

12 February 2021

[REDACTED]

By email only: [REDACTED]

Dear [REDACTED]

Official Information Act #20.135 - Influencer Advertising

1. We refer to your request received on 11 January 2021 for information about complaints received by the Commerce Commission (**Commission**) about brand ambassadors/influencers since 1 January 2020 (**relevant time period**), specifically:
 - 1.1 how many complaints has the Commission has received during the relevant period about an alleged scam where overseas brands contact young people on Instagram with offers of becoming brand ambassadors with discounted prices where goods are not supplied, or higher prices are charged; and
 - 1.2 how many complaints the Commission has received during the relevant time period about influencers not clearly disclosing advertising content?
2. We have treated this as a request for information under the Official Information Act 1982 (**OIA**).
3. On 15 January 2021, we advised you:
 - 3.1 Our complaints database contains searchable fields for the name of the trader complained about, name of the complainant, date received, complaint description, relevant legislation (added by the Commission), and complaint outcome.
 - 3.2 In order to identify complaints about brand ambassadors / influencers, we would keyword search across these fields and manually review the results for relevance to your request.
 - 3.3 This method relies on the terms used by complainants in making a complaint to the Commission (e.g. use of the word “influencer” or “brand ambassador”)

and can be a time-intensive process for the Commission, depending on the number and accuracy of the results.

- 3.4 In relation to paragraph [1.1], a search for “brand ambassador” across complaint description within the relevant time period has returned no results; are there additional keywords you would like us to try (e.g. the name of the alleged scam)?
- 3.5 In relation to paragraph [1.2], we have searched for “influencer” and “ad” across complaint description within the relevant time period and are manually reviewing the results for relevance to your request; are there additional keywords you would like us to include (e.g. the names of specific individuals or products)?
4. In response, on the same date, you asked us to run the following additional keyword searches across our complaints database:
 - 4.1 “influencer”;
 - 4.2 “influencer scam”; and
 - 4.3 “brand ambassador”.

Our response

5. We have decided to grant your request.
6. Our search for “ambassador”¹ across the complaint description field within the relevant time period returned two complaints falling within the scope of your request; both relating to trader payment terms and failure to pay influencers once a product had been promoted on social media.
7. Our search for “influencer”² across the complaint description field within the relevant time period returned one complaint falling within the scope of your request; relating to influencers using the terms “gift” and “sponsored” interchangeably.³
8. The Commission has received one complaint about Simone Anderson Pretscher. You can find further information about this complaint in the OIA register on our website (OIA 19.181, OIA 19.188, OIA 20.025 and OIA 20.099).⁴ This complaint is not included in the results above because it does not contain any of the relevant keywords.
9. Please note the Commission will be publishing this response to your request in the OIA register on our website. Your personal details will be redacted from the published response.

¹ This search covers “brand ambassador”.

² This search covers (“influencer scam”) and (“influencer” AND “ad”).

³ All searches were run and are accurate at 11 January 2021.

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

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

Yours sincerely

Mary Sheppard
OIA Coordinator

Released Under Official Information Act 1982