

## Price Order No. 300 (Apricots, Peaches, Plums)

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. 300, and shall come into force on the 15th day of January, 1945.
2. (1) Price Orders No. 190† and No. 295‡ are hereby revoked.
- (2) The revocation of the said Price Orders shall not affect the liability of any person for any offence in relation thereto committed before the coming into force of this Order.
3. (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 or plums, 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 :
  - “Quarter-case”, in relation to apricots, peaches, or plums, means a case of the kind numbered 9 in the said First Schedule, and containing or reputed to contain approximately 12 lb. of apricots or peaches or approximately 13½ lb. of plums :
  - “Commercial user” means a person engaged in the business of canning or of otherwise processing or compounding apricots, peaches, or plums 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 have, when used in this Order, the meanings severally assigned thereto by those regulations.

## GRADING OF FRUIT TO WHICH THIS ORDER APPLIES

4. (1) Any apricots, peaches, or plums to which this Order applies may be graded by the grower or may be sold as ungraded. The grading of any fruit by the grower as aforesaid shall be so carried out that all fruit of the same grade shall be reasonably uniform in quality, size, and maturity.
- (2) Only fruit that has been graded as “special selected dessert” or “special” or “extra fancy” may be packed in trays or other special containers, and each such tray or container shall be legibly branded with the words “special selected dessert”, or “special”, or “extra fancy”, as the case may be, and shall also be legibly branded to show either the net weight of the contents thereof or the number (correct to within two of the exact number) of the fruit packed therein. No ungraded fruit and no fruit graded otherwise than as “special selected dessert” or “special” or “extra fancy” as aforesaid shall be packed in trays or other special containers.
- (3) Every half-case or quarter-case of apricots, peaches, or plums that has been graded by the grower shall be legibly branded to indicate the grade of the fruit, and every half-case or quarter-case of ungraded fruit shall be legibly branded with the word “ungraded” or shall be left unbranded.
5. (1) Any wholesaler or retailer may sell or offer for sale as ungraded any graded apricots, peaches, or plums acquired by him, or may sell or offer for sale as fruit of a lower grade any apricots, peaches, or plums that have been acquired by him as “special selected dessert”, “special”, or “extra fancy”.
- (2) Except as provided in the last preceding subclause, no wholesaler or retailer shall grade or regrade any fruit to which this Order applies.

## APPLICATION OF THIS ORDER

6. (1) This Order applies with respect to all apricots, peaches, and plums 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.
7. The provisions of this Order shall apply notwithstanding that any fruit to which the Order is applicable is sold otherwise than by weight or is sold otherwise than in a container of a kind specified in the Schedule hereto.

## MAXIMUM WHOLESALE PRICES

8. (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

9. (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 reputed 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.
- (6) Notwithstanding anything in the foregoing provisions of this clause and subject to such conditions, if any, as it thinks fit, the Tribunal, on application by any retailer, may authorize special maximum retail prices in respect of any fruit to which this Order applies where for any reason extraordinary freight charges are incurred by the retailer in obtaining delivery from the source of supply that is nearest or most convenient of access to him. Any authority given by the Tribunal under this subclause may apply with respect to a specified lot or consignment of fruit or may relate generally to all fruit to which this Order applies sold by the retailer while the approval remains in force.

## DUTIES IMPOSED ON RETAILERS FOR PURPOSES OF THIS ORDER

10. 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.

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

† Gazette, 10th February, 1944, Vol. I, page 117.

‡ Gazette, 21st December,

1944, Vol. III, page 1550.

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