

27 June 2019

Daniel Ryan

By email only: fyi-request-10008-bfbd4a7b@requests.fyi.org.nz

Dear Mr Ryan,

Official Information Act #18.210 - Health Claims

1. We refer to your request received on 30 May 2019 for information you believe may have been missing from our OIA response OIA 18.187 on 29 May 2018, specifically:
 - 1.1 a complaint received by the Commerce Commission (Commission) during the past twelve months¹ about 'SleepDrops' which refers to health claims; and
 - 1.2 any other complaints which may not have been caught in OIA 18.187 using the keywords: "cure, treat, therapeutic, therapy, remedy etc."
2. On 5 June 2019, we advised you that:
 - 2.1 "remedy" and "treat" did not return any results for release;²
 - 2.2 "cure", "therapy" and "therapeutic" returned eight results relevant to your request for release;³
 - 2.3 we had added the terms "curing", "treatment", "medicinal", "healing" and "relief" which returned seven results relevant to your request for release;⁴ and
 - 2.4 we had also added the terms "restore", "curative", "heal", "restoration", "remedial treatment", "relieving" and "corrective" which did not return any results relevant to your request.
3. We noted that some of the search terms return the same complaints as other terms, and invited you consider whether there were additional or alternate search terms which better reflected the information you are seeking

¹ We have treated this as the period from 30 May 2018 to 30 May 2019.

² "Remedy" returned one complaint which is relevant to your request but not eligible for release (see paragraph [9]), "treat" did not return any complaints relevant to your request.

³ "Cure", "therapy" and "therapeutic" returned two complaints which are relevant to your request but not eligible for release (see paragraph [9]).

⁴ "Curing" and "relief" returned two complaints which are relevant to your request but not eligible for release (see paragraph [9]).

4. On 10 June 2019, in response to our email of 5 June 2019, you advised that you were happy with the keywords at paragraphs [2.2] and [2.3] above.
5. We have treated this as a request for information under the Official Information Act 1982 (OIA).

Our response

6. We have decided to grant your request.
7. We have provided summaries of 14 complaints and 1 general enquiry returned by the keywords at paragraphs [2.2] and [2.3] above. This includes two complaints about 'SleepDrops', as per paragraph [1.1] above (including your complaint, ENQ0519634) . These are in **Attachment A**.
8. We have prepared summaries of the complaints pursuant to section 16(1)(e) of the OIA, to protect the privacy of natural persons under section 9(2)(a) of the OIA. We have not summarised your complaint, ENQ0519634.
9. We have withheld three complaints which are still subject to assessment by the Commission (as per paragraph [5] to [11] of our letter dated 29 May 2019) under section 6(c) of the OIA, to prevent prejudice to the maintenance of the law. These complaints are:

| Complaint number | Date received | Keyword(s) |
|------------------|---------------|----------------------------------|
| ENQ0519282 | 23/10/2018 | "Cure", "therapy", "therapeutic" |
| ENQ0526460 | 12/05/2019 | "Remedy", "Cure", "Curing" |
| ENQ0525801 | 15/05/2019 | "Relief" |

10. 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.
11. Please note the Commission may publish this response to your request on our website. Your personal details will be redacted from any published response.
12. If you have any questions in regards to this request, please do not hesitate to contact us at uia@comcom.govt.nz.

Yours sincerely

Mary Sheppard
OIA Coordinator