

26 September 2018

Yang Li

Via FYI: [fyi-request-8547-f6018f40@requests.fyi.org.nz](mailto:fyi-request-8547-f6018f40@requests.fyi.org.nz)

Dear Mr Li

### **Official Information Act #18.046 Homeopathic Products**

1. We refer to your request made under the Official Information Act 1982 of 29 August 2018 for the following information:
  - 1.1. The number of complaints received by the Commerce Commission (Commission) relating to homeopathic products, between 16 March 2017 and 22 August 2018;
  - 1.2. the number of self-initiated investigations made by the Commission into homeopathic products, between 16 March 2017 and 22 August 2018;
  - 1.3. the names of the parties complained about or investigated between 16 March 2012 and 16 August 2018, and the specific claims made that triggered the complaint or investigation; and
  - 1.4. the action and corresponding outcome taken in relation to each of the complaints or investigations made between 16 March 2012 and 16 August 2018.
2. We have treated this as a request for information under the Official Information Act 1982 (OIA).
3. In our letter sent to you on 28 August 2018, we requested that you reduce the scope of your initial request (made on 22 August 2018), in consideration of the fact that we have already provided substantially similar information in a prior OIA response (#16.133).
4. On 29 August, you agreed to the changes proposed in our letter. Accordingly, this response should be read alongside OIA response #16.133, which is publically available at <https://fyi.org.nz/request/5560-homeopathic-products-fair-trading#incoming-18724>

### The Commission's complaints screening process

5. When a consumer contacts the Commission with a complaint or enquiry about a trader, this is logged in the Commission's database.
6. The Commission receives thousands of complaints every year. Each complaint is initially assessed by the Enquiries Team on the basis of the information provided. When conducting the initial assessment, the Enquiries Team considers:
  - 6.1. the likelihood of a breach of the relevant legislation (Fair Trading Act 1986, Credit Contracts and Consumer Finance Act 2003, and the Commerce Act 1986);
  - 6.2. the Commission's Enforcement Response Guidelines;<sup>1</sup> and
  - 6.3. the Commission's strategic priorities and resourcing constraints.
7. The Commission has the power to act on complaints, but is not required to take action in relation to all possible breaches of the legislation that we enforce.
8. In determining whether to act on a complaint, the Commission applies a set of publically available enforcement criteria.<sup>2</sup> These criteria take into account the public interest, the seriousness of the conduct, the extent of the detriment and the Commission's resources.
9. If a complaint is deemed to meet certain criteria, it is considered and reviewed by a panel of managers from within the Competition and Consumer Branch. The panel decides which complaints are to be prioritised for further consideration.
10. This process enables us to identify complaints that best reflect our current enforcement priorities. The outcomes of the process are not final and we may revisit any complaint at a later stage, should we wish to reconsider the issues it presents.

### Our response

11. We have decided to grant your request.
12. We searched our complaints databases using the following keywords: "*homeopathy*", "*homeopathic*", and "*homeopath*", within the two periods specified at paragraphs 1.1 to 1.4 above.
13. The Commission has received **1** complaint relating to homeopathic products between 16 March 2017 and 22 August 2018.
14. The Commission has not made any investigations into homeopathic products since 16 March 2017; self-initiated or otherwise.

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<sup>1</sup> <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-response-guidelines/>

<sup>2</sup> <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-criteria/>

15. **Attachment A** contains details of all complaints about homeopathic products received between 16 March 2012 and 16 August 2018, including: the relevant trader(s), the reason for each complaint, and the outcome of each complaint.
16. 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.
17. Please note the Commission intends to publish this response to your request on its website. Personal details will be redacted from the published response.
18. If you have any questions in regards to this request, please do not hesitate to contact us at [uia@comcom.govt.nz](mailto:uia@comcom.govt.nz)

Yours sincerely



Rosie Brown  
OIA Coordinator

Released under the Official Information Act 1982