

## Price Order No. 1074 (Apparel and Soft Goods)

PURSUANT to the Control of Prices Act, 1947, 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. 1074, and shall come into force on the 12th day of September, 1949.
2. Every approval of an authorized retail selling-price in force under the Control of Prices Act, 1947, is hereby revoked in its application to any goods to which this Order applies.
3. (1) In this Order, unless the context otherwise requires—
  - “ Factory selling-price ”, in relation to any goods, means the price for the time being authorized under the Control of Prices Act, 1947, to be charged for the goods by the manufacturer to the retailer buying the goods or, where a retailer manufactures goods for sale by that retailer, the price authorized as the price at which those goods may be taken into stock by that retailer;
  - “ Landed cost ”, in relation to any goods, means the actual price paid or payable for the goods by the importer thereof increased by the amount of any landing costs incurred by the importer in respect of the goods;
  - “ Landing costs ”, in relation to any goods, means the costs incurred by the importer incidental to the importing of the goods from the country of origin into store at the port of entry in New Zealand, and includes any sales tax payable by the importer in respect of the goods at the port of entry;
  - “ Prevailing wholesale price ”, in relation to any goods, means the price for the time being authorized under the Control of Prices Act, 1947, to be charged for the goods by the wholesaler to the retailer buying the goods: Provided that where an amount less than the authorized price has been charged to the retailer for any particular goods the amount actually charged shall be deemed to be the prevailing wholesale price of those goods.
- (2) No costs shall be deemed to be landing costs within the meaning of this Order unless the method of assessment of the costs has been previously approved in that behalf by the Director of Price Control.
- (3) The landed cost of any goods shall be computed in relation to such quantity of the goods as is sold in each instance by the retailer.

## APPLICATION OF THIS ORDER

4. (1) Subject to the provisions of subclause (2) hereof, this Order applies with respect to the goods specified in the First Schedule hereto that have been taken into stock by the retailer after the 15th day of August, 1949.
- (2) Nothing in this Order shall apply with respect to fully tailor-made garments made by a bespoke tailor.

## FIXING MAXIMUM RETAIL SELLING-PRICES OF GOODS TO WHICH THIS ORDER APPLIES

5. (1) Subject to the following provisions of this Order the maximum price that may be charged by any retailer for any goods to which this Order applies shall be—
  - (a) In respect of goods purchased in New Zealand from a wholesaler or manufacturer: The prevailing wholesale price or the factory selling-price (as the case may be) of the goods increased by the appropriate maximum percentage of that amount specified in the First Schedule hereto in relation to the goods;
  - (b) In respect of goods imported into New Zealand by the retailer selling the goods: The landed cost of the goods increased by the appropriate maximum percentage of that amount specified in the First Schedule hereto in relation to the goods: Provided that, except where a percentage in respect of direct importations is specified in the Schedule the appropriate percentage may be increased by  $7\frac{1}{2}$ ; provided also that where any such goods are imported through an indent agent and the agent's commission exceeds 5 per cent, the appropriate percentage as increased in accordance with the first proviso hereto or where a percentage in respect of direct importations is specified in the Schedule hereto, that percentage shall be reduced by the figure by which that commission exceeds 5 per cent.
- (2) Where with respect to any goods to which this Order applies there is specified in the First Schedule hereto a ceiling mark-up the amount that may be added by a retailer to the prevailing wholesale price, the factory selling-price, or the landed cost (as the case may be) of those goods shall be either the percentage or the ceiling mark-up (whichever is the less amount) specified in relation to those goods.
- (3) Where any goods to which this Order applies comprise a range of sizes and the ceiling mark-up specified in the First Schedule hereto relates to only one size, the ceiling mark-up shall be increased for each size larger than the specified size and shall be decreased for each size smaller than the specified size as follows: Boys' shirts, by 6d.; boys' shorts, by 6d.; boys' pyjamas, by 9d.; boys' suits, by 2s. 6d.; boys' overcoats, by 2s.
- (4) Where any retailer in possession of any material engages any person (not being one of his employees) to make that material into garments or where he sells that material to any person for the purpose of having it made into garments which he intends to buy and resell, the maximum price that may be charged by the retailer for any such garments shall be the sum of the following amounts:—
  - (a) The cost price of the material to the retailer;
  - (b) The amount of the making-up charges incurred in respect of the garments;
  - (c) The appropriate percentage of the sum of the amounts in paragraphs (a) and (b) hereof specified in the First Schedule hereto in relation to the garments.
- (5) Where any retailer who does not normally carry on business as a wholesaler sells any goods to which this Order applies to another retailer (thus becoming a wholesaler in respect of that transaction) the maximum price that may be charged by the purchasing retailer for any goods so bought shall be the maximum price as which the goods could be sold by the retailer from whom he bought the goods or the price fixed pursuant to the provisions of this Order, whichever is the less.
- (6) If the prevailing wholesale price, the factory selling-price, or the landed cost (as the case may be) of any goods is less than 6s. but is not an exact number of pence it shall be computed to the nearest penny and if it is more than 6s. but is not an exact number of threepences it shall be computed to the nearest threepence.
- (7) If in respect of any lot of goods sold by a retailer the maximum price, calculated in accordance with this Order, is not an exact number of pence, the maximum price of the lot shall be computed to the next upward penny.
- (8) 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 prices in respect of any goods to which this Order applies where special circumstances exist, or for any reason extraordinary charges (freight or otherwise) are incurred by the retailer. Any authority given by the Tribunal under this clause may apply with respect to a specified lot or consignment of goods or may relate generally to all goods to which this Order applies sold by the retailer while the approval remains in force.

## DUTY IMPOSED ON RETAILERS

6. Every retailer who imports any goods to which this Order applies shall, on receipt of the goods, forward to the Director of Price Control in such manner as he requires a return in respect of the goods in the form of the Second Schedule hereto:
 

Provided that where an importer has furnished a return under this clause in respect of any goods he shall not be obliged, unless specially requested to do so by the Director, to furnish a return in respect of other goods of the same kind, unless—

  - (a) The landed cost of the other goods is less than the landed cost of the goods to which the return already made relates; or
  - (b) The landed cost of the other goods is more than the landed cost of the goods to which the return already made relates and the importer proposes to charge more for such other goods as aforesaid.
7. Every retailer who offers for sale any goods to which this Order applies shall attach thereto a ticket or label on which shall be stated—
  - (a) The identification number of the goods;
  - (b) The cost price (in code);
  - (c) The retail selling-price (in plain figures).