



28 May 2024

Ref: DOIA 2324-2491

## Privacy of natural persons

Thank you for your email of 10 May 2024 to the Ministry of Business, Innovation and Employment (MBIE) requesting, under the Official Information Act 1982, information about supermarket compliance with trade weights and measures.

Trading Standards is a small operational team within the Market Integrity branch of MBIE. Trading Standards administers and enforces New Zealand's system of trade measurement (also known as legal metrology) in addition to responsibility for fuel quality monitoring. Trading Standards is responsible for making sure that weighing and measuring equipment and the quantity in packaged goods are accurate. Our preferred approach when dealing with non-compliance is to educate in the first instance and utilise other regulatory responses when appropriate. Our responses take into consideration business behaviour and attitude — significant, deliberate non-compliance is a serious matter and will be treated accordingly.

More information about our compliance strategy can be found at:  
[www.tradingstandards.govt.nz/assets/documents/compliance-strategy.pdf](http://www.tradingstandards.govt.nz/assets/documents/compliance-strategy.pdf).

Responses to your questions are set out below.

**1. How often are supermarkets surveilled for compliance?**

On a regular basis. For example, in the last 12 months, Trading Standards opened 86 activities involving supermarkets, which includes responses to complaints and enquiries, and inspection work.

**2. How many are surveilled at any one time?**

Generally, one supermarket is inspected at a time. An inspection involves an Inspector of Weights and Measures visiting a premise to inspect and test weighing and measuring instruments, and goods sold by weight, measure, or number.

**3. When was the last time there was surveillance activity and where? What was the result?**

As of 20 May 2024, the most recent inspection conducted at a supermarket was on 9 May 2024 in the Dunedin region. This was a revisit following compliance advice provided previously. During the inspection, the products sold by reference to quantity were inspected and deemed to be compliant.

**4. Are you confident consumers are being protected when told of what net weights are in supermarkets?**

The majority of goods presented for sale and sold through supermarkets comply with the weights and measures legislation. Due to the large volume of lines stocked and number of goods sold by weight, measure, or number available in a supermarket, the probability of discovering a non-compliance is possible but unlikely.

**5. What is the process you follow for undertaking such work?**

These inspections are proactive; part of a project or planned via Trading Standards management approval, or reactive; in response to an enquiry or complaint that Trading Standards have received.

**6. When was the last time there was any compliance action taken and what was it?**

Trading Standards are in the process of issuing an Infringement Offence Notice under the Weights and Measures Act 1987 (the Act). For an alleged offence under section 14 of the Act, 'exposing for sale packages not by the Net

weight', in contravention of section 12 of the Act. This is being issued to a supermarket in relation to an inspection conducted in the Wellington area earlier this year.

**7. When was the most recent prosecution?**

Trading Standards has a range of regulatory and non-regulatory compliance tools available to respond to non-compliance. In line with our compliance strategy, we have a consistent approach and apply the appropriate compliance tool using evidence and knowledge. These range from education and advice, 28-day notices and letters of warning through to Infringement Offence Notices (fines) and prosecution. Trading Standards have not prosecuted a supermarket for an offence under the weights and measures legislation in the past seven years.

**8. How does NZ's attention to these matters compare with regulators in other jurisdictions?**

Trading Standards maintains dialogue with its counterparts in Australia, the Asia Pacific region and the rest of the world through its active membership of the Asia-Pacific Legal Metrology Forum and the International Organisation of Legal Metrology, and to our knowledge, other economies experience similar legal metrology issues and New Zealand regulatory activity reflects current 'best practice'.

**9. How many people work in this surveillance area?**

Trading Standards has a current establishment of eight Inspectors of Weights and Measures and six Senior/Trading Standards Officers. Field-based surveillance activities are also supported by team management, technical advisors, and a team administrator. Trading Standards is currently in the process of recruiting to fill two vacant Trading Standards Officer positions.

**10. Are there any planned cuts as a result of the recent Government directions?**

The Trading Standards budget for 2024/25 has yet to be confirmed as part of annual appropriation review processes. At the time of writing there are no plans to reduce the number of positions in Trading Standards.

Please note that this response, with your personal details removed, may be published on the MBIE website at: [Published Official Information Act requests | Ministry of Business, Innovation & Employment \(mbie.govt.nz\)](https://www.mbie.govt.nz/Information/Information-Requests/Published-Official-Information-Act-requests).

If you wish to discuss any aspect of your request or this response, or if you require any further assistance, please contact [OIA@mbie.govt.nz](mailto:OIA@mbie.govt.nz).

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Nāku noa, nā



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