

Submission on the exposure draft of the Consumer Information Standards (Unit Pricing for Grocery Products) Regulations 2023.

Your name and organisation

Name	Davis White
Organisation (if applicable)	Trading Standards, Ministry of Business, Innovation and Employment

Responses

Statistical Information	
	N/A
1	Do you consider 12 months to be an appropriate transitional period before compliance is mandatory?
	Yes.
2	Please explain why you think a 12-month transition period is sufficient or not?
	We deem this to be sufficient, as it allows adequate time for both regulators and retailers to prepare/implement the new requirements and for consumers to be informed of the changes.
3	Do you have any comments on the key definitions in regulation 3?
	Under regulation 3(1), we would suggest that the examples for product require further clarification i.e., the word 'respectively' could be included to ensure the reader knows a watermelon is an 'individual item' and the toilet rolls are a 'package'. Under regulation 3(1), we would suggest extending sell to include 'expose for sale', to avoid the presumption that this is covered by 'offer'.

	<p>Under regulation 3(1), the definition of unit price assumes that we are talking about the price paid by the consumer, as special offers, club price and discounted items etc. may need to be specifically covered to avoid any potential confusion.</p> <p>Under regulation 3(1), we would suggest ‘unit of measurement’ in the unit price definition is changed to ‘measurement’ to maintain consistency between legislation, as ‘unit of measurement’ refers to gram, kilogram, millilitre, metre, square metre etc. under the weights and measures legislation.</p>
4	Do you have any comments on regulation 5?
	<p>Under regulation 5(1)(a), 5(1)(b)(i) and 5(1)(c)(i), we feel this provision could be abused, in that if one of the product categories in subclause (2) was deliberately excluded from sale at a particular store, the unit pricing requirements do not apply.</p> <p>For example, any store that sells 10 out of the 11 product categories in subclause 2, in theory, will not be prevented them from picking/choosing what products they apply unit pricing to. This practice could potentially confuse consumers and does not fall in line with the intent of the regulations.</p> <p>Under regulation 5(1)(b)(2), we would suggest combining (f) meat and (g) fish into one category, and (d) fruit and (e) vegetables into one category, to simplify the requirements.</p> <p>Under regulation 5(1)(b)(2), we feel that (f) meat and (g) fish are defined to cover all the intended product types i.e., beef, pork, lamb, mutton, goat, poultry (chicken, turkey, duck game birds), offal, shellfish etc.</p> <p>Under regulation 5(1)(b)(2), we feel a definition of (j) manufacturer-packaged food would be beneficial to the regulator and retailers.</p> <p>Under regulation 5(1)(2) and 5(1)(3), we are unsure if colons are being used correctly.</p> <p>Under regulation 5(4), we were unsure if the definitions of floor space and online should appear under regulation 3 Interpretation instead?</p> <p>Under regulation 5(4), we wanted to confirm that the definition of online covers Virtual Reality technology, the Metaverse and/or any other future non-reality trading space?</p>
5	Do you have any comments on the “exempt products” set out in regulation 5(3)? Is there anything that you think is missing, or anything that you think should not be exempt? Please provide your reasoning.
	Under regulation 5(3)(ii), we feel this provision/exemption could be abused by retailers i.e., they overuse pricing promotions to avoid having to display a unit price, and this may create confusion for the consumer when they are not able to price compare products.
6	Do you have any comments on the on the requirements for where unit pricing must be displayed, as set out in regulation 6?
	Under regulation 6(2)(a), we are unsure if the phrase ‘worked out’ appropriate wording for an instruction, as it is more informal than language normally used in legislation.
7	Do you have any comments on the advertising exemption set out in regulation 9?
	We feel these requirements are suitable/appropriate for their purposes.

8	Do you have any comments on regulation 7?
	<p>Under regulation 7(1), we would suggest the following change:</p> <ul style="list-style-type: none"> • <i>Current: “A product sold by number of items, if displayed price is for 40 or fewer items – Per item” and “A product sold by number of items if displayed price is for more than 40 items – Per 100 items”</i> • <i>Amendment: “A product sold by number of items, if displayed price is for fewer than 100 items – Per item” and “A product sold by number of items if displayed price is for 100 or more items – Per 100 items”.</i> <p>We feel the current wording may confuse the average consumer and may make it more complex for retailers.</p> <p>Under regulation 7(1) and 7(2), as per our comment on regulation 6(2)(a), we are unsure if the phrase ‘worked out’ appropriate wording for an instruction, as it is more informal than language normally used in legislation; the word ‘determined’ could be more apt.</p> <p>Under regulation 7(1) and 7(2), as per our comment on regulation 3(1), we would suggest the instances of ‘unit of measurement’ are changed to ‘measurement’ to maintain consistency between legislation.</p> <p>Under regulation 7(2), we would advise that the categories listed should exactly match those listed in regulation 5(2), which should assist both retailers and regulators.</p> <p>Under regulation 7(5), we were unsure if the definition of measurement type should appear under regulation 3 Interpretation instead?</p>
9	Do you have any comments on the display requirements provided in regulation 8?
	<p>Under regulation 8(1)(d) and 8(2), as per our comment on regulations 3(1), 7(1) and 7(2), we would suggest the instances of ‘unit of measurement’ are changed to ‘measurement’ to maintain consistency between legislation.</p>
10	Do you have any general comments regarding the regulations?
	<p>Under the Explanatory note, as per our comment on regulations 3(1), 7(1), 7(2), 8(1)(d) and 8(2), we would suggest the instances of ‘unit of measurement’ are changed to ‘measurement’ to maintain consistency between legislation.</p> <p>Further to the above, the title of regulation 7 would change from ‘Unit of measurement for unit price’ to ‘Measurement for unit price’ or ‘Measurement to determine unit price’.</p>