

Consumer Complaints Disclosure Standard 2025

Decisions and Reasons Paper

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Associated documents

Publication date	ISBN	Title
23 December 2024	978-1-99-133216-5	Draft consumer complaints disclosure standard
23 December 2024	978-1-99-133217-2	Draft reasons paper
29 August 2025	978-1-99-133294-3	Consumer Complaints Disclosure Standard 2025

Commerce Commission
Wellington, New Zealand

List of defined terms

2024 consumer survey	The New Zealand Consumer Survey 2024
Act	Grocery Industry Competition Act 2023
Commission	Commerce Commission
Disclosure Standard	Consumer Complaints Disclosure Standard 2025
Foodstuffs	Foodstuffs North Island Limited and Foodstuffs South Island Limited
Foodstuffs North Island or FSNi	Foodstuffs North Island Limited
Foodstuffs South Island or FSSI	Foodstuffs South Island Limited
Main RGRs	Foodstuffs North Island, Foodstuffs South Island, and Woolworths New Zealand
MBIE	Ministry of Business, Innovation, and Employment
Grocery market study	Market study into the retail grocery sector conducted by the Commerce Commission under the Commerce Act 1986. The final report of the Market Study was published 8 March 2022.
RGR	Regulated grocery retailer, as defined in section 26 of the Act. Section 26 currently defines “regulated grocery retailer” as: (a) Foodstuffs North Island Limited: (b) Foodstuffs South Island Limited: (c) Woolworths New Zealand: (d) a person that is designated as a regulated grocery retailer under section 27: (e) a person that is any of the following in relation to a person (A) referred to in paragraphs (a) to (d): (i) a person that is an interconnected body corporate of A: (ii) a person that is a successor to A: (iii) a person that is a franchisee of A: (iv) a person that is a transacting shareholder of A.
Unit pricing regulations	Consumer Information Standards (Unit Pricing for Grocery Products) Regulations 2023
Woolworths New Zealand or WWNZ	Woolworths New Zealand Limited

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Executive summary

- X1 Groceries are an essential purchase and a major expense for most New Zealand households. The Commerce Commission (the **Commission**) has a role under the Grocery Industry Competition Act 2023 (the **Act**) to promote competition in this industry.
- X2 In a competitive grocery industry, we would expect retailers to seek to gain and retain consumers by:
- X2.1 competing across various combinations of price, quality, range and service;
 - X2.2 actively monitoring complaints and acting to resolve any underlying issues;
and
 - X2.3 offering refund policies and prominently promoting them.
- X3 However, as noted in our Annual Grocery Reports, competition in New Zealand's grocery industry is limited and muted and no major improvements to overall competition have occurred.¹ Consumers suffer from this limited competition.
- X4 The Act allows for the Commission to issue disclosure standards, a tool that compels specified parties to supply information to the Commission (among other things), for the purposes of enabling the Commission to monitor competition and efficiency in the grocery industry and to ensure that sufficient information is readily available to the Commission to assess whether the purpose of the Act is being met.² The Act expressly provides that a disclosure standard may deal with, or otherwise relate to, the number and details of complaints received from consumers.³
- X5 The Commission has developed the Consumer Complaints Disclosure Standard 2025 (the **Disclosure Standard**) because we consider that disclosure of information about certain consumer complaints and refunds will assist us to monitor competition and efficiency in the grocery industry and ensure that we have sufficient information to assess whether the purpose of the Act is being met.
- X6 The Disclosure Standard will allow us to monitor two areas of particular concern – pricing integrity issues and promotional errors. It will also help monitor unit pricing which is a priority area.

¹ Commerce Commission “First Annual Grocery Report” (4 September 2024) at p. 5, https://comcom.govt.nz/_data/assets/pdf_file/0019/362305/Annual-Grocery-Report-2024.pdf; Commerce Commission “2024 Annual Grocery Report” (6 August 2025) at p. 7, https://comcom.govt.nz/_data/assets/pdf_file/0028/368047/Annual-Grocery-Report-2024-6-August-2025-.pdf.

² See section 192 for the criteria for issuing a disclosure standard. The purpose of the Act is to promote competition and efficiency in the grocery industry for the long-term benefit of consumers in New Zealand.

³ Section 194(1)(a)(xi).

- X7 The Disclosure Standard is published alongside this Decisions and Reasons Paper.
- X8 The key features of the Disclosure Standard are as follows:
- X8.1 It applies to the three RGRs as defined in the Act—Foodstuffs North Island, Foodstuffs South Island, Woolworths New Zealand (the **main RGRs**)—as well as their franchisees, interconnected bodies corporate and transacting shareholders.⁴ The focus is on the New World, Pak’nSave and Woolworths/Countdown banners.
 - X8.2 The scope of complaints covered is limited to price integrity issues, promotional errors and unit pricing.
 - X8.3 Disaggregated store-level information must be disclosed by the main RGRs to the Commission on a six-monthly basis regarding:⁵
 - X8.3.1 the number of consumer complaints per month by retail store and by category; and
 - X8.3.2 the number and value of refunds made under a pricing integrity refund policy per month by retail store.
 - X8.4 Copies of the RGR’s price integrity refund policies for the New World, Pak’nSave and Woolworths/Countdown banners must be published online and disclosed to the Commission. A one-page overview of the price integrity refund policies must be displayed in New World, Pak’nSave and Woolworths/Countdown retail stores.
 - X8.5 Information on consumer complaints and pricing integrity refunds issued must be recorded and retained.
- X9 We consider that the Disclosure Standard will assist the Commission to better monitor competition and efficiency in the grocery industry by enabling it to:
- X9.1 track the types and trends of complaints that consumers are making to the RGRs and how RGRs are responding to the complaints;
 - X9.2 monitor the RGRs’ establishment and maintenance of systems and processes for accurately and reliably recording and categorising customer complaints;
 - X9.3 compare the pricing integrity refund policies offered by each RGR (under their respective banners) and determine whether the RGRs’ policies are being adequately promoted to consumers; and

⁴ It also applies to any person that is designated as an RGR under section 27 of the Act, and the successors of the main RGRs or a person designated as an RGR under section 27.

⁵ With the exception of the interim disclosure, which must be provided based on three months’ worth of data. See para X12 below.

- X9.4 compare the service quality of the shopping experience provided by each RGR as related to price integrity, promotional error and unit pricing.
- X10 We want to ensure that the process put in place by the RGRs to record consumer complaints and refunds under this Disclosure Standard does not have unintended consequences that may impact on consumers' in-store experience and willingness to raise a complaint or their ability to receive refunds. We expect that systems can be designed and implemented that make it easy for consumers to register their complaints in-store.
- X11 We will be closely monitoring and seeking regular updates from the RGRs on how they develop, implement and transition to new systems and processes to comply with this Disclosure Standard. We will intervene if unintended consequences are identified or if RGRs' interpretation of this Disclosure Standard is negatively impacting consumer experience. This could include proposing further amendments to the standard to set more prescriptive requirements if it would help improve the outcomes for consumers.
- X12 To assist with monitoring implementation of this Disclosure Standard we are requiring RGRs to provide an interim disclosure based on three months' worth of data from 1 April 2026 to 30 June 2026. This will allow us to get an indicative snapshot of data and to provide feedback to the RGRs rather than waiting for a full six months of data.

Chapter 1 Introduction

Purpose of Disclosure Standard and Decisions and Reasons Paper

- 1.1 The purpose of the Grocery Industry Competition Act 2023 (the **Act**) is to promote competition and efficiency in the grocery industry for the long-term benefit of consumers.⁶
- 1.2 The Act enables the Commerce Commission (the **Commission**) to issue a disclosure standard where the Commission is satisfied that the standard is necessary or desirable to enable the Commission to monitor competition and efficiency in the grocery industry and/or ensure that sufficient information is readily available to the Commission to assess whether the purpose of the Act is being met.
- 1.3 In a competitive grocery industry, we would expect retailers to seek to gain and retain consumers by:
 - 1.3.1 competing across various combinations of price, quality, range, and service;
 - 1.3.2 actively monitoring complaints and acting to resolve any underlying issues; and
 - 1.3.3 offering refund policies and prominently promoting them.
- 1.4 The purpose of this Consumer Complaints Disclosure Standard 2025 (the **Disclosure Standard**) is to provide the Commission with information to enable us to monitor the regulated grocery retailers' (the **RGRs**) activities regarding price integrity, promotional errors and unit pricing. This in turn assists us to monitor competition and efficiency in the grocery industry and ensures that information is readily available to us to assess whether the purpose of the Act is being met.
- 1.5 Accordingly, the Disclosure Standard requires RGRs to collect and disclose information on complaints and pricing integrity refunds issued. To support the Commission's monitoring function, the Disclosure Standard also proposes that the RGRs prominently publish and display their pricing integrity refund policies in store and on their websites.
- 1.6 These steps would assist the Commission to better monitor competition and efficiency in the grocery industry by enabling it to:
 - 1.6.1 track trends of complaints that consumers are making to the RGRs and how RGRs are responding to the complaints;

⁶ Section 3.

- 1.6.2 monitor the RGRs' establishment and maintenance of systems and processes for accurately and reliably recording and categorising customer complaints;
 - 1.6.3 compare the pricing integrity refund policies offered by each RGR (under their respective banners) and determine whether the policies are being adequately promoted to consumers; and
 - 1.6.4 compare the service quality of the shopping experience provided by each RGR as related to price integrity, promotional error and unit pricing.
- 1.7 The purpose of this Decisions and Reasons Paper is to explain our decisions and reasons for issuing the Disclosure Standard.⁷

Structure of Decisions and Reasons Paper

- 1.8 This Decisions and Reasons Paper has the following sections:
- 1.8.1 **Chapter 2 – Context for the Disclosure Standard** discusses the three complaint categories covered by the disclosure standard and the behaviour the Commission would expect to see in a competitive and efficient market in relation to customer complaints and refund policies.
 - 1.8.2 **Chapter 3 – Legal framework** outlines the Commission's power to issue disclosure standards under the Act and the process the Commission must follow when developing a disclosure standard.
 - 1.8.3 **Chapter 4 – Decisions and reasons** provides our reasoning for the content of the Disclosure Standard and how we have considered submissions.

Development of the Disclosure Standard

- 1.9 In July 2024, the Grocery Commissioner wrote to all three RGRs about our ongoing concerns around pricing integrity issues in their supermarkets and stated that we were considering establishing a disclosure standard.⁸

⁷ Section 193(2) requires the Commission to publish a statement of its reasons for issuing a disclosure standard.

⁸ The letters to each of the RGRs can be found at this link: <https://comcom.govt.nz/regulated-industries/grocery/grocery-updates?target=documents&root=361935>.

- 1.10 In that letter, the Commission stated that we would publish a discussion paper on a consumer complaints disclosure standard later in 2024. We chose to proceed directly to a draft Disclosure Standard as the issues surrounding the pricing and promotional practices of RGRs are well-known and the RGRs have known about our concerns for some time.⁹
- 1.11 On 23 December 2024, we published the Draft Consumer Complaints Disclosure Standard and Draft Decisions and Reasons Paper. The submission and subsequently cross-submission process was completed on 14 March 2025. All relevant documents and submissions can be found on the Commission’s dedicated webpage for the development of the Disclosure Standard.¹⁰
- 1.12 Having considered the submissions and cross-submissions, this final Decisions and Reasons Paper sets out our reasons for issuing the Disclosure Standard. The final Disclosure Standard has been published alongside this Decisions and Reasons Paper.
- 1.13 We have made some changes to the Disclosure Standard in response to the feedback, including narrowing the scope of complaints covered and providing additional time for RGRs to implement record keeping systems and processes. These changes are detailed in Chapter 4.
- 1.14 As the rational for the Disclosure Standard has not changed and no new requirements have been introduced since consulting on the draft Disclosure Standard, we have proceeded to issuing the final Disclosure Standard.
- 1.15 We would like to thank all those who participated in the process, including the RGRs, consumer representatives and groups, as well as members of the public. We appreciate the personal and professional insights and experiences shared with us.

Implementation

- 1.16 This Disclosure Standard has progressive implementation dates for the various requirements.

⁹ Commissioners wrote to RGRs and/or publicly stated in May 2023, October 2023 and July 2024 that pricing integrity concerns were a priority issue. In December 2023, the Commission launched investigations under the Fair Trading Act 1986 into all three RGRs’ promotional and pricing practices.

¹⁰ Commerce Commission “Consumer Complaints Disclosure Standard” (accessed 20 August 2025), <https://comcom.govt.nz/regulated-industries/grocery/consumer-complaints-disclosure-standard?target=documents&root=363967>.

Table 1.1 Implementation dates

Requirement	Date
RGRs disclose their pricing integrity refund policies to the Commission	By 12 September 2025
RGRs publish their pricing integrity refund policies on their websites	
RGRs display an overview of their pricing integrity refund policies in New World, Pak'nSave, and Woolworths/Countdown stores	By 29 September 2025
RGRs must keep records of consumer complaints received and pricing integrity refunds issued	From 1 April 2026
First recording period	1 April 2026 – 30 June 2026
RGRs disclose information on consumer complaints and refunds for the first recording period to the Commission	By 31 July 2026
Second recording period	1 July 2026 – 31 December 2026
RGRs disclose information on consumer complaints and refunds for the second recording period to the Commission	By 31 January 2027

Chapter 2 Context for the Disclosure Standard

- 2.1 Groceries are an essential purchase and a major expense for most households. The New Zealand retail grocery industry is highly concentrated among the RGRs, meaning most New Zealanders will purchase groceries from a RGR (either online or at a brick-and-mortar store).¹¹
- 2.2 We would expect businesses in a competitive market to actively monitor complaints and act to resolve the underlying issues, as the business would fear losing customers to their competitors if it failed to do so. We would also expect to see competition in the way customers are compensated for poor quality or for pricing integrity issues to generate goodwill, thereby enabling the business to retain affected customers.

Complaints are a helpful source of information

- 2.3 Complaints are only one source of information amongst many other measures we monitor for trends and insights. Complaints may shed light on, and enable us to better monitor, competition and efficiency in the grocery industry (including whether competition is delivering improved benefits to consumers) and whether the purpose of the Act is being met. The number and type of complaints made by consumers is one indicator of how well competition is performing in a market.¹² Information on complaints will assist us to identify trends and issues and provide a benchmark against which we can assess the effectiveness of internal compliance processes and improvements for the benefit of customers.

However, the RGRs may not be effectively capturing them

- 2.4 We have information that shows the RGRs' systems and processes for recording complaints (particularly store-level complaints) across their full business are incomplete and inconsistent.

¹¹ RGRs' national market share remained high and stable at 82% between 2023 and 2024. See Commerce Commission "2024 Annual Grocery Report" (6 August 2025) at p. 57, https://comcom.govt.nz/_data/assets/pdf_file/0028/368047/Annual-Grocery-Report-2024-6-August-2025-.pdf.

¹² This was noted in our recommendations relating to the collection of information to support a review of competition. Commerce Commission "Market Study into the retail grocery sector – final report" (8 March 2022) at para 9.276, https://comcom.govt.nz/_data/assets/pdf_file/0024/278403/Market-Study-into-the-retail-grocery-sector-Final-report-8-March-2022.pdf.

- 2.5 In response to the July 2024 letters from the Grocery Commissioner, all RGRs referred to work underway to improve complaints systems and processes and reaffirmed their commitment to capturing robust complaint information.¹³ More recently, Foodstuffs North Island and Foodstuffs South Island jointly stated they have deployed considerable resources to comprehensively record complaints relating to pricing integrity and promotional errors.¹⁴ This includes improving team training regarding these processes. WWNZ also states it has prioritised work to improve complaints handling solutions for pricing integrity and promotional errors.¹⁵ This includes recently appointing a new Head of Price Integrity.
- 2.6 While this suggests positive progress, we consider it necessary and desirable to monitor this element of the grocery industry. This ensures we continue to improve the information available to track competition and efficiency in the grocery industry for the long-term benefit of consumers in New Zealand.

Informed consumers help influence competition

- 2.7 When purchasing groceries, consumers will be presented with product prices on the shelf or via the online store or in promotional materials (eg, brochures), make a choice of what products to purchase, and then proceed to the checkout to pay.
- 2.7.1 We refer to instances where the displayed or otherwise advertised price does not match the price at the point of sale as a pricing integrity issue.
- 2.7.2 Circumstances where there is an issue with a promotion, but the issue doesn't relate to pricing integrity or unit pricing are referred to as a promotional error. Examples include instances where a multibuy is not cheaper than the price of multiple individual products or where the promotional price is not cheaper than the non-promotional price.
- 2.7.3 Instances where unit pricing is not displayed or its format is incorrect are referred to as a unit pricing issue.

¹³ The RGRs' responses to the letter can be found at this link: <https://comcom.govt.nz/regulated-industries/grocery/grocery-updates?target=documents&root=361935>.

¹⁴ Foodstuffs North Island and South Island "Draft Consumer Complaints Disclosure Standard – Foodstuffs' Submission" (19 February 2025) at p. 5, https://comcom.govt.nz/_data/assets/pdf_file/0029/364664/Foodstuffs-North-Island-and-South-Island-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-19-February-2025.pdf.

¹⁵ Woolworths New Zealand "Woolworths New Zealand Limited's submission on the New Zealand Commerce Commission's Draft Consumer Complaints Disclosure Standard and Draft Reasons Paper" (21 February 2025) at p. 12, https://comcom.govt.nz/_data/assets/pdf_file/0031/364666/Woolworths-New-Zealand-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-21-February-2025.pdf.

- 2.8 When there is a lack of competition in a market, consumers in the market suffer in terms of poorer price, service, quality and range. In an industry with limited competition like the retail grocery industry, companies have weaker incentives to compete for business by improving consumer outcomes.
- 2.9 Competition works better when consumers can easily compare offers and make informed purchasing decisions that best satisfy their needs. Consumers who actively shop around incentivise businesses to offer products or services at a price and level of quality that meets consumer preferences. The integrity of a retailer's pricing and promotions, and adherence to unit pricing standards are therefore a key driver of consumer confidence and competition.

Ongoing pricing integrity issues and promotional errors

- 2.10 While complaints can cover a wide raft of issues from the shopping experience, products themselves, pricing errors, collectable campaigns, staff interactions and more, we have identified particular issues around pricing integrity and promotional errors.

Concerns raised by consumers

- 2.11 The Commission's market study into the retail grocery sector (the **grocery market study**) noted that consumers have raised concerns relating to pricing inaccuracies and potentially misleading promotional practices.¹⁶ For instance:
- 2.11.1 In the 15-month period from 1 November 2020 to 31 January 2022, the Commission received 181 complaints making allegations about supermarket promotions and 218 complaints making allegations about price inaccuracies.¹⁷
- 2.11.2 The grocery market study received approximately 200 responses to its consumer survey which discussed concerns relating to perceived consistency of prices between advertisements, in-store shelf prices, and checkout prices.¹⁸

¹⁶ Commerce Commission "Market Study into the retail grocery sector – final report" (8 March 2022) at para 7.196, https://comcom.govt.nz/_data/assets/pdf_file/0024/278403/Market-Study-into-the-retail-grocery-sector-Final-report-8-March-2022.pdf.

¹⁷ Commerce Commission "Market Study into the retail grocery sector – final report" (8 March 2022) at paras 7.202 and 7.208, https://comcom.govt.nz/_data/assets/pdf_file/0024/278403/Market-Study-into-the-retail-grocery-sector-Final-report-8-March-2022.pdf.

¹⁸ Commerce Commission "Market Study into the retail grocery sector – final report" (8 March 2022) at para E172.3, https://comcom.govt.nz/_data/assets/pdf_file/0024/278403/Market-Study-into-the-retail-grocery-sector-Final-report-8-March-2022.pdf.

- 2.12 Consumer NZ ran a dodgy supermarket “specials” campaign from September 2022 until June 2023, which it reported as finding over:¹⁹
- 2.12.1 50 cases where it was alleged that the shelf pricing did not match the price the customer was charged at the checkout;
 - 2.12.2 75 cases where it was alleged that a “special” did not save shoppers money; and
 - 2.12.3 15 cases where it was alleged that a multibuy was misleading (ie, the products would have been cheaper if bought individually).
- 2.13 Based on these findings, Consumer NZ lodged a complaint with the Commission in July 2023.²⁰ In July 2025, Consumer NZ launched the ‘Price it Right’ campaign, urging the Government to crack down on misleading supermarket pricing practices.²¹ Consumer NZ’s consumer research found that 62% of New Zealanders noticed pricing errors at the supermarket. To support the campaign, Consumer NZ created a public petition calling for accurate supermarket pricing and a mandatory supermarket pricing accuracy code. The petition was signed by 25,000 people and presented to the Hon Nicola Willis, Minister for Economic Growth, in August 2025.²²

¹⁹ Consumer NZ “Consumer NZ: So-called supermarket ‘specials’ uncovered” (6 April 2023), <https://www.consumer.org.nz/articles/consumer-nz-so-called-supermarket-specials-uncovered-3756>.

²⁰ Consumer NZ “Consumer NZ has lodged a complaint with the Commerce Commission, asking it to investigate Woolworths and Foodstuffs stores for potential breaches of the Fair Trading Act” (3 August 2023), <https://www.consumer.org.nz/articles/consumer-nz-has-lodged-a-complaint-with-the-commerce-commission-about-potential-breaches-of-the-fair-trading-act-at-supermarkets>.

²¹ Consumer NZ “Price it right: Consumer NZ launches campaign to stop misleading supermarket pricing” (22 July 2025), <https://www.consumer.org.nz/articles/price-it-right-consumer-nz-launches-campaign-to-stop-misleading-supermarket-pricing>.

²² Radio NZ “Coalition accepts Consumer NZ’s ‘Price it Right’ supermarket petition” (19 August 2025), <https://www.rnz.co.nz/news/political/570426/coalition-accepts-consumer-nz-s-price-it-right-supermarket-petition>.

- 2.14 The New Zealand Consumer Survey 2024 (the **2024 consumer survey**)—the fifth such biennial consumer survey—was undertaken as a collaboration between the Commission and the Ministry of Business, Innovation, and Employment (**MBIE**).²³ The survey indicated that pricing inaccuracy was the second most common issue reported for the grocery industry (product and service quality being first). The survey found that 39% of issues reported about grocery retailers were about pricing inaccuracies—the highest incidence of pricing inaccuracies among all industries covered by the survey.²⁴ Furthermore, the survey found that 65% of consumers question grocery retailers’ promotional pricing.²⁵
- 2.15 The Commission has continued to receive complaints from consumers regarding price differences between the shelf and the checkout. For the period May 2024 to January 2025, the primary issue raised in 56% of all grocery-related concerns in consumer complaints received by the Commission was the alleged price difference between the advertised or shelf label price and the price charged at the point of sale.^{26, 27}

Investigations under the Fair Trading Act

- 2.16 In December 2023, the Commission launched investigations under the Fair Trading Act 1986 into all three RGRs’ promotional and pricing practices.
- 2.17 In March 2025, we announced that the two Pak’nSave stores (Silverdale and Mill Street) were now facing criminal charges laid under the Fair Trading Act for alleged pricing inaccuracies and misleading specials. The Pak’nSave stores have already pleaded guilty to some of the charges.²⁸ In May 2025, similar charges were also laid under the Fair Trading Act against WWNZ.²⁹ Those litigation matters are ongoing. Other investigations concerning supermarket operators under the Fair Trading Act are in train.

²³ MBIE “NZ Consumer Survey 2024 Report” (July 2024), <https://www.mbie.govt.nz/dmsdocument/28961-new-zealand-consumer-survey-2024-survey-findings-pdf>.

²⁴ MBIE “NZ Consumer Survey 2024 Report” Figure 65 at p. 91.

²⁵ MBIE “NZ Consumer Survey 2024 Report” Figure 31 at p. 50.

²⁶ Commerce Commission “2024 Annual Grocery Report” (6 August 2025) at p. 107, https://comcom.govt.nz/_data/assets/pdf_file/0028/368047/Annual-Grocery-Report-2024-6-August-2025-.pdf.

²⁷ Of a total 913 complaints received by the Commission from 1 May 2024 to 31 January 2025, 511 complaints were about inaccurate pricing.

²⁸ 1News “Charges filed against two Pak’nSaves for ‘misleading specials’” (4 March 2025), <https://www.1news.co.nz/2025/03/04/charges-filed-against-two-paknsaves-for-misleading-specials/>.

²⁹ 1News “Charges filed against two Pak’nSaves for ‘misleading specials’” (4 March 2025), <https://www.1news.co.nz/2025/03/04/charges-filed-against-two-paknsaves-for-misleading-specials/>; and Stuff NZ “Criminal charges against Woolworths NZ filed by Commerce Commission” (6 May 2025), <https://www.stuff.co.nz/business/360679585/criminal-charges-against-woolworths-nz-filed-commerce-commission>.

Our expectations

- 2.18 In a competitive and efficient grocery industry, our expectation is that RGRs would have systems and processes in place to ensure accurate prices, that their staff would be adequately trained in them, and the RGRs would be systematically investing and tracking performance to ensure that any issues that do arise are addressed and systems and processes are improved upon.

Unit pricing regulations recently introduced

- 2.19 Unit pricing helps consumers compare the cost of similar grocery items through visibility of the price per standard unit of measurement, such as per gram or litre. It divides the price for total product amount, net of packaging, by the standard unit of measurement for that product type, giving consumers the ability to accurately compare pricing, such as comparing 1kg block of cheese at \$15.00 (unit price \$15/kg) to a 750g block of cheese at \$12 (unit price \$16/kg).
- 2.20 Consistent unit pricing can help consumers compare the price of goods within and between retailers. It also helps consumers to identify if buying a larger package is better value than multiple smaller sizes of the same product. Even when not directly comparing products and retailers, clear and accurate unit pricing information can help consumers to develop perceptions of value over time, which in turn helps them decide where to shop to best meet their needs.
- 2.21 RGRs were using unit pricing to some extent already. However, in response to the grocery market study's recommendation and as part of the 2023 grocery industry regulatory changes, the Government implemented mandatory unit pricing for grocery products by making the Consumer Information Standards (Unit Pricing for Grocery Products) Regulations 2023 (the **unit pricing regulations**) under the Fair Trading Act.³⁰
- 2.22 These unit pricing regulations require grocery retailers to display the unit price for goods clearly and legibly and at no less than 25 percent the size of the marked price.³¹ This is for both online and in-store prices. Physical stores had to comply by 31 August 2024 and online stores by 31 August 2025. The regulations apply to grocery retailers who meet the qualifying criteria.³²

³⁰ Cabinet minute "Mandatory unit pricing for grocery products" (23 November 2022), <https://www.mbie.govt.nz/dmsdocument/25857-mandatory-unitpricing-for-grocery-products-minute-of-decision-proactiverelase-pdf>.

³¹ Consumer Information Standards (Unit Pricing for Grocery Products) Regulations 2023.

³² For more information on unit pricing regulations, see the "Information for retailers – unit pricing" page on our website: <https://comcom.govt.nz/regulated-industries/grocery/information-for-retailers-unit-pricing>.

- 2.23 Survey results from March and April 2024 found that although most consumers believe their local grocery retailer displays clear and easy-to-read unit pricing, a significant minority (14%) disagree.³³

Refund policies help incentivise consumers

- 2.24 In a competitive grocery industry, we would expect retailers to offer refund policies to generate goodwill towards their customers and to help bring issues to their attention. We have observed that RGRs offer two different kinds of refund policies:
- 2.24.1 **pricing integrity refund policies:** policies for circumstances where the displayed or otherwise advertised price does not match the price charged; and
 - 2.24.2 **product quality refund policies:** policies for circumstances where customers are unhappy with the quality of products.
- 2.25 Ultimately, it is the RGRs' responsibility to ensure accuracy and integrity of pricing and promotional activities. However, customers can play a significant role in bringing issues to retailers' attention and they will be incentivised to bring issues forward if there is a benefit to them. As such, well-promoted and publicised refund policies empower customers to identify and raise issues with the retailers. The more generous the refund policy, the greater the incentive for customers to take time to report errors or issues. This is particularly important in the case of pricing integrity where issues may only become known when a customer proceeds to purchase a good (in comparison to product quality which may be more readily observable).
- 2.26 The existence of price integrity refund policies may also encourage more consumers to check for pricing accuracy and to complain. This in turn provides more feedback to RGRs on possible issues with their pricing and should, if RGRs then address underlying causes, lead to more accurate pricing. Conversely, ongoing issues may be masked if there is low awareness of refund policies or if the policies do not sufficiently incentivise customer vigilance and action with compensation for their time and effort.

RGRs' recent reactive approach to pricing integrity and refund policy concerns

- 2.27 All RGRs have policies to refund consumers when a customer is charged more than the advertised price. However, we are concerned that these policies are not always advertised clearly and prominently for consumers, which means that consumers may be unaware refunds are available.

³³ MBIE "NZ Consumer Survey 2024 Report" Figure 31 at p. 50, <https://www.mbie.govt.nz/dmsdocument/28961-new-zealand-consumer-survey-2024-survey-findings-pdf>.

- 2.28 We have communicated these concerns to the RGRs, including in our July 2024 letters and our draft Decisions and Reasons Paper. This has resulted in recent improvements to the visibility of these policies. For example:
- 2.28.1 Foodstuffs South Island's (**FSSI's**) pricing integrity refund policy was made available online in July 2025.³⁴
- 2.28.2 WWNZ now advertises its pricing integrity refund policy on digital screens inside Woolworths stores.³⁵
- 2.29 Similarly, we previously highlighted in the draft Decisions and Reasons Paper that FSNI's and FSSI's refund policy is to only refund the difference between the shelf/online price and the price charged.³⁶ By contrast, WWNZ (and Australian supermarkets) refund the full price of the mispriced item.^{37,38}
- 2.30 As of 1 July 2025, FSNI and FSSI have implemented new refund policies which now offer a full refund on mispriced items and allow customers to keep the mispriced item.³⁹ This is a positive development as Foodstuffs customers now receive the same refund benefits as WWNZ's and Australian supermarkets' customers.
- 2.31 If a customer notices a pricing integrity issue it takes time and effort to raise it with the retailer and seek resolution. Refunding the difference puts consumers into the position that they should have been. However, it neither accounts for the inconvenience to the consumer nor compensates for their time and effort. This is reflected in the feedback noted previously in the 2024 consumer survey. Those that did not take action over a pricing integrity issue noted apathy as the most common reason ("I couldn't be bothered" at 61% and "The product or service was not worth enough money for me to care" at 47%).⁴⁰

³⁴ Commerce Commission "2024 Annual Grocery Report" (6 August 2025) at p. 108, https://comcom.govt.nz/_data/assets/pdf_file/0028/368047/Annual-Grocery-Report-2024-6-August-2025-.pdf.

³⁵ Information provided by WWNZ.

³⁶ Commerce Commission "Consumer complaints disclosure standard - Draft reasons paper" (23 December 2024) at para 2.23, https://comcom.govt.nz/_data/assets/pdf_file/0029/363971/Consumer-complaints-disclosure-standard-draft-reasons-paper-23-December-2024.pdf.

³⁷ Subject to some exclusions such as liquor and tobacco products, or when the price exceeds a certain threshold (\$30 for Woolworths Australia and \$50 for Coles).

³⁸ Choice "Misleading pricing – what is it, and what are your rights?" (6 May 2024), <https://www.choice.com.au/shopping/consumer-rights-and-advice/your-rights/buying-guides/misleading-pricing>.

³⁹ The Post "Foodstuffs matches Woolworths' overcharging refund policy" (August 8 2025), <https://www.thepost.co.nz/business/360783830/foodstuffs-matches-woolworths-overcharging-refund-policy>.

⁴⁰ MBIE "NZ Consumer Survey 2024 Report" Figure 87 at p. 109, <https://www.mbie.govt.nz/dmsdocument/28961-new-zealand-consumer-survey-2024-survey-findings-pdf>.

- 2.32 Only refunding the differences may compensate some affected consumers (ie, those who observe the integrity issue and complain) but it does not create effective incentives for consumers to check prices and submit complaints such that pricing integrity issues are likely to reduce over time. This in turn may disincentivise the retailer from meeting its responsibility to maintain effective systems for monitoring pricing integrity and promotional errors.
- 2.33 As discussed above, we consider firms facing effective competition would be incentivised to ensure accurate pricing and promotion information is available to consumers. Offering appropriate compensation would also be effective in generating goodwill that enables the business to retain affected customers.

Disclosure Standard complements other legislative tools

- 2.34 The Disclosure Standard will enable the Commission to monitor competition and efficiency in the grocery industry, and will complement the Commission's tools and role in monitoring and investigating compliance with the Fair Trading Act (ie, pricing and promotion issues) and the unit pricing regulations by ensuring a consistent flow of data on issues and trends with pricing integrity in the grocery industry.

Chapter 3 Legal framework

Power to issue disclosure standards

- 3.1 The Commission may issue a disclosure standard where we are satisfied that the standard is necessary or desirable for either or both of the following purposes:
 - 3.1.1 to enable the Commission to monitor competition and efficiency in the grocery industry; and
 - 3.1.2 to ensure that sufficient information is readily available to the Commission to assess whether the purpose of this Act (to promote competition and efficiency in the grocery industry for the long-term benefit of consumers in New Zealand) is being met.
- 3.2 The Commission's issuing of disclosure standards supports its monitoring function under section 4 of the Act, the objective of which is to promote the purpose of the Act.⁴¹
- 3.3 We consider that the threshold for issuing a disclosure standard will be met where the standard would be likely to assist us in performing our function of monitoring competition and efficiency in the grocery industry and assessing whether the purpose of the Act is being met.

Subject matter of disclosure standards

- 3.4 Section 194 of the Act sets out a number of matters that a disclosure standard may deal with or otherwise relate to, including:
 - 3.4.1 the disclosure of information to the Commission about any matter in connection with the grocery industry, including the matters listed in section 194(1)(a) of the Act (which includes the number and details of complaints received from consumers, suppliers, wholesale customers, or other persons);
 - 3.4.2 assumptions, policies, and methodologies used or applied;
 - 3.4.3 the circumstances in which the information must be disclosed (eg, the frequency of disclosure, or requiring information to be disclosed on the occurrence of a specified event);
 - 3.4.4 requirements related to publishing, or otherwise making available, information to the Commission, other parties, or the public generally;
 - 3.4.5 requirements for certifying the information by statutory declaration or otherwise;

⁴¹ Section 4(2).

- 3.4.6 requirements for how the information must be provided;
- 3.4.7 requirements with which the information that is provided must comply; and
- 3.4.8 requirements relating to record keeping and retention of information (including methodologies that must be applied in recording information).

Process for issuing a disclosure standard

- 3.5 Under section 193(1) of the Act the Commission may use any process that it considers appropriate to develop a disclosure standard, but we must:
 - 3.5.1 publish a draft disclosure standard;
 - 3.5.2 publish a statement of our reasons for proposing to issue a disclosure standard; and
 - 3.5.3 consult the persons, or representatives of the persons, that we consider will be substantially affected by the disclosure standard.
- 3.6 After issuing the draft standard, section 193(2) requires the Commission to publish a statement of our reasons for issuing the disclosure standard.

Chapter 4 Decisions and reasons

- 4.1 This chapter details our reasons for issuing this Disclosure Standard and for the obligations it imposes on the grocery retailers. We also discuss submissions received on the draft Disclosure Standard and our draft reasons, and how we have considered these in our decisions.
- 4.2 This chapter is structured as follows:
 - 4.2.1 an explanation as to why we have proceeded to issue the final Disclosure Standard;
 - 4.2.2 an outline of who the Disclosure Standard applies to, the scope of complaints and refunds it relates to and certification requirements;
 - 4.2.3 a description of each proposed requirement, including the information to be disclosed and frequency of disclosure; and
 - 4.2.4 an overview of implementation timeframes.

Proceeding with the Disclosure Standard

Disclosure Standard will enable us to monitor competition and efficiency

- 4.3 In the draft, we said the Disclosure Standard would provide the Commission with information to support its monitoring of competition and efficiency in the grocery industry. This includes helping the Commission identify and understand current and emerging trends or issues related to consumer complaints. It would also ensure the Commission has sufficient information to assess whether the purpose of the Act is being met.
- 4.4 We noted that grocery retailers compete across various combinations of price, quality, range and service. Gathering statistics on consumer complaints would enable the Commission to monitor competition by the RGRs to meet consumers' preferences. Statistics on consumers' usage of RGRs' refund policies would assist us to assess how effectively customers are benefiting from improving competition in the grocery industry. The disclosure of information on the number and value of refunds by store policy would also allow us to compare the promotion of each across RGRs and monitor the comparative frequency that issues covered by each policy occurs.

- 4.5 In its submissions, WWNZ argued there is no clear explanation for why all complaints and refunds are relevant to the drivers of competition in the grocery industry. WWNZ stated that a complaint being made neither reveals anything about how serious the issue is and whether the complaint has been substantiated, nor reveals the level of customer satisfaction with the shopping experience or the complaint process itself.⁴² Consequentially, WWNZ proposed abandoning the record keeping and disclosure requirements of the draft Disclosure Standard.⁴³
- 4.6 Richard Starr (a marketing academic from The University of Auckland who submitted his opinion on behalf of WWNZ) also believed that complaints and refund information is generally neither relevant nor sufficient to monitor competition and efficiency.⁴⁴ Both WWNZ and Richard Starr suggested that consumer research would be a more effective alternative.^{45, 46}
- 4.7 The Commission agrees that consumer research may be an appropriate tool for gathering specific insights, which will be considered alongside other potential information sources as appropriate. However, we still believe it is worthwhile to gather complaint and refund data based on the consistent framework for collection set out in this Disclosure Standard, particularly to identify emerging trends and issues in relation to consumer complaints

⁴² Woolworths New Zealand “Woolworths New Zealand Limited’s submission on the New Zealand Commerce Commission’s Draft Consumer Complaints Disclosure Standard and Draft Reasons Paper” (21 February 2025) at p. 9, https://comcom.govt.nz/_data/assets/pdf_file/0031/364666/Woolworths-New-Zealand-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-21-February-2025.pdf.

⁴³ Woolworths New Zealand “Woolworths New Zealand Limited’s submission on the New Zealand Commerce Commission’s Draft Consumer Complaints Disclosure Standard and Draft Reasons Paper” (21 February 2025) at p. 2, https://comcom.govt.nz/_data/assets/pdf_file/0031/364666/Woolworths-New-Zealand-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-21-February-2025.pdf.

⁴⁴ Dr Richard Starr Jr “Opinion on the Commerce Commission’s Draft Consumer Complaints Disclosure Standard” (21 February 2025) at p. 3, https://comcom.govt.nz/_data/assets/pdf_file/0032/364667/Woolworths-New-Zealand-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-Dr-Richard-Starr-Jr-Report-21-February-2025.pdf.

⁴⁵ Dr Richard Starr Jr “Opinion on the Commerce Commission’s Draft Consumer Complaints Disclosure Standard” (21 February 2025) at p. 7, https://comcom.govt.nz/_data/assets/pdf_file/0032/364667/Woolworths-New-Zealand-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-Dr-Richard-Starr-Jr-Report-21-February-2025.pdf.

⁴⁶ Woolworths New Zealand “Woolworths New Zealand Limited’s submission on the New Zealand Commerce Commission’s Draft Consumer Complaints Disclosure Standard and Draft Reasons Paper” (21 February 2025) at p. 8, https://comcom.govt.nz/_data/assets/pdf_file/0031/364666/Woolworths-New-Zealand-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-21-February-2025.pdf.

- 4.8 We also note that the Act specifically contemplates “the number and details of complaints received from consumers, suppliers, wholesale customers, or other persons” as one of the matters a Disclosure Standard may deal with.⁴⁷
- 4.9 As such, we have chosen to proceed with the Disclosure Standard. However, we have narrowed the scope of complaint and refund information covered to areas of particular concern (see paras 4.39–4.43 and 4.69–4.79)

Balancing consumers’ experience

- 4.10 In its submission, Consumer NZ agreed that more needs to be done to ensure supermarkets are pricing products accurately and are effectively monitoring and resolving complaints but questioned what implementation of the Disclosure Standard would mean for consumers in practice. Consumer NZ warned that if the process was too time-consuming or laborious, many consumers will not bother to complain.⁴⁸ It was cautious of supermarkets intentionally making the process difficult for consumers, so that very few people will put in the time and effort to make a complaint. Additionally, Grocery Action Group warned that a Disclosure Standard needs to be balanced against making it easy for the consumer to make a complaint and seek redress.⁴⁹
- 4.11 Whilst the Commission sees value in collecting information on complaints and refunds for our monitoring role, we recognise that it is important that complaint and refund processes are not too time-consuming or laborious for consumers. The process put in place by the RGRs to record consumer complaints and refunds should not have a negative impact on consumers’ in-store experience and willingness to raise a complaint or their ability to receive refunds. We expect that systems can be designed and implemented that make it easy for consumers to register their complaints in-store. We also expect the RGRs to closely consider this while developing and refining their record keeping processes.
- 4.12 Consumers are most likely to follow through with complaints when there is an easily accessible option available to them. Hence, our expectation is that there is a means of recording complaints available in store. We do not consider that directing consumers to call or email complaints is sufficient. Whether or not staff on the shop floor need to be able to deal with a complaint will depend on whether the alternative for the shopper (eg, going to a service desk or using an electronic device) is customer friendly and readily accessible.

⁴⁷ Section 194(1)(a)(xi).

⁴⁸ Consumer NZ “Submission on draft Consumer Complaints Disclosure Standard and draft Reasons Paper” (19 February 2025) at p. 2, https://comcom.govt.nz/_data/assets/pdf_file/0028/364663/Consumer-NZ-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-19-February-2025.pdf.

⁴⁹ Grocery Action Group “Cross-submission on the draft Consumer Complaints Disclosure Standard and draft Reasons Paper” (26 February 2025) at p. 1, https://comcom.govt.nz/_data/assets/pdf_file/0019/365014/Grocery-Action-Group-Cross-submission-on-Draft-Consumer-Complaints-Disclosure-Standard-26-February-2025.pdf.

- 4.13 We will be closely monitoring and seeking regular updates from the RGRs on how they develop, implement and transition to new systems and processes to comply with this Disclosure Standard. We will intervene if unintended consequences are identified or if RGRs' interpretation of this Disclosure Standard is negatively impacting consumer experience. This could include proposing further amendments to the standard to set more prescriptive requirements if it would help improve outcomes for consumers.
- 4.14 To assist with monitoring implementation of this Disclosure Standard we are requiring an interim disclosure based on three months' worth of data from 1 April 2026 to 30 June 2026. This will allow us to get an indicative snapshot of data and provide feedback to the RGRs rather than waiting for a full six months of data.
- 4.15 If consumers or consumer representatives encounter issues after implementation of the Disclosure Standard, we encourage them to raise these with the Commission. Should any systematic issues or unintentional consequences be identified the Commission will work with the RGRs to ensure that they are acting in the spirit of the Disclosure Standard. If necessary, we can amend or revoke this Disclosure Standard.
- 4.16 Consumer NZ has also been advocating for changes related to pricing integrity which are outside the scope of this Disclosure Standard and outside of the Commission's powers in general. For instance, Consumer NZ's submission argued that RGRs should be required to offer full refunds for any items that are overcharged on the basis that this would make it worthwhile for consumers to complain about an incorrect price.⁵⁰
- 4.17 The Commission agrees that RGRs should offer full refunds for any items that are overcharged and we have been communicating this expectation to the RGRs. We note that in recent months FSNI and FSSI have made changes to their refund policy which means that all three RGRs now offer a full refund for overcharged items (subject to some exclusions).⁵¹
- 4.18 It is unlikely that this Disclosure Standard alone will solve particular areas of concern (such as price integrity). However, it will help us continue to shine a light on these areas for the benefit of consumers. For instance, the Disclosure Standard should help quantify the extent that consumers report experiencing these issues, which has been a focus area for the Commission for some time. Over time, we hope to see a declining trend in complaints on these issues and this Disclosure Standard collects the necessary information to track this.

⁵⁰ Consumer NZ "Submission on draft Consumer Complaints Disclosure Standard and draft Reasons Paper" (19 February 2025) at p. 3, https://comcom.govt.nz/_data/assets/pdf_file/0028/364663/Consumer-NZ-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-19-February-2025.pdf.

⁵¹ These exclusions include tobacco products, alcohol products, New Zealand Lotteries tickets, fuel, products sold through third party delivery sites or platforms (eg, Uber Eats), Christmas Card deposits, and any other fees, deposits and purchases determined by Foodstuffs North Island from time to time (acting reasonably).

- 4.19 We have proceeded with the Disclosure Standard on this basis. Outside of this Disclosure Standard we will continue to use the tools available to us to influence RGRs behaviour and enforce any breaches of laws.

Disclosure Standard applies to RGRs

- 4.20 We proposed in our draft that the Disclosure Standard apply to the three RGRs as defined in the Act: FSNI, FSSI, and WWNZ (the **main RGRs**) and their franchisees, interconnected bodies corporate, and transacting shareholders.⁵²
- 4.21 Whilst acknowledging that the current state of each RGRs' complaint systems and pricing integrity refund policies differs, our draft proposed that all provisions of the Disclosure Standard apply equally to all three RGRs. This ensures consistency in the disclosure of information and improves transparency equally.
- 4.22 FSNI and FSSI presented a joint submission, stating grocery industry regulation should apply across all retailers that supply groceries.⁵³ As such Foodstuffs saw no reason to limit the Disclosure Standard to the main RGRs.
- 4.23 We still consider that it is appropriate for the Disclosure Standard to only apply to the RGRs (including their franchisees, interconnected bodies corporate, and transacting shareholders) as they are the main focus for regulatory intervention through the Act and are patronised by most retail grocery customers.⁵⁴
- 4.24 As such, this section of the final Disclosure Standard remains the same as what was proposed in the draft.⁵⁵ We will be monitoring how the Disclosure Standard is working and may consider expanding its scope to include other retailers (or other banners within retailers) in the future if it would better enable the Commission to monitor competition and efficiency in the grocery industry.

RGR head offices or support offices to co-ordinate disclosures

- 4.25 The Disclosure Standard distinguishes between the main RGRs (the FSNI, FSSI, and WWNZ head offices) and RGRs (the wider set of companies that encompasses FSNI, FSSI and WWNZ's franchisees, interconnected bodies corporate and transacting shareholders).

⁵² It also applies to any person that is designated as an RGR under section 27 of the Act, and the successors of the main RGRs or a person designated as an RGR under section 27.

⁵³ Foodstuffs "Draft consumer complaints disclosure standard submission" (19 February 2025) at pg. 9, https://comcom.govt.nz/_data/assets/pdf_file/0029/364664/Foodstuffs-North-Island-and-South-Island-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-19-February-2025.pdf.

⁵⁴ In 2024, the RGRs collectively held 82% of the retail grocery market. See Commerce Commission "2024 Annual Grocery Report" (6 August 2025) at p. 57, https://comcom.govt.nz/_data/assets/pdf_file/0028/368047/Annual-Grocery-Report-2024-6-August-2025-.pdf.

⁵⁵ Section D 'Application'.

- 4.26 Under the Disclosure Standard:
- 4.26.1 individual retail stores (which may be owned and or operated by a main RGR's franchisee, interconnected body corporate, or a transacting shareholder) are required under this Disclosure Standard to display an overview of the RGR's price integrity refund policy; and
 - 4.26.2 the collection and retention of complaint and refund information captured by this Disclosure Standard is likely to be undertaken by a main RGR's franchisee, interconnected body corporate, or a transacting shareholder; but
 - 4.26.3 it is desirable that disclosures to the Commission are collated and submitted by the main RGR head office or support office, rather than individual stores; and
 - 4.26.4 the Chief Executive Officer of a main RGR has ultimate responsibility through certification of compliance with the Disclosure Standard.
- 4.27 In practice, because the Disclosure Standard focuses on the specified banners New World, Pak'nSave and Woolworths/Countdown we anticipate that this distinction will only be relevant to FSNI and FSSI as New World and Pak'nSave retail stores are run through an owner-operator model.
- 4.28 No submitters raised concerns or otherwise commented on this approach, as such our approach is unchanged from the draft.
- 4.29 Attachment A sets out an overview of where the responsibility sits for each provision of the Disclosure Standard.

Banner coverage

- 4.30 In the draft Disclosure Standard, we proposed that the RGRs' main banners (New World, Pak'nSave, and Woolworths/Countdown) are captured.⁵⁶ Money spent at the RGRs largely happens at these banners and we expect implementation of the Disclosure Standard is likely to be smoother with these banner stores than the smaller ones (such as Four Square, and FreshChoice) as these banners have more sophisticated IT systems.
- 4.31 An exception was initially proposed where complaints are received at head office about one of the RGRs' smaller banners. It was intended that these complaints also be captured to provide a wider view on complaints as the systems and processes surrounding complaints received at head office should be the same regardless of the banner.

⁵⁶ Woolworths New Zealand is currently in the process of rebranding all Countdown stores to trade under the Woolworths banner.

- 4.32 Foodstuffs submitted that disclosure requirements should only apply to the specified banners where most shopping occurred (eg, New World, Pak’nSave).⁵⁷ Foodstuffs sought exclusion of their other banners (Four Square, On the Spot and Gilmours) due to unreasonable cost-benefit implications at the support centre level.
- 4.33 Based on the feedback received, we have adjusted the Disclosure Standard by removing the proposed exception so as to completely exclude the smaller banners (Four Square, On the Spot, Fresh Choice/SuperValue) from the scope. Though as noted in para 4.24, we may consider expanding scope of the Disclosure Standard in the future.

Definition of “consumer complaints”

- 4.34 The draft Disclosure Standard defined “consumer complaints” to mean a communication in any form made by a consumer to a regulated grocery retailer where the consumer has:
- a) expressed dissatisfaction in relation to the supply of goods or services by the regulated grocery retailer or any other element of the regulated grocery retailer’s business; or
 - b) brought an issue to the regulated grocery retailer’s attention regarding the supply of goods or services by the regulated grocery retailer or any other element of the regulated grocery retailer’s business,
- whether or not the regulated grocery retailer resolves the issue to the consumers’ satisfaction at the time it was raised.
- 4.35 Richard Starr noted that the definition was very broad, capturing a large range of communications between customers and retailers.⁵⁸ Starr proposed the Commission only collect data from formal complaints through particular channels, and should only collect substantiated complaints, excluding ‘goodwill’ refunds.⁵⁹

⁵⁸ Dr Richard Starr Jr “Opinion on the Commerce Commission’s Draft Consumer Complaints Disclosure Standard” (21 February 2025) at p. 4, https://comcom.govt.nz/_data/assets/pdf_file/0032/364667/Woolworths-New-Zealand-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-Dr-Richard-Starr-Jr-Report-21-February-2025.pdf.

⁵⁹ Dr Richard Starr Jr “Opinion on the Commerce Commission’s Draft Consumer Complaints Disclosure Standard” (21 February 2025) at p. 8, https://comcom.govt.nz/_data/assets/pdf_file/0032/364667/Woolworths-New-Zealand-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-Dr-Richard-Starr-Jr-Report-21-February-2025.pdf.

- 4.36 Foodstuffs suggested that clause (b) should be deleted as the word “issue” goes beyond dissatisfaction with processes and would bring up things that are likely out of scope for the Commission’s purposes.⁶⁰
- 4.37 As the scope of complaints captured by the Disclosure Standard has narrowed (see next section), the definition of “consumer complaint” has also been narrowed in the final. This goes some way to addressing Foodstuffs’ concern. Additionally, to the extent the word “issue” is used, it is defined (in “pricing integrity issue” and “unit pricing issue”) and as such we consider that the scope is appropriately limited.
- 4.38 We have not narrowed the definition of “consumer complaints” to only capture substantiated complaints (as argued by Richard Starr). Judging whether a complaint is substantiated requires a degree of discretion by the RGRs, which could result in inconsistent approaches in reporting across the RGRs. However, we do note that the record keeping provisions require RGRs to record whether they consider a complaint was substantiated, and so RGRs could contextualise complaint numbers if they so wish.

Scope of complaints

Scope narrowed to pricing integrity issues, promotional errors and unit pricing

- 4.39 Complaints can cover a wide raft of issues from the shopping experience, products themselves, pricing errors, collectable campaigns, staff interactions, and more.
- 4.40 In our draft, we proposed collecting all complaints related to the supply of goods to or services by the RGR or any other element of the RGR’s business to provide us with a clearer view of the consumer grocery experience. The draft proposed that complaint information be categorised into 12 categories.

⁶⁰ Foodstuffs North Island and South Island “Draft Consumer Complaints Disclosure Standard – Foodstuffs’ Submission” (19 February 2025) at p. 6, https://comcom.govt.nz/_data/assets/pdf_file/0029/364664/Foodstuffs-North-Island-and-South-Island-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-19-February-2025.pdf.

- 4.41 Consumer NZ supported the proposal to include the full range of possible complaints (suggesting adding more categories).⁶¹ Ian Jarratt also supported adding more categories.⁶² However, all the RGRs suggested the scope be narrowed to pricing integrity and promotional errors.^{63, 64} Key concerns cited by the RGRs related to the high administrative burden and associated costs. It was also noted that the compliance deadline would not be met due to the significant additional resources required to record and disclose complaints across this range of categories.
- 4.42 The Commission acknowledges the concerns raised by the RGRs, particularly around high costs and administrative burden, and has decided to narrow the scope of complaint to three categories: “pricing integrity issue”, “promotional error” and “unit pricing issue”. We have chosen to retain the “unit pricing issue” category because raising awareness and helping consumers use unit pricing to effectively compare prices remains a priority. Monitoring complaints in this area will provide valuable insights to guide our ongoing work.
- 4.43 In the future, we may consider expanding the scope of complaints to include other categories if it would better enable the Commission to monitor competition and efficiency in the grocery industry and/or to ensure that sufficient information is readily available to the Commission to assess whether the purpose of the Act is being met. For instance, if we have concerns about an area of service quality that is not currently within scope.

Category definitions

- 4.44 This sub-section explains the definition chosen for each complaint category and provides some practical guidance.

⁶¹ Consumer NZ “Submission on draft Consumer Complaints Disclosure Standard and draft Reasons Paper” (19 February 2025) at p. 3, https://comcom.govt.nz/_data/assets/pdf_file/0028/364663/Consumer-NZ-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-19-February-2025.pdf.

⁶² Ian Jarratt “Comments on NZ Commerce Commission’s Draft Reasons Paper and Draft Consumer Complaints Disclosure Standard” (16 February 2025), https://comcom.govt.nz/_data/assets/pdf_file/0030/364665/Ian-Jarratt-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-16-February-2025.pdf.

⁶³ Foodstuffs North Island and South Island “Draft Consumer Complaints Disclosure Standard – Foodstuffs’ Submission” (19 February 2025) at p. 5, https://comcom.govt.nz/_data/assets/pdf_file/0029/364664/Foodstuffs-North-Island-and-South-Island-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-19-February-2025.pdf.

⁶⁴ Woolworths New Zealand “Woolworths New Zealand Limited cross-submission on the New Zealand Commerce Commission’s Draft Consumer Complaints Disclosure Standard and Draft Reasons Paper” (14 March 2025) at p. 3, https://comcom.govt.nz/_data/assets/pdf_file/0018/365013/Woolworth-New-Zealand-Cross-submission-on-Draft-Consumer-Complaints-Disclosure-Standard-14-March-2025.pdf.

- 4.45 We acknowledge that there may be instances where a complaint could be placed in multiple categories. We also acknowledge that in some circumstances there may be insufficient information available to be certain that a complaint has been recorded in the right category. Our expectation is that complaint statistics would be compiled based on the complaint's primary issue on a best-efforts basis.

Pricing integrity

- 4.46 In the draft Disclosure Standard, the term "point of sale" was used in the definition of "price integrity issue" and the term "checkout" was used in the definition for "pricing integrity refund policy".
- 4.47 Foodstuffs submitted that consistency between the two definitions would be ideal, stating that "point of sale" is its preferred term.⁶⁵
- 4.48 In the final Disclosure Standard, we have changed the definition of "pricing integrity refund policy" to use the term "point of sale" instead of "checkout".
- 4.49 For the purposes of this Disclosure Standard, "pricing integrity issue" relates to instances where the advertised price does not match the price charged at the point of sale. Examples of complaints that would be captured under this category include, but are not limited to:
- 4.49.1 where the shelf and the point-of-sale price do not match;
 - 4.49.2 where the advertised price (eg, window posters, mailers, TV advertisement) does not match the point-of-sale price;
 - 4.49.3 where the online shopping price does not match the price charged at the online point of sale;
 - 4.49.4 instances of product misplacement where a product is displayed with a shelf label that does not relate to the product (for example, because products have been displayed on the wrong shelf in error, or because a shelf label has not been changed); and
 - 4.49.5 "dual pricing" situations where the price advertised online does not match the price advertised in store and the difference has not been disclosed.
- 4.50 Consumer NZ's submission noted that where a customer has a complaint about incorrect unit pricing, it was unclear whether this would be a "pricing integrity issue" or a "unit pricing" issue. Accordingly, we have clarified in the Disclosure Standard that:

⁶⁵ Foodstuffs North Island and South Island "Draft Consumer Complaints Disclosure Standard – Foodstuffs' Submission" (19 February 2025) at p. 7, https://comcom.govt.nz/_data/assets/pdf_file/0029/364664/Foodstuffs-North-Island-and-South-Island-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-19-February-2025.pdf.

- 4.50.1 where a unit price is incorrect or otherwise misleading, this is a “pricing integrity issue”; but
- 4.50.2 where there are other issues relating to the display or format of the unit price, or the unit of measurement used, this is a “unit pricing issue”.

Promotional errors

- 4.51 In the draft Disclosure Standard, we defined promotional errors as “circumstances where a product is incorrectly promoted at a special or discounted price when the promotional price does not constitute a genuine special (and, for the avoidance of doubt, includes multibuy promotions that do not offer a genuine special)”.
- 4.52 Foodstuffs submitted that the definition is not clear and will cause confusion.⁶⁶ Multi-buy errors could be deemed both a promotional error and a price integrity error (with there being no way to determine the “primary complaint category”). Additionally, Foodstuffs thought it was unclear how product misplacement related to the issue of whether or not a promotion is a “genuine special”.
- 4.53 WWNZ agreed with Foodstuffs’ submission.⁶⁷ Furthermore, WWNZ stated that product misplacement issues do not fall under “promotional errors” category. Such issues would be more accurately categorised as pricing integrity issues. WWNZ sought further clarity on this distinction.
- 4.54 Consumer NZ submitted that the definition hinges on the promotional price not constituting a genuine special.⁶⁸ Consumer NZ argued that this is subjective and creates a loophole for RGRs to avoid including genuine complaints in their records and reports. Furthermore, Consumer NZ questioned why there is a distinction between pricing integrity issues and promotional errors. Consumer NZ believes promotional errors are simply a subcategory of pricing integrity issues.

⁶⁶ Foodstuffs North Island and South Island “Draft Consumer Complaints Disclosure Standard – Foodstuffs’ Submission” (19 February 2025) at p. 7, https://comcom.govt.nz/_data/assets/pdf_file/0029/364664/Foodstuffs-North-Island-and-South-Island-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-19-February-2025.pdf.

⁶⁷ Woolworths New Zealand “Woolworths New Zealand Limited cross-submission on the New Zealand Commerce Commission’s Draft Consumer Complaints Disclosure Standard and Draft Reasons Paper” (14 March 2025) at p. 5, https://comcom.govt.nz/_data/assets/pdf_file/0018/365013/Woolworth-New-Zealand-Cross-submission-on-Draft-Consumer-Complaints-Disclosure-Standard-14-March-2025.pdf.

⁶⁸ Consumer NZ “Submission on draft Consumer Complaints Disclosure Standard and draft Reasons Paper” (19 February 2025) at p. 4, https://comcom.govt.nz/_data/assets/pdf_file/0028/364663/Consumer-NZ-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-19-February-2025.pdf.

- 4.55 WWNZ did not agree with Consumer NZ’s submission that the definition of “promotional error” creates a loophole for RGRs to avoid including genuine complaints about promotional errors in their records and reports.⁶⁹ The definition does not require RGRs to substantiate the consumer’s complaint, and all complaints are captured by the recordkeeping and disclosure/publication requirements.
- 4.56 Following RGR feedback, we have amended our guidance so that product misplacement issues are captured under the “pricing integrity issues” category.
- 4.57 After considering feedback, we have amended the definition of “promotional error” to:
- 4.57.1 acknowledge the overlap that can occur with “pricing integrity issues”;
 - 4.57.2 remove the subjectivity of determining if a special was “genuine”; and
 - 4.57.3 provide examples to assist with interpretation.
- 4.58 We decided to retain a separate “promotional error” category as there are promotional related issues that are not captured within the “pricing integrity issues” category and the root cause of these issues often differs from pricing integrity issues.
- 4.59 The definition of “promotional error” is now “an error with a promotion (including long term price promises) that is not a pricing integrity issue or a unit pricing issue”. Examples include:
- 4.59.1 a multibuy that is not cheaper than the price of the equivalent number of individual products; and
 - 4.59.2 a promotional price which is not cheaper than the non-promotional price.
- 4.60 For the purposes of this Disclosure Standard, complaints about the RGRs’ long-term price promises (eg, Pak’nSave’s Everyday Low and Woolworth’s Low Price) are within scope.

Unit pricing issues

- 4.61 The draft Disclosure Standard did not define “unit pricing issues”, but we have added a definition in the final Disclosure Standard.

⁶⁹ Woolworths New Zealand “Woolworths New Zealand Limited cross-submission on the New Zealand Commerce Commission’s Draft Consumer Complaints Disclosure Standard and Draft Reasons Paper” (14 March 2025) at p. 5, https://comcom.govt.nz/_data/assets/pdf_file/0018/365013/Woolworth-New-Zealand-Cross-submission-on-Draft-Consumer-Complaints-Disclosure-Standard-14-March-2025.pdf.

- 4.62 For the purposes of this Disclosure Standard, “unit pricing issues” relates to issues raised about the display or format of the unit price of goods, or the unit of measurement used. It includes instances where unit pricing appears to be missing, problems with the legibility of unit pricing labels, concerns over the unit of measurement chosen, and non-compliance with the unit pricing regulations.
- 4.63 If there is an issue with the full price which is causing the displayed unit price to be wrong, or the unit price is incorrect or otherwise misleading for any other reason, this should be classified as a pricing integrity issue.

Complaint channels

- 4.64 In the draft Disclosure Standard, we proposed to limit the scope of complaints to those collected through select complaint channels, being those made to:
- 4.64.1 the head offices of the main RGRs;
 - 4.64.2 retail stores under the New World, Pak’nSave and Woolworths/Countdown banners; and
 - 4.64.3 the online shopping websites of New World, Pak’nSave, and Woolworths/Countdown.
- 4.65 The purpose of this limited scope is to focus on active consumer complaints. Complaints from wider channels such as social media comments and information gathered through RGR-commissioned consumer surveys are outside the scope of this Disclosure Standard.
- 4.66 Our view is that including these wider channels would increase the complexity of compiling complaints; for instance, the channels may require a greater level of filtering to split out enquiries from complaints.
- 4.67 In its submission, Foodstuffs agreed that including these wider channels would increase complexity and require more filtering.⁷⁰ Foodstuffs noted it would be very challenging to monitor and classify all social media comments, because often such comments do not include the level of detail that would be required by the Disclosure Standard. WWNZ supported Foodstuffs’ position on this matter in its cross-submission.⁷¹

⁷⁰ Foodstuffs North Island and South Island “Draft Consumer Complaints Disclosure Standard – Foodstuffs’ Submission” (19 February 2025) at p. 8, https://comcom.govt.nz/_data/assets/pdf_file/0029/364664/Foodstuffs-North-Island-and-South-Island-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-19-February-2025.pdf.

⁷¹ Woolworths New Zealand “Woolworths New Zealand Limited cross-submission on the New Zealand Commerce Commission’s Draft Consumer Complaints Disclosure Standard and Draft Reasons Paper” (14 March 2025) at p. 4, https://comcom.govt.nz/_data/assets/pdf_file/0018/365013/Woolworth-New-Zealand-Cross-submission-on-Draft-Consumer-Complaints-Disclosure-Standard-14-March-2025.pdf.

- 4.68 As such, this section of the final Disclosure Standard remains substantively the same as what was proposed in the draft, although we have made some clarifying amendments to the definitions of “specified complaint channels”.

Scope of refund related requirements

Definition of refund

- 4.69 The draft Disclosure Standard defined refund as “when a consumer is paid back for a purchase made, or when a scanned price is adjusted at the till prior to a consumer paying”.
- 4.70 Refunds may be issued after purchase when a customer goes back to the checkout after noticing an issue and requesting a refund on the amount paid. In other instances, refunds can be issued on the spot when a customer notices an issue as products are being scanned. In the latter scenario, a customer has not yet paid for their products. However, for the purposes of the draft Disclosure Standard, we considered that this should be captured in the refund statistics disclosed and published. Both situations capture the same types of issues; the difference is only when the customer identified it.
- 4.71 Foodstuffs submitted that the definition of refund should not include instances where a scanned price is adjusted at the till prior to payment, as the sale has not been concluded at that point.⁷² Consumer NZ noted potential difficulties with enforcement in practice as the customer is unlikely to wait while it is recorded as a complaint and checkout operators are unlikely to lodge as such.⁷³
- 4.72 In practice, these overridden price “refunds” should be automatically recorded by an RGRs’ point-of-sale (POS) system. The Disclosure Standard does not require further information from consumers (see recording keeping requirements for refunds at para 4.144) and the issuance of a refund does not necessarily mean that a “consumer complaint” has been made as defined in the Disclosure Standard.
- 4.73 Since the record keeping obligations for refunds should be automated at the checkout and does not necessarily involve a consumer complaint, the definition of “refund” in the final Disclosure Standard remains substantively the same as what was proposed in the draft. This acknowledges that the original pricing error as an issue which should not have arisen in the first place.

⁷² Foodstuffs North Island and South Island “Draft Consumer Complaints Disclosure Standard – Foodstuffs’ Submission” (19 February 2025) at p. 8, https://comcom.govt.nz/_data/assets/pdf_file/0029/364664/Foodstuffs-North-Island-and-South-Island-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-19-February-2025.pdf.

⁷³ Consumer NZ “Submission on draft Consumer Complaints Disclosure Standard and draft Reasons Paper” (19 February 2025) at p. 4, https://comcom.govt.nz/_data/assets/pdf_file/0028/364663/Consumer-NZ-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-19-February-2025.pdf.

Disclosure of refunds limited to price integrity policies

- 4.74 RGRs have a range of refund policies, which vary between each individual RGR. These refund policies can be related to pricing integrity issues and product quality issues.
- 4.75 In the draft Disclosure Standard, the requirement to disclose the number and value of refunds was proposed to cover all refund policies.
- 4.76 Since we have narrowed the scope of complaints, we believe it is also appropriate to limit the requirement to disclose the number and value of refunds to just price integrity refunds.

One page display limited to price integrity refund policies

- 4.77 The draft Disclosure Standard proposed requirements to make the RGRs' pricing integrity policy more visible to the public. This includes RGRs having pricing integrity policies displayed online and in-store.
- 4.78 Consumer NZ advocated for increased visibility of all refund policies, not just pricing integrity.⁷⁴ Consumer NZ believed singling out "pricing integrity refund policies" may create the impression that refunds are not available for product quality issues. In its cross-submission, WWNZ was not opposed to Consumer NZ's suggestion but thought each policy should be on separate one-page documents.⁷⁵
- 4.79 We consider it appropriate to limit the scope to pricing integrity refund policies as the Commission has particular concerns about these issues in RGR stores. Therefore, these provisions only apply to the RGRs' pricing integrity refund policies, not any other refund policies they may have (eg, product quality policies). As such, the requirement to display pricing integrity policies online and in-store has not changed since the draft Disclosure Standard.
- 4.80 We note, however, that RGRs have the option to also display an overview of any other refund policies alongside the pricing integrity overview required by this Disclosure Standard.

⁷⁴ Consumer NZ "Submission on draft Consumer Complaints Disclosure Standard and draft Reasons Paper" (19 February 2025) at p. 5, https://comcom.govt.nz/_data/assets/pdf_file/0028/364663/Consumer-NZ-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-19-February-2025.pdf.

⁷⁵ Woolworths New Zealand "Woolworths New Zealand Limited cross-submission on the New Zealand Commerce Commission's Draft Consumer Complaints Disclosure Standard and Draft Reasons Paper" (14 March 2025) at p. 6, https://comcom.govt.nz/_data/assets/pdf_file/0018/365013/Woolworth-New-Zealand-Cross-submission-on-Draft-Consumer-Complaints-Disclosure-Standard-14-March-2025.pdf.

Certification

- 4.81 Requirements for certifying the information (listed in section 194(1)(e) of the Act) is one of the matters that may be included in a disclosure standard. The draft Disclosure Standard proposed that the RGR must certify that:
- 4.81.1 the disclosure complies with the requirements in the Disclosure Standard;
 - 4.81.2 the main RGR’s pricing integrity refund policy for each banner was publicly accessible on each online shopping website throughout the reporting period and remains accessible at the time of certification;
 - 4.81.3 the main RGR has made all reasonable enquiries and is satisfied that a concise summary of its pricing integrity refund policy was, and continues to be, clearly displayed in a prominent and publicly visible location within each store;
 - 4.81.4 the main RGR has implemented systems and processes to record all consumer complaints and has provided appropriate staff training to support this function;
 - 4.81.5 the main RGR has made reasonable enquiries and is satisfied that all affiliated entities have established or are using systems and processes to record consumer complaints, with staff appropriately trained for this purpose; and
 - 4.81.6 the certification must be signed by the Chief Executive Officer and include a prescribed statement confirming the above requirements have been met.
- 4.82 While agreeing that disclosure should include provision of a compliance certificate with the most senior level oversight, WWNZ questioned in submissions if the Act permitted the Commission to prescribe the precise statement and language of certification.⁷⁶ Foodstuffs was also unclear as to what “reasonable enquiries” would give the Chief Executive Officer sufficient comfort to certify disclosures.⁷⁷

⁷⁶ Woolworths New Zealand “Woolworths New Zealand Limited’s submission on the New Zealand Commerce Commission’s Draft Consumer Complaints Disclosure Standard and Draft Reasons Paper” (21 February 2025) at pp. 19–20, https://comcom.govt.nz/_data/assets/pdf_file/0031/364666/Woolworths-New-Zealand-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-21-February-2025.pdf.

⁷⁷ Foodstuffs North Island and South Island “Draft Consumer Complaints Disclosure Standard – Foodstuffs’ Submission” (19 February 2025) at p. 18, https://comcom.govt.nz/_data/assets/pdf_file/0029/364664/Foodstuffs-North-Island-and-South-Island-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-19-February-2025.pdf.

- 4.83 Consumer NZ submitted that RGRs should have to certify that “an accurate one-page overview” of the refund policy is being clearly displayed in all retail stores.⁷⁸
- 4.84 We still consider that certification by the Chief Executive Officer of a main RGR is necessary to ensure that there is appropriate oversight of this matter at the highest level. We have, however, amended the Disclosure Standard to provide that any director of the relevant main RGR may provide certification (instead of just the Chief Executive Officer) to provide some flexibility. In particular, we require assurances on the completeness of the data disclosed and the establishment and maintenance of background systems and processes that produced this data. This is because the RGRs would likely have incentives to under-report complaints. As such, the list of matters the RGRs must certify remains unchanged.
- 4.85 We do, however, acknowledge the RGRs’ concerns and in response we have made some amendments to the wording of this section in the final Disclosure Standard. Namely, we have removed the prescribed statement, introduced a mechanism to be used if the RGR is unable to certify any of the matters listed, and clarified the requirement to make “all reasonable” enquiries.

Disclosure to the Commission

Information to be disclosed

Complaint and refund information

- 4.86 In the draft Disclosure Standard, we proposed that each main RGR be required to disclose:
- 4.86.1 the number of consumer complaints per month, by retail store and online shopping website and by complaint category; and
 - 4.86.2 the number and value of refunds made under a refund policy per month, by retail store and online shopping website and by policy.
- 4.87 We intend to use the information disclosed under the Disclosure Standard to monitor competition and efficiency in the grocery industry, including:
- 4.87.1 the trends in the level and composition of complaints and refunds over time; and
 - 4.87.2 the differences in the number and type of complaints and amount of refunds between banners, stores and different geographic areas.

⁷⁸ Consumer NZ “Submission on draft Consumer Complaints Disclosure Standard and draft Reasons Paper” (19 February 2025) at p. 5, https://comcom.govt.nz/_data/assets/pdf_file/0028/364663/Consumer-NZ-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-19-February-2025.pdf.

- 4.88 We do not intend to investigate every identified complaint under the Disclosure Standard. Rather, we believe the Disclosure Standard will assist in identifying issues and ensure that RGRs have adequate systems and processes in place.
- 4.89 In its submission, Foodstuffs suggested the requirement to break down complaints by retail store versus online store should be removed, as all online purchases come from a store and Foodstuffs does not distinguish between the two when recording complaints.⁷⁹
- 4.90 While Foodstuffs does not distinguish between retail versus online store complaints, we are conscious that this may not be the case for WWNZ or that things may change in the future. Given this, we have adjusted the wording to enable, but not require, this distinction.
- 4.91 WWNZ submitted that disclosure of complaints should be abandoned in favour of alternatives to minimise regulatory burden and unintended consequences for consumers.⁸⁰ We have retained the requirement to disclose complaints for the reasons detailed on pages 25 to 27.

Pricing integrity policies

- 4.92 Additionally, the main RGRs will be required to disclose copies of the pricing integrity refund policies for the New World, Pak'nSave and Woolworths/Countdown banners. This provides potentially important context to the information disclosed about the number and value of refunds processed. The terms of the RGRs' respective pricing integrity refund policies may also provide valuable information as to competition in the grocery industry.
- 4.93 Foodstuffs and WWNZ did not push back on the requirement to disclose their pricing integrity policies to the Commission.^{81, 82}

⁷⁹ Foodstuffs North Island and South Island "Draft Consumer Complaints Disclosure Standard – Foodstuffs' Submission" (19 February 2025) at p. 10, https://comcom.govt.nz/_data/assets/pdf_file/0029/364664/Foodstuffs-North-Island-and-South-Island-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-19-February-2025.pdf.

⁸⁰ Woolworths New Zealand "Woolworths New Zealand Limited's submission on the New Zealand Commerce Commission's Draft Consumer Complaints Disclosure Standard and Draft Reasons Paper" (21 February 2025) at p. 15, https://comcom.govt.nz/_data/assets/pdf_file/0031/364666/Woolworths-New-Zealand-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-21-February-2025.pdf.

⁸¹ Foodstuffs North Island and South Island "Draft Consumer Complaints Disclosure Standard – Foodstuffs' Submission" (19 February 2025) at p. 3, https://comcom.govt.nz/_data/assets/pdf_file/0029/364664/Foodstuffs-North-Island-and-South-Island-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-19-February-2025.pdf.

⁸² Woolworths New Zealand "Woolworths New Zealand Limited's submission on the New Zealand Commerce Commission's Draft Consumer Complaints Disclosure Standard and Draft Reasons Paper" (21 February 2025) at pp. 3–4,

Level of detail

- 4.94 The draft Disclosure Standard stated RGRs must provide consumer complaints information at a store-level.
- 4.95 It is desirable for the Commission to receive information at the store-level as this information, and particularly any trends arising from this information, will help inform us if there are particularly problematic stores. For example:
- 4.95.1 stores with consistently high levels of complaints could indicate that escalation and resolution of systemic issues is not occurring; but
 - 4.95.2 stores with no complaints, or barely any complaints could indicate that systems and processes for recording and disclosing complaints are insufficient or are not being adhered to.
- 4.96 Store-level information will also allow the Commission to identify if there any geographic trends that are occurring.
- 4.97 It is also desirable to receive the number of complaints split by category as this will allow us to understand which of the three types of complaints are most prevalent and identify any trends over time.
- 4.98 We did not receive any submissions on this aspect of the draft Disclosure Standard; thus, this requirement has not changed in the final Disclosure Standard.

Responsibility for disclosure

- 4.99 Under the draft Disclosure Standard, the main RGRs would be responsible for complying with the disclosure requirements, but franchisees, interconnected bodies corporate and transacting shareholders of a main RGR are required to take all reasonable steps to provide the main RGR with the information necessary to enable the main RGR to comply with the disclosure requirements.
- 4.100 This has not changed in the final Disclosure Standard.

Format of disclosure

- 4.101 We proposed in the draft Disclosure Standard that complaint and refund statistics be disclosed to the Commission using Excel templates. The template approach ensures that the Commission can efficiently ingest and analyse the information disclosed by each RGR.
- 4.102 We did not receive any submissions regarding the template itself. Therefore, no changes have been made in the final Disclosure Standard.

- 4.103 The templates are available on the Commission’s website for RGRs to use.⁸³

Timing of disclosure

- 4.104 In the draft Disclosure Standard, we proposed that RGRs have up to one month after the end of the reporting period to disclose complaint and refund information for the prior reporting period.
- 4.105 In its submissions, Foodstuffs suggested a two-month window after the end of a disclosure period to make disclosures.⁸⁴ This is due to the large amount of effort required to compile the disclosure and review the data.
- 4.106 We consider that RGRs should be compiling responses on an ongoing basis rather than leaving it until after the reporting period has finished. As such, the requirement to provide disclosures within one month of the end of the reporting period remains unchanged in the final Disclosure Standard.

Frequency of disclosure

Length of disclosure reporting cycle

- 4.107 In the draft Disclosure Standard, we proposed quarterly reporting of consumer complaints and refunds, broken down into the total number of complaints per month.
- 4.108 In their submissions, both WWNZ and Foodstuffs suggested that a six-monthly reporting cycle would have significantly less administrative burden while still allowing trends to be identified over time.^{85, 86}

⁸³ See the templates on the Commission’s website: <https://comcom.govt.nz/regulated-industries/grocery/consumer-complaints-disclosure-standard>.

⁸⁴ Foodstuffs North Island and South Island “Draft Consumer Complaints Disclosure Standard – Foodstuffs’ Submission” (19 February 2025) at p. 9, https://comcom.govt.nz/_data/assets/pdf_file/0029/364664/Foodstuffs-North-Island-and-South-Island-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-19-February-2025.pdf.

⁸⁵ Foodstuffs North Island and South Island “Draft Consumer Complaints Disclosure Standard – Foodstuffs’ Submission” (19 February 2025) at p. 10, https://comcom.govt.nz/_data/assets/pdf_file/0029/364664/Foodstuffs-North-Island-and-South-Island-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-19-February-2025.pdf.

⁸⁶ Woolworths New Zealand “Woolworths New Zealand Limited cross-submission on the New Zealand Commerce Commission’s Draft Consumer Complaints Disclosure Standard and Draft Reasons Paper” (14 March 2025) at p. 5, https://comcom.govt.nz/_data/assets/pdf_file/0018/365013/Woolworth-New-Zealand-Cross-submission-on-Draft-Consumer-Complaints-Disclosure-Standard-14-March-2025.pdf.

- 4.109 We consider that receiving monthly complaint and refund statistics, provided on a six-monthly basis, would allow us to balance receiving sufficient data to understand trends against the compliance burden of the RGRs collating and providing information to the Commission.
- 4.110 As such, we have changed the reporting frequency from quarterly to six-monthly in the final Disclosure Standard. However, as part of implementation of the Disclosure Standard, we have retained a one-off quarterly disclosure (see para 4.169).

Requirement to disclose minor policy amendments

- 4.111 The draft Disclosure Standard proposed that RGRs will be required to disclose copies of any amended pricing integrity refund policies within two weeks of an amended pricing integrity refund policy taking effect.
- 4.112 In its submissions, WWNZ asked the Commission to consider whether the requirement to disclose amended pricing integrity policies may exclude minor changes which do not change matters of substance in the policies.⁸⁷
- 4.113 We approve of RGRs not disclosing an amended pricing integrity refund policy when it is minor and non-substantive (eg, where the amendment involves only the correction of typographical errors or changes to branding on the policy). As such, the final Disclosure Standard has been changed to this effect. We believe this change will improve efficiency and reduce the compliance burden on RGRs.

Information to be made available to the public

- 4.114 Section 194(1)(d) of the Act provides that a disclosure standard may address requirements relating to publishing, or otherwise making available, information to the Commission, particular persons or classes of persons, or the public generally.
- 4.115 This supports greater transparency in the industry which aligns with ministerial expectations.⁸⁸

⁸⁷ Woolworths New Zealand “Woolworths New Zealand Limited’s submission on the New Zealand Commerce Commission’s Draft Consumer Complaints Disclosure Standard and Draft Reasons Paper” (21 February 2025) at pp. 3–4, https://comcom.govt.nz/_data/assets/pdf_file/0031/364666/Woolworths-New-Zealand-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-21-February-2025.pdf.

⁸⁸ Hon Andrew Bayley “Annual Letter of Expectations 2024/25” (11 April 2024), https://comcom.govt.nz/_data/assets/pdf_file/0026/317906/Ministers-Letter-of-Expectations-2024-25-11-April-2024.pdf.

- 4.116 Even if a Disclosure Standard does not set publication requirements, the conclusions we reach from information disclosed to the Commission and our monitoring more generally will likely form the basis of (or otherwise contribute to) public reports or summaries on the state of competition and efficiency in the grocery industry.⁸⁹ This aligns with one of our statutory objectives for monitoring and reporting, which is to contribute to a trading environment in which businesses compete effectively and consumers and businesses participate confidently.⁹⁰
- 4.117 One way we may make our conclusions public is through our annual grocery reports under section 175 of the Act. However, we also have the option of making this information public through other publications or means.

Information to be published

Pricing integrity refund policies published online

- 4.118 The draft Disclosure Standard proposed that each RGR's pricing integrity refund policy is published and maintained on the online shopping websites of Pak'nSave, New World and Woolworths.
- 4.119 For the Commission to effectively monitor the prevalence and trends associated with pricing integrity issues, we need a fulsome picture of the issues that are occurring. In order to achieve that, consumers need to bring these issues to the RGRs' attention. This is more likely to occur when consumers are aware that there is an established process for responding to the issues and compensation available to them.
- 4.120 Foodstuffs submitted that refund policies should be published on FSNI's and FSSI's individual websites and linked to on the national online shopping websites for New World and Pak'nSave because the national websites are shared by FSNI and FSSI.⁹¹
- 4.121 We do not consider any changes are necessary to address this. The Disclosure Standard requires that pricing integrity refund policies are made "easily accessible from the homepage of the online shopping website of the relevant specified banners". If a link to a pricing integrity refund policy is clearly identified on the online shopping website, and that link takes a consumer directly⁹² to the policy (even if it is hosted on a separate website), the RGR is likely to have complied with the requirement to make the policy easily accessible from the homepage of the online shopping website.

⁸⁹ This aligns with the Commission's function under section 4(1)(e) of the Act to make available, or co-operate in making available, information in connection with the grocery industry.

⁹⁰ Section 4(2)(d) of the Act.

⁹¹ Foodstuffs North Island and South Island "Draft Consumer Complaints Disclosure Standard – Foodstuffs' Submission" (19 February 2025) at p. 12, https://comcom.govt.nz/_data/assets/pdf_file/0029/364664/Foodstuffs-North-Island-and-South-Island-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-19-February-2025.pdf.

⁹² As opposed to through a chain of links.

- 4.122 As such, this section of the final Disclosure Standard remains substantially the same as what was proposed in the draft.

Overview to be displayed in-store

- 4.123 We also consider that it is desirable for all RGRs to display a one-page overview of their pricing integrity refund policy in all New World, Pak’nSave and Woolworths/ Countdown retail stores.
- 4.124 Even if pricing integrity refund policies are available online, a visible reminder in store is important as not all consumers visit online shopping websites and most purchases occur in brick-and-mortar stores.⁹³ As such, these one-page summaries are another step towards improving transparency for consumers’ benefit.
- 4.125 Many RGR retail stores already have requirements to display regulatory information, such as food safety information certificates, for consumers’ benefit.⁹⁴
- 4.126 In its submissions, WWNZ requested additional guidance on what it means for pricing integrity policies to be displayed “prominently” and so that they are “clearly visible” in retail stores.⁹⁵
- 4.127 Our decision is that the exact format and display location of this one-page overview should be left to the RGRs’ discretion. However, our expectation is that the overview is no less prominent than other regulatory disclosures such as food safety certificates and alcohol licenses. Additionally, it must cover circumstances in which compensation is payable and, to the extent reasonably practicable, contain details of the refund a consumer may be entitled to.
- 4.128 Accordingly, this section of the final Disclosure Standard remains the same as what was proposed in the draft.

Publication of statistics on complaints and total number of refunds

- 4.129 In the draft Disclosure Standard, we proposed that the RGRs be required to publish:
- 4.129.1 the number of consumer complaints per month by category; and

⁹³ Between 2019 and 2023 online sales as a percentage of total RGR sales never exceeded 7%. See Commerce Commission “First Annual Grocery Report” (4 September 2024) at p. 26, https://comcom.govt.nz/_data/assets/pdf_file/0019/362305/Annual-Grocery-Report-2024.pdf.

⁹⁴ One example is Auckland Council’s Food Safety Information Bylaw 2020, <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/bylaws/Documents/food-safety-information-bylaw-2020.pdf>.

⁹⁵ Woolworths New Zealand “Woolworths New Zealand Limited’s submission on the New Zealand Commerce Commission’s Draft Consumer Complaints Disclosure Standard and Draft Reasons Paper” (21 February 2025) at p. 4, https://comcom.govt.nz/_data/assets/pdf_file/0031/364666/Woolworths-New-Zealand-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-21-February-2025.pdf.

- 4.129.2 the number and value of refunds made under a refund policy per month.
- 4.130 WWNZ and Richard Starr both advocated against publishing this information. WWNZ stated publishing this information disincentivises offering a generous refund policy and making it easier for consumers to complain.^{96, 97} Richard Starr believed disclosure should only be required to the Commission and that publishing this information was unlikely to change consumer behaviour.
- 4.131 Consumer NZ believed disclosure of consumer complaints should be made public, as consumers have the right to know about problematic stores and prevalent issues.⁹⁸ Anonymous A also advocated for the public disclosure of complaints, believing it was the only path to getting the full picture of what life is like for everyday shoppers.⁹⁹
- 4.132 We have decided to remove these publication requirements from the final Disclosure Standard. Our immediate priority is for the RGRs to build out and improve their complaint and refund record keeping capabilities. We are realistic that in the short term there are likely to be inconsistencies and teething problems while systems and processes are developed and rolled out. Thus, while we agree that publication of this information would help improve transparency, we consider it prudent to leave the decision on the appropriateness of publication with the Commission rather than requiring automatic publication by the RGRs at this time.
- 4.133 The Commission can publish summaries of the information provided under this Disclosure Standard (eg, as part of its annual grocery reports). In the short term, this is likely to be high-level aggregates on the number of complaints reported and refunds issued. Granular reporting that compares RGRs, stores, or geographies is a longer-term aspiration to be pursued once we can be confident in the quality and consistency of the information disclosed.

⁹⁶ Woolworths New Zealand “Woolworths New Zealand Limited’s submission on the New Zealand Commerce Commission’s Draft Consumer Complaints Disclosure Standard and Draft Reasons Paper” (21 February 2025) at p. 18, https://comcom.govt.nz/_data/assets/pdf_file/0031/364666/Woolworths-New-Zealand-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-21-February-2025.pdf.

⁹⁷ Dr Richard Starr Jr “Opinion on the Commerce Commission’s Draft Consumer Complaints Disclosure Standard” (21 February 2025) at p. 4, https://comcom.govt.nz/_data/assets/pdf_file/0032/364667/Woolworths-New-Zealand-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-Dr-Richard-Starr-Jr-Report-21-February-2025.pdf.

⁹⁸ Consumer NZ “Submission on draft Consumer Complaints Disclosure Standard and draft Reasons Paper” (19 February 2025) at p. 5, https://comcom.govt.nz/_data/assets/pdf_file/0028/364663/Consumer-NZ-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-19-February-2025.pdf.

⁹⁹ Anonymous A “Submission on Draft Consumer Complaints Disclosure Standard” (4 January 2025) at p. 1, https://comcom.govt.nz/_data/assets/pdf_file/0027/364662/Anonymous-A-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-4-January-2025.pdf.

- 4.134 Additionally, the Commission will keep under review whether further requirements around publication are necessary or desirable, and we may decide to introduce an RGR publishing requirement in the future.

Record keeping

- 4.135 Section 194(1)(h) of the Act expressly allows the Commission to set record keeping requirements.
- 4.136 The draft Disclosure Standard proposed that RGRs must keep accurate records of consumer complaints and any refunds processed by their main banners.
- 4.137 In its submissions, WWNZ stated record keeping should be abandoned and alternatives should be considered to reduce regulatory burden.¹⁰⁰
- 4.138 Record keeping requirements set the foundation for transparency and underpin the disclosure of information to the Commission. Consistent record keeping gives us assurance that the information disclosed to us is comparable. It also provides the Commission with the ability to further understand trends or other issues, thereby enabling us to better monitor competition and efficiency in the grocery industry.
- 4.139 We also consider record keeping to be good business practice, particularly in a competitive market, and note that this would allow the RGRs to undertake trend analysis and investigate potentially systemic issues themselves. As such, we have retained the record keeping clause of the Disclosure Standard.

Information to be recorded

Consumer complaints

- 4.140 In our draft Disclosure Standard, we proposed that RGRs be required to record the following information for all consumer complaints:
- 4.140.1 banner and store name;
 - 4.140.2 date of complaint;
 - 4.140.3 date of event;
 - 4.140.4 primary complaint category;
 - 4.140.5 summary of what happened; and

¹⁰⁰ Woolworths New Zealand “Woolworths New Zealand Limited’s submission on the New Zealand Commerce Commission’s Draft Consumer Complaints Disclosure Standard and Draft Reasons Paper” (21 February 2025) at p. 2, https://comcom.govt.nz/_data/assets/pdf_file/0031/364666/Woolworths-New-Zealand-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-21-February-2025.pdf.

4.140.6 whether the complaint was substantiated; and

4.140.7 how the issue was resolved.

- 4.141 We note that these roughly align with the Commission’s July 2024 letters to the RGRs where minimum requirements for record keeping were expressed. While we did not propose disclosure of all of this information, ensuring that records are kept of this information would enable the Commission to make targeted requests for information and would thereby ensure that information is readily available to the Commission to assess whether the purpose of the Act is being met.
- 4.142 We also made proposals regarding which part of the RGR would be responsible for maintaining this information.
- 4.143 We did not receive any submissions on these points and as such no substantive changes have been made for the final Disclosure Standard. However, for clarity and completeness, we have indicated that records in relation to *how* an issue was resolved should also address *whether* it was resolved (see para 4.140.7 above).

Refunds

- 4.144 In our draft Disclosure Standard, we proposed that RGRs be required to record the following information for all refunds issued to consumers:
- 4.144.1 banner and store name;
- 4.144.2 date refund issued;
- 4.144.3 applicable refund policy; and
- 4.144.4 value of refund.
- 4.145 We also made proposals regarding which part of the RGR would be responsible for maintaining this information.
- 4.146 As we have limited the scope of refund information to those made under a price integrity refund policy, we have removed the requirement to record the “applicable refund policy” from the final Disclosure Standard as this is no longer necessary.

Retention timeframes

- 4.147 We proposed in the draft that RGRs be required to retain the records of complaints and refunds for five years from the date the complaint was lodged to them or the refund was issued.

- 4.148 In its submissions, Foodstuffs said it was comfortable with the five-year timeframe, particularly if other points raised in its submission (such as reduced complaint categories) were incorporated into the final Disclosure Standard.¹⁰¹
- 4.149 We consider that five years is a reasonable period of time to retain records and so have kept the retention time period at five years for the final Disclosure Standard.

Implementation

- 4.150 This Disclosure Standard has progressive implementation dates for the various requirements. Our decisions on these dates are set out below in chronological order.

Pricing integrity refund disclosure and online publication

- 4.151 In the draft Disclosure Standard, the proposed timeframe for the main RGRs to disclose copies of the specified banners pricing integrity refund policy or policies to the Commission is within two weeks of the Disclosure Standard being issued.
- 4.152 Additionally, the proposed timeframe in the draft Disclosure Standard for the main RGRs to publish their pricing integrity refund policies on their online shopping websites is within two weeks of the Disclosure Standard being issued.
- 4.153 In their submissions, Foodstuffs proposed and WWNZ supported extending the period when refund policies must be provided to the Commission from two to six weeks after the Disclosure Standard is issued.^{102, 103} They similarly proposed extending the timeline for online publication from two to six weeks after the Disclosure Standard is issued. Foodstuffs stated that unaccounted changes between the draft and final Disclosure Standard may require changes to their refund policies that will require board/executive approval. Thus, more time is required to action these changes.

¹⁰¹ Foodstuffs North Island and South Island “Draft Consumer Complaints Disclosure Standard – Foodstuffs’ Submission” (19 February 2025) at p. 17, https://comcom.govt.nz/_data/assets/pdf_file/0029/364664/Foodstuffs-North-Island-and-South-Island-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-19-February-2025.pdf.

¹⁰² Foodstuffs North Island and South Island “Draft Consumer Complaints Disclosure Standard – Foodstuffs’ Submission” (19 February 2025) at p. 3, https://comcom.govt.nz/_data/assets/pdf_file/0029/364664/Foodstuffs-North-Island-and-South-Island-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-19-February-2025.pdf.

¹⁰³ Woolworths New Zealand “Woolworths New Zealand Limited cross-submission on the New Zealand Commerce Commission’s Draft Consumer Complaints Disclosure Standard and Draft Reasons Paper” (14 March 2025) at p. 5, https://comcom.govt.nz/_data/assets/pdf_file/0018/365013/Woolworth-New-Zealand-Cross-submission-on-Draft-Consumer-Complaints-Disclosure-Standard-14-March-2025.pdf.

- 4.154 The Disclosure Standard relates to disclosure of high-level statistics on complaints and refunds, not the mechanisms of how, when and by how much refunds are made, so we do not anticipate changes will be required to the refund policies following publication of this Disclosure Standard. In addition, the requirements of the clauses are not static; rather, they relate to the disclosure of the refund policy currently in place. If an RGR makes subsequent changes to its policy, then the revised policy is sent to the Commission and uploaded to the relevant webpage.
- 4.155 We do not anticipate changes will be required to the refund policies themselves, so publication online should be straightforward. This is evidenced by the fact that both FSNi and FSSI have recently changed their policy and updated it on their websites.
- 4.156 As such, we have retained the two-week period initially proposed for both disclosure and online publication.

Pricing integrity refund policies made public in store

- 4.157 In the draft Disclosure Standard, we proposed a one-month timeframe from the Disclosure Standard being issued for the main RGRs to ensure a one-page overview of the pricing integrity refund policy is displayed prominently within a retail store.
- 4.158 In their submissions, Foodstuffs proposed and WWNZ supported extending the implementation period for displaying pricing integrity policies in store from one month to ten weeks after the Disclosure Standard is issued.^{104, 105}
- 4.159 As previously noted, we do not anticipate that changes will be required to the refund policies themselves. We acknowledge that it may take some time to prepare the overview, and that the Disclosure Standard outlines how and where the overviews are displayed, which may take some time to implement. However, we believe one month is a sufficient time period to implement these changes.
- 4.160 As such, we have retained the original one-month period for the final Disclosure Standard.

¹⁰⁴ Foodstuffs North Island and South Island “Draft Consumer Complaints Disclosure Standard – Foodstuffs’ Submission” (19 February 2025) at p. 3, https://comcom.govt.nz/_data/assets/pdf_file/0029/364664/Foodstuffs-North-Island-and-South-Island-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-19-February-2025.pdf.

¹⁰⁵ Woolworths New Zealand “Woolworths New Zealand Limited cross-submission on the New Zealand Commerce Commission’s Draft Consumer Complaints Disclosure Standard and Draft Reasons Paper” (14 March 2025) at p. 5, https://comcom.govt.nz/_data/assets/pdf_file/0018/365013/Woolworth-New-Zealand-Cross-submission-on-Draft-Consumer-Complaints-Disclosure-Standard-14-March-2025.pdf.

Requirement to keep records

- 4.161 The draft Disclosure Standard proposed that the requirement for the RGRs to keep records of consumer complaints and refunds made begins on the first day of the second full quarter following the Disclosure Standard being issued.
- 4.162 In their submissions, Foodstuffs proposed and WWNZ supported that the record keeping requirement should not come into force until at least 6 months after the disclosure standard is issued.^{106, 107} Additionally, the requirement should not come into effect during the busy Christmas trading period.
- 4.163 We have decided the record keeping requirements will come into force on 1 April 2026. In effect, this means that RGRs would have at least seven months (including December and January) following publication of the final Disclosure Standard to make any required IT system changes, update internal processes and guidance, and provide staff training.
- 4.164 By providing a seven-month implementation period, we have a strong expectation that the RGRs will use this time to develop systems and processes with consumers in mind. Over this implementation period, we will be seeking progress updates from the RGRs to provide assurance that this is occurring.
- 4.165 Data collection for the interim disclosure period to the Commission would begin on 1 April 2026 (before moving to biannual disclosures).

Disclosure of complaint and refund information to the Commission

- 4.166 The draft Disclosure Standard proposed that the requirement for main RGRs to disclose information to the Commission begins on the first day of the third full quarter following the Disclosure Standard being issued.

¹⁰⁶ Foodstuffs North Island and South Island “Draft Consumer Complaints Disclosure Standard – Foodstuffs’ Submission” (19 February 2025) at p. 4, https://comcom.govt.nz/_data/assets/pdf_file/0029/364664/Foodstuffs-North-Island-and-South-Island-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-19-February-2025.pdf.

¹⁰⁷ Woolworths New Zealand “Woolworths New Zealand Limited cross-submission on the New Zealand Commerce Commission’s Draft Consumer Complaints Disclosure Standard and Draft Reasons Paper” (14 March 2025) at p. 5, https://comcom.govt.nz/_data/assets/pdf_file/0018/365013/Woolworth-New-Zealand-Cross-submission-on-Draft-Consumer-Complaints-Disclosure-Standard-14-March-2025.pdf.

- 4.167 In their submissions, Foodstuffs proposed and WWNZ supported the disclosure requirement not coming into effect during the busy Christmas trading period.^{108, 109}
- 4.168 For the final Disclosure Standard, we have decided to begin the first reporting period at the same time as when record keeping begins (ie, 1 April 2026). This provides time for RGRs to make any required IT system changes and provide staff training, ensuring record keeping processes are embedded before disclosures are required and acknowledges the busy holiday period in December and January.
- 4.169 Additionally, we have decided to implement an interim quarterly reporting period for the first reporting period of disclosures. This means the first reporting period occurs between 1 April 2026 and 30 June 2026. After this interim reporting period, we will move to six-monthly recording periods (the second period takes place between 1 July 2026 and 31 December 2026).
- 4.170 The actual disclosure is not required until no later than one month after the end of the period being reported on (see para 4.104– 4.106 for reasoning). In effect, this means that the first (interim) disclosure to the Commission is due on 31 July 2026, while the second disclosure is due on 31 January 2026.
- 4.171 We have decided to implement this interim period to allow us to get an indicative snapshot of data and provide quicker feedback to RGRs. We will use this interim disclosure to see the how implementation of the Disclosure Standard is tracking, rather than waiting until October 2026 (which is when the first period would otherwise have ended, with disclosures occurring in November 2026).

Simplification of the commencement provision

- 4.172 The draft Disclosure Standard had different commencement dates for different sections. On review, we decided that this unnecessarily complicated the implementation of the Disclosure Standard, given:
- 4.172.1 the dates by which certain obligations must be complied with are stated in specific clauses in the Disclosure Standard (eg, clause 10) or follow from the definition of “period” (eg, clause 8) and in those cases a specific commencement date is therefore unnecessary; and

¹⁰⁸ Foodstuffs North Island and South Island “Draft Consumer Complaints Disclosure Standard – Foodstuffs’ Submission” (19 February 2025) at p. 4, https://comcom.govt.nz/_data/assets/pdf_file/0029/364664/Foodstuffs-North-Island-and-South-Island-Submission-on-Draft-Consumer-Complaints-Disclosure-Standard-19-February-2025.pdf.

¹⁰⁹ Woolworths New Zealand “Woolworths New Zealand Limited cross-submission on the New Zealand Commerce Commission’s Draft Consumer Complaints Disclosure Standard and Draft Reasons Paper” (14 March 2025) at p. 5, https://comcom.govt.nz/_data/assets/pdf_file/0018/365013/Woolworth-New-Zealand-Cross-submission-on-Draft-Consumer-Complaints-Disclosure-Standard-14-March-2025.pdf.

- 4.172.2 some obligations (eg, in sections H and I of the Standard) do not need a specific commencement date as they are linked to other obligations that have a specific commencement date or are required to be met by a certain time.
- 4.173 Accordingly, the commencement date for the final Disclosure Standard is the date of publication (ie, 29 August 2025), with the exception of:
 - 4.173.1 section F1, which comes into force on 12 September 2025 (see paras 4.151 – 4.156 above);
 - 4.173.2 section F2, which comes into force on 29 September 2025 (see paras 4.157 – 4.160 above); and
 - 4.173.3 section G, which comes into force on 1 April 2026 (see para 4.161 – 1.165 above).

Attachment A Requirements on main RGRs and interconnected bodies corporate, franchisees and transacting shareholders

Clause	Requirement	Main RGRs ¹¹⁰	Interconnected bodies corporate, franchisees, and transacting shareholders of main RGRs (operating a retail store under a specified banner) ¹¹¹
E1	Requirement to disclose information on consumer complaints and refunds to the Commission	✓	
E2	Requirement to disclose pricing integrity refund policies to the Commission	✓	
F1	Requirement to publish pricing integrity refund policy on online shopping website	✓	
F2	Requirement to display overview of pricing integrity refund policy in retail stores	✓	✓
G1	Requirement to keep records of all consumer complaints ¹¹²	✓	✓
G2	Requirement to keep records of refunds made ¹¹³	✓	✓

¹¹⁰ A “main regulated grocery retailer” means: Foodstuffs North Island Limited; Foodstuffs South Island Limited; Woolworths New Zealand Limited; or a person designated as a regulated grocery retailer under section 27 of the Grocery Industry Competition Act 2023; and any successor to the preceding persons.

¹¹¹ “Specified banners” means any of the following banners: Countdown, New World, Pak’nSave, or Woolworths.

¹¹² Information relating to consumer complaints made to a main RGR must be maintained by that main RGR. Information relating to consumer complaints made to a franchisee, interconnected body corporate, or transacting shareholder of a main RGR may be maintained by either the franchisee, interconnected body corporate, or transacting shareholder of the main RGR, or by the main RGR itself.

¹¹³ Information relating to refunds paid out to consumers by the main RGR for a specified banner must be maintained by that main RGR. Information relating to refunds paid out to consumers by a franchisee, interconnected body corporate, or transacting shareholder of a main RGR operating under a specified banner may be maintained by either the franchisee, interconnected body corporate, or transacting shareholder of the main RGR, or by the main RGR itself.

Clause	Requirement	Main RGRs ¹¹⁰	Interconnected bodies corporate, franchisees, and transacting shareholders of main RGRs (operating a retail store under a specified banner) ¹¹¹
H	Requirement to provide information to main RGRs		✓
I	Requirement to certify disclosure of information	✓	