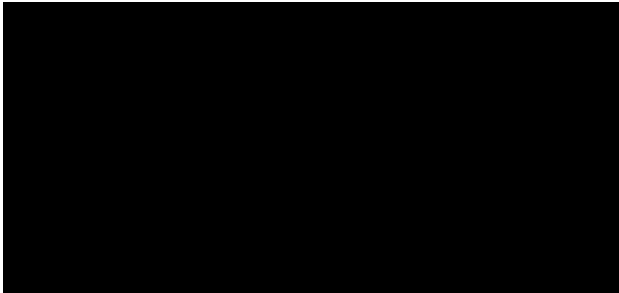


1 September 2022



Official Information Act #22.021 Complaints about environmental impact claims over the past five years

1. We refer to your request received on 4 August 2022 for information on the number of complaints about environmental impact claims received by the Commerce Commission (the **Commission**) in the past five years.¹
- 1.1 “How many greenwashing complaints have been made to the Commerce Commission in the past five years, detailing:
- 1.1.1 Number
 - 1.1.2 Key term
 - 1.1.3 Date received
 - 1.1.4 Action taken”
- 1.2 You have also requested a copy of any warning letters relating to complaints about environmental impact claims issued in this period, and any subsequent response to the warning letters from the recipients. We have taken a liberal interpretation to this request for warning letters as they are already publicly available. Other than where special reasons exist, we publish warning letters on our case register on the Commission’s website.²

¹ 1 January 2018 – 3 August 2022.

² [Commerce Commission case register](#)

2. We have treated this as a request for information under the Official Information Act 1982 (OIA). As you note, essentially you would like an update on our response to OIA 21.065 which is available on our website.³

Our response

3. We have decided to grant your request.

Complaints

4. The Commission has received 199 complaints about environmental impact claims during the period of 1 January 2018 – 3 August 2022.
5. We identified these complaints by searching our complaints database for complaints received between 1 January 2018 – 3 August 2022, containing one or more of the following keywords,⁴ with alleged breaches under sections 12A, 13(a), 13(b) or 13(e) of the FTA,⁵ and manually reviewing the results:
 - 5.1 “environmental”; or
 - 5.2 “greenwashing” or “green washing” or “green”; or
 - 5.3 “compostable”; or
 - 5.4 “biodegradable” or “degradable”; or
 - 5.5 “recyclable” or “recycling”; or
 - 5.6 “disposable”; or
 - 5.7 “sustainable” or “sustainably”; or
 - 5.8 “renewable”; or
 - 5.9 “plastic”; or
 - 5.10 “organic”; or
 - 5.11 “eco-friendly” or “eco friendly”.
6. These were the same search terms as was run to answer OIA 21.065. We have then added the new search results to our results from 21.065.

³ https://comcom.govt.nz/_data/assets/pdf_file/0030/269526/OIA-21.065-Greenwashing-Response-Letter-3-November-20214226089.1_Redacted.pdf

⁴ Please note this method relies on the terms used by complainants in making a complaint to the Commission.

⁵ These sections relate to unsubstantiated representations (s 12A) and false or misleading representations (s 13). We consider that complaints about environmental impact claims would be categorised under these sections by Commission enquiries staff.

7. We have set out the numbers of complaints received by the Commission, per year, over the last five years, at **Attachment A**.
8. We have set out the enquiry number, date received, subject matter and outcome for every complaint about environmental impact claims over the last five years, at **Attachment B**. We have also included a glossary below which explains the outcomes. You can find further information about the Commission's approach to investigations and enforcement on our website.⁶

Warning letters

9. In response to your request, noted at [1.2] above, two warning letters were issued in the period.
 - 9.1 Letter to Aotearoa Nutrients Limited issued on 16 July 2021 (noted as ENQ0530177 in Attachment B) available on our website at this [link](#).
 - 9.2 Letter to Glopac NZ Limited issued on 14 September 2021 (noted as ENQ0535397 in Attachment B) available on our website at this [link](#).
10. Aside from acknowledging receipt, we did not receive any substantive responses from the warned parties.
11. Prior to issuing warning letters, the Commission sends the party a draft version of the proposed warning letter. Parties are invited to review and check the accuracy of the facts set out in the letter, and identify any information that it considers to be confidential and would like the Commission to consider for redacting purposes before the letter is published on the Commission's website.

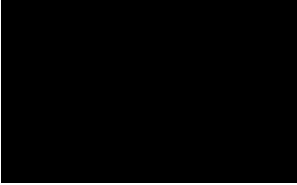
Further information

12. The Commission has published guidelines to help traders understand their obligations when making environmental impact claims. All traders need to make sure their claims are substantiated, truthful and not misleading to avoid breaching the Fair Trading Act 1986. The guidelines are available at this [link](#).
13. 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 Enforcement Response Guidelines: <https://comcom.govt.nz/about-us/our-policies-and-guidelines/investigations-and-enforcement/enforcement-response-guidelines>

14. Please do not hesitate to contact us at ia@comcom.govt.nz if you have any questions about this response.

Yours sincerely



OIA and Information Coordinator

Released Under Official Information Act 1982

Glossary of outcomes	
Outcome	Explanation
Added to demand	A demand is the name the Commission gives a matter where we intend to complete further work. We place demands on a list and prioritise them based on our Enforcement Criteria ⁷ and current strategic priorities. ⁸ We review our demand lists on a regular basis and sometimes demands are removed from the list, this is called a resource review. We may remove a demand from our list of pending work for several reasons (e.g. the trader has amended its conduct, the trader is no longer operating, and/or other matters have come to our attention that have de-prioritised previous demands).
Add to project	We may add an enquiry to an existing project. The Fair Trading branch currently has several open projects which focus on certain areas, such as product safety and consumer information standards, credence claims, egregious conduct, rights and obligations and retail pricing and promotion activities.
Compliance Advice Letter (CAL) ⁹	CALs are educative and are issued in response to problematic conduct that we have identified. Accordingly, what the letter advises of is the risk of conduct breaching the law, and how to avoid a potential breach in future. A CAL does not represent a finding that a trader has contravened the law. Only the Courts can decide if a breach of the law has occurred.
Information Passed To Trader (IPTT)	We may take the opportunity to contact a trader to assist them in better understanding and complying with the law. We refer to this as Information Passed to Trader (IPTT). We find that raising such issues directly with businesses can help them to understand and better comply with their legal obligations.
Litigation	Where we decide to issue court proceedings (either civil or criminal).
No Further Action (NFA) ¹⁰	The Commission may decide not to take further action in relation to a complaint for a number of reasons. These reasons include, but are not limited to, circumstances where we consider the complaint is better suited to private action by the complainant, the complaint is subject to the jurisdiction of another agency, or where there is no clear breach of the law. However, each complaint and enquiry provides information that is valuable to the Commission. This contributes to future priorities, potential issues for us to watch closely or emerging issues to refer to our policy agency, MBIE. In this regard, we will monitor complaints or information we receive as we look to future prioritisation.

⁷ Enforcement criteria: <https://comcom.govt.nz/about-us/our-policies-and-guidelines/investigations-and-enforcement/enforcement-criteria>

⁸ Our priorities: <https://comcom.govt.nz/about-us/our-priorities>

⁹ Page 7, Commission's Enforcement Response Guidelines.

¹⁰ Page 7, Commission's Enforcement Response Guidelines.

Glossary of outcomes	
Outcome	Explanation
Ongoing	These are complaints which are still being assessed and/or investigated by the Commission and have not yet resulted in an outcome.
Warning Letter ¹¹	The purpose of a warning letter is to inform the trader of our view that there has been a likely breach of the law, to prompt a change in the trader's behaviours, and to encourage future compliance. A warning letter does not represent a finding that a trader has contravened the law. Only the Courts can decide if a breach of the law has occurred.

¹¹ Page 8, Commission's Enforcement Response Guidelines.

Attachment A – Complaints about environmental impact claims per year

Year	Number of Complaints
2018	36
2019	57
2020	60
2021	38
2022 (to 3 August)	8

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**Attachment B – List of complaints
2018**

Number	Key term	Date Received	Action taken
ENQ0509634	Processing of food products	29/01/2018	NFA
ENQ0510476	Organic claims	19/02/2018	CAL
ENQ0510870	Organic claims	2/03/2018	CAL
ENQ0511050	Free-range claims	5/03/2018	NFA
ENQ0511652	Recycling claims	19/03/2018	NFA
ENQ0511659	Environmental impact claims - Carbon neutral	21/03/2018	IPTT
ENQ0511879	Organic claims	27/03/2018	NFA
ENQ0512033	Energy efficiency	3/04/2018	NFA
ENQ0512323	Compostability and biodegradability of products	11/04/2018	NFA
ENQ0512397	Recyclable claims	10/04/2018	IPTT
ENQ0513251	Green guides	3/05/2018	NFA
ENQ0513307	Eco-friendly claims	9/05/2018	NFA
ENQ0513860	Misleading claims about the impact reusable bags have on the environment	19/05/2018	NFA
ENQ0513971	Commercially compostable	25/05/2018	IPTT
ENQ0514186	Biodegradable packaging	1/06/2018	IPTT
ENQ0514189	Organic claims	30/05/2018	NFA
ENQ0514404	Compostable and eco-friendly claims	7/06/2018	IPTT
ENQ0514588	Recyclable claims	13/06/2018	IPTT
ENQ0514717	Recyclable claims	14/06/2018	IPTT
ENQ0515147	Organic claims	25/06/2018	NFA

Number	Key term	Date Received	Action taken
ENQ0515280	Recycling claims	1/07/2018	NFA
ENQ0516076	Organic claims	22/07/2018	NFA
ENQ0516135	Plastic composition claims	23/07/2018	CAL
ENQ0517021	Compostability claims	15/08/2018	Added to demand
ENQ0517102	Organic claims	20/08/2018	NFA
ENQ0517377	Compostability claims	27/08/2018	NFA
ENQ0517496	Composting claims	4/09/2018	NFA
ENQ0517744	Organic claims	11/09/2018	NFA
ENQ0517950	Biodegradable claims	17/09/2018	Added to demand
ENQ0518595	Organic claims	5/10/2018	NFA
ENQ0518654	Environmental benefit claims	9/10/2018	NFA
ENQ0518724	Compostable claims	1/10/2018	NFA
ENQ0519040	Eco-friendly and biodegradable claims	24/10/2018	CAL
ENQ0519533	Biodegradable claims	31/10/2018	NFA
ENQ0519650	Organic claims	12/11/2018	IPTT
ENQ0519757	Environmental impact claims - Carbon reduction claims	6/11/2018	NFA

2019

Number	Key term	Date Received	Action taken
ENQ0521656	Environmental impacts of plastic bags	7/01/2019	NFA
ENQ0522326	Eco and degradable claims	28/01/2019	CAL
ENQ0522448	Organic claims	1/02/2019	NFA
ENQ0523402	Compostable claims	22/02/2019	NFA
ENQ0523437	Organic claims	24/02/2019	NFA

Number	Key term	Date Received	Action taken
ENQ0524052	Free-range claims	5/03/2019	IPTT
ENQ0524325	Environmental impact of production	11/03/2019	IPTT
ENQ0524409	Merino clothing - chemicals	19/03/2019	NFA
ENQ0524728	Compostable claims	27/03/2019	IPTT
ENQ0525192	Certified organic claims	18/04/2019	NFA
ENQ0526024	Organic claims	3/05/2019	NFA
ENQ0526397	Electric vehicles	15/05/2019	NFA
ENQ0526407	Electric vehicles	16/05/2019	NFA
ENQ0526906	Organic claims and health benefits	14/06/2019	NFA
ENQ0527009	Environmentally friendly claims	14/06/2019	Added to demand
ENQ0527164	Organic claims	20/06/2019	NFA
ENQ0527281	Plastic - packaging	23/06/2019	NFA
ENQ0527553	Certified organic claims	12/06/2019	NFA
ENQ0527719	Electricity generation from renewable resources	21/06/2019	IPTT
ENQ0527750	Plastic bag free claims	22/06/2019	NFA
ENQ0527780	Recycling claims	30/06/2019	IPTT
ENQ0527811	Biodegradable claims	1/07/2019	NFA
ENQ0527838	Plastic composition	2/07/2019	NFA
ENQ0527843	Free-range claims	30/06/2019	IPTT
ENQ0527853	Recyclable claims	2/07/2019	Ongoing
ENQ0528029	Plastic bag free claims	7/07/2019	NFA
ENQ0528151	Sustainability claims	4/07/2019	NFA

Number	Key term	Date Received	Action taken
ENQ0528296	Electricity generation from renewable resources	9/07/2019	IPTT
ENQ0528560	Recycling claims	13/07/2019	NFA
ENQ0528905	Compostable claims	30/07/2019	NFA
ENQ0529076	Organic claims	5/08/2019	NFA
ENQ0529112	Electricity generation from renewable resources	5/08/2019	IPTT
ENQ0529267	Organic claims	9/08/2019	NFA
ENQ0529377	Compostable claims	13/08/2019	Added to demand
ENQ0529445	Biodegradable claims	3/03/2019	NFA
ENQ0529589	Plastic bag use	16/08/2019	NFA
ENQ0529738	Biodegradable claims	30/09/2018	NFA
ENQ0529866	Certification claims	23/08/2019	CAL
ENQ0529895	Recyclable claims	6/08/2019	NFA
ENQ0530124	Recyclable claims	29/08/2019	IPTT
ENQ0530130	Organic claims	29/08/2019	IPTT
ENQ0530177	Organic claims	30/08/2019	Warning Letter
ENQ0530695	Composition claims	11/09/2019	IPTT
ENQ0530698	Compostable claims	12/09/2019	CAL
ENQ0531505	Biodegradable claims	4/10/2019	NFA
ENQ0531868	Biodegradable claims	15/10/2019	NFA
ENQ0532069	Composition claims	17/10/2019	IPTT
ENQ0532368	Saving plastic claims	22/10/2019	NFA
ENQ0532521	Eco-friendly claims	3/11/2019	NFA
ENQ0532627	Composition claims	6/11/2019	CAL

Number	Key term	Date Received	Action taken
ENQ0532792	Composition claims	11/03/2019	IPTT
ENQ0532808	Electricity generation from renewable resources	11/11/2019	IPTT
ENQ0533051	Product made from renewable resources	11/11/2019	NFA
ENQ0533408	Organic claims	1/12/2019	NFA
ENQ0533670	Organic claims	5/12/2019	NFA
ENQ0534399	Compostable claims	30/12/2019	CAL
ENQ0535162	Biodegradable claims	20/12/2019	NFA

2020

Number	Key term	Date Received	Action taken
ENQ0535397	Recycling claims	3/02/2020	Warning Letter
ENQ0535965	Degradable claims	19/02/2020	NFA
ENQ0536059	Composition claims	23/02/2020	NFA
ENQ0536117	Composition claims	25/02/2020	NFA
ENQ0536209	Organic claims	13/02/2020	NFA
ENQ0536251	Biodegradable claims	26/02/2020	NFA
ENQ0536348	Environmental claims	11/02/2020	IPTT
ENQ0536395	Organic claims	29/02/2020	NFA
ENQ0536570	Organic claims	5/03/2020	NFA
ENQ0536752	Organic claims	11/03/2020	NFA
ENQ0536933	Biodegradable claims	11/03/2020	IPTT
ENQ0536991	Sustainable building product	19/03/2020	NFA
ENQ0537276	Ethical and sustainable clothing	29/03/2020	NFA
ENQ0537546	Environmental home certification	3/04/2020	NFA

Number	Key term	Date Received	Action taken
ENQ0537784	Environmental home certification	7/04/2020	NFA
ENQ0538485	Compostable soft plastic	22/04/2020	Added to demand
ENQ0538579	Cruelty-free shampoo	24/04/2020	NFA
ENQ0538747	Organic claims	28/04/2020	IPTT
ENQ0539027	Organic claims	4/05/2020	IPTT
ENQ0539705	Biodegradable claims	16/05/2020	NFA
ENQ0539877	Palm oil free	20/05/2020	NFA
ENQ0540069	Plastic	24/05/2020	NFA
ENQ0540509	Cage-free eggs	26/05/2020	NFA
ENQ0540966	Natural ingredients claims	11/06/2020	NFA
ENQ0541070	Ethical investment	11/06/2020	NFA
ENQ0541146	Soft plastic recycling	15/06/2020	NFA
ENQ0541230	Degradable certification claims	4/06/2020	NFA
ENQ0541372	Organic certification claims	18/06/2020	NFA
ENQ0541392	Eco-friendly claims	18/06/2020	NFA
ENQ0541502	Flushable claims	21/06/2020	IPTT
ENQ0541631	Greenwashing	24/06/2020	IPTT
ENQ0541957	Carbon off-sets	1/07/2020	NFA
ENQ0542201	Chemical free claims	7/07/2020	NFA
ENQ0542264	Recycling claims	8/07/2020	IPTT
ENQ0542377	Environmental claims	10/07/2020	NFA
ENQ0542399	Environmental ratings	12/07/2020	IPTT
ENQ0542689	Environmentally friendly claims	20/07/2020	IPTT
ENQ0542806	Certified organic claims	22/07/2020	NFA
ENQ0542859	Environmentally friendly claims	24/07/2020	NFA

Number	Key term	Date Received	Action taken
ENQ0543186	Compostable and recyclable claims	31/07/2020	NFA
ENQ0543226	Biodegradable claims	3/08/2020	IPTT
ENQ0543239	Biodegradable claims	3/08/2020	Added to demand
ENQ0543377	Environmental claims	4/08/2020	Added to demand
ENQ0543925	Renewable resources / plastic lined packaging	21/08/2020	NFA
ENQ0544234	Electricity greenwashing	28/08/2020	NFA
ENQ0544518	Organic and natural claims	2/09/2020	CAL
ENQ0545121	Biodegradable claims	12/09/2020	IPTT
ENQ0545353	Organic claims	11/09/2020	NFA
ENQ0545454	100% natural claims	18/09/2020	NFA
ENQ0545684	Organic claims	21/09/2020	Added to demand
ENQ0546030	Natural composition	30/09/2020	IPTT
ENQ0546403	Recyclable claims	10/10/2020	NFA
ENQ0546496	Free-range claims	13/10/2020	NFA
ENQ0546634	Eco-friendly claims	15/10/2020	Added to demand
ENQ0546801	Sustainable cotton	15/10/2020	Added to demand
ENQ0547226	Sustainability claims	30/10/2020	NFA
ENQ0547233	Certification claims	30/10/2020	NFA
ENQ0547474	Environmental impact claims	2/11/2020	CAL
ENQ0547640	Compostable certification claims	7/11/2020	IPTT
ENQ0548337	Composition claims	27/11/2020	NFA

2021

Number	Key term	Date Received	Action taken
ENQ0549608	Recycling claims	10/01/2021	NFA
ENQ0549638	Organic claims	11/01/2021	NFA
ENQ0549958	Environmental claims	19/01/2021	Added to demand
ENQ0549999	Plastic bag free claims	20/01/2021	Added to demand
ENQ0551072	Recycling claims	16/02/2021	NFA
ENQ0551984	Organic claims	10/03/2021	NFA
ENQ0552042	Environmentally friendly claims	12/03/2021	NFA
ENQ0552321	Recycling claims	18/03/2021	Ongoing
ENQ0552609	Air purifying claims	27/03/2021	NFA
ENQ0552673	Electricity greenwashing	29/03/2021	FAB
ENQ0553435	Organic claims	16/04/2021	NFA
ENQ0553676	Organic claims	28/04/2021	NFA
ENQ0554358	Disposal Claims	18/05/2021	NFA
ENQ0554406	Sustainability claims	19/05/2021	Added to demand
ENQ0555839	Recycling	01/07/2021	NFA
ENQ0556322	Environmentally friendly	05/07/2021	IPTT
ENQ0556326	Recyclable	19/07/2021	NFA
ENQ0556463	Zero waste	24/07/2021	NFA
ENQ0556747	Carbon	29/07/2022	NFA
ENQ0556762	Organic	03/08/2022	NFA
ENQ0557128	Eco-friendly	12/08/2021	NFA
ENQ0557329	Sustainable	18/08/2021	Add to demand
ENQ0557667	Biodegradable	27/08/2021	Add to demand

Number	Key term	Date Received	Action taken
ENQ0557981	Packaging	4/09/2021	NFA
ENQ0558020	Biodegradable	6/09/2021	NFA
ENQ0558135	Organic	9/09/2021	NFA
ENQ0558207	Biodegradable	13/09/2021	IPTT
ENQ0558319	Plastic	14/09/2021	IPTT
ENQ0558567	Recycling	22/09/2021	NFA
ENQ0558597	Packaging	23/09/2021	NFA
ENQ0558881	Sustainable	2/10/2021	NFA
ENQ0559141	Organic	14/10/2021	NFA
ENQ0559741	Plastics	3/11/2021	NFA
ENQ0559910	Sustainability claims	10/11/2021	NFA
ENQ0560337	Organic	23/11/2021	NFA
ENQ0560534	Biodegradable	30/11/2021	IPTT
ENQ0560858	Renewable	9/12/2021	Add to project
ENQ0561313	Organic claims	26/12/2021	NFA

2022

Number	Key Term	Date Received	Action taken
ENQ0561982	Plastic representations	27/01/2022	NFA
ENQ0563027	Environmentally friendly	4/03/2022	IPTT
ENQ0563338	Eco friendly	11/03/2022	NFA
ENQ0564076	Biodegradable	5/04/2022	NFA
ENQ0564107	Compostable	6/04/2022	NFA
ENQ0564130	Flushable representations	6/04/2022	NFA
ENQ0565417	Recyclability representations	20/05/2022	Ongoing
ENQ0566045	Organic	14/06/2022	Ongoing