

Price Order No. 440 (New 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. 440, and shall come into force on the 17th day of September, 1945.
2. (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:
  - 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.
3. 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 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.
4. The provisions of this Order shall apply notwithstanding that any potatoes to which the Order is applicable are sold otherwise than by weight.
5. The several prices fixed by this Order apply with respect to sales by auction as well as to other sales.
6. For the purposes of this Order potatoes shall be deemed to be first grade or undergrade, as the case may be, in accordance with the following rules:—

(a) Rules as to Size.—

With respect to potatoes sold for delivery in the North Island or in the Nelson Provincial District (excluding the Buller, Grey, and Inangahua Counties)—

(i) If in any sample of one hundred potatoes taken at random from any lot sold for delivery during the month of September, 1945, 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 1 in., all the potatoes in the lot from which the sample is taken shall be deemed to be undergrade:

(ii) If in any sample of one hundred potatoes taken at random from any lot sold for delivery during either of the months of October or November, 1945, 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 1½ in., all the potatoes in the lot from which the sample is taken shall be deemed to be undergrade:

With respect to potatoes sold for delivery anywhere else in New Zealand—

If in any sample of one hundred potatoes taken at random from any lot sold for delivery during any of the months of September, October, or November, 1945, 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 1 in., all the potatoes in the lot from which the sample is taken shall be deemed to be undergrade:

- (b) Rule as to Quality.—If in any lot of potatoes more than 3 per cent. by weight of the lot is affected by disease, damage, or other defect, or if the lot is not reasonably free from earth, all the potatoes in the lot shall be deemed to be undergrade:
- (c) Rule as to Branding of Sacks or other Containers.—Sacks or other containers containing first-grade potatoes shall be legibly branded with the words “First Grade”, and potatoes in sacks or other containers not so branded shall be deemed to be undergrade:
- (d) Potatoes that are not undergrade in accordance with paragraph (a) or paragraph (b) or paragraph (c) hereof shall be deemed to be first grade potatoes.

APPLICATION OF THIS ORDER

7. (1) This Order applies with respect to all potatoes grown in New Zealand that, being the produce of seed potatoes planted after the 31st day of March, 1945, are sold for delivery after the coming into force of this Order and on or before the 30th day of November, 1945, by any grower, distributor, wholesaler, or retailer.

(2) In any proceedings for a breach of this Order in respect of the sale of any potatoes, those potatoes shall, unless the defendant proves the contrary, be deemed to have been within the application of this Order at the time of sale if they were sold as or were represented by the vendor to be new potatoes.

FIXING PRICES OF POTATOES THAT ARE SUBJECT TO THIS ORDER

Growers' Prices

8. (1) Subject to the following provisions of this clause the maximum price that may be charged or received by any grower for any potatoes to which this Order applies shall be determined as follows:—

(a) For potatoes grown in the North Island or for potatoes grown in the Nelson Provincial District (excluding the Buller, Grey, and Inangahua Counties) and sold for delivery in that district or in the North Island—

Period (both Dates inclusive) within which Delivery to be made.	Maximum Price per Ton.	
	First Grade.	Undergrade.
	£ s. d.	£ s. d.
17th September, 1945, to 30th September, 1945	38 0 0	34 0 0
1st October, 1945, to 14th October, 1945	34 0 0	30 0 0
15th October, 1945, to 28th October, 1945	30 0 0	26 0 0
29th October, 1945, to 11th November, 1945	26 0 0	23 0 0
12th November, 1945, to 25th November, 1945	22 0 0	19 0 0
26th November, 1945, to 30th November, 1945	19 0 0	17 0 0

(b) For any other potatoes to which this clause applies—

Period (both Dates inclusive) within which Delivery to be made.	Maximum Price per Ton.	
	First Grade.	Undergrade.
	£ s. d.	£ s. d.
17th September, 1945, to 30th November, 1945	42 10 0	38 0 0

(2) The growers' prices fixed as aforesaid are fixed in respect of sales f.o.r.s.i.—

- (a) The railway-station at Christchurch in the case of potatoes grown in the Nelson Provincial District and sold for delivery elsewhere than in that district or in the North Island; or
- (b) The grower's railway-station (being the railway-station nearest or most convenient of access to the grower's premises) in the case of any potatoes to which the last preceding paragraph does not apply.

(3) Where any potatoes to which this Order applies are delivered by a grower otherwise than f.o.r.s.i. the appropriate railway-station (as determined in accordance with the last preceding subclause) 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 appropriate railway-station determined as aforesaid.

Distributors' Prices

9. The maximum price that may be charged or received by any distributor for any potatoes to which this Order applies shall be 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 (other than brokerage) actually incurred and paid by the same or any other distributor by way of grading, transport, or other charges:
- (c) An amount computed at the rate of 30s. a ton when the price paid to the grower is £20 a ton or more, or computed at the rate of 20s. a ton when the price paid to the grower is less than £20 a ton.