

27 July 2020

[REDACTED]

By email only: [REDACTED]

Dear [REDACTED]

Official Information Act #19.200 - Social media influencers

1. We refer to your request received on 29 June 2020 for the details of any complaints received by the Commerce Commission (Commission) in relation to the behaviour of New Zealand social media influencers with respect to products they have been gifted for the purposes of promotion.
2. On 30 June 2020 you refined the scope of your request to the details of any complaints received by the Commission responding to the keywords “Instagram” and “influencer”, in relation to the behaviour of New Zealand social media influencers with respect to products they have been gifted for the purposes of promotion.
3. On 2 July 2020, you asked for a copy of the complaint received by the Commission about Simone Anderson referred to in a New Zealand Herald article dated 13 June 2020,¹ and the outcome (or advice as to when the outcome can be expected).
4. We have treated this as a request for information under the Official Information Act 1982 (OIA).

Our response

5. We have decided to grant your request.

¹ Commerce Commission complaint laid about influencer Simone Anderson:
https://www.nzherald.co.nz/lifestyle/news/article.cfm?c_id=6&objectid=12339061

Simone Anderson

6. The complaint received by the Commission about Simone Anderson referred to in the Herald article is published in the Official Information Act register on our website² and reproduced below:

ENQ0540432	30 May 2020
Trader: Simone Anderson	
SIMONE ANDERSON PRETSCHER -Selling gifted clothing and accessories to nz public via facebook and claiming to donate money received to charity. Evidence of donations not transparent. Concerns around tax evasion, false advertising, misleading the public etc.	

7. On 3 July 2020, we provided you with the following update on the outcome of the complaint:
- 7.1 The Commission is consulting with the Advertising Standards Authority on this complaint. Our assessment of it is ongoing and will be informed by the ASA's decision on this matter.
8. The Commission's assessment of the complaint has been completed. We are not investigating the matter further at this time.

Social media influencers

9. We have searched our complaints database during the period from 30 June 2017 to 30 June 2020 for any complaints received by the Commission responding to the keywords "Instagram" and "influencer", in relation to the behaviour of New Zealand social media influencers with respect to products they have been gifted for the purposes of promotion.
10. This search returned one complaint falling within the scope of your request, in addition to the complaint about Simone Anderson at paragraph [6] above.
11. The complaint is ENQ0517712 received on 10 September 2018 about Celebration Box Limited and Bambi Boutique. It is published in the Official Information Act register on our website³ and reproduced below:

ENQ0517712	10/09/2018
Trader: Celebration Box Limited, Bambi Boutique	

² OIA 19.181: https://comcom.govt.nz/_data/assets/pdf_file/0019/219601/OIA-19.181-Simone-Anderson-Response-Letter-26-June-2020.PDF

³ OIA 18.222: https://comcom.govt.nz/_data/assets/pdf_file/0032/162788/OIA-18.222-Celebration-Box-Response-Letter-redacted.PDF

ENQ0517712

10/09/2018

Complainant states that trader:

- uses influencers to promote/advertise products without the correct disclosure;
- blocks reviews or comments which are critical of its products;
- blocks consumers who complain about its products
- does not offer refunds for misleading or missing products (C states that products are often not as described or not delivered);
- is fraudulently misrepresenting the value of the company in order to sell it for an inflated price; and
- offers a consultation tool which may be teaching others to artificially inflate company values in order to sell.

12. We have also conducted a wider search of our complaints database using the following keywords:
- 12.1 “influencer” or “ambassador” or “instagram” or “facebook” or “social media”; and
- 12.2 “sponsor” or “gifted” or “ad” or “promotion” or “paid” or “affiliate” or “code” or “PR” or “package” or “followers” or “sp” or “#”.
13. This search did not return any additional complaints falling within the scope of your request.
14. Please note the fact that a complaint has been received does not necessarily mean that a trader has done anything wrong or any harm has been caused; some complaints will not be investigated by the Commission because they are unfounded or outside our jurisdiction, and some complaints that are investigated will not proceed to further action.

Further information

15. Please note the Commission will be publishing this response to your request in the Official Information Act register on our website.⁴ Your personal details will be redacted from the published response.
16. 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

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