

Serial Number 1952/45



Reprint under section 7 of the Regulations Act 1936 of the Poisons (General) Regulations 1937 (197/1937), as amended by the following enactments. —

- The Poisons (General) Regulations 1937 Amendment No. 3 (1942/49) :
- The Poisons (General) Regulations 1937, Amendment No. 4 (1945/33) :
- The Poisons (General) Regulations 1937, Amendment No. 5 (1946/21) :
- The Poisons (General) Regulations 1937, Amendment No. 6 (1947/125) :
- The Poisons (General) Regulations 1937, Amendment No. 7 (1949/157) :
- The Poisons (General) Regulations 1937, Amendment No. 8 (1951/31) :
- The Poisons (Licensing) Regulations 1951 (1951/44).

NOTE.—The principal regulations were also amended by the following enactments the effect of which has been superseded by subsequent enactments :—

- The Poisons (General) Regulations 1937, Amendment No. 1 (1939/73), revoked by 1939/207 :
- The Poisons (General) Regulations 1937, Amendment No. 2 (1939/207), revoked by 1942/49.

THE POISONS (GENERAL) REGULATIONS 1937 (REPRINT)

GALWAY, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 15th day of July 1937

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Poisons Act 1934, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

REGULATION 1—PRELIMINARY

(1) These regulations may be cited as the Poisons (General) Regulations 1937.

(2) These regulations shall come into force on the 1st day of September 1937.

(3) The following enactments are hereby revoked :—

(a) The regulations made under the Sale of Poisons Act 1871 on the 1st day of September 1885* relating to the labelling of poisons :

(b) The amended regulations for the sale of arsenic and strychnine made under the Sale of Poisons Act 1871 on the 6th day of July 1901† :

(c) The Warrant made under the Poisons Act 1908 on the 14th day of October 1918‡ constituting districts :

(d) The Poisons (Importation) Regulations 1935§.

[(4) *Rev. by regulation 10 of 1951/44.*]

* *Gazette*, 3 September 1885, Vol. II, page 1014.

† *Gazette*, 11 July 1901, Vol. II, page 1442.

‡ *Gazette*, 24 October 1918, Vol. III, page 3581.

§ *Gazette*, 19 December 1935 Vol. III, page 3986.

- (5) In these regulations, unless inconsistent with the context,—
“The Act” means the Poisons Act 1934 :
“Approved” means approved by the Registrar or by any Medical Officer of Health appointed under the Health Act 1920 :
“To sell by wholesale for extended purposes” means in respect of any substance included in the First Schedule or Second Schedule hereto to sell for a purpose which is not within the definition of the words “to sell for wholesale purposes” as originally defined by the Act but is within the definition of those words as extended by regulation 2 hereof :
A reference to any substance included in the First Schedule or Second Schedule hereto shall be deemed to include a reference to such substance whether prepared from natural sources or artificially, and shall, unless expressly qualified, include a reference to any preparation, solution, or mixture containing such substance.
[A proportion expressed as a percentage in any of the provisions of these regulations, including the Schedules hereto, shall, unless otherwise expressly stated, be deemed in the case of solid poisons to represent the number of grammes of the poison contained in 100 grammes of a solid substance or preparation, or in 100 millilitres of a liquid substance or preparation ; and in the case of liquid poisons to represent the number of millilitres of the poison contained in 100 grammes of a solid substance or preparation or in 100 millilitres of a liquid substance or preparation.]

(6) The provisions of these regulations as to the sale of any poison or poisonous substance shall apply to the disposal of any poison or poisonous substance by way of gift, loan, or otherwise, and the term “sale” wherever used herein shall accordingly, where necessary, be deemed to include disposal by way of gift, loan, or otherwise, and the term “sell” wherever used herein shall be deemed to have a corresponding meaning.

(7) Nothing in these regulations shall apply to the substances set out in the Fifth Schedule hereto, notwithstanding that such substances may include in their composition any substance enumerated in the First, Second, and Fourth Schedules hereto.

NOTE.—The words printed within square brackets in clause (5) were added by regulation 4 of the Poisons (General) Regulations 1937, Amendment No. 4 (1945/33).

REGULATION 2—MODIFICATION OF STATUTE

(1) “To sell by wholesale” shall for the purposes of the Act and these regulations, in addition to selling as defined by the Act, mean and include, when referring to a sale of any substance included in the First Schedule or Second Schedule hereto, to sell for use in any scientific, educational, or commercial laboratory, or in any process of manufacture or trade not involving (in any of such cases) resale in an unaltered state.

(2) The substances heretofore included in the First Schedule to the Act are hereby removed therefrom, and the substances included in the First Schedule to these regulations are added to the First Schedule to the Act.

(3) The substances heretofore included in the Second Schedule to the Act are hereby removed therefrom, and the substances included in the Second Schedule to these regulations are added to the Second Schedule to the Act.

(4) The substances included in the Third Schedule to the Act are the substances included in the Third Schedule to these regulations.

(5) The substances heretofore included in the Fourth Schedule to the Act are hereby removed therefrom, and the substances included in the Fourth Schedule to these regulations are added to the Fourth Schedule to the Act.

(6) The statement set out in paragraph (d) of section 15 of the Act shall not be required to be borne on the package of any poison or poisonous substance other than the following, namely:—

Arsenical poisons.

Hydrocyanic acid and cyanides.

Hydrochloric acid, nitric acid, and sulphuric acid, in solutions containing over 9 parts per cent of these acids weight in weight.

Mercuric chloride (corrosive sublimate) and mercuric biniiodide.

Nicotine and nicotine sulphate.

Strychnine and salts of strychnine.

The poisons set out in the Third Schedule hereto.

The poisonous substances set out in the Fourth Schedule hereto.

REGULATION 3—SALE BY WHOLESALE FOR EXTENDED PURPOSES

Every person who sells by wholesale for extended purposes (as hereinbefore defined) any substance included in the First Schedule or the Second Schedule hereto shall observe the provisions of sections 15 and 16 of the Act other than the provisions of paragraphs (c) and (f) of the said section 15.

[REGULATION 4—PRESCRIPTION POISONS

(1) This regulation applies to the following substances:—

Group I—(a) Amidopyrine; (b) its salts.

Group II—(a) Barbituric acid; (b) its salts; (c) derivatives of barbituric acid; (d) their salts; (e) compounds with any other substance of barbituric acid or of its salts or of its derivatives or of their salts; except solutions containing not more than 2 per cent of the substances included in this group.

Group III—(a) Dinitrocresols; (b) dinitronaphthols; (c) dinitrophenols; (d) dinitrothymols.

Group IV—(a) Phenylcinchoninic acid; (b) its salts; (c) its esters; (d) salicylcinchoninic acid; (e) its salts; (f) its esters.

Group V—(a) Sulphonal; (b) alkyl sulphonals.

Group VI—Chlorodyne and similar substances containing more than 0.1 per cent of morphine and less than 0.2 per cent of morphine.

Group VII—(a) Para-aminobenzene sulphonamide; (b) its salts; (c) derivatives of para-aminobenzene sulphonamide having another radical or radicals substituted for one or both of the hydrogen atoms of (i) the para-amino group or (ii) the sulphonamide group or (iii) both of these groups; (d) the salts of such derivatives, [[except any of the above-mentioned drugs in the form of a powder packed in a suitable container for use in industrial first aid kits and sold for that purpose, or in the form of tablets sold for inclusion in the emergency equipment required to be carried by any aircraft as a condition of the issue of a certificate of airworthiness.]]

Group VIII—(a) Ergot; (b) extracts of ergot; (c) tinctures of ergot; (d) alkaloids of ergot; (e) salts of alkaloids of ergot.

Group IX—Paraldehyde, except solutions containing not more than 1 per cent of paraldehyde.

[[Group X—(a) 6 - morpholino - 4 - 4 - diphenyl - heptane - 3 - one; (b) its salts, including the hydrochloride known as "Heptalgin" and also as "C.B. 11".]]

[[For the purposes of the exception following the names of the substances included in Group VII,—

"Suitable container" means a container made of metal or other suitably strong material to hold approximately 2 oz. of powder, with the addition of a sprinkler top and screw cap:

"Industrial first aid kit" means a first aid kit suitable for use in factories, or in places where groups of workers or trainees are regularly occupied and are likely to sustain injuries in the course of their work.]]

(2) For the purposes of this regulation "prescription" includes "order", and the provisions of this regulation relating to prescriptions shall apply also to orders.

(3) No person shall sell by retail or dispense any substance being one of the substances included in Groups I to V (both inclusive) and X set out in clause (1) of this regulation except in accordance with a prescription given by a medical practitioner or dentist and complying with the requirements of clause (10) of this regulation [[or except in accordance with an order for group supply of pharmaceutical requirements in bulk to a licensed hospital issued by a medical practitioner under the provisions of the drug tariff as defined by clause 2 of the Social Security (Pharmaceutical Supplies) Regulations 1941* as amended by clause 2 of the Social Security (Pharmaceutical Supplies) Regulations 1941, Amendment No. 4†.]]

(4) No person shall sell by retail or dispense any substance being one of the substances included in Groups VI to IX (both inclusive) set out in clause (1) of this regulation except in accordance with a

* Statutory Regulations 1941, Serial number 1941/66, page 240.

† Statutory Regulations 1946, Serial number 1946/135, page 325.

prescription given by a medical practitioner, dentist, or veterinary surgeon and complying with the requirements of clause (10) of this regulation.

(5) Every person giving a prescription intended to take effect or capable of taking effect under the provisions of this regulation shall in giving the prescription comply with the requirements set out in clause (10) of this regulation.

(6) Notwithstanding clause (5) of this regulation, in case of emergency a person authorized to give prescriptions under clauses (3) and (4) of this regulation may orally, whether face to face or by direct person-to-person telephone communication, communicate to a chemist personally known to him for the purpose of being sold and dispensed by such chemist a prescription relating to a substance included in any of the groups set out in clause (1) of this regulation if the substance is one in respect of which the prescriber is authorized to give prescriptions.

(7) Every prescriber who communicates orally to a chemist a prescription relating to a substance included in any of the groups set out in clause (1) of this regulation shall forthwith himself reduce such prescription to writing in manner complying with the requirements of clause (10) of this regulation, and shall forthwith deliver the writing directly to the chemist whom he authorized to dispense the prescription, with an indication written thereon to the effect that it is intended only in confirmation of a prescription already communicated orally on a date to be stated in such indication.

(8) Notwithstanding clauses (3) and (4) of this regulation, in case of emergency a chemist may sell or dispense a substance included in any of the groups set out in clause (1) of this regulation pursuant to a prescription communicated orally by a prescriber personally known to him and communicated under the authority of clause (6) of this regulation.

(9) Any chemist having sold or dispensed any substance referred to in clause (1) hereof pursuant to clause (8) hereof who does not forthwith receive a written prescription as provided by clause (7) hereof the terms of which comply in all respects with the prescription orally communicated shall forthwith notify the Registrar or a Medical Officer of Health to that effect.

(10) Every prescription given under this regulation shall—

- (a) Be written personally in his own handwriting by the person giving it and signed personally with his usual signature (and otherwise than by means of a stamping contrivance):
- (b) Set out the date on which it is written:
- (c) Set out the name and address of the person for whose use the prescription is given:
- (d) Indicate by name the substance or preparation that is required to be dispensed:
- (e) Indicate the total amount of medicine to be supplied and the amount and frequency of each dose to be taken.

(11) No dentist shall prescribe any substance referred to in clause (1) hereof for any person other than a patient under treatment by him, and no dentist shall prescribe for any person a quantity exceeding three usual doses of any substance referred to in clause (1)

hereof, and no person shall dispense more than once a prescription prescribed by a dentist containing any substance referred to in clause (1) hereof.

(12) No veterinary surgeon shall prescribe any substance referred to in clause (1) hereof otherwise than in the practice of his profession for the treatment of an animal under his care.

(13) Every person dispensing a prescription containing any substance referred to in clause (1) hereof shall comply with the following requirements:—

- (a) The prescription shall not be dispensed more than once unless, in cases to which clause (11) hereof does not apply, the prescriber has stated thereon that it may be dispensed on more occasions than one, the number of such occasions being set out in the statement:
 - (b) If the prescription contains a direction that it may be dispensed a stated number of times or at stated intervals, it shall not be dispensed otherwise than in accordance with the direction:
 - (c) At every time of dispensing there shall be written on the face of the prescription above the signature of the prescriber the name and address of the seller and the date on which the prescription is dispensed:
 - (d) After being dispensed, whether on the single occasion or the last of the several occasions on which according to this regulation it is permissible to dispense it, every prescription shall either be delivered to the Medical Officer of Health of the district in which the chemist carries on business in accordance with the provisions of clause 14 of the Social Security (Pharmaceutical Supplies) Regulations 1941* or, for a period of three years, be retained by the chemist on the premises on which it was dispensed, in such manner as to be readily available for inspection, or, if the chemist vacates these premises within that period, be delivered by the chemist to a Medical Officer of Health.
- (14) Nevertheless, under special circumstances the Registrar may at his discretion authorize the dispensing of prescriptions without compliance with the requirements set out in clause (13) hereof but subject to such other requirements as the Registrar thinks fit to impose.]

NOTE (i).—The original regulation 4 was revoked and replaced by regulation 7 of the Poisons (General) Regulations 1937, Amendment No. 4 (1945/33).

NOTE (ii).—The words printed within double square brackets in clause (1) in the paragraph describing Group VII were added by regulation 2 (a) of the Poisons (General) Regulations 1937, Amendment No. 8 (1951/31).

NOTE (iii).—The paragraph describing Group X as printed within double square brackets in clause (1) was substituted for the original paragraph by regulation 7 of the Poisons (General) Regulations 1937, Amendment No. 7 (1949/157).

NOTE (iv).—The words printed within double square brackets in clause (1), following the paragraph describing Group X, were added by regulation 2 (b) of the Poisons (General) Regulations 1937, Amendment No. 8 (1951/31).

NOTE (v).—The words printed within double square brackets in clause (3) were added by regulation 4 of the Poisons (General) Regulations 1937, Amendment No. 6 (1947/125).

* Statutory Regulations 1941, Serial number 1941/66, page 240.

REGULATION 5—LABELLING

(1) Except as hereinafter provided, every person commits an offence who has in his charge or possession or who sells any poison or poisonous substance not contained in a package which bears thereon the name, or a statement of the nature of its contents together with the word "Poison" or, if the contents are a poisonous substance, with the word "Poisonous", the whole being conspicuously printed in gothic capitals.

(2) Packages of medicine for use by human beings which have been dispensed or supplied by any medical practitioner or any chemist, or packages of medicine which have been dispensed and supplied by any veterinary surgeon or any chemist for the treatment of animals, need not comply with the requirements of clause (1) hereof if such packages comply with the requirements of subsection (1) or (2) or (3) of section 16 of the Act, as the case may be.

(3) It shall not be lawful, after the coming into force of these regulations, to sell by wholesale any package containing any poison or poisonous substance unless such package bears thereon legibly and durably marked the name and the address of either the manufacturer, or the packer, or the vendor by wholesale.

(4) Where any poison or poisonous substance is packed for the purpose of being sold by retail in an unopened package the following requirements shall be complied with :—

- (a) The package shall bear thereon the name and address of either the manufacturer, or the packer, or the vendor by wholesale or retail :
- (b) The package shall bear thereon the name or a statement of the nature of its contents :
- (c) The package shall bear thereon printed as prescribed by clause (9) of this regulation the word "Poison" or *in the case of any poisonous substance the word "Poisonous"* :
- (d) The package shall bear a statement of the special purpose or purposes for which the substance may be used or else directions for its use :
- (e) If the package contains any one or more of the poisons and poisonous substances set out in clause (6) of regulation 2 hereof, then the package shall bear a statement indicating an appropriate antidote or treatment to be used in the event of any part of the contents being consumed in error by a human being :
- (f) If the contents of the package are liquid, the package shall be of such distinctive character or shape as set out in clause (4) of regulation 6 hereof or otherwise as to be readily identifiable by sight and by touch as a package containing poison or a poisonous substance :

Provided, first, that a package containing any substance or substances included in the Third Schedule to the Act, or any mixture of the same and not containing any other poison, need not comply with the requirements of paragraph (f) of this clause if such package complies with the requirements of that Schedule as to labelling and description and contains more than 4 pints by measure, or *more than 5 lb. avoirdupois* by weight, as the case may be, of such substance or substances, or mixture :

Provided, secondly, that a package containing any poisonous substance or substances included in the Fourth Schedule hereto, or any mixture of the same and not containing any poison included in the First, Second, or Third Schedule to the Act, need not comply with the requirements of paragraphs (d) and (f) of this clause if such package contains more than 4 pints by measure and more than 5 lb. avoirdupois by weight, as the case may be, of such poisonous substance or substances, or mixture, and is packed for the purpose of being sold by retail to a purchaser to be used by him solely for industrial, manufacturing, or laboratory purposes.

(5) It shall not be lawful for any person selling poisons by wholesale to have in his possession or to sell, and it shall not be lawful for any person selling poison by retail to have in his possession, any package containing a poison intended for use by human beings, or a preparation, solution, or mixture thereof, unless such package bears thereon the name of the poison, together with a statement of the proportion which the poison bears to the total ingredients as contained in a specified quantity of the preparation, solution, or mixture, and if the proportion is stated as a percentage the statement shall indicate whether the percentage is calculated on a basis of weight in weight, weight in volume, or volume in volume; and the name of the poison shall,—

(a) If the poison is the subject of a monograph in either the British Pharmacopœia or the British Pharmaceutical Codex, be one or other of the names or synonyms set out at the head of the monograph; and

(b) In any other case, be the accepted scientific name or names descriptive of the true nature and origin of the poison:

Provided that this clause shall not apply to a person selling by retail a package of any medicine containing poison dispensed or supplied for internal use by human beings if it bears the name of the person for whom it is so dispensed or supplied.

(6) Any medicine made up ready for the internal treatment of human ailments which contains any poison for the time being included in the Second Schedule may, instead of bearing the word "Poison", bear the words "Caution: It is dangerous to exceed the stated dose" conspicuously printed.

(7) Hair dye consisting of or containing any phenylene diamines or toluene diamines or their salts need not comply with the requirements of paragraphs (a), (d), and (e) of section 15 of the Act if the package bears the words "Caution: This preparation may cause serious inflammation of the skin in certain persons and should be used only in accordance with expert advice" conspicuously printed.

(8) The statement set out in paragraph (d) of section 15 of the Act shall be borne on any package containing any poison or poisonous substance that is—

(a) Held for ready use, or stored, or packed, or sold by wholesale, or by wholesale for extended purposes; or

(b) Held for ready use, or stored, or packed, or sold for any of the purposes defined in the Third Schedule of the Act; or

(c) Sold by retail:

Provided, first, that nothing in this clause shall be deemed to impose compliance with the requirements of paragraph (d) of section 15 of the Act in any case in which compliance therewith is dispensed with by section 16 of the Act, or by clause (6) of regulation 2 hereof;

Secondly, that where any such poison or poisonous substance enters into the composition of an ointment or plaster or is by dilution or otherwise unlikely to be consumed by inadvertence in dangerous amount the statement required in paragraph (d) of section 15 of the Act need not be borne on the package; and

Thirdly, that this clause shall not apply to any poison or poisonous substance held for use in laboratories of educational establishments or institutions for scientific research, or by persons engaged in the business of a chemist, chemical manufacturer, or analyst, or for dispensing by a medical practitioner or veterinary surgeon.

(9) Wherever in the Act or in these regulations the word "Poison" or the word "Poisonous" is directed to appear on a container or to be printed on a label affixed to a container, such word shall be in conspicuous gothic capital letters in size as follows:—

- (a) Where the container, being a bottle or jar, measures more than 5 in. in height to the shoulder, or, being a tin or tinsplate container or box or carton, measures more than 5 in. over its greatest length, the letters shall be not less than $\frac{1}{4}$ in. in height; or
- (b) Where the height to shoulder or greatest length as aforesaid is less than 5 in. the letters shall be not less than $\frac{1}{8}$ in. in height:

Provided that where the package is so small as to prevent the use of letters $\frac{1}{8}$ in. in height, letters of proportionately less size in height may be used.

(10) Wherever by the Act or these regulations it is required that the statement set out in paragraph (d) of section 15 of the Act shall be borne on any package, the same shall be conspicuously written or printed.

(11) No person shall remove from any package containing a poison or poisonous substance any label required by the Act or these regulations to be borne thereon.

(12) No person shall deface any name or statement borne in compliance with the Act or these regulations on any package containing a poison or poisonous substance.

(13) Every person commits an offence who has in his custody or possession any poison or poisonous substance contained in a package not bearing every name and statement required by the Act or these regulations to be borne thereon.

NOTE.—The clerical errors in the original enactment of "the in" for "in the" in paragraph (c) of clause (4), and "more that" for "more than" and "avoidupois" for "avoirdupois" in the first proviso to clause (4), have been corrected in this reprint in italic type.

REGULATION 6—PACKING AND STORAGE

(1) No person shall pack or store any poison or poisonous substance except in a container impervious to the poison or poisonous substance and sufficiently stout to prevent, and kept sealed so effectively as to prevent, leakage from the container resulting from the ordinary risks of damage in handling and transport.

(2) No person shall pack or store in a paper container any poison included in the First Schedule hereto.

(3) No person shall pack for sale or store any poison or poisonous substance being arsenic or any arsenical preparation such as paris green or arsenate of lead or mixture of arsenic otherwise than in a container of metal, glass, or earthenware, or a container of cardboard or like material constructed in an approved manner.

(4) No person shall pack or store or sell in a bottle any poison or poisonous substance unless such bottle—

(a) Has embossed on at least one-half of its outer surface narrow vertical flutings, or ribs, nettings, or points or other similar markings readily recognizable by touch ; and

(b) Is in colour dark blue, dark green, or amber ; and

(c) Is in all cases of approved type :

Provided first, that bottles known to bottle manufacturers as “ star ”, “ hexagon ”, “ lysol ”, and “ round ” poison bottles and complying with the foregoing requirements shall be deemed to be approved ;

Secondly, that if the poison or poisonous substance be liquid this clause shall not apply to a package containing more than four pints by measure ; and

Thirdly, that this clause shall not apply to a package of any medicine containing poison which is dispensed or supplied by any medical practitioner or by any chemist for internal use by human beings if it bears the name of the person for whom it is so dispensed or supplied.

(5) No person shall pack or store or sell in a tin or tinsplate container or earthenware jar any poison or poisonous substance unless such container or jar bears conspicuously the word “ Poison ” or the word “ Poisonous ”, as the case may be, embossed on the sides or top or otherwise printed on a label affixed on the sides or top in such approved manner that it shall not be readily removable by moisture or friction, and unless the container, if made of tin or tinsplate, is so constructed that the opening may be readily and effectively resealed, and unless the opening thereof is effectively sealed when the contents are not in use.

(6) No person shall pack or store in a collapsible tube any poison or poisonous substance intended for sale as a vermin exterminator.

(7) Every person commits an offence who has in his custody or possession any poison or poisonous substance not contained in a package which in character and shape and condition is in accordance with the provisions of this regulation and which is not effectively resealed after use :

Provided, first, that it shall be a defence to any person charged with having in his custody or possession any poison or poisonous substance not contained in a package which in character or shape is in accordance with the provisions of this regulation if such person proves that the poison or poisonous substance is in the original package in which he acquired it ; and, secondly, that it shall be a defence to any person charged with having in his custody or possession any poison or poisonous substance not contained in a package kept sealed in accordance with the provisions of this regulation if such person proves that such poison or poisonous substance was necessarily removed from its package for effective use of such poison or poisonous substance.

(8) No person in possession or charge of any poison or poisonous substance shall put such poison or poisonous substance in any cupboard, box, shelf, or other place of storage in which articles of food or of drink are stored or kept for ready use, or in any place to which young children may have ready access, nor shall any person pack or prepare for use any poison or poisonous substance in any room or on any table or bench used for the purpose of packing, preparing, or consuming any food or drink.

(9) It shall be an offence for any person to use for the storage, whether temporarily or not, of any poison or poisonous substance any bottle, jar, tin or tinsplate container, culinary utensil, or any other receptacle of a type commonly used or intended to be used for the storage or the preparation of any food or drink or condiment, or for containing any medicine other than medicine of a poisonous nature.

(10) It shall not be lawful to store or keep for ready use any poison or poisonous substance in such manner that any food or drink or drug may be contaminated by any escape or leakage or by vapours from such poison or poisonous substance, and in any place other than a place specially allotted to the storage of poisons and poisonous substances, and so far as is practicable one to which children and unauthorized persons do not have ready access.

(11) It shall not be lawful to use for any other purpose any tin or tinsplate or cardboard or wooden container which has been used for packing or storing or containing any poison or poisonous substance, and every person in possession of any such container when no longer in use shall destroy the same forthwith.

REGULATION 7—IMPORTATION AND TRANSPORT

(1) Any poison or poisonous substance packed or consigned for transport in or to New Zealand shall be packed in effectively sealed iron or steel drums, in strong sound casks, in hermetically sealed glass carboys or earthen jars packed in strong wooden crates or cases, or if already packed in packages suited for retail distribution and of a kind permitted by these regulations shall be enclosed in wooden cases sufficiently strong to protect the contents from damage due to the ordinary risks from handling in transport.

(2) The outer surface of every drum, cask, or wooden case in which any poison or poisonous substance is packed in accordance with clause (1) of this regulation shall have the word "Poison" or the word "Poisonous", as the case may be, marked thereon in conspicuous gothic capital letters of not less than 1 in. in height and if containing any of the poisons or poisonous substances enumerated in the Sixth Schedule hereto shall have the true name or description of such poison or poisonous substance marked thereon in easily legible letters:

Provided that if the total quantity of poison or poisonous substance contained in any external package is less than twenty avoirdupois ounces by weight or twenty fluid ounces by measure and if the package contains substantial quantities of other goods in addition to the poison or poisonous substance these words need not appear on such package.

(3) No person shall transport or cause or permit to be transported any poison or poisonous substance that is not packed as required by this regulation or the package containing which is not marked as required by this regulation.

(4) The provisions of section 25 of the Act shall apply to any poison or poisonous substance of the kinds enumerated in the Sixth Schedule hereto, but such provisions shall not apply to any such poisons or poisonous substances packed with substantial quantities of other goods provided that the total quantity of such poison or poisonous substance contained with such other goods in the package is less than 20 avoirdupois ounces by weight or 20 fluid ounces by measure.

REGULATION 8—RECORDS

(1) Every person who sells by wholesale for extended purposes any poison for the time being included in the First Schedule hereto shall, before delivery to the purchaser, enter in a Sale of Poisons Book to be kept by the vendor in the form in the Fifth Schedule to the Act, the particulars prescribed by that form, and require the purchaser and a witness of the sale to sign such entry.

(2) No such sale shall be made to any purchaser not personally known to the vendor unless made in the presence of a witness so known to the vendor and claiming to know the purchaser. In the case of a purchaser personally known to the vendor the vendor shall sign the entry as witness as well as vendor.

(3) Notwithstanding anything contained in the foregoing clauses of this regulation, a sale and purchase of any such poison may be made by correspondence if the purchaser's signature is known to the vendor or, if not so known, is witnessed or purports to have been witnessed by a Justice of the Peace, or police officer, or by some person whose signature is known to the vendor. In such case the letter or letters ordering the poison shall be kept by the vendor and a reference thereto shall be made in the entry in the Sale of Poisons Book in the columns provided for the signatures of the purchaser and the witness.

(4) Every person who sells by wholesale for extended purposes any poison for the time being included in the Second Schedule hereto shall keep a record of every such sale, showing the name and address of the purchaser and the name and amount of the poison sold to him, and the date on which such sale was made.

(5) Every person other than a person selling by wholesale for extended purposes who sells by wholesale any poison shall keep a record of every such sale showing the name and the address of the purchaser, the name and the amount of the poison sold, and the date on which such sale was made.

(6) In addition to the matters required by section 19 of the Act to be recorded by every person who sells by retail any poison included in the Second Schedule or the Third Schedule hereto, it shall also be necessary that the date of such sale shall be recorded.

(7) It shall be a sufficient compliance with the provisions of section 19 of the Act and with clauses (5) and (6) of this regulation if the matters required to be recorded and kept on record by the said provisions appear in the books and documents kept by the vendors for purposes of their business.

(8) Every vendor of poisons shall keep in some place of security at his place of business every record required to be kept under this regulation, and shall keep every such record for a period of not less than three years from the date of the making of such record or the date of the last entry in any book containing more than one such record.

(9) Every such record shall be open to inspection at all times by any officer of police or any officer of the Department of Health who may make such copies thereof as he thinks fit, and no person shall obstruct any such inspection.

REGULATION 9—PENALTIES

(1) Any person who contravenes or fails to comply with any provision of these regulations shall be liable on conviction to a penalty of £50, or for a continuing offence to a penalty of £2 for every day during which the offence shall be continued.

(2) It shall be a defence to any person charged with having in his custody or possession any poison or poisonous substance not bearing a label or statement complying with these regulations or not contained in a package complying with these regulations if such person proves that such poison or poisonous substance was imported by him and is contained in the package in which it was imported and that such package complied with the requirements of the Poisons (Importation) Regulations 1935* then in force.

[REGULATION 10. *Rev. by regulation 10 of 1951/44.*]

SCHEDULES

FIRST SCHEDULE

Alkaloids, the following : also their salts, simple or complex :—

- Aconite, alkaloids of, except substances containing less than 0.02 per cent of the alkaloids of aconite.
- Apomorphine, except substances containing less than 0.2 per cent of apomorphine.
- Atropine, except substances containing less than 0.15 per cent of atropine.
- Belladonna, alkaloids of, except substances containing less than 0.15 per cent of the alkaloids of belladonna calculated as hyoscyamine.
- Brucine, except substances containing less than 0.2 per cent of brucine.
- Calabar bean, alkaloids of.
- Colchicine, except substances containing less than 0.5 per cent of colchicine.
- Coniine, except substances containing less than 0.1 per cent of coniine.
- Cotarnine, except substances containing less than 0.2 per cent of cotarnine.
- Curarine.
- Emetine, except in ipecacuanha and extracts and tinctures of ipecacuanha and except substances containing less than 1 per cent of emetine.
- Ergot, alkaloids of.
- Gelsemium, alkaloids of, except substances containing less than 0.1 per cent of the alkaloids of gelsemium.
- Homatropine, except substances containing less than 0.15 per cent of homatropine.
- Hyosine, except substances containing less than 0.15 per cent of hyosine.
- Hyoscyamine, except substances containing less than 0.15 per cent of hyoscyamine.
- Jaborandi, alkaloids of, except substances containing less than 0.5 per cent of the alkaloids of jaborandi.

* *Gazette*, 19 December, 1935, Vol. III, page 3986.

FIRST SCHEDULE—*continued*Alkaloids, &c.—*continued*

- Lobelia**, alkaloids of, except preparations in the form of cigarettes, smoking mixtures, or fumigants for the relief of asthma, and except substances containing less than 0·5 per cent of the alkaloids of lobelia.
- Morphine** in substances containing less than 0·2 per cent and more than 0·1 per cent of morphine calculated as anhydrous morphine.
- Papaverine**, except substances containing less than 1 per cent of papaverine.
- Pomegranate**, alkaloids of, except pomegranate bark and except substances containing less than 0·5 per cent of the alkaloids of pomegranate.
- Quebracho**, alkaloids of.
- Sabadilla**, alkaloids of, except substances containing less than 1 per cent of the alkaloids of sabadilla.
- Solanaceous alkaloids**, not otherwise included in the Schedule, except preparations in the form of cigarettes, smoking mixtures, or fumigants for the relief of asthma containing stramonium and except substances containing less than 0·15 per cent of solanaceous alkaloids calculated as hyoscyamine.
- Stavesacre**, alkaloids of, except lotions for external use, soaps and ointments, and except substances containing less than 0·2 per cent of the alkaloids of stavesacre.
- Strychnine**, except substances containing less than 0·2 per cent of strychnine.
- Thebaine**, except substances containing less than 1 per cent of thebaine.
- Veratrum**, alkaloids of, except substances containing less than 1 per cent of the alkaloids of veratrum.
- Yohimba**, alkaloids of.
- Allylisopropylacetylurea**.
- Amidopyrine**; also its salts.
- Amino-alcohols**, esterified with benzoic acid, phenylacetic acid, phenylpropionic acid, cinnamic acid, or any derivative of these acids, except in substances containing less than 10 per cent of esterified amino-alcohols.
- Antimony**, also its compounds and preparations of antimony except substances containing less than the equivalent of 1 per cent of antimony trioxide.
- Arsenic**, also its compounds and preparations of arsenic, except substances containing less than the equivalent of 0·01 per cent of arsenic trioxide, and except pyrites, ores, or sulphuric acid containing arsenical poisons as natural impurities.
- Barbituric acid**; also its salts; derivatives of barbituric acid; their salts; compounds with any other substance of barbituric acid, or of its salts, or of its derivatives, or of their salts.
- Cantharidin**, except substances containing less than 0·01 per cent of cantharidin.
- Cantharidates**, except substances containing less than 0·01 per cent of cantharidin.
- Croton oil**.
- Digitalis**, glycosides of, except substances containing less than 1 unit of activity (as defined in the British Pharmacopœia) in 2 grammes of the substance.
- Dinitrocresols**; dinitronaphthols; dinitrophenols; dinitrothymols.
- Ergot**; extracts of ergot; tinctures of ergot.
- Guanidines**, the following: polymethylene diguanidines, dipara-anisylphenetyl guanidine.
- Hydrocyanic acid**, except substances containing less than 0·1 per cent of hydrocyanic acid (HCN); cyanides, except substances containing less than the equivalent of 0·1 per cent weight in weight, of hydrocyanic acid (HCN).
- Lead**, compounds of, with acids from fixed oils, except in machine-spread plasters or in substances containing less than 4 per cent of lead acetate.
- Mercuric chloride**, except in batteries or in substances containing less than 1 per cent of mercuric chloride; mercuric iodide, except substances containing less than 2 per cent of mercuric iodide; nitrates of mercury, except substances containing less than the equivalent of 3 per cent, weight in weight, of mercury (Hg); potassio-mercuric iodides, except substances containing less than the equivalent of 2 per cent of mercuric iodide; organic compounds of mercury, except substances containing less than the equivalent of 0·2 per cent, weight in weight of mercury (Hg).

FIRST SCHEDULE—*continued*

Metanitrophenol; orthonitrophenol; paranitrophenol.
 Nux vomica, except substances containing less than 0.2 per cent of strychnine.
 Ouabain.
 Oxycinchonic acid; also its derivatives; their salts; their esters.
 Phenetidylphenacetin.
 Phenyleinchonic acid; salicyl-cinchonic acid; their salts; their esters.
 Phenylethylhydantoin; also its salts; its acyl derivatives; their salts.
 Picrotoxin.
 Savin, oil of.
 Strophanthus, glycosides of.
 Sulphonal; alkyl sulphonals.
 Thallium, salts of.
 Tribromethyl alcohol.

Excluding, however, the substances hereinbefore mentioned when contained in any of the substances included in the Third Schedule, Fourth Schedule, or Fifth Schedule hereto.

NOTE.—The foregoing Schedule, replacing the First Schedule to the Poisons Act 1934, is modified as follows:—

(i) By regulation 8 of the Poisons (General) Regulations 1937, Amendment No. 4 (1945/33), the following additional names of substances were inserted next following the words "tribromethyl alcohol",—

"31. (a) Beta-aminopropylbenzene; (b) its salts; (c) its N-alkyl derivatives; (d) their salts; (e) beta-aminoisopropylbenzene; (f) its salts; (g) its N-alkyl derivatives; (h) their salts; excepting, however, appliances for inhalation containing any of the foregoing group of related substances in which the poison is absorbed in inert solid material.

[32. *Revoked by regulation 5 (a) of the Poisons (General) Regulations 1937, Amendment No. 7 (1949/157).*]

"33. (a) Para-aminobenzene sulphonamide; (b) its salts; (c) derivatives of para-aminobenzene sulphonamide having another radical or radicals substituted for one or both of the hydrogen atoms of the para-amino group or of the sulphonamide group or both these groups; (d) their salts.

"34. Paraldehyde."

(ii) By regulation 5 of the Poisons (General) Regulations 1937, Amendment No. 7 (1949/157), the substances or classes of substances named and specified in the following paragraphs were added:—

"35. (a) 6-morpholino - 4 - 4 - diphenyl - heptane - 3 - one; (b) its salts, including the hydrochloride known as 'Heptalgin' and also as 'C.B. 11'.

"36. All those preparations or substances named in the Second Schedule to the Dangerous Drugs Regulations 1928,* as amended by the Dangerous Drugs Amendment Regulations 1934† and the Dangerous Drugs Amendment Regulations 1949, No. 2‡."

(iii) By regulation 3 of the Poisons (General) Regulations 1937, Amendment No. 8 (1951/31), the following paragraph was added:—

"37. Sodium monofluoroacetate, also known as 1080."

 SECOND SCHEDULE

Acetanilide; alkyl acetanilides; except substances not being preparations for the treatment of human ailments, and except substances containing less than 0.05 per cent of acetanilide.

Alkaloids, the following: also their salts simple or complex:—

Aconite, alkaloids of, in substances containing less than 0.02 per cent of the alkaloids of aconite.

Apomorphine in substances containing less than 0.2 per cent of apomorphine.

Atropine in substances containing less than 0.15 per cent of atropine.

Belladonna, alkaloids of, in substances containing less than 0.15 per cent of the alkaloids of belladonna calculated as hyocyamine.

* *Gazette*, 27 September 1928, Vol. III, page 2873.

† *Gazette*, 19 July 1934, Vol. II, page 2208.

‡ Statutory Regulations 1949, Serial number 1949/130, p. 552.

SECOND SCHEDULE—*continued*Alkaloids, &c.—*continued*

- Brucine in substances containing less than 0·2 per cent of brucine.
Colchicine in substances containing less than 0·5 per cent of colchicine.
Coniine in substances containing less than 0·1 per cent of coniine.
Cotarnine in substances containing less than 0·2 per cent of cotarnine.
Emetine in substances containing less than 1 per cent and more than 0·05 per cent of emetine.
Ephedra, alkaloids of, except in substances containing less than 1 per cent of the alkaloids of ephedra.
Gelsemium, alkaloids of, in substances containing less than 0·1 per cent of the alkaloids of gelsemium.
Homatropine in substances containing less than 0·15 per cent of homatropine.
Hyoscyne in substances containing less than 0·15 per cent of hyoscyne.
Hyoscyamine in substances containing less than 0·15 per cent of hyoscyamine.
Jaborandi, alkaloids of, in substances containing less than 0·5 per cent and more than 0·025 per cent of the alkaloids of jaborandi.
Lobelia, alkaloids of, in substances containing less than 0·5 per cent more than 0·1 per cent of the alkaloids of lobelia.
Morphine in substances containing less than 0·1 per cent of morphine calculated as anhydrous morphine.
Nicotine; also its salts; except in tobacco.
Papaverine in substances containing less than 1 per cent of papaverine.
Pomegranate, alkaloids of, in substances containing less than 0·5 per cent of the alkaloids of pomegranate.
Sabadilla, alkaloids of, in substances containing less than 1 per cent of the alkaloids of sabadilla.
Solanaeous alkaloids not otherwise included in this Schedule, in substances containing less than 0·15 per cent of solanaeous alkaloids, calculated as hyoscyamine.
Stavesacre, alkaloids of, in substances containing less than 0·2 per cent of the alkaloids of stavesacre.
Strychnine in substances containing less than 0·2 per cent of strychnine.
Thebaine in substances containing less than 1 per cent of thebaine.
Veratrum, alkaloids of, in substances containing less than 1 per cent of the alkaloids of veratrum.
- Amino-alcohols, esterified with benzoic acid, phenylacetic acid, phenylpropionic acid, cinnamic acid or the derivatives of these acids in substances containing less than 10 per cent of esterified amino-alcohols.
- Amyl nitrite.**
Barium carbonate; barium silicofluoride.
Cantharidin in substances containing less than 0·01 per cent and more than 0·001 per cent of cantharidin.
Cantharidates in substances containing less than 0·01 per cent and more than 0·001 per cent of cantharidin.
Cresylic acid, except in such form as to be included in the Fourth Schedule.
Chloral formamide.
Chloral hydrate.
Chloroform, except in substances containing less than 10 per cent of chloroform.
Creosote, obtained from wood, except in substances containing less than 50 per cent of creosote obtained from wood.
Digitalis, glucosides of, in substances containing less than 1 unit of activity (as defined in the British Pharmacopœia), in 2 grammes of the substance.
Elaterin.
Erythryl tetranitrate.
Ether.
Glyceryl trinitrate.
Hydrocyanic acid in substances containing less than 0·1 per cent of hydrocyanic acid (HCN); cyanides in substances containing less than the equivalent of 0·1 per cent weight in weight of hydrocyanic acid (HCN); double cyanides of mercury and zinc.
Hydrofluoric acid; potassium fluoride; sodium fluoride; sodium silico-fluoride; except substances containing less than 3 per cent of sodium fluoride or of sodium silico-fluoride as a preservative.
Iodine and solutions thereof containing more than 2·6 per cent of iodine.

SECOND SCHEDULE—*continued*

Mannityl tetranitrate.

Mercuric chloride in substances containing less than 1 per cent of mercuric chloride; mercuric iodide in substances containing less than 2 per cent of mercuric iodide; nitrates of mercury in substances containing the equivalent of less than 3 per cent, weight in weight, of mercury (Hg.); potassio-mercuric iodides in substances containing the equivalent of less than 2 per cent of mercuric iodide; organic compounds of mercury in substances containing the equivalent of less than 0.2 per cent, weight in weight, of mercury (Hg.); ammoniated mercury (white precipitate); mercuric oxide (red precipitate) and all oxides of mercury.

Nitric acid, except substances containing less than 9 per cent weight in weight of nitric acid (HNO₃).

Nitrobenzene, except substances containing less than 0.1 per cent of nitrobenzene, or soaps containing less than 1 per cent of nitrobenzene.

Nux vomica in substances containing less than 0.2 per cent of strychnine.

Orthocaine; also its salts.

Phenols, except in the following substances: Carvacrol; coal tar, crude or refined; creosote obtained from coal tar; essential oils in which phenols occur naturally; medicines containing less than 1 per cent of phenol; emollients, nasal sprays, mouth washes, pastilles, lozenges, capsules, pessaries, ointments, or suppositories, containing less than 2.5 per cent of phenols; smelling bottles; soaps for washing; tooth powders, tooth pastes; disinfecting powders containing less than 25 per cent of phenols; tertiary butyl-cresol; thymol; and except in such form as to be included in the Fourth Schedule.

Paraldehyde. (See note (i) below.)

Para-amino-benzoic acid, esters of; their salts.

Phosphorus, yellow.

Picric acid, except substances containing less than 5 per cent of picric acid.

Sulphuric acid, except substances containing less than 9 per cent, weight in weight, of sulphuric acid (H₂SO₄), and except in accumulators, batteries, and fire extinguishers.

Zinc chloride.

(See note (ii) below.)

Excluding, however, the substances hereinbefore mentioned when contained in any of the substances included in the First Schedule, Third Schedule, Fourth Schedule, or Fifth Schedule hereto.

NOTE (i).—The word "Paraldehyde" was removed from the foregoing Schedule, which replaces the Second Schedule to the Poisons Act 1934, by regulation 8 of the Poisons (General) Regulations 1937, Amendment No. 3 (1942/49).

NOTE (ii).—The foregoing Schedule, replacing the Second Schedule to the Poisons Act 1934, is amended by regulation 4 of the Poisons (General) Regulations 1937, Amendment No. 8 (1951/31), by adding the following paragraphs:—

" 33. Bis-dimethylaminophosphonous anhydride.

" 34. Diethylparanitrophenyl thiophosphate, also known as E605 and parathion.

" 35. Hexaethyl tetraphosphate, also known as HETP.

" 36. Tetraethyl pyrophosphate, also known as TEPP."

 THIRD SCHEDULE

Preparations and admixtures of tobacco, arsenic, or any of the poisons included in the First and Second Schedules if labelled and described as for use exclusively in agriculture and horticulture for the destruction of animals and insect pests, internal parasites of animals, fungi and bacteria, for use as a sheep-dip or sheep-wash, or wash for any other animal, or as a weed-killer.

FOURTH SCHEDULE

POISONOUS SUBSTANCES

Ammonia in liquid preparations containing more than 5 per cent weight in weight of ammonia (NH_3) except when contained in refrigerators or smelling bottles, or in substances not being solutions of ammonia or preparations containing solutions of ammonia.

Arsenical fly exterminators.

(As to camphorated oil, see note (iii) below.)

Carbon tetrachloride for industrial purposes. (See note (iii) below.)

Hair dyes and other toilet preparations containing phenylene diamines, toluene diamines, or their salts.

Hydrochloric acid, except substances containing less than 9 per cent, weight in weight, of hydrochloric acid (HCl).

Metaldehyde, sold as fuel. (See note (iii) below.)

Liquid preparations of carbolic acid and its homologues and all preparations of the phenol and cresol groups sold as commercial disinfectants and containing more than 3 per cent, and not more than 60 per cent, of those substances.

Oxalic acid and its soluble salts.

Photographic chemicals (other than potassium cyanide) included in the First and Second Schedules when sold for the purposes of photography.

Potassium hydroxide (caustic potash), except substances containing less than 12 per cent of potassium hydroxide.

Rabbit, rat, and mouse poisons containing barium carbonate or not more than 2 per cent of yellow phosphorus.

Sodium hydroxide (caustic soda), except substances containing less than 12 per cent of sodium hydroxide.

All liquid preparations of zinc chloride intended to be used for soldering or other purely industrial purpose.

(As to "DDT" see notes (i) and (ii) below.)

Excluding, however, the substances hereinbefore mentioned when contained in any of the substances included in the First Schedule, Second Schedule, and Third Schedule hereto.

NOTE.—The foregoing Schedule, replacing the Fourth Schedule to the Poisons Act 1934, is amended as follows:—

(i) By regulation 6 (b) of the Poisons (General) Regulations 1937, Amendment No. 7 (1949/157), the substance named and specified in the following paragraph is added next following the words "purely industrial purpose":—

"Preparations of 2, 2-bis (p-chlorophenyl)-1, 1, 1-trichlorethane, also known as dichlor-diphenyl-trichlorethane and popularly known by the abbreviation DDT, containing not less than 1 part per cent of dichlor-diphenyl-trichlorethane."

(ii) By regulation 5 of the Poisons (General) Regulations 1937, Amendment No. 8 (1951/31), the following words are added after the words "1 part per cent of dichlor-diphenyl-trechlorethane":—

"except dichlor-diphenyl-trichlorethane solutions packed under pressure in containers suitable for generating aerosols".

(iii) By regulation 6 of the Poisons (General) Regulations 1937, Amendment No. 8 (1951/31), the Fourth Schedule is further amended as follows:—

(a) By inserting, after the words "Arsenical fly exterminators", the following paragraph: "Camphorated oil.":

(b) By omitting, after the words "Carbon tetrachloride", the words "for industrial purposes":

(c) By omitting, after the word "Metaldehyde", the words "sold as fuel".

FIFTH SCHEDULE

Adhesives; anti-fouling compositions; builders' materials; ceramics; dis-temperers; electrical valves; enamels; explosives; fillers; freezing cartridges; fireworks; glazes; glue; lacquer solvents; loading materials; marking inks; matches; motor fuels and lubricants; paints other than pharmaceutical paints; photographic paper; pigments; plastics; printers' inks; propellants; polishes; rubber; varnishes.

Any compound or mixture in a quantity of not less than twenty avoirdupois ounces by weight or twenty fluid ounces by measure and containing in the aggregate a less amount of any poisons or poisonous substances than an amount authoritatively recognized as a poisonous dose if taken by an adult.

SIXTH SCHEDULE

Arsenic and arsenical salts and their preparations (including arsenates and arsenites).

Cyanides of calcium, potassium, and sodium, and preparations thereof.

Strychnine and salts of strychnine.

Certified for the purposes of section 7 of the Regulations Act 1936, this 1st day of February 1952.

J. R. MARSHALL,
for the Attorney-General.

Issued under the authority of the Regulations Act 1936.

Date of original notification in *Gazette*: 22nd day of July 1937.

These regulations are administered by the Department of Health.

(H.P. 37/1.)