



SUPPLEMENT

TO THE

NEW ZEALAND GAZETTE

OF

THURSDAY, FEBRUARY 22, 1945

Published by Authority

WELLINGTON, MONDAY, FEBRUARY 26, 1945

Price Order No. 340 (Main Crop Potatoes)

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. 340, and shall come into force on the 1st day of March, 1945.

2. (1) Price Order No. 196† and the several amendments‡ thereof are hereby revoked.

(2) The revocation of the said Price Order and its amendments 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*:

“Distributor”, in relation to any lot of potatoes, means a wholesaler, as defined in the said regulations, who sells those potatoes otherwise than to a retailer for purposes of retail sale:

“Grower”, in relation to potatoes, means a person engaged in the business of growing potatoes for sale:

“Grower’s station”, in relation to any grower, means the railway-station that is nearest or most convenient of access to the grower’s premises:

“Tagged potatoes” means potatoes which, being grown in the North Island by members of an association approved for the purpose by the Minister of Agriculture, are graded according to standards laid down by the association concerned and are bagged in sacks bearing the official tag of the association and endorsed with the registered number of the grower:

The expression “f.a.q.”, in relation to any potatoes, means potatoes of fair average quality, as determined in accordance with the rules laid down in clause 11 (3) hereof:

The expression “f.o.b.s.i.” means “free on board, sacks or other containers included”, and the expression “f.o.r.s.i.” means “free on rail, sacks or other containers, included.”

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

4. Subject to any general or specific directions that may be given by or on behalf of the Tribunal, any expenses that are reasonably incurred by a distributor, wholesaler, or retailer in undertaking the transport of any potatoes at his own expense may be regarded for the purposes of this Order as if they were transport charges paid by him, and the maximum price of the potatoes shall be determined accordingly.

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

6. The several prices fixed by this Order apply with respect to sales by auction as well as to other sales.

7. The several prices fixed by this Order include the cost of sacks or other containers.

APPLICATION OF THIS ORDER

8. (1) This Order applies only with respect to potatoes that are intended for human consumption.

(2) All potatoes sold or delivered to a purchaser during the currency of this Order shall be deemed to be intended for human consumption unless they are sold for some other specific purpose.

9. (1) The provisions of this Order fixing growers’ prices shall apply only with respect to potatoes grown in New Zealand that are the produce of seed potatoes planted on or before the 31st March, 1945, and that are delivered to the purchaser after the commencement of this Order and on or before the 30th November, 1945.

(2) For the purposes of the last preceding subclause no potatoes sold on the basis of f.o.b.s.i. or f.o.r.s.i. shall be deemed to be delivered to the purchaser after the commencement of this Order if—

(a) In the case of sales f.o.b.s.i., the vessel on which the potatoes are laden leaves the port of shipment at any time before midnight of the 28th day of February, 1945; or

(b) In the case of sales f.o.r.s.i., the trucks on which the potatoes are laden leave the grower’s station at any time before midnight of the said date.

(3) Except as provided in the last preceding subclause potatoes sold f.o.b.s.i. or f.o.r.s.i. shall be deemed to be delivered to the purchaser after the commencement of this Order notwithstanding that they may have been actually laden on board any vessel or trucks before the commencement of this Order.

10. (1) With respect to potatoes grown in New Zealand, the provisions of this Order as to distributors’ prices, wholesalers’ prices, and retailers’ prices respectively shall apply only with respect to potatoes that are the produce of seed potatoes planted on or before 31st March, 1945.

(2) Except as provided in the last preceding subclause, the provisions of this Order as to distributors’ prices, wholesalers’ prices, and retailers’ prices respectively shall apply with respect to all potatoes intended for human consumption (whether grown in New Zealand or imported into New Zealand) that are sold by a distributor, wholesaler, or retailer (as the case may be) for delivery at any time after the coming into force of this Order.

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

† Gazette, 22nd February, 1944, Vol. I, page 171.

‡ No. 236: Gazette, 18th May, 1944, Vol. II, page 592.

No. 252: Gazette, 30th June, 1944, Vol. II, page 852.

No. 263: Gazette, 1st August, 1944, Vol. II, page 937.

No. 285: Gazette, 2nd November, 1944, Vol. III, page 1311.

FIXING PRICES OF POTATOES THAT ARE SUBJECT TO THIS ORDER

Growers' Prices

11. (1) Subject to the following provisions of this clause the actual price to be charged by any grower for f.a.q. potatoes and the maximum price to be charged by any such grower for under-grade potatoes shall be determined in accordance with the following scale, namely:—

(a) For Sutton's Supreme or King Edward potatoes grown in the South Island and sold for delivery in any of the months of—

	Per Ton f.o.b.s.i. a Port in the South Island.	
	Actual Price (f.a.q.).	Maximum Price (Under-grade).
	£ s. d.	£ s. d.
March, 1945, to June, 1945	8 5 0	7 5 0

July, 1945, to November, 1945: Pending the issue of an amending Price Order, and subject to the provisions of any such Order, the prices as for June, 1945, shall also apply with respect to potatoes sold for delivery in the months of July to November.*

(b) For any other variety of potatoes grown in the South Island and sold for delivery in any of the months of—

	Per Ton f.o.b.s.i. a Port in the South Island.	
	Actual Price (f.a.q.).	Maximum Price (Under-grade).
	£ s. d.	£ s. d.
March, 1945, to June, 1945	7 15 0	6 15 0

July, 1945, to November, 1945: Pending the issue of an amending Price Order, and subject to the provisions of any such Order, the prices as for June, 1945, shall also apply with respect to potatoes sold for delivery in the months of July to November.*

(c) For potatoes (other than "tagged" potatoes) grown in the North Island and sold for delivery in any of the months of—

	Per Ton f.o.r.s.i. the Grower's Station.	
	Actual Price (f.a.q.).	Maximum Price (Under-grade).
	£ s. d.	£ s. d.
March, 1945, to June, 1945	10 0 0	9 0 0

July, 1945, to November, 1945: Pending the issue of an amending Price Order, and subject to the provisions of any such Order, the prices as for June, 1945, shall also apply with respect to potatoes sold for delivery in the months of July to November.*

(2) With respect to "tagged" potatoes the prices to be charged by the grower shall be not less than the appropriate prices fixed in accordance with paragraph (c) of the last preceding subclause for f.a.q. potatoes, but may exceed such prices by an amount not exceeding 10s. a ton in any case.

(3) For the purposes of this clause potatoes shall be deemed to be f.a.q. or under-grade, as the case may be, in accordance with the following rules:—

(a) *Rule as to Size.*—If in any sample of one hundred potatoes taken at random from any lot more than 15 per cent. by number of the sample can be passed through a square of which the sides have an inside measurement of 2 in., all the potatoes in the lot from which the sample is taken shall be deemed to be under-grade:

(b) *Rule as to Quality.*—If in any lot of potatoes more than 2 per cent. by weight of the lot is affected by dry or wet rots (including late blight or frost damage) or by severe mechanical injury (including severe bruises and cuts) or if more than 6 per cent. by weight of the lot is affected by dry or wet rots (including late blight or frost damage) or by any mechanical injury or by scab, or by second growth or other defect, or if the lot is not reasonably free from earth or from rough or unshapely tubers, all the potatoes in the lot shall be deemed to be under-grade:

(c) Potatoes that are not under-grade in accordance with paragraph (a) or paragraph (b) hereof shall be deemed to be f.a.q. potatoes.

(4) Where any potatoes grown in the South Island are delivered by a grower otherwise than f.o.b.s.i. a port in the South Island the price that may be charged by the grower shall be the appropriate price in terms of the foregoing provisions of this clause, increased by the amount of the charges (if any) incurred by him in effecting delivery and then reduced by the amount of the charges that would have been incurred by him if he had delivered the potatoes f.o.b.s.i. a port in the South Island.

* NOTE.—It is the present intention of the Price Tribunal, by an amending Price Order or by a series of amending Price Orders, to alter the growers' prices fixed by this Order with respect to potatoes sold for delivery during the months July to November, 1945, so that (in the absence of unforeseen circumstances) the prices for f.a.q. potatoes (to be reached in November, 1945) will be:—

- (a) (i) For Sutton's Supreme and King Edward varieties grown in the South Island: £11 10s. per ton f.o.b.s.i.:
 (ii) For other varieties grown in the South Island: £11 per ton f.o.b.s.i.:
 (b) (i) For potatoes (other than tagged) grown in the North Island: £13 5s. per ton f.o.r.s.i.:
 (ii) For "tagged potatoes": £13 5s. per ton f.o.r.s.i., plus not more than 10s. per ton.

(5) Where any potatoes grown in the North Island are delivered by a grower otherwise than f.o.r.s.i. the grower's station, the price that may be charged by the grower shall be the appropriate price in terms of the foregoing provisions of this clause, increased by the amount of the charges (if any) incurred by him in effecting delivery and then reduced by the amount of the charges that would have been incurred by him if he had delivered the potatoes f.o.r.s.i. the grower's station.

(6) Notwithstanding anything in the foregoing provisions of this clause, where any extraordinary charges beyond the control of the grower are reasonably incurred by him in or in the course of delivering any potatoes at the place specified in any contract as the place of delivery, the amount of such charges may, with the approval of the Tribunal, be added to the price to be paid to the grower for those potatoes.

Distributors' Prices

12. (1) Subject to the provisions of the next succeeding clause, the maximum price that may be charged or received by any distributor for any potatoes grown in New Zealand shall not exceed the sum of the following amounts:—

(a) The price actually paid or payable to the grower by the same or any other distributor:

(b) Any disbursements actually incurred and paid by the same or any other distributor by way of brokerage (not exceeding in the aggregate 2s. 6d. a ton) together with any grading, transport, or other charges actually paid by the same or any other distributor:

(c) An amount computed at the rate of 10s. a ton.

(2) Subject to the provisions of the next succeeding clause, the maximum price that may be charged or received by any distributor for any potatoes imported into New Zealand by the distributor or any other person shall not exceed the sum of the following amounts:—

(a) The landed cost of the potatoes to the importer at the port of discharge:

(b) Any disbursements actually incurred and paid by the same or any other distributor by way of brokerage in New Zealand (not exceeding in the aggregate 2s. 6d. a ton) together with any grading, transport, or other charges incurred in New Zealand and actually paid by the same or any other distributor:

(c) An amount computed at the rate of 10s. a ton.

13. Where any wholesaler who does not normally carry on business as a distributor sells any potatoes to another wholesaler (thus becoming a distributor in respect of that transaction) the price to be charged by the vendor may exceed the maximum price determined in accordance with the last preceding clause by such amount as may be mutually agreed to by the parties to the transaction: Provided that in any such case the maximum price that may be charged by the purchasing wholesaler in accordance with the next succeeding clause shall be determined as if he had bought those potatoes at the price paid by the wholesaler from whom he bought them.

Wholesalers' Prices

14. (1) Subject to the provisions of clause 13 hereof, the maximum price that may be charged or received by any wholesaler for any potatoes grown in New Zealand and sold by him to a retailer for purposes of retail sale shall not exceed the sum of the following amounts:—

(a) The price actually paid or payable by the wholesaler to the grower or any other person:

(b) An amount (not exceeding 2s. 6d. a ton) in respect of any potatoes actually received into and delivered from the wholesaler's store, together with any grading, transport, or other charges actually paid by the wholesaler:

(c) An amount equal to 2½ per cent. of the sum of the amounts specified in paragraphs (a) and (b) hereof (to cover the estimated loss due to shrinkage and other natural causes), and, in the case of potatoes that have been actually received into the wholesaler's store, a further amount equal to 1¼ per cent. of the aforesaid sum:

(d) An amount computed at the rate of £1 5s. a ton for lots of less than a half-ton, and at the rate of £1 a ton in all other cases.

(2) Subject to the provisions of clause 13 hereof, the maximum price that may be charged or received by any wholesaler for any potatoes imported into New Zealand by the wholesaler or any other person and sold by the wholesaler to a retailer for purposes of retail sale shall not exceed the sum of the following amounts:—

(a) The price actually paid or payable by the wholesaler:

(b) An amount (not exceeding 2s. 6d. a ton) in respect of any potatoes actually received into and delivered from the wholesaler's store, together with any grading, transport, or other charges incurred in New Zealand and actually paid by the wholesaler:

(c) In respect of potatoes that have been actually received into the wholesaler's store, an amount equal to 1¼ per cent. of the sum of the amounts specified in paragraphs (a) and (b) hereof:

(d) An amount computed at the rate of £1 5s. a ton for lots of less than a half-ton, and at the rate of £1 a ton in all other cases.

Computation of Distributors' and Wholesalers' Prices by Reference to Average Prices

15. In computing the maximum price that may be charged by any distributor or by any wholesaler for potatoes that have been acquired by him in different lots at different prices, the appropriate maximum price may, with the general or special approval of the Tribunal, and subject to any conditions that may be imposed by the Tribunal, be computed by reference to the average of the several prices paid for such potatoes.

Distributors and Other Wholesalers to specify Grades of Potatoes on Relevant Invoices

16. (1) Every distributor or other wholesaler who sells any potatoes to which this Order applies shall specify in the relevant invoices, with respect to each item, the grade of the potatoes comprised in the item.

(2) For the purposes of this clause the term "grade" with respect to any lot of potatoes means, as the case may require, "tagged" or "f.a.q." or "under-grade."

Retailers' Prices

17. (1) Subject to the following provisions of this clause, the maximum price that may be charged or received by any retailer for potatoes, whether grown in New Zealand or imported into New Zealand, shall not exceed the sum of the following amounts:—

- (a) The price actually paid or payable by the retailer for the potatoes:
- (b) Any grading, transport, or other charges actually paid or payable by the retailer:
- (c) An amount equal to 33½ per cent. of the sum of the amounts specified in paragraphs (a) and (b) hereof.

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

(3) Notwithstanding anything to the contrary in the foregoing provisions of this clause, but subject to the provisions of subclauses (4) and (5) hereof, the retail price of potatoes to which this Order applies shall not in any case exceed:—

- (a) In the case of potatoes sold at any place within the provincial districts of Canterbury and Otago—
 - If sold during the months of March to July, 1945 (inclusive) 1½d. per lb.
 - If sold during the months of August to November, 1945 (inclusive) (or thereafter while this Order is in force) 2d. per lb.
- (b) In the case of potatoes sold at any place within the Metropolitan Areas of Auckland or Wellington, or within the cities or boroughs of New Plymouth, Wanganui, Napier, Gisborne, Picton, Blenheim, Nelson, Greymouth, Westport, or Hokitika—
 - If sold during the months of March to July, 1945 (inclusive) 2d. per lb.
 - If sold during the months of August to November, 1945 (inclusive) (or thereafter while this Order is in force) 2½d. per lb.
- (c) In the case of potatoes sold elsewhere in New Zealand—
 - If sold during the months of March to July, 1945 (inclusive) 2½d. per lb.
 - If sold during the months of August to November, 1945 (inclusive) (or thereafter while this Order is in force) 2½d. per lb.

(4) Where any potatoes to which this Order applies are sold by retail in lots of 14 lb. or 28 lb. or 56 lb. or 112 lb., the maximum retail price shall not in any case exceed:—

	Maximum Retail Price per Lot of—			
	14 lb.	28 lb.	56 lb.	112 lb.
Where the Maximum Retail Price (as fixed by the last preceding Subclause) is—	s. d.	s. d.	s. d.	s. d.
1½d. per lb.	1 11	3 9	7 6	15 0
2d. per lb.	2 2	4 4	8 8	17 3
2½d. per lb.	2 6	4 10	9 8	19 3
2½d. per lb.	2 9	5 5	10 10	21 6

(5) Where any potatoes to which this Order applies are sold by retail in any lot exceeding 14 lb., but otherwise than in a lot of the actual weight specified in the last preceding subclause, the maximum price per pound of any surplus over 14 lb. or over any multiple of 14 lb. (being less in every case than 14 lb.) shall be the appropriate maximum price fixed by subclause (3) hereof.

(6) If in respect of any lot of potatoes 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 (in the case of a lot less than 5 lb.) or is not an exact number of pence (in the case of a lot of 5 lb. or more), the maximum price of the lot shall be the next highest halfpenny or the next highest penny, as the case may be. The provisions of this subclause shall apply notwithstanding that in any case the retailer purports to sell any potatoes otherwise than by weight.

(7) For the purposes of this clause the price paid or payable by a retailer for any lot of potatoes and the grading, transport, and other charges paid or payable by him in respect of the same lot, shall be apportioned evenly over the whole lot, and the price and charges paid or payable by the retailer for each 1 lb. of potatoes included in the lot shall be determined accordingly.

(8) For the purposes of paragraph (b) of subclause (3) of this clause the Auckland Metropolitan Area shall be deemed to comprise the City of Auckland, the boroughs of Birkenhead, Devonport, Ellerslie, Mount Albert, Mount Eden, New Lynn, Newmarket, Northcote, Onehunga, One Tree Hill, Otahuhu, and Takapuna, and the road districts of Mount Roskill, Mount Wellington, and Panmure Township; and the Wellington Metropolitan Area shall be deemed to comprise the cities of Wellington and Lower Hutt, the boroughs of Eastbourne and Petone, and the Johnsonville Town District.

18. Notwithstanding anything in the foregoing provisions of this Order 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 potatoes 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 clause may apply with respect to a specified lot or consignment of potatoes or may relate generally to all potatoes to which this Order applies sold by the retailer while the approval remains in force.

Retailers to exhibit Prices

19. Every retailer who offers or exposes any potatoes to which this Order applies for sale in any shop shall keep in a prominent position in such proximity to the potatoes to which it relates as to be obviously descriptive thereof a ticket, placard, or label on which shall be stated in legible and prominent characters the retail price per pound of the potatoes.

Dated at Wellington, this 21st day of February, 1945.

The Seal of the Price Tribunal was affixed hereto in the presence of—

[L.S.] W. J. HUNTER (Judge), President.
H. L. WISE, Member.

