

1958/13

**THE POISONS (GENERAL) REGULATIONS 1937,
AMENDMENT NO. 13**

COBHAM, Governor-General
ORDER IN COUNCIL

At the Government Buildings at Wellington this 29th day of January
1958

Present:

THE RIGHT HON. W. NASH PRESIDING 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, hereby makes the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Poisons (General) Regulations 1937, Amendment No. 13, and shall be read together with and deemed part of the Poisons (General) Regulations 1937* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the seventh day after the date of their notification in the *Gazette*.

2. (1) The principal regulations are hereby amended by revoking regulation 3A and the heading thereto (as inserted by regulation 7 of the Poisons (General) Regulations 1937, Amendment No. 9), and substituting the following heading and regulation:

“RETAIL SALE OF CERTAIN POISONS

“3A. (1) For the purposes of this regulation, the expression ‘commercial grower’ means the occupier of any land who derives a substantial proportion of his income from the use by him of that land for any agricultural or horticultural purpose.

“(2) A wholesaler’s poison licence shall authorise the holder to sell by retail to any commercial grower any poison specified in Part II of the Third Schedule to the Act.

*S.R. 1937/197 (Reprinted with Amendments Nos. 1 to 8: S.R. 1952/45)

Amendment No. 9: S.R. 1953/146

Amendment No. 10: S.R. 1955/75

Amendment No. 11: S.R. 1955/210

Amendment No. 12: S.R. 1957/16

“(3) A storekeeper’s poison licence shall authorise the holder to sell by retail to any commercial grower any poison specified in Part II of the Third Schedule to the Act.

“(4) No person shall sell by retail, except to a commercial grower, any poison specified in Part II of the Third Schedule to the Act:

“Provided that any person who is duly licensed under or otherwise authorised by the Act to sell by retail poisons specified in the said Third Schedule may sell the following poisons by retail to any other person, whether a commercial grower or not, namely:

“Nicotine sulphate.

“Phenyl mercury compounds.”

(2) Regulation 7 of the Poisons (General) Regulations 1937, Amendment No. 9,* and regulation 2 of the Poisons (General) Regulations 1937, Amendment No. 12†, are hereby consequentially revoked.

3. (1) Regulation 4 of the principal regulations (as substituted by regulation 7 of the Poisons (General) Regulations 1937, Amendment No. 4, and amended by regulation 4 (1) of the Poisons (General) Regulations 1937, Amendment No. 12) is hereby further amended by inserting in clause (1), after Group Ib, the following groups:

“Group Ic: Bromvalleton.

“Group Id: Carbromal.

“Group Ie: The following drugs:

“(a) (i) Azacyclonol; (ii) its salts; also known as Frenquel.

“(b) (i) Benactyzine; (ii) its salts; also known as Cevanol, Karmazine, Lucidil, Nutinal, Suavitil.

“(c) (i) Chlorpromazine; (ii) its salts; also known as Largactil, Thorazine.

“(d) (i) Hydroxyzine; (ii) its salts; also known as Atarax.

“(e) (i) Mepazine; (ii) its salts; also known as Pacatal.

“(f) (i) Meprobamate; (ii) derivatives of meprobamate; also known as Equival, Miltown, Mepavlon.

“(g) (i) Methylpentynol; (ii) derivatives of methylpentynol; also known as Oblivon, Oblivon-C, Somnesin.

“(h) (i) Methylphenidate; (ii) its salts; also known as Ritalin.

“(i) (i) Pipradrol; (ii) its salts; also known as Meratran.

“(j) (i) Promazine; (ii) its salts; also known as Sparine.

“(k) (i) p-butylthio-diphenyl-methyl-2-dimethylaminoethyl sulphide; (ii) its salts; also known as Covatix.”

(2) The said regulation 4 is hereby further amended as follows:

(a) By omitting from Group VII of clause (1) the words “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”:

(b) By omitting, at the end of the said clause (1), the words “For the purposes of the exception following the names of the substances included in Group VII”, and by revoking the definitions of the expressions “suitable container” and “industrial first aid kit” following those words.

(3) The said regulation 4 is hereby further amended as follows:

- (a) By omitting from clause (3) the words "Groups I to V", and substituting the words "Groups I to IX":
- (b) By omitting from the said clause (3) the words "a medical practitioner or dentist", and substituting the words "a medical practitioner, dentist, or veterinary surgeon":
- (c) By revoking clause (4).

(4) Regulation 2 of the Poisons (General) Regulations 1937, Amendment No. 8, is hereby consequentially revoked.

4. Regulation 5 of the principal regulations is hereby amended by adding to clause (4) the following additional proviso:

"Provided, thirdly, that a package containing any poison or poisonous substance in containers suitable for generating aerosols, or in smoke generators containing their own source of heat, need not comply with the requirements of paragraphs (c) and (e) of this clause if the words 'Caution: Poisonous. Not to be used where food is exposed' are conspicuously printed on the package."

5. The First Schedule to the Act (as set out in the First Schedule to the principal regulations and amended by regulation 3 of the Poisons (General) Regulations 1937, Amendment No. 12) is hereby further amended by adding the following paragraphs:

"43. Endrin.

"44. Fluoroacetamide, also known as 1081.

"45. Trasentin.

"46. (a) Azacyclonol; (b) its salts; also known as Frenquel.

"47. (a) Benactyzine; (b) its salts; also known as Cevanol, Karma-zine, Lucidil, Nutinal, Suavitil.

"48. (a) Chlorpromazine; (b) its salts; also known as Largactil, Thorazine.

"49. (a) Hydroxyzine; (b) its salts; also known as Atarax.

"50. (a) Mepazine; (b) its salts; also known as Pacatal.

"51. (a) Meprobamate; (b) derivatives of meprobamate; also known as Equinal, Miltown, Mepavlon.

"52. (a) Methylpentynol; (b) derivatives of methylpentynol; also known as Oblivon; Oblivon - C, Somnesin.

"53. (a) Methylphenidate; (b) its salts; also known as Ritalin.

"54. (a) Pipradrol; (b) its salts; also known as Meratran.

"55. (a) Promazine; (b) its salts; also known as Sparine.

"56. (a) p-butylthio-diphenyl-methyl-2-dimethylaminoethyl sulphide; (b) its salts; also known as Covatix."

6. The Second Schedule to the Act (as set out in the Second Schedule to the principal regulations and amended by regulation 4 of the Poisons (General) Regulations 1937, Amendment No. 11) is hereby further amended by adding the following paragraphs:

"39. Aldrin, except in preparations containing 1 per cent or less of Aldrin.

"40. O-O, diethyl-O (2 isopropyl-4-methyl-pyrimidyl (6)) thiophosphate - also known as Diazinon, except in preparations containing 1 per cent or less of Diazinon.

"41. Dieldrin, except in preparations containing 1 per cent or less of Dieldrin."

7. Part I of the Third Schedule to the Act (as set out in the Schedule to the Poisons (General) Regulations 1937, Amendment No. 9) is hereby amended by adding the following clause as clause 2 thereof:

“(2) Preparations and mixtures of such of the poisons for the time being included in the Second Schedule to this Act as are not for the time being included in Part II of this Schedule, if labelled and described as being for use exclusively for the destruction of insect pests.”

8. Part II of the said Third Schedule is hereby amended as follows:

(a) By adding to the paragraph referring to organic phosphorus compounds, as amended by regulation 7 of the Poisons (General) Regulations 1937, Amendment No. 12, the words, “and except O-O, diethyl-O (2-isopropyl-4-methyl-pyrimidyl (6)) thiophosphate – also known as Diazinon”:

(b) By adding the following items:

“Endrin.

“Fluoroacetamide – also known as 1081.”

9. The Fourth Schedule to the Act (as set out in the Fourth Schedule to the principal regulations and amended by regulation 8 of the Poisons (General) Regulations 1937, Amendment No. 12) is hereby further amended as follows:

(a) By omitting from the paragraph relating to DDT the words “containing not less than 1 per cent of dichlor-diphenyl-trichlorethane, except dichlor-diphenyl-trichlorethane solutions packed under pressure in containers suitable for generating aerosols”, and substituting the words “except dusts containing not more than 1 per cent of dichlor-diphenyl-trichlorethane”:

(b) By adding to paragraph 16 (Aldrin) the words “in preparations containing 1 per cent or less of Aldrin”:

(c) By adding to paragraph 18 (Dieldrin) the words “in preparations containing 1 per cent or less of Dieldrin”:

(d) By revoking paragraph 19 (Endrin):

(e) By adding to paragraph 21 (which relates to Lindane) the words “except dust containing not more than 1 per cent of gamma isomer benzene hexachloride”:

(f) By adding the following paragraphs:

“25. Orthodichlorobenzene.

“26. O-O, diethyl-O (2-isopropyl-4-methyl-pyrimidyl (6)) thiophosphate – also known as Diazinon – in preparations containing 1 per cent or less of Diazinon.

“27. Trichlorethylene.

“28. Trichloroacetic acid.

“29. Compounds possessing the structure of 4 hydroxycoumarin modified by substitution of the 3 hydrogen atom.

“30. Sodium nitrite, potassium nitrite, and any preparation of sodium nitrite or potassium nitrite containing nitrite equivalent to 5 per cent or more of sodium nitrite.

“31. Chlorobromomethane.”

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations make miscellaneous amendments to the Poisons (General) Regulations 1937.

Regulation 2 substitutes a new definition of "commercial grower" (to whom retail sales of poisons in the "Deadly Poison" group may be made). It also has the effect that the horticultural insecticide known as Hexone may now be sold only to commercial growers.

By regulation 3, Bromvaleton, Carbromal, and certain drugs of the class known as tranquillising drugs, become "prescription poisons" and may not be sold by retail except on prescription.

The restriction on the prescribing by veterinary surgeons of certain prescription poisons is revoked.

The provision in the principal regulations for the supply of sulphonamide powder and tablets in first aid kits is revoked.

By regulation 4, aerosols and smoke generators containing poisons and poisonous substances are not required to be labelled "Poison" or "Poisonous", or to bear a statement of an antidote or remedial treatment, so long as special cautionary words are printed on the label.

Regulation 7 extends the group of poisons which may be sold by licensed storekeepers.

Regulations 5, 6, 8, and 9 make miscellaneous amendments to the listing of poisons in the Schedules.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 30 January 1958.

These regulations are administered in the Department of Health.