

## Serial Number 1942/174



## PRICE ORDER NO. 92

PURSUANT to the powers conferred on it by the Control of Prices Emergency Regulations 1939,\* the Price Tribunal, acting with the authority of the Minister of Industries and Commerce, doth hereby make the following Price Order :—

## PRELIMINARY.

1. This Order may be cited as Price Order No. 92.
2. (1) Price Order No. 81† is hereby revoked.  
 (2) The revocation of the said Price Order shall not affect the liability of any person for any offence in relation thereto committed before the date of this Order.
3. (1) In this Order, unless the context otherwise requires,—  
 “The said regulations” means the Control of Prices Emergency Regulations 1939\* ;  
 “Distributor”, in relation to any lot of potatoes, means a wholesaler, as defined in the said regulations, who sells those potatoes otherwise than to a retailer for purposes of retail sale ;  
 “Grower”, in relation to potatoes, means a person engaged in the business of growing potatoes for sale ;  
 The expression “f.o.b.s.i.” means “Free on board, sacks or other containers included”, and the expression “f.o.r.s.i.” means “Free on rail, sacks or other containers, included” .  
 (2) Terms and expressions defined in the said regulations and used in this Order have the meanings severally assigned thereto by those regulations.
4. (1) Notwithstanding anything in this Order, the Tribunal, on application by any person concerned, may, subject to such conditions, if any, as it thinks fit, authorize special prices or margins of profit in respect of any potatoes used or intended to be used, in New Zealand or elsewhere, for war purposes or for purposes associated with or attributable to war conditions. Any authority given by the Tribunal under this subclause may apply with respect to a specified lot or

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

† Statutory Regulations 1942, Serial number 1942/136, page 306.

consignment of potatoes, or may relate generally to all potatoes that are sold for any of the purposes aforesaid while the approval remains in force.

(2) Any authority given by the Tribunal under the last preceding subclause may be at any time revoked, but the revocation of the authority shall not affect the validity of any contract theretofore lawfully entered into by any person.

5. Subject to any general or specific directions that may be given by or on behalf of the Tribunal, any expenses that are reasonably incurred by a distributor, wholesaler, or retailer in undertaking the transport of any potatoes at his own expense may be regarded for the purposes of this Order as if they were transport charges paid by him, and the maximum price of the potatoes shall be determined accordingly.

6. The provisions of this Order shall apply notwithstanding that any potatoes to which the Order is applicable are sold otherwise than by weight.

7. If any potatoes to which this Order applies are bought at auction by any distributor, wholesaler, or retailer, no account shall be taken of any commission or other charges paid or payable to the auctioneer in computing, for the purposes of this Order, the price paid or payable for those potatoes by any distributor, wholesaler, or retailer.

#### APPLICATION OF THIS ORDER.

8. (1) This Order applies only with respect to potatoes that are intended for human consumption.

(2) All potatoes sold or delivered to a purchaser during the currency of this Order shall be deemed to be intended for human consumption unless they are sold for some other specific purpose.

9. (1) The provisions of this Order fixing growers' prices shall apply only with respect to potatoes grown in the South Island, and shall not apply to any such potatoes:—

(a) That have been sold on or before the 14th day of May, 1942, and are actually delivered to the purchaser on or before the 30th day of June, 1942; or

(b) That are the produce of seed potatoes planted at any time after the 31st day of March, 1942.

(2) Except as provided in the last preceding subclause, the provisions of this Order fixing growers' prices shall apply to all potatoes grown in the South Island and delivered to a purchaser on or before the 30th day of November, 1942 (whether sold by the grower before or after the date of this Order).

(3) Notwithstanding anything in Price Order No. 81,\* the provisions of that Order as to growers' prices shall be deemed not to have applied to any potatoes that are excluded from the operation of this Order by paragraph (a) of subclause (1) hereof.

10. The provisions of this Order as to distributors' prices, wholesalers' prices, and retailers' prices respectively shall apply with respect to all potatoes intended for human consumption (whether grown in New Zealand or imported into New Zealand) that are sold by a distributor or a wholesaler or a retailer (as the case may be) at any time during the currency of this Order.

\* Statutory Regulations 1942, Serial number 1942/136, page 306.

## FIXING PRICES OF POTATOES THAT ARE SUBJECT TO THIS ORDER.

*Growers' Prices.*

11. (1) The price to be charged by growers for potatoes to which this Order applies shall be determined in accordance with the following provisions of this clause.

(2) Where any such potatoes are delivered by the grower, f.o.b.s.i. a port in the South Island, the price to be charged by the grower shall be:—

(a) For Sutton's Supreme or King Edward potatoes,		Per Ton.
sold for delivery in the month of—		£ s. d.
(i) June, 1942	.. ..	8 15 0
(ii) July, 1942	.. ..	9 5 0
(iii) August, 1942	.. ..	10 0 0
(iv) September, 1942	.. ..	10 15 0
(v) October, 1942	.. ..	11 12 6
(vi) November, 1942	.. ..	12 10 0

  

(b) For any other potatoes sold for delivery in the month of—		
(i) June, 1942	.. ..	8 5 0
(ii) July, 1942	.. ..	8 15 0
(iii) August, 1942	.. ..	9 10 0
(iv) September, 1942	.. ..	10 5 0
(v) October, 1942	.. ..	11 2 6
(vi) November, 1942	.. ..	12 0 0

(3) Where any such potatoes are delivered by the grower otherwise than f.o.b.s.i., a port in the South Island, the price to be charged by the grower shall be the price fixed in accordance with the last preceding subclause, reduced by the amount of the charges that would have been incurred by him if he had delivered the potatoes f.o.b.s.i. at the most convenient port in the South Island.

(4) The prices fixed by the foregoing provisions of this clause are fixed for potatoes that are of table size, of good edible quality, and reasonably free from earth, disease, damage, or second growth:

Provided that in computing the price of any consignment of potatoes no account shall be taken of any potatoes that do not conform to the standard prescribed by this subclause, unless the percentage by weight of potatoes that do not conform to the standard exceeds 4 per cent. of the weight of the consignment.

(5) Where in any consignment the percentage by weight of potatoes that do not conform to the required standard exceeds 4 per cent. thereof, the price computed in accordance with the foregoing provisions of this clause shall be reduced by the amount of the costs incurred in picking-over and regrading (including any incidental expenses), and shall be further reduced by an amount proportionate to the weight of discarded potatoes in excess of 4 per cent. of the consignment that do not conform to the standard.

(6) Notwithstanding anything in the foregoing provisions of this clause, where any extraordinary charges beyond the control of the grower are reasonably incurred by him in or in the course of delivering any potatoes at the place specified in any contract as the place of delivery, the amount of such charges may, with the approval of the Tribunal, be added to the price to be paid to the grower for those potatoes.

*Distributors' Prices.*

12. The maximum price that may be charged or received by any distributor for any potatoes grown in New Zealand shall not exceed the sum of the following amounts:—

- (a) The price actually paid or payable to the grower by the same or any other distributor:
- (b) Any disbursements actually incurred and paid by the same or any other distributor by way of brokerage (not exceeding in the aggregate 2s. 6d. a ton) together with any grading, transport, or other charges actually paid by the same or any other distributor:
- (c) An amount computed at the rate of 10s. per ton.

13. The maximum price that may be charged or received by any distributor for any potatoes imported into New Zealand by the distributor or any other person shall not exceed the sum of the following amounts:—

- (a) The landed cost of the potatoes to the importer at the port of discharge:
- (b) Any disbursements actually incurred and paid by the same or any other distributor by way of brokerage in New Zealand (not exceeding in the aggregate 2s. 6d. a ton), together with any grading, transport, or other charges incurred in New Zealand and actually paid by the same or any other distributor:
- (c) An amount computed at the rate of 10s. per ton.

*Wholesalers' Prices.*

14. The maximum price that may be charged or received by any wholesaler for any potatoes grown in New Zealand and sold by him to a retailer for purposes of retail sale shall not exceed the sum of the following amounts:—

- (a) The price actually paid or payable by the wholesaler to the grower or any other person:
- (b) An amount (not exceeding 2s. 6d. a ton) in respect of any potatoes actually received into and delivered from the wholesaler's store, together with any grading, transport, or other charges actually paid by the wholesaler:
- (c) An amount equal to  $2\frac{1}{2}$  per cent. of the sum of the amounts specified in paragraphs (a) and (b) hereof (to cover the estimated loss due to shrinkage and other natural causes), and, in the case of potatoes that have been actually received into the wholesaler's store, a further amount equal to  $1\frac{1}{4}$  per cent. of the aforesaid sum:
- (d) An amount computed at the rate of £1 2s. 6d. a ton for lots of less than a half ton, and at the rate of 15s. a ton in all other cases.

15. The maximum price that may be charged or received by any wholesaler for any potatoes imported into New Zealand by the wholesaler or any other person and sold by the wholesaler to a retailer for purposes of retail sale shall not exceed the sum of the following amounts:—

- (a) The price actually paid or payable by the wholesaler:

- (b) An amount (not exceeding 2s. 6d. a ton) in respect of any potatoes actually received into and delivered from the wholesaler's store, together with any grading, transport, or other charges incurred in New Zealand and actually paid by the wholesaler :
- (c) In respect of potatoes that have been actually received into the wholesaler's store, an amount equal to  $1\frac{1}{4}$  per cent. of the sum of the amounts specified in paragraphs (a) and (b) hereof :
- (d) An amount computed at the rate of £1 2s. 6d. a ton for lots of less than a half ton, and at the rate of 15s. a ton in all other cases.

*Computation of Distributors' and Wholesalers' Prices by reference to Average Prices.*

16. In computing the maximum price that may be charged by any distributor or by any wholesaler for potatoes that have been acquired by him in different lots at different prices, the appropriate maximum price may, with the general or special approval of the Tribunal, and subject to any conditions that may be imposed by the Tribunal, be computed by reference to the average of the several prices paid for such potatoes.

*Retailers' Prices.*

17. (1) Subject to the provisions of subclauses (3) and (4) hereof, the maximum price that may be charged or received by any retailer for potatoes, whether grown in New Zealand or imported into New Zealand, shall not exceed the sum of the following amounts:—

- (a) The price actually paid or payable by the retailer for the potatoes :
- (b) Any grading, transport, or other charges actually paid or payable by the retailer :
- (c) An amount equal to  $33\frac{1}{3}$  per cent. of the sum of the amounts specified in paragraphs (a) and (b) hereof.

(2) The retail price of any potatoes, computed in accordance with the last preceding subclause, shall be calculated by reference to the prices and weights disclosed in the appropriate invoices.

(3) Notwithstanding anything to the contrary in the foregoing provisions of this clause, the retail price of potatoes shall not in any case exceed:—

- (a) In the case of potatoes sold at any place within the provincial districts of Canterbury and Otago—
- |   |                             |
|---|-----------------------------|
| (i) If sold in June or July, 1942 . . . . .                             | 1 $\frac{3}{4}$ d. a pound. |
| (ii) If sold in August, September, October, or November, 1942 . . . . . | 2d. a pound.                |
- (b) In the case of potatoes sold at any place within the Metropolitan Areas of Auckland or Wellington, or within the Cities or Boroughs of New Plymouth, Wanganui, Napier, Gisborne, Picton, Blenheim, Nelson, Greymouth, Westport, or Hokitika—
- |   |                             |
|---|-----------------------------|
| (i) If sold in June or July, 1942 . . . . .                             | 2d. a pound.                |
| (ii) If sold in August, September, October, or November, 1942 . . . . . | 2 $\frac{1}{4}$ d. a pound. |

- (c) In the case of potatoes sold elsewhere in New Zealand—
- (i) If sold in June or July, 1942 . . . . . 2¼d. a pound.
  - (ii) If sold in August, September, October,  
or November, 1942 . . . . . 2½d. a pound.

(4) If in respect of any lot of potatoes sold by a retailer, the maximum price, calculated in accordance with the foregoing provisions of this clause, is not an exact number of halfpence (in the case of a lot less than 5 lb.), or is not an exact number of pence (in the case of a lot of 5 lb. or more), the maximum price of the lot shall be the next highest halfpenny or the next highest penny, as the case may be. The provisions of this subclause shall apply notwithstanding that in any case the retailer purports to sell any potatoes otherwise than by weight.

(5) For the purposes of this clause the price paid or payable by a retailer for any lot of potatoes and the grading, transport, and other charges paid or payable by him in respect of the same lot, shall be apportioned evenly over the whole lot, and the price and charges paid or payable by the retailer for each pound of potatoes included in the lot shall be determined accordingly.

(6) For the purposes of paragraph (b) of subclause (3) of this clause the Auckland Metropolitan Area shall be deemed to comprise the City of Auckland, the Boroughs of Birkenhead, Devonport, Ellerslie, Mount Albert, Mount Eden, New Lynn, Newmarket, Northcote, Onehunga, One Tree Hill, Otahuhu, and Takapuna, and the Road Districts of Mount Roskill, Mount Wellington, and Panmure Township, and the Wellington Metropolitan Area shall be deemed to comprise the Cities of Wellington and Lower Hutt, the Boroughs of Eastbourne and Petone, and the Johnsonville Town District.

Dated at Wellington, this 12th day of June, 1942.

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

[L.S.]

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

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Issued under the authority of the Regulations Act, 1936.  
Date of notification in *Gazette*: 12th day of June, 1942.  
These regulations are administered in the Department of Industries and Commerce, Tourist and Publicity.