

15 August 2018

[REDACTED]

By email: [REDACTED]

Dear [REDACTED]

Official Information Act #17.155 – Retailer Complaints

1. We refer to your request of 4 May 2018 where you asked the Commerce Commission (the Commission) for:
 - 1.1 the product retailers who had received the most complaints from consumers for the calendar year 2017;
 - 1.2 a spreadsheet listing the number of complaints for each retailer; and
 - 1.3 details about the complaints for each of the top three retailers.
2. On 8 May 2018, you clarified 1.1 of your request by limiting it to the 50 retail traders who had received the most complaints under the Fair Trading Act 1986 for the period from 1 January 2017 to 30 April 2018 (Top 50 retailers).
3. On 21 May 2018, we extended the date by which the Commission must decide your request to 4 July 2018.
4. On 4 July 2018, we advised you that we had decided to grant your request and the information would be provided by 15 August 2018. This was because some retailers had asked for their information before it was released and we thought it was procedurally proper to share the information with them first, so that they were equipped to respond to media queries.

Our response

5. **Attachment A** to this letter contains a list of the 51 retail traders about which the Commission has received the most complaints under the Fair Trading Act 1986 for the period from 1 January 2017 to 30 April 2018. The list includes the number of complaints for each trader.
6. The reason we have provided 51 retail traders, rather than the 50 requested, is because traders 49 to 51 have the same number of complaints and it would not be fair to remove one of those traders from the list.

7. **Attachment B** to this letter contains a summary of the complaints received by the Commission during the relevant period for the three traders with the most complaints; Viagogo, Vodafone and Spark.
8. It is important to read the list and summary in the following context:
 - 8.1 Complaints data on its own cannot paint a complete picture of compliance with the law. 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 to any consumer or competitor. 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.
 - 8.2 The complaints 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. Some complaints on the same matter are likely to have reached other complaint bodies instead of the Commission.
 - 8.3 Larger traders are likely to generate more complaints as a function of their scale; we have not adjusted for this.
 - 8.4 Complaint 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 complaints.
9. If you are not satisfied with the Commission's response to your OIA request, section 28(3) of the OIA provides you with the right to ask an Ombudsman to investigate and review this response. However, we would welcome the opportunity to discuss any concerns with you first.
10. Please note the Commission intends to publish this response to your request on its website. Personal details will be redacted from the published response.
11. If you have any questions in regards to this request, please do not hesitate to contact us at oia@comcom.govt.nz

Yours sincerely



Rosie Brown
OIA Coordinator

Attachment A		
Prepared for OIA 17.155 – Retailer Complaints		
1 January 2017 – 30 April 2018		
Trader	Number of complaints ¹	Rank
Viagogo	345	1
Vodafone	298	2
Spark	257	3
Foodstuffs ²	123	4
2 Degrees	115	5
Woolworths ³	103	6
Air NZ	90	7
Noel Leeming	88	8
Wilson Parking	78	9
SKY	77	10
Vocus ⁴	74	11
The Warehouse	65	12
The Corporate Portal	61	13
Trade Me	58	14
Harvey Norman	58	14
Brand Developers	56	15
Ticketmaster	49	16
Luxstyle Aps	46	17
Contact Energy	46	17
New Zealand Post	46	17
Fitlink New Zealand	43	18
BP ⁵	36	19
Nexus Business Solutions	35	20
Jetstar Airways	35	20
PB Technologies	34	21
TrustPower	34	21

¹ The number of complaints received by the Commerce Commission under the Fair Trading Act 1986 for the period from 1 January 2017 to 30 April 2018.

² We have aggregated complaints about New World and Pak'nSave under their parent company, Foodstuffs.

³ We have aggregated complaints about Countdown and Woolworths under their parent company, Woolworths.

⁴ We have aggregated complaints about Slingshot, Orcon and Flip under their parent company, Vocus.

⁵ Complaints about BP include complaints we received about retailers using the BP brand.

Attachment A Prepared for OIA 17.155 – Retailer Complaints 1 January 2017 – 30 April 2018		
Trader	Number of complaints¹	Rank
Z Energy ⁶	32	22
1-DAY	32	22
Bunnings Warehouse	30	23
Becextech.co.nz	30	23
Briscoes	28	24
Deal Man	28	24
Farmers	26	25
Turners Auctions	26	25
Mitre 10	24	26
PTMO	24	26
Cryptopia	24	26
Baycorp	24	26
NZ Sale	23	27
Flight Centre	23	27
Fishpond	23	27
Mobil ⁷	23	27
2 Cheap Cars	23	27
Apple	22	28
MyRepublic	20	29
McDonald's	20	29
Kiwibank	19	30
Expedia	19	30
Domino's	18	31
Mercury Energy	18	31
Motor Me	18	31

⁶ Including Caltex. Complaints about Z Energy and Caltex include complaints we received about retailers using the Z Energy and Caltex brands.

⁷ Complaints about Mobil include complaints we received about retailers using the Mobil brand.

Attachment B Prepared for OIA 17.155 – Retailer Complaints 1 January 2017 – 30 April 2018	
Trader	Summary
Viagogo	<ul style="list-style-type: none"> • representations that Viagogo were the first-instance ticket vendor (rather than the ticket reseller) • unexpected or hidden costs (the cost of tickets was above face value, tickets sold in a foreign currency, additional fees were not adequately disclosed) • non-delivery of tickets • inability to obtain a refund • representations about the remaining stock level and demand for tickets (including complaints this was misleading) • sale of the same tickets multiple times • sale of fake tickets • tickets not the same as described
Vodafone	<ul style="list-style-type: none"> • billing (such as allegations of account errors, disputed charges, complaints about data use charges) • contracts (such as early termination charges, late payment fees, accessibility of terms and conditions) • credit management (such as payment arrangements, debt collection) • customer service (such as allegations of installation issues, incorrect or inadequate advice, failure to keep customers informed, failure to action requests) • 'Fibre X' (such as allegations of misleading statements about FibreX technology) • faults (such as allegations of equipment failure, recurring faults, delays in service restoration) • network performance (such as speed, coverage, service interruption) • sales tactics (such as allegations of exaggerated benefits, misleading pricing, uninvited sales)
Spark	<ul style="list-style-type: none"> • billing (such as allegations of account errors, disputed charges, complaints about data use charges) • contracts (such as early termination charges, late payment fees, accessibility of terms and conditions) • credit management (such as payment arrangements, debt collection) • customer service (such as allegations of installation issues, incorrect or inadequate advice, failure to keep customers informed, failure to action requests) • faults (such as allegations of equipment failure, recurring faults, delays in service restoration) • network performance (such as speed, coverage, service interruption) • sales tactics (such as allegations of exaggerated benefits, misleading pricing, uninvited sales)