

Price Order No. 183 (Apricots, Peaches, Plums, Raspberries)

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. 183, and shall come into force on the 24th day of December, 1943.

2. (1) In this Order, unless the context otherwise requires,—

“The said regulations” means the Control of Prices Emergency Regulations 1939* :

“Grower”, in relation to apricots, peaches, plums, or raspberries, means a person engaged in the business of growing any such fruit for sale :

“Crate of three trays”, in relation to apricots, peaches, or plums, means a “three-tray” package of the kind numbered 4 in the First Schedule to the New-Zealand-grown Fruit Regulations 1940†, and containing or reputed to contain approximately 8 lb. in each tray :

“Half-case”, in relation to apricots, peaches, or plums, means a case of the kind numbered 6 in the said First Schedule, and containing or reputed to contain approximately 18 lb. of apricots or peaches or approximately 20 lb. of plums :

“Commercial user” means a person engaged in the business of canning or of otherwise processing or compounding apricots, peaches, plums, or raspberries that are not intended for immediate consumption :

“Wellington Metropolitan Area” means the cities of Wellington and Lower Hutt, the boroughs of Petone and Eastbourne, and the town district of Johnsonville.

(2) Terms and expressions defined in the said regulations and used in this Order have the meanings severally assigned thereto by those regulations.

3. (1) Any apricots, peaches, or plums to which this Order applies may be graded by the grower in accordance with the system of grading in operation with respect to such fruits in the 1942–43 season, or may be sold as ungraded.

(2) Only fruit that has been graded as “special selected dessert” may be packed in trays, and each such tray shall be legibly branded with the words “special selected dessert”.

(3) All apricots, peaches, or plums that are sold by a grower in half-cases shall be graded as “dessert” or shall be ungraded. No such fruit shall be graded as “dessert” unless it conforms, with respect both to quality and size, to the standard fixed for “dessert” grade fruit.

(4) Every half-case of apricots, peaches, or plums that has been graded “dessert” in accordance with this clause shall be legibly branded with the word “dessert”, and every half-case of ungraded fruit shall be legibly branded with the word “ungraded” or shall be left unbranded.

4. The wholesale prices fixed by this Order apply with respect to sales of the following classes, namely:—

(a) Sales to retailers (whether made by the grower or any other person); and

(b) Sales to users in any case where not less than five half-cases or three crates of three trays of apricots, peaches, or plums, or not less than 56 lb. of raspberries are sold to any one purchaser at one time.

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

APPLICATION OF THIS ORDER

6. (1) This Order applies with respect to all apricots, peaches, plums, and raspberries grown in New Zealand and sold within any of the periods specified in the Schedule hereto.

(2) The maximum prices fixed by this Order apply with respect to sales by auction, as well as to other sales.

(3) Notwithstanding anything to the contrary in this Order, any customary trade practice with respect to charges for cases or other containers, and with respect to allowances for the return thereof, shall continue to be observed by growers, wholesalers, and retailers.

MAXIMUM WHOLESALE PRICES

7. (1) All approvals given by the Tribunal with respect to any kind of fruit of the 1942–43 season sold by a wholesaler to a commercial user for the purposes of his business (including any terms and conditions subject to which any such approval was given) are hereby extended to apply to sales (during the corresponding periods of the current season or of any subsequent season) of any fruit of a like kind to which this Order applies, and the maximum price that may be charged or received by any wholesaler for fruit sold to a commercial user as aforesaid shall be determined in accordance with the particular approval that is appropriate thereto.

(2) Except as provided in the last preceding subclause, and subject to the following provisions of this clause, the maximum wholesale price of any fruit to which this Order applies shall be determined in accordance with the Schedule hereto.

(3) The wholesale prices prescribed in the Schedule hereto are fixed as for delivery at the wholesaler's store or other premises from which delivery to the purchaser is effected.

(4) Where delivery is effected by a wholesaler elsewhere than at premises occupied by him he may add to the appropriate price fixed in accordance with the Schedule hereto the reasonable cost of delivery, not exceeding in any case the cost that would have been incurred by him if delivery had been effected by a common carrier at current freight rates.

MAXIMUM RETAIL PRICES

8. (1) Subject to the provisions of this clause the maximum retail price per pound of any fruit to which this Order applies shall not exceed the sum of the following amounts:—

(a) The price per pound actually paid or payable by the retailer for the fruit :

(b) The transport charges (if any) actually paid or payable by the retailer in respect of each pound of the fruit :

(c) An amount equal to 40 per cent. of the sum of the amounts specified in paragraphs (a) and (b) hereof.

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

(3) In computing the price per pound or the transport charges per pound paid or payable by a retailer for or in respect of any fruit, the total price or transport charges paid or payable by him for any lot of fruit shall be divided by the number of pounds of fruit comprised in the lot, and the result shall be deemed to be the price per pound or the transport charges per pound paid or payable by the retailer as aforesaid.

(4) Notwithstanding anything to the contrary in the foregoing provisions of this clause, the maximum retail price of any fruit to which this Order applies shall not in any case exceed a price computed at the appropriate rate or rates prescribed in the Schedule hereto.

(5) If in respect of any lot of fruit sold by a retailer the maximum price calculated in accordance with the foregoing provisions of this clause is not an exact number of pence or half-pence, the maximum price of the lot shall be computed to the nearest upward halfpenny.

DUTIES IMPOSED ON RETAILERS FOR PURPOSES OF THIS ORDER

7. Every retailer who sells or offers or exposes for sale any fruit to which this Order applies shall keep for a period of not less than two months a record showing with respect to every purchase of such fruit made by him by way of wholesale the following particulars:—

(a) The date of purchase :

(b) The name and address of the wholesaler from whom any such fruit was purchased :

(c) The trade description of the fruit purchased :

(d) The number of cases, crates, and other containers :

(e) The price paid.

8. (1) Every retailer who offers or exposes for sale in any shop any apricots, peaches, or plums to which this Order applies shall keep in a prominent position, in such proximity to the fruit to which it relates as to be obviously descriptive thereof, a ticket, placard, or label on which it shall be stated in legible and prominent characters the following particulars:—

(a) The retail price per pound of the fruit :

(b) In the case of graded fruit, the words “special selected dessert” or the word “dessert” (whichever description may be appropriate in the circumstances) :

(c) In the case of ungraded fruit, the word “ungraded”.

(2) For the purposes of this clause, a retailer may offer as ungraded any graded fruit purchased by him, or may offer as “dessert” any fruit purchased by him as “special selected dessert”. Subject to the foregoing provisions of this subclause, the retailer shall not grade or regrade any fruit to which this Order applies.

(3) All apricots, peaches, and plums graded as “special selected dessert” and offered for sale by the retailer as fruit of that grade shall be offered or exposed for sale in the trays in which the fruit was originally packed by the grower.

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

† Statutory Regulations 1940, Serial number 1940/195, page 621.