



NEW ZEALAND  
**CUSTOMS SERVICE**  
TE MANA ĀRAI O AOTEAROA

**WELLINGTON**

The Customhouse, 1 Hinemoa Street, Wellington  
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Phone: 04 901 4500 Fax: 04 901 4555 All general enquiries phone: 0800 428 786  
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PROTECTING NEW ZEALAND'S BORDER

20 November 2012

Ref; IPC OIA 12-149

Alan Heward  
[fyi-request-613-cdf96dbc@requests.fyi.org.nz](mailto:fyi-request-613-cdf96dbc@requests.fyi.org.nz)

Dear Mr Heward

I refer to your email dated 20 October 2012 in which you have requested information regarding notices filed with the New Zealand Customs Service (Customs) under the Trade Marks Act 2002, by Sanitarium, requesting the detention of goods bearing the Marmite name. You have also sought information relating to Marmite imported by Savage Imports Ltd and Bob's Emporium of Nelson.

Your request has been dealt with pursuant to section 12 of the Official Information Act 1982 (the Act) and my reply has been prepared in accordance with section 16 of the same Act, which relates to the manner in which the information is released to you.

In response please find attached the following documentation:

- one file named "Notice acceptance" that relates to paragraph 1 of your request.
- one file named "Para.2 information" that relates to paragraph 2 of your request.

Please note that some documents contain deletions as provided for under section 17 of the Act. Where a deletion has been made, the statute ground for withholding the information is cited.

Section 9(2)(a) provides for the protection of an individual's privacy where this is not outweighed by the public interest. In this particular case, the names of Customs employees have been withheld.

Section 9(2)(ba)(i) provides for the protection of information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied.

Section 9(2)(h) provides for the protection of information to maintain legal professional privilege.

Customs has accepted notices filed with it under section 137 of the Trade Marks Act 2002 for the Weet-Bix and Marmite trade marks. The notices request the detention of any goods on which an infringing sign is used that are in, or at any time come into, the control of Customs. The person filing the notices is the New Zealand Health Association (Sanitarium) on behalf of the Australasian Conference Association Limited.

The provisions for accepting and enforcing notices filed with Customs are set out in Part 3 (Border protection measures) of the Trade Marks Act 2002.

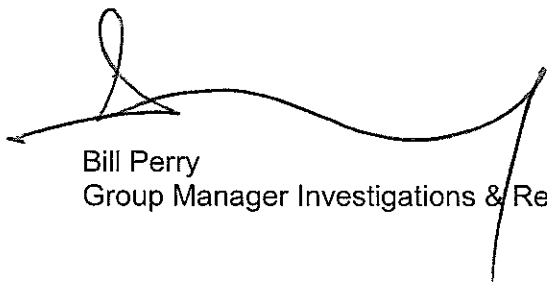
Customs has not received a request from Sanitarium to have the goods currently detained from Savage Imports Ltd either destroyed or used as landfill.

Your paragraph 3 request for information is included within the information provided to you per your paragraph 1 because it is part of the same process.

Customs is not holding any Weetabix goods imported by English Bob's Emporium.

You have the right to seek a review and investigation of any refusal to provide information, including partial deletions of information contained in documents, by way of complaint to the Ombudsman.

Yours sincerely



Bill Perry  
Group Manager Investigations & Response