

## Price Order No. 1405 (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 hereby makes the following Price Order:—

## PRELIMINARY

1. This Order may be cited as Price Order No. 1405, and shall come into force on the 1st day of September 1952.
2. (1) Price Orders Nos. 1074\*, 1115†, 1122‡, 1172§, and 1342||, are hereby revoked.
- (2) The revocation of the said 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—

- “ Factory selling price ”, in relation to any goods, means the price charged for the goods by the manufacturer to the retailer buying the goods, or the price for the time being authorized under the Control of Prices Act 1947, to be charged for the goods by the manufacturer to a retailer, whichever price is the greater: Provided that where a retailer manufactures goods for sale by that retailer the factory selling price shall be the price authorized under the Control of Prices Act 1947, 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:
- “ Gross price ”, in relation to any goods, means the price charged for the goods without taking into account the deduction of any approved discounts.
- “ Wholesale price ” means the gross price charged for the goods by the wholesaler to the retailer buying the goods or, where the price so charged is less than the gross wholesale price authorized to be charged pursuant to the Control of Prices Act 1947, the said authorized gross wholesale price.

(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.
- (2) Nothing in this Order shall apply with respect to fully or partly tailor made garments made by a bespoke tailor for direct sale to the consumer.

## 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 or goods manufactured by a retailer for sale by that retailer: The 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 the appropriate percentage may be increased by  $7\frac{1}{2}$  except where a percentage in respect of direct importations is specified in the said Schedule, in which case the landed cost may be increased by the amount of the percentage so specified:
- (c) In respect of goods imported through an indent agent by the retailer selling the goods: The amount authorized to be charged by paragraph (b) of this subclause: Provided that where a percentage in respect of direct importations is specified in the said Schedule in relation to the goods and the indent agent's commission exceeds 5 per cent., the percentage so specified and authorized to be added by the retailer shall be reduced by the figure by which the said 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 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 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 approved or ceiling making up charges incurred in respect of the garments, whichever is the less:
- (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.

(4) 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 at 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.

(5) Where in respect of any goods to which this Order applies transport charges are incurred by the retailer in obtaining delivery into his store the maximum price fixed by the foregoing provisions of this Order may be increased by the actual amount of any such charges.

(6) Where the factory selling price, the landed cost, or the wholesale price of any goods does not exceed 6s. and the retail price of such goods, calculated in accordance with the foregoing provisions of this Order, is not an exact number of pence, the maximum price of the goods shall be computed to the next upward penny.

(7) Where the factory selling price, the landed cost, or the wholesale price of any goods exceeds 6s. and the retail price, calculated in accordance with the foregoing provisions of this Order, is not an exact number of threepences, the maximum price of the goods shall be computed to the nearest threepence.

(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 subclause 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.

## DUTIES IMPOSED ON RETAILERS

6. Every retailer who imports any goods to which this Order applies shall, before selling, or offering to sell any of such goods, forward to the Director of Price Control a return in respect of the goods in the form P.C. 13 as set out in the Third 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 in a prominent place 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).

8. Every retailer to whom the provisions of subclause (3) of clause 5 hereof applies shall forward to the Director of Price Control a return in the form of the Second Schedule hereto setting out the cost of the individual items of all such goods.

\* Gazette, 8 September 1949, Vol. III, page 1849.

† Gazette, 26 January 1950, Vol. I, page 60.

‡ Gazette, 2 February 1950, Vol. I, page 117.

§ Gazette, 13 July 1950, Vol. II, page 927.

|| Gazette, 7 February 1952, Vol. I, page 186.