

Serial Number **1953/146**

**THE POISONS (GENERAL) REGULATIONS 1937,  
AMENDMENT NO. 9**

C. W. M. NORRIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 4th day of November 1953

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, hereby makes the following regulations.

REGULATIONS

**1.** (1) These regulations may be cited as the Poisons (General) Regulations 1937, Amendment No. 9, 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 1st day of December 1953.

**2.** Regulation 2 of the principal regulations is hereby amended as follows:

(a) By inserting in subclause (6), after the words "Arsenical poisons", the words "Dinitrophenol and its homologues".

(b) By inserting in the said subclause (6), after the words "Nicotine and nicotine sulphate", the following words:

"Organic phosphorus compounds."

"Selenium and compounds of selenium."

**3.** (1) Regulation 4 of the principal regulations (as substituted by regulation 7 of the Poisons (General) Regulations 1937, Amendment No. 4) is hereby amended as follows:

(a) By adding to Group I of subclause (1) the words "(c) Phenylbutazone":

Statutory Regulations 1937, Serial number 1937/197, page 739.

Amendment No. 1: (*Revoked by Serial number 1939/207.*)

Amendment No. 2: (*Revoked by Serial number 1942/49.*)

Amendment No. 3: Statutory Regulations 1942, Serial number 1942/49, page 114.

Amendment No. 4: Statutory Regulations 1945, Serial number 1945/33, page 94.

Amendment No. 5: Statutory Regulations 1946, Serial number 1946/21, page 39.

Amendment No. 6: Statutory Regulations 1947, Serial number 1947/125, page 478.

Amendment No. 7: Statutory Regulations 1949, Serial number 1949/157, page 623.

Amendment No. 8: Statutory Regulations 1951, Serial number 1951/31, page 86.

Reprinted with amendments incorporated: Statutory Regulations 1952, Serial number 1952/45,

page 122.

(b) By omitting from Group II of subclause (1) the words “ not more than 2 per cent ”, and substituting the words “ not more than a half per cent ”:

(c) By revoking Group X of subclause (1) (as substituted by regulation 7 of the Poisons (General) Regulations 1937, Amendment No. 7):

(d) By omitting from subclause (3) the words “ and X ”.

(2) Regulation 7 of the Poisons (General) Regulations 1937, Amendment No. 7 is hereby consequentially revoked.

4. (1) Regulation 5 of the principal regulations is hereby amended as follows:

(a) By inserting in subclause (1), after the word “ Poison ”, the words “ or, if the contents are a poison specified in Part II of the Third Schedule to the Act, with the words ‘ Deadly Poison ’ ”:

(b) By inserting in paragraph (c) of subclause (4), after the word “ Poison ”, the words “ or, in the case of any poison specified in Part II of the Third Schedule to the Act, the words ‘ Deadly Poison ’ ”:

(c) By inserting in subclause (9), after the word “ Poison ”, the words “ or the words ‘ Deadly Poison ’ ”.

(2) The said regulation 5 is hereby further amended by adding the following subclause:

“ (14) After the 1st day of July 1954 no person shall sell any poison specified in Part II of the Third Schedule to the Act unless the label borne on every package containing the poison—

“ (a) Indicates the precautions to be taken in handling and using such poison, the symptoms of poisoning to be watched for, and the first aid and remedial treatment required in the event of poisoning; and

“ (b) Is in accordance with a specimen label which has been submitted to the Registrar and has been approved by him.”

5. Regulation 6 of the principal regulations is hereby amended by inserting in subclause (5), after the word “ Poison ”, the words “ or the words ‘ Deadly Poison ’ ”.

6. Regulation 7 of the principal regulations is hereby amended as follows:

(a) By inserting in subclause (1), after the words “ shall be enclosed in wooden cases ”, the words “ or cardboard cartons ”:

(b) By omitting from subclause (2) the words “ or wooden case ”, and substituting the words “ wooden case or cardboard carton ”.

7. The principal regulations are hereby amended by inserting, after regulation 3, 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 portion of his income from growing on that land, for the purposes of sale, any fruit, vegetables, hops, tobacco, shrubs, trees, hedge plants, garden plants, or flowers.

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

“(3) A storekeeper’s poison licence shall authorize 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 authorized by the Act to sell by retail poisons specified in the said Third Schedule may sell the following poisons by retail to any person, whether a commercial grower or not, namely:

“Hexaethyl tetraphosphate, also known as HETP.

“Nicotine sulphate.

“Phenyl mercury compounds.”

**8.** Regulation 6 of the principal regulations is hereby further amended by adding the following subclause:

“(12) Every person who empties any container in which was held any poison specified in Part II of the Third Schedule to the Act shall forthwith dispose of the container, or cause it to be disposed of, in one of the following ways:

“(a) If the container is composed of combustible material, it shall be destroyed by burning:

“(b) If the container is of glass, metal, or other non-combustible material, it shall, if returnable, be returned immediately to the supplier for refilling, or, if not returnable, be broken, flattened, or otherwise rendered unusable and thereafter disposed of in such a manner as not to endanger any person or animal.”

**9.** (1) Part II of the Third Schedule to the Act (as substituted by section 6 of the Poisons Amendment Act 1952) is hereby amended by adding thereto the words “Dinitrophenol and its homologues”.

(2) The principal regulations are hereby consequentially amended by revoking the Third Schedule, and substituting the new Third Schedule set out in the Schedule to these regulations.

**10.** The First Schedule to the Act (as set out in the First Schedule to the principal regulations) is hereby amended:

(a) By adding to the paragraph referring to oxycinchonic acid and its derivatives and their salts and esters the words “; except any preparation intended for external use and containing not more than 3 per cent of one of the foregoing substances”:

(b) By revoking paragraph 35 (as substituted by regulation 5 (b) of the Poisons (General) Regulations 1937, Amendment No. 7), and substituting the following paragraph:

“35. Selenium and compounds of selenium.”

(c) By adding the following paragraphs:

“38. Bromvaletol.

“39. Carbromal.

“40. Phenothiazine.

“41. Phenylbutazone.”

11. The Sixth Schedule to the principal regulations is hereby amended by adding the following words:

“ Dinitrophenol and its homologues.

“ Nicotine and its salts.

“ Organic phosphorus compounds.”

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## SCHEDULE

### “ THIRD SCHEDULE

#### “ PART I

PREPARATIONS and mixtures of such of the poisons for the time being included in the First and Second Schedules 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 in agriculture and horticulture for the destruction of animal and insect pests, internal parasites of animals, fungi, or bacteria, or for use as sheep dips or sheep washes or washes for any animal, or for use as weed killers.

#### “ PART II

“ Nicotine and its salts.

“ Selenium and compounds of selenium.

“ Organic mercury compounds.

“ Organic phosphorus compounds.

“ Dinitrophenol and its homologues.”

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

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### EXPLANATORY NOTE

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

These regulations amend the Poisons (General) Regulations 1937. The main amendments are described below.

*Statement of Antidote.*—Dinitrophenol and its homologues (e.g., the substances known as DNOC and DNBP), organic phosphorus compounds (e.g., HETP, TEPP), and selenium compounds are brought into the list of poisons which must be labelled with a statement indicating an appropriate antidote (regulation 2).

*Prescription Poisons.*—Phenylbutazone (also known as Butazolidin) may not be sold by retail, except when medically prescribed (regulation 3 (1) (a)).

Solutions of barbiturates may not be sold by retail, except when medically prescribed, if the percentage of the barbiturate exceeds 0·5 per cent (regulation 3 (1) (b)). Previously the limit was 2 per cent.

*Poisons Act not to apply to Certain Poisons.*—The Act will not apply to the drug known as Heptalgin (or Phenadoxone), as it is now subject to the Dangerous Drugs Act 1927 (regulations 3 (1) (c) and 10 (b)).

The Act will not apply to preparations containing not more than 3 per cent of oxyinchoninic acid or of its derivatives, when intended for external use (regulation 10 (a)).

“ *Deadly Poisons* ” (for horticultural use).—Dinitrophenol and its homologues (e.g., DNOC and DNBP) are added to Part II of the Third Schedule to the Act (regulation 9).

All poisons in Part II of the Third Schedule to the Act are required to be labelled “ *Deadly Poison* ” in the manner prescribed by the principal regulations (regulation 4 (1)).

After 1 July 1954 labels for poisons in the “ *Deadly Poison* ” group must bear statements of the precautions to be taken in using the poison, the symptoms of poisoning, and the remedial treatment, and must be approved by the Director-General of Health (regulation 4 (2)).

Retail sales of poisons in the "Deadly Poison" group, except HETP, nicotine sulphate, and phenyl mercury compounds, may be made only to commercial growers of fruit, vegetables, hops, tobacco, shrubs, trees, hedge plants, garden plants, or flowers (regulation 7).

Containers of "Deadly Poisons" must be properly disposed of when empty (regulation 8).

Dinitrophenol and its homologues, nicotine and its salts, and organic phosphorus compounds are added to the Sixth Schedule to the principal regulations, thus requiring special precautions to be taken in the shipment of them in bulk, and the statement of their identity on the bulk containers (regulation 11).

*Packing of Poisons.*—For the purposes of that part of regulation 7 of the principal regulations which deals with the bulk packing of poisons ready for retail distribution, cardboard cartons are treated on the same basis as wooden cases (regulation 6).

*First Schedule Poisons.*—Bromvaletol, carbromal, phenothiazine, phenylbutazone, and selenium and its compounds are added to the First Schedule to the Act (regulation 10 (b) and (c)), thus making them subject to the requirements of the Act as to sales, labelling, and packing.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 5 November 1953.

These regulations are administered in the Department of Health.

(H.P. 53/1.)