

Serial Number 1940/210.



PRICE ORDER NO. 10.

IN pursuance of the powers conferred upon the Price Tribunal by the Control of Prices Emergency Regulations 1939,* and with the authority of the Minister of Industries and Commerce, the Price Tribunal hereby makes the following Price Order:—

1. This Order may be cited as Price Order No. 10.
2. This Order shall apply only to the North Island of New Zealand.
3. Nothing in this Order shall apply to the sale or purchase of any superphosphate or phosphatic fertilizer in a quantity of less than 1 ton if not effected at a price or on terms more advantageous to the purchaser than the prices or terms specified herein.
4. The prices at which any person may sell superphosphate manufactured in New Zealand and being of the grade commercially known as 44/46 superphosphate if sold for delivery ex works or free on rail at any of the places named in the Schedule hereto shall be the respective prices set out in the said Schedule (sacks extra as hereinafter provided) according to whether the sale is—
 - (a) To a consumer—that is to say, a person purchasing for his own use and not for the purpose of resale; or
 - (b) To a storekeeper—that is to say, a person purchasing solely for resale to consumers and not being one of the persons described in any of the following paragraphs of this clause; or
 - (c) To a merchant—that is to say, a person purchasing for resale to storekeepers or for resale to consumers; or
 - (d) To a dairy company as defined in section 2 of the Dairy Industry Act, 1908, purchasing solely for resale to persons being suppliers of milk or cream to the company; or
 - (e) To a farmers' organization duly registered or incorporated and having a retail trading department conducted on a co-operative basis purchasing solely for resale to members of that organization.
5. The price to be charged for sacks into which such superphosphate as aforesaid is packed shall be 13s. per ton of superphosphate supplied by the Challenge Phosphate Co., Ltd., and the Farmers' Fertilizer Co., Ltd., and shall be 11s. per ton of superphosphate supplied by Kempthorne, Prosser, and Co's N.Z. Drug Co., Ltd.

* Statutory Regulations 1939, Serial number 1939/275, page 1057.

6. An allowance shall be made to any purchaser who is a consumer by a vendor being a manufacturer or the authorized agent of such a vendor for all empty sacks which—

- (a) Bear a brand or mark in the form of a five-point star; and
- (b) Are returned to the vendor or the authorized agent of the vendor for repacking with superphosphate as aforesaid within ninety days from the date of delivery to the purchaser of the superphosphate with which such sacks were packed; and
- (c) Are in good order and condition for repacking with superphosphate as aforesaid; or
- (d) Are not seriously damaged or rendered useless for so repacking by reason of careless handling or of having been used for a purpose other than as containers for superphosphate as aforesaid.

Such allowance in the case of the manufacturer being the Challenge Phosphate Co., Ltd., or the Farmers' Fertilizer Co., Ltd., shall be computed at the rate of 8s. 6d., and in the case of the manufacturer being Kempthorne, Prosser, and Co's N.Z. Drug Co., Ltd., shall be computed at the rate of 6s. 6d. for each twelve or each sixteen empty sacks according to their size so branded or marked and delivered free on rail at the railway-station regularly used by the purchaser for consignment to the vendor or the authorized agent of the vendor.

7. No person shall pay for empty sacks which have held superphosphate and are branded or marked as hereinbefore specified a greater price or allowance than the allowance payable under clause 6 hereof.

8. If any dispute or difference arises as to whether any returned empty sacks comply with the requirements of clause 6 hereof, such dispute or difference shall be referred to the decision of the Director-General of Agriculture or to some other officer of the Department appointed by the Director-General in that behalf, and such decision shall be final and binding on all parties.

9. Where a purchaser delivers to a vendor his own sacks for packing superphosphate as aforesaid for delivery to the purchaser, the prices to be charged for such superphosphate shall be the respective prices set out in the said Schedule increased by a charge of 2s. 6d. per ton for packing.

10. The prices at which any person may sell for delivery ex store or delivery elsewhere than as aforesaid any such superphosphate as aforesaid shall be not less than the respective prices set out in the Schedule hereto increased by the charge for sacks or (as the case may be) the charge for packing into sacks respectively hereinbefore referred to, and increased also by the amount of freight between one of the places named in the said Schedule and the place of delivery, or, in cases where no such freight is paid or payable, a sum equivalent to the current charges of common carriers of goods for cartage between the points in question.

11. No person shall sell any such superphosphate as aforesaid at prices lower than the respective prices hereinbefore referred to.

12. The prices hereinbefore referred to are for a sale for cash or for credit until a date not later than the twentieth day of the month next following the delivery of the goods, but no person shall sell any such superphosphate as aforesaid where more than the aforesaid credit is given at prices lower than the respective prices hereinbefore referred to.

13. Nothing hereinbefore contained shall be deemed to forbid the making or carrying-out of a contract for the sale of any such superphosphate as aforesaid at a price exceeding the respective prices hereinbefore referred to if such sale is made subject to the condition that if payment of the price is made within a specified period ending not later than the twentieth day of the month next following the month of delivery of the goods the price shall be reduced to the respective price hereinbefore referred to.

14. In every invoice, debit-note, or similar document issued by a vendor to a consumer and relating to a sale of any such superphosphate as aforesaid to which this Order applies, the vendor shall set out separately (a) the price of the goods, (b) the charge for sacks or packing into sacks, and (c) the freight, if any, payable by the purchaser.

15. The price at which a person may sell any phosphatic fertilizer not manufactured in New Zealand if imported into New Zealand to any person purchasing the same for his own use in the North Island of New Zealand and not in any case for resale is hereby fixed as follows:—

(a) If sold for delivery ex wharf at the place at which it is imported into New Zealand, at 6 per cent. above the landed cost thereof:

(b) If sold for delivery at any other place, at 6 per cent. above the landed cost thereof plus the reasonable cost of the carriage thereof from the wharf at the place at which it is imported into New Zealand to the place of delivery to the purchaser.

16. No person shall sell or offer to sell or contract or offer to contract for the sale of and no person shall buy or contract or offer to contract for the purchase of any superphosphate or phosphatic fertilizer to which this Order applies at a price or on terms other than the respective price and terms fixed by this Order and applicable to the sale or purchase in question.

17. Except as authorized by this Order no vendor shall, in connection with any sale or proposed sale or offer for sale of superphosphate or phosphatic fertilizer to which this Order applies, pay, offer, or credit to any person any discount, rebate, dividend, bonus, or other payment or allowance, whether in money or money's worth or otherwise, or in any way give to or make available for or offer to any person the benefit of any such payment or allowance, and no person shall accept,

receive, or seek from any vendor any such payment or allowance, or in any way obtain or endeavour to obtain or offer to obtain the benefit of any such payment or allowance:

Provided that nothing contained in this clause shall be deemed to prohibit on the part of any dairy company or farmers' organization as respectively hereinbefore described payments made to the shareholders or members thereof by way of bonus or dividend computed by reference to general trading profits not arising exclusively from sales of superphosphate.

SCHEDULE.

Nature of Sale as described in Clause 4 of this Order.	Price per Ton of 44/46 Superphosphate, Net Cash or Monthly Account (Sacks extra).
	£ s. d.
(a) Consumer	3 9 6
(b) Storekeeper	3 7 6
(c) Merchant	3 5 0
(d) Dairy company	3 5 0
(e) Farmers' organization ..	3 5 0
	The above prices are "Ex works" or "f.o.r." at Aramoho, Otahuhu, Smart Road (New Plymouth), Te Papapa, or Westfield.

Dated this 29th day of August, 1940.

The seal of the Price Tribunal was affixed hereto in the presence of—

[L.S.]

W. J. HUNTER (Judge), President.
H. L. WISE, Member.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 29th day of August, 1940.

These regulations are administered in the office of the Price Tribunal.