



28 FEBRUARY 2019

GROCERY UNIT PRICING CODE REVIEW

Submission to the Treasury

ABOUT US

Set up by consumers for consumers, CHOICE is the consumer advocate that provides Australians with information and advice, free from commercial bias. CHOICE fights to hold industry and government accountable and achieve real change on the issues that matter most.

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INTRODUCTION

Unit pricing in retail outlets is an incredibly important tool for Australians. Effective unit pricing allows people to make more informed choices and get value for money when shopping for groceries. As a result, unit pricing is highly valued and widely used by Australians.

Unit pricing is especially important considering the environment it operates in. The annual revenue of Australia supermarkets in 2018 was \$103 billion. Meanwhile, the cost of food and groceries continues to be one of the most significant cost of living concerns for consumers.¹ Supermarkets are difficult for people to navigate; brands are increasingly engaging in 'shrinkflation' - the practice of downsizing pack size without reducing the price - and prices vary widely across brands, pack sizes and retailers. Unit pricing is relied on as an independent and objective tool to help people save time and money in the supermarket.

However, consumers continue to face difficulties nearly a decade after the Unit Pricing Code (the Code) was introduced, preventing them from fully benefiting from the system. The review of the Code presents an important opportunity to strengthen unit pricing and deliver substantial benefits to consumers.

To ensure that consumers can wholly benefit from this tool and for it to be fit for purpose in an evolving retail market, we believe unit pricing needs to be:

- Clearer and easier to read;
- Consistent so that consumers are able to make easy and fair comparisons;
- Widely available in both grocery and non-grocery retailers; and
- Better monitored and enforced to reduce issues of non-compliance and better instill consumer confidence in the system.

Our recommendations are based on feedback we have received directly from thousands of people who want to see improved and enhanced unit pricing.

Recommendations

CHOICE recommends that Treasury take action to:

- Ensure the Code remains in effect and continues to require mandatory unit pricing by prescribed grocery retailers, including for retailers who voluntarily provide this information.

¹ CHOICE, 2018, Consumer Pulse Survey

- Amend the Code to require the display of unit pricing for all visual advertising mediums where a selling price is displayed.
- Amend the Code to provide more specific requirements for the online provision of unit pricing including:
 - The ability for consumers to sort products by unit price when conducting a search; and
 - The need for unit pricing and other essential product information to be presented on websites which comply with the Web Content Accessibility Guidelines.
- Make the Code more prescriptive for the display of unit pricing, including by providing specific guidance regarding font size, font, contrast and location of the unit price so that it is easily accessible for all Australians.
- Recommend the ACCC coordinates with the National Measurement Institute to ensure that unit pricing and trade measurement requirements enable consumers to make easy price comparisons when buying produce.
- Amend the Code to require the unit price for foods that are intended to be drained before consumption to be calculated based on the drained weight.
- Amend the Code to change the minimum floor size so that retailers that have more than 280 square meters of floor space dedicated to the display of grocery items are required to provide unit pricing.
- Amend the list of minimum range of products required to display unit pricing so that a retailer who sells five of the 11 grocery items must comply with the Code.
- Change the definition of 'store-based grocery retailer' in the Code to remove the requirement for a retailer to be primarily a food-based grocer.
- Extend the Code to other non-grocery retailers such as pharmacies, hardware shops, pet stores and stationery shops.
- Recommend the ACCC increase monitoring of compliance with the Code, including through greater coordination and liaison with the National Measurement Institute.
- Recommend that the ACCC facilitate a consumer-led complaints mechanism to better capture issues of non-compliance with the unit pricing Code.
- Recommend that the ACCC be given the power to impose administrative penalties for retailer non-compliance with the Code.

1. Making informed decisions

In October 2018, CHOICE conducted a national survey to understand consumers' use and understanding of unit pricing. We found that unit pricing is a highly used and well-liked tool with 76% of people using unit prices all or most of the time. Almost all (96%) of these people find it helpful, with making it easy to compare prices the most common perceived benefit.²

- 69% of people said it makes it easy to compare prices regardless of pack sizes.
- 59% of people said it saves them time working out which product provides the best value.
- 54% of people said it saves effort working out which product provides the best value.

To understand how unit pricing helps increase people's ability to make informed decisions, CHOICE showed survey respondents three packs of pain medication of different pack size and price and asked them to work out which product was the best value for money. All respondents were first shown product images without unit prices, and then a different set of product images with unit prices. Overall, when unit prices were shown, respondents were more likely to correctly identify the product with the best value for money and found it easy to do so.

- Without unit pricing, 61% of people correctly selected the product with the best value for money. With unit pricing, 82% correctly selected the product with the best value for money.
- Without unit pricing, 43% found it overall difficult to calculate the best value for money. With unit pricing, only 18% found it difficult overall.
- When unit prices were not available, respondents relied on calculating the unit prices in their head (approximate or exact) or used a calculator.

Being able to make informed decisions via unit pricing can help people achieve substantial price savings, especially for products where the selling price does not allow for easy comparisons. A 2018 CHOICE review of loose and pre-packaged formats of the same food item found that by using unit pricing Australians could save more than \$1,600 a year.³ This is because produce often varies substantially in price depending on whether it is in loose or pre-packaged form and unit pricing is the only way to ascertain value for money.

² CHOICE, 2018, survey of 1033 grocery buyers (all states, genders and ages 18+).

³ Clemons, R. 2018, 'Are packaged groceries cheaper?', CHOICE, <https://www.choice.com.au/shopping/everyday-shopping/supermarkets/articles/grocery-prices-loose-vs-packaged>

Tools that increase price transparency help improve price competition and are important to alleviate overall concerns regarding the cost of food and groceries.

2. Maintain the mandatory Code

A mandatory Code is necessary for the consistent and effective provision of unit pricing in grocery retailers. Without a compulsory requirement, many retailers would not provide unit pricing voluntarily and voluntary provision would be inconsistent or provided in ways that would diminish people's ability to make informed choices. Consumers would also be less inclined to trust and use a system that was provided voluntarily. Considering issues of non-compliance are already occurring in a mandatory system, we strongly caution against a weakening of the system which would erode the application of unit pricing in Australia.

As the discussion paper notes, two of the major retailers have previously indicated their preference for a mandatory Government unit pricing scheme. A decision to undo these provisions would go against the interests of consumers and retailers and would have far reaching consequences.

We believe that there are necessary amendments to be made to the Code, however it is of utmost importance that the mandatory Code remains in place to ensure that prescribed grocery retailers are required to provide unit pricing to consumers.

Recommendation 1

- The unit pricing Code be remade (i.e., not be allowed to cease to have effect), continuing to require mandatory unit pricing by prescribed grocery retailers, including for retailers who voluntarily provide this information.

3. Marketing and evolving sales channels

The grocery retail market is always subject to changing trends. New retailers entering the market, changes to what retailers sell, and the ways in which they sell these products to consumers all need to be considered. This review needs to ensure that the Code is not only fit for purpose for today's consumers but that it remains relevant as retail markets continue to evolve.

Advertising

With the entrance of Aldi, the supermarket environment is becoming more competitive. CHOICE's unit pricing survey found that 80% of people shop at Woolworths, 79% shop at Coles

and 47% of people shop at Aldi.⁴ Capturing market share is therefore of high importance to these retailers and advertising is a commonly used vehicle to achieve this. While the Code requires unit pricing to be displayed if a grocery item is advertised in print (i.e. in catalogues and newspapers) or on a website, it does not capture other advertising mediums where prices can be and are being displayed without the unit price. This means when retailers advertise a product on television or via online banner ads or videos, they are not required to display the unit price.

To ensure consistency across advertisements and increase consumer awareness and use of unit prices, the unit price should be displayed on all visual advertising channels where the selling price is displayed.

Online grocery shopping

Buying grocery products online is increasingly popular. 30% of people state they sometimes or very often shop online for groceries.⁵ We note that online grocery retailers are required to provide unit prices if they sell the minimum range of prescribed food-based grocery items. However, considering the popularity of this medium to purchase goods, we believe that the provision of unit pricing could be enhanced in order to make it easier for people to use unit pricing online.

The biggest benefit of unit pricing is that it allows people to make price comparisons among similar products. It is necessary that online provision of unit pricing allows people to make fair and easy comparisons. While some online retailers provide a function to sort by unit price, others don't - making it difficult to meaningfully compare between a range of products. In CHOICE's survey, of those that shop online, one of the biggest issues is the inability to sort or search by the lowest unit price. For example, if you want to find the best value for fresh tomatoes, a search for 'tomatoes' on Harris Farm online delivers 197 results with no option to sort by unit price. Similarly if you click on the 'tomato' category, there is again no option to sort by unit price. Considering the increasing use of online grocery shopping, we believe the Code should specify how retailers can best provide and display unit pricing to consumers.

The Code should also specify that online provision of unit pricing complies with the Web Content Accessibility Guidelines so that people with low vision or sight disabilities are able to access this information through screen readers.

⁴ CHOICE 2018 Unit Pricing Survey

⁵ Ibid

Recommendations 2 and 3

- Amend the Code to require the display of unit pricing for all visual advertising mediums where a selling price is displayed.
- Amend the Code to provide more specific requirements for the online provision of unit pricing including:
 - The ability for consumers to sort products by unit price when conducting a search; and
 - The need for unit pricing and other essential product information to be presented on websites which comply with the Web Content Accessibility Guidelines.

4. Specific and prescriptive labelling requirements

The current principles-based approach for the display of unit pricing needs to be reassessed as:

- Prominence and legibility are subjective terms and often result in unit prices that are unclear or difficult to read;
- It discriminates against people with low vision or sight disabilities; and
- It is inconsistent with other labelling legislation in Australia which contains more prescriptive requirements.

Unclear and difficult to read

Unit pricing only works if people are able to quickly view and understand this information. However, issues of prominence and legibility of unit pricing regularly arise as the biggest issues consumers face. 25% of people say that unit pricing is difficult to read on a price label (e.g. too small or difficult-to-see font) and 24% have issues with the unit pricing being obstructed or covered (e.g. by another price label).⁶

The Discussion Paper notes that one of the reasons a principles-based approach was decided upon was that it was likely that retailers would provide clear unit prices to ensure consumers are not annoyed. This has not proven to be the case. It's important to recognise that retailers have a commercial interest in selling certain brands or volume of products - their commercial interest is not in line with the provision of clear unit pricing. As evidenced by the examples below, CHOICE has been sent many images of issues regarding prominence and legibility of unit pricing.

⁶ Ibid

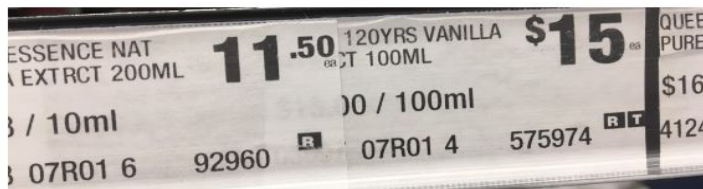
Legibility and prominence issues



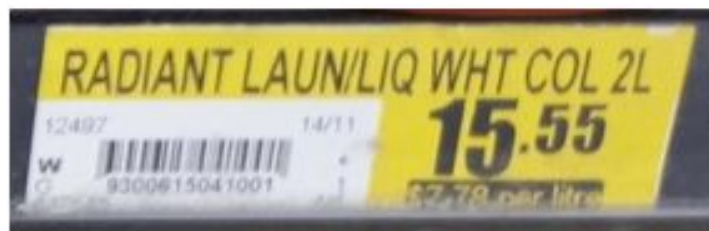
Safeway, Ferntree Gully, VIC
Unit price is not prominent



Woolworths, Toowoomba, QLD
Unit price is not prominent



Woolworths, Sherwood, QLD
Unit price is obscured



Supa IGA, Nanango, QLD
Unit price is not legible

A principles-based approach to the display of unit pricing is open to interpretation and difficult to enforce. It means that retailers can choose how they display unit pricing and can change how this information is displayed according to their needs. In November 2018, Aldi was able to shrink the size and density of its unit pricing across all stores in Australia. The example below highlights how the new display and font is significantly smaller and more difficult to read. However as the Code lacks prescriptive display requirements, Aldi was able to make changes to the display of its unit pricing with no penalty.



Vague requirements are discriminatory

A principles-based approach, in the case of unit pricing, discriminates against older generations and people with low vision or sight disabilities.

“My main issue is that I need reading glasses (58 years old) and unit pricing is not large enough to read without them. Whilst I understand that this is my personal thing, I can read the total price, so unit pricing is too small. It would be great if it is the same size as the total price. I use unit pricing to make my value decisions.” - Sarah Nicholas

“Woolworths in their smallgoods & fresh food section have the signage for items in very small print so it is almost impossible to read unless you have very young eyesight.” - Leo Sommerich

If the Code does not specify minimum requirements regarding font and size, retailers will provide this information in a variety of sizes and fonts which makes it difficult for this information to be readable by certain segments of the population. The International Standards Organisation (ISO) standard on unit pricing has highlighted the need for unit prices to be sufficiently prominent and legible and to take account of the needs of consumers with disabilities.⁷ It recognises that adequate legibility will also be determined by viewing distance and viewing angle.

To ensure the Code does not discriminate against older Australians or people with vision impairment, we recommend that Treasury refers to Vision Australia's Guidelines for Producing Readable Text.⁸ In addition, groups who represent these segments of the population, such as Vision Australia, should be consulted with to ensure that the provision of unit pricing is accessible to all Australians.

Inconsistent with other labelling laws

In making a decision on display requirements, we would like to draw attention to recent country of origin labelling legislation that prescribes specific minimum standards, particularly in regards to font size. The legislation specifies a 5mm minimum font size for labelling displayed in a refrigerated assisted service display cabinet and 9mm minimum font size for all other labelling displayed in association with food products.⁹ In addition, the guidance regarding the display of Health Star Ratings is quite prescriptive with the Style Guide for Industry providing clear guidance regarding the display and layout of the Health Star Rating logo.¹⁰

These requirements make it very clear to manufacturers how this information should be displayed. It not only helps ensure manufacturers are compliant with the legislation, it creates an even playing field and ensures that consumers can view this information easily and consistently across all products.

We believe the Code needs to be more prescriptive in order for unit prices to be easily read and understood by all Australians. We refer to the USA's guidelines released in 2015, which specify

⁷ ISO 21041, 2018, Guidance on unit pricing, <https://www.iso.org/obp/ui/#iso:std:iso:21041:ed-1:v1:en>

⁸ Vision Australia submission to the 2009 draft unit pricing code

⁹ Country of Origin Food Labelling Style Guide v1.0

<https://www.business.gov.au/~media/Business/CoOL/Country-of-Origin-Labelling-style-guide-pdf.pdf?la=en>

¹⁰ Health Star Rating System Style Guide,

[http://healthstarrating.gov.au/internet/healthstarrating/publishing.nsf/Content/651EEFA223A6A659CA257DA500196046/\\$File/HSR%20Style%20Guide-v5.pdf](http://healthstarrating.gov.au/internet/healthstarrating/publishing.nsf/Content/651EEFA223A6A659CA257DA500196046/$File/HSR%20Style%20Guide-v5.pdf)

a minimum print size for unit prices to be the greater of 6mm or 50% of the height of the print used for the selling price.¹¹

Recommendation 4

- The Code be more prescriptive regarding the display of unit pricing and provides specific guidance regarding font size, font, contrast and location of the unit price so that it is easily accessible for all Australians.

5. Consistency in units of measurement

Inconsistent unit pricing makes using the system particularly challenging, especially when there are inconsistencies in unit pricing across products within the same category. The result is that people need to spend more time finding the best value and may in fact fail to do so.

This is one of the most common problems cited with unit pricing. For example some products will calculate unit price by weight while others in the same category are calculated by count.



IGA Blackburn North, VIC

Unit pricing provided per 100g and per each

¹¹ National Institute of Standards and Technology. NIST Special Publication 1181: Unit Pricing Guide, A Best Practice Approach to Unit Pricing. US Department of Commerce, 2015. Available free at: <https://www.nist.gov/sites/default/files/documents/2017/04/28/SP1181-Unit-Pricing-Guide.pdf>



Supa IGA, Nanango, QLD

Unit pricing provided per litre and per 100ml for comparable products



Supermarket location unknown

Unit pricing provided per 100g and per each for comparable products

A CHOICE review of loose and pre-packaged foods found that unit price comparisons in the produce section of the supermarket can reveal big differences in value between national brands and smaller brands, or large versus smaller pack sizes of the same product.¹² For example we found that loose chillies cost \$21 per kg compared with \$150 per kg pre-packed.

In this investigation we also found that there were incomparable 'per item' and 'per weight' unit prices, precluding people from being able to make cost-savings. For example a five-pack of lemons at Aldi cost \$3.99 (80 cents each according to the unit price label), but loose lemons cost \$5.99 per kg. Without weighing the lemons, it's incredibly difficult to tell which option is cheaper. We understand that this is due to the intersection of two different types of legislation and believe there needs to be greater liaison and coordination between the Australian Competition and Consumer Commission (ACCC) and the National Measurement Institute (NMI) to ensure that consumers can easily and consistently make price comparisons when buying produce in the grocery retail environment.

We support the Code's objective of only one unit of measure being used to unit price all packages of a particular product. Inconsistency of units of measure reduces consumer confidence in unit pricing and is an issue that must be resolved through better monitoring and enforcement of compliance.

Recommendations 5 and 6

- The ACCC conducts more compliance monitoring and enforcement of the Code to ensure consistent units of measurement are used.
- The ACCC coordinates with the NMI to ensure that unit pricing and trade measurement requirements enable consumers to make easy price comparisons when buying produce.

6. Expanding and changing the Unit Pricing Code

Unit pricing for drained weight

If there are opportunities to enhance unit pricing, this review should seek to do so. One of those areas is for canned products where unit prices are calculated based on the net weight of the product. While this isn't an issue for foods where people are likely to consume both the food and the liquid - for example, canned tomatoes or sliced peaches, it is an issue where people are likely to drain off and discard the liquid - for example, tuna in spring water, corn kernels or

¹² Clemons, R. 2018, 'Are packaged groceries cheaper?', *CHOICE*, <https://www.choice.com.au/shopping/everyday-shopping/supermarkets/articles/grocery-prices-loose-vs-packaged>

chickpeas. Often the drained weight varies substantially from the net weight, for example canned tuna in springwater ranges from containing 65% of tuna to 74%.¹³ A unit price based on the total (net) weight therefore does not present a fair reflection of value for money in these categories. It means that before relying on the unit price, people need to turn these products around to calculate the drained weight by looking at the percentage food in the ingredients list.

Considering the Nutrition Information Panel for these products requires the nutrition information to be displayed based on the product 'as drained', we believe that the unit price should be based on the drained weight too. That way, consumers can see at a glance what they'll actually be getting in the way of both nutrition and food content. We have previously raised the issue of drained weight being displayed on front of pack to the National Measurement Institute (NMI) and believe there is scope for the Code to proactively encourage the labelling of drained weight on canned foods by requiring unit prices to be based on drained weight.

Recommendation 7

- The Code should require the unit price for foods that are intended to be drained before consumption to be calculated based on the drained weight.

Smaller retailers

It has been established that unit pricing is an important tool to help people make more informed decisions. However restricting unit pricing to retailers over 1,000 square metres dramatically reduces the utility of this tool. It means that many small to mid-sized grocery retailers are not required to provide unit pricing. This is problematic considering the popularity and use of smaller grocery retailers: 34% of Australians shop at IGAs, or other supermarkets/grocery stores which are generally smaller than 1,000 square metres.¹⁴

Smaller retailers are often more expensive than the major grocery retailers and being able to determine value for money is even more important. 54% of people want to see unit pricing extended to smaller grocery retailers and 55% want to see unit pricing extended to convenience stores.¹⁵

We note that 1,000 square metres as a minimum is much larger than exists in many other countries. The UK, for example, requires a minimum floor space of 280 square meters. This is

¹³ Clemons, R. 2018, 'How much food is in your canned food?', *CHOICE*, <https://www.choice.com.au/food-and-drink/groceries/snack-foods/articles/canned-food>

¹⁴ CHOICE 2018 Unit Pricing Survey

¹⁵ CHOICE 2018 Unit Pricing Survey

far more appropriate; we strongly recommend the floor size requirement is reduced to ensure more consumers can benefit from unit pricing.

Recommendation 8

- Change the minimum floor size so that retailers that have more than 280 square meters of floor space dedicated to the display of grocery items are required to provide unit pricing.

The minimum range of goods

Requiring grocery retailers to carry 11 types of specified grocery items greatly restricts the availability of unit pricing to consumers. This is particularly relevant when you consider the number of non-traditional retailers that exist in Australia today that sell a greater range of grocery items, for example petrol stations, convenience shops and discount department stores. It means that if a convenience shop meets all other unit pricing provisions and sells all the minimum grocery items except for meat, it is not required to provide unit pricing.

We believe that requiring retailers to sell 11 specified grocery items is too restrictive. We recommend that requirement be amended so that retailers who sell five of the 11 product types specified in the Code must display unit prices for all their products. This would ensure that non-traditional retailers now selling a range of grocery items are required to display unit prices.

Recommendation 9

- The list of minimum range of products required to display unit pricing should be amended so that a retailer who sells five of the 11 grocery items must comply with the Code.

Definition of retail premises

Considering the growing number of retailers selling a varied range of grocery products, we believe that the definition for a store-based grocery retailer should be amended. Currently the Code states that a store-based grocery retailer is:

a person that sells the the minimum range of food-based grocery items to consumers in retail premises that are used primarily for the sale of food-based grocery items.

This requirement means that a retailer who otherwise falls under the Code's requirements but whose premises are not used primarily for the sale of food-based products does not have to provide unit pricing. This removes the possibility of many stores such as discount department

stores or petrol stations, providing unit pricing. The definition of a store-based grocery retailer should be amended so that a retailers' premises are not required to be primarily for the sale of food-based grocery items.

Recommendation 10

- The definition of 'store-based grocery retailer' in the Code should be amended to remove the requirement for a retailer to be primarily a food-based grocer.

Non-grocery retailers

Unit pricing should be extended to a greater range of retailers, rather than just grocery retailers. This would align unit pricing in Australia with many European countries where all types of retailers are required to provide unit pricing. For example, in the UK unit pricing is required in many chemists and hardware stores.

In CHOICE's nationally representative survey, most (86%) respondents believed unit prices should be extended to shops that are not currently covered by the Code.

- 66% of people want to see unit pricing in pharmacies and chemists;
- 55% of people want to see unit pricing in convenience stores;
- 54% of people want to see unit pricing in small grocery retailers; and
- 44% of people want to see unit pricing in hardware stores.¹⁶

Many of the products sold in the above stores are of varying shapes, sizes and prices and consequently people would benefit from effective unit pricing. Often products such as medicines, beauty products and pet foods are also sold in grocery retailers who must or do provide unit prices. Therefore consumers are able to easily ascertain the best value for money for products like sun cream in major grocery retailers but are unable to do so in major discount pharmacies.

Consumers spend large amounts of money each year at non-grocery retailers. The annual revenue of pharmacies is estimated to be \$18 billion and that of hardware stores \$22 billion.¹⁷ It is very rare for these retailers to voluntarily provide unit prices for packaged products and this

¹⁶ CHOICE 2018 Unit Pricing Survey

¹⁷ Ibis World, 2019, Pharmacies - Australia Market Research Report

<https://www.ibisworld.com.au/industry-trends/market-research-reports/retail-trade/other-store-based-retailing/pharmacies.html> and Ibis World, 2018, Hardware and Building Supplies Retailing - Australia Market Research Report

<https://www.ibisworld.com.au/industry-trends/market-research-reports/retail-trade/other-store-based-retailing/hardware-building-supplies-retailing.html>

inconsistency is a great source of frustration for consumers and unfair considering the market size of these industries.

It is a natural evolution to extend unit pricing to non-grocery retailers where consumers would greatly benefit from this information.

Recommendation 11

- The Code should be extended to other non-grocery retailers such as pharmacies, hardware shops, pet stores and stationery shops.

7. Compliance and enforcement

It is unsurprising that the ACCC has received a relatively small number of complaints about unit pricing and it is in no way indicative of the number of issues regarding non-compliance. When an individual faces a single issue with unit pricing, the benefit-cost ratio of complaining is a lot lower than if an individual has an issue regarding their internet or energy bill. This compounded with the difficulty of making a complaint via the ACCC website, means the ACCC is likely not to receive many complaints regarding issues of non-compliance with the unit pricing Code.

Our experience is that people do have issues with unit pricing and on a fairly regular basis. Over the previous 11 months, CHOICE has received over 251 images of issues relating to unit pricing, many to do with non-compliance.

Examples of non-compliance with the unit pricing Code



Coles, Queen Street CBD, QLD

Unit price of peanuts should be per kilogram



Woolworths (store location unknown)
Incorrect calculation of unit price



Aldi, Stanhope Gardens, NSW
Incorrect calculation of unit price



Woolworths, QLD
No display of unit price

While a single non-compliant unit price may not significantly impact an individual, when you multiply this detriment across the number of people who use or view a non-compliant unit price over the course of it being non-compliant, the harm is substantial.

Issues of non-compliance need to be better addressed. Improved monitoring of the Code would increase the quality of unit pricing and consumers' confidence in it. To assist in these efforts, we believe there should be greater liaison and coordination between the ACCC and the National Measurement Institute (NMI). The NMI already undertakes extensive and regular monitoring of retailers in relation to trade measurement regulations and is therefore very well placed to help monitor and enforce compliance with the Code.

This would need to be supplemented by a consumer-led complaints mechanism where individuals can easily submit complaints of issues of non-compliance. The number of images CHOICE has received over the past 11 months proves that Australians are aware of unit pricing issues and want a forum to raise them so that they are acted upon.

And of course, in order to encourage compliance there must be mechanisms to penalise non-compliance. It is concerning that the unit pricing code does not allow administrative penalties for non-compliance. The lack of this power limits the ACCC's ability to effectively ensure compliance with the Code. We strongly recommend that administrative penalties should be added as part of this review.

Recommendations 12, 13 and 14

- The ACCC should improve and increase monitoring and compliance efforts of the unit pricing Code with greater coordination and liaison between the ACCC and NMI.
- The ACCC should facilitate a consumer-led complaints mechanism to better capture issues of non-compliance with the unit pricing Code.
- The ACCC should be given the power to impose administrative penalties for retailer non-compliance with the Code.