wheat-based and therefore it is our opinion the statement relating to absorbent material is not misleading.

We trust that EnviroChoice will continue to ensure that it can substantiate its representations in respect to naturally derived ingredients in its absorbent material. We will not investigate this issue further at this point.

### 3. Petrochemicals

The complaint related to the use of petrochemicals in the Little Genie nappy. EnviroChoice has advised and provided information that the viscose from bamboo has no petrochemicals. Further representations from EnviroChoice make no exact representations as to the amount of petrochemicals in the product though petrochemicals are said to be kept to a minimum.

We note that the website states: *"The main ingredient in our nappy is the viscose/rayon from bamboo which gives it the cloth like feel."*

EnviroChoice has advised that this is a mistake and will alter the wording of its promotional material.

We conclude that any representations as to petrochemical content should be accurate and able to be substantiated. Further, statements relating to the type and/or amount of other ingredients should be accurate so as to avoid potentially misleading consumers.

We will take no further action save for issuing this letter as compliance advice. However, we do reserve the right to investigate further should further complaints be received.

The opinions in this letter are not rulings of law and individuals and/or companies do have their own right to action under the Act. Only a Court can rule whether the Act has been breached.

Finally, thank you for your assistance with our investigation.

Yours sincerely



James Evans  
Senior Investigator  
Competition Branch

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