

Price Order No. 1947 (Condensed Milk)

PURSUANT to the Control of Prices Act 1947, I, John Henry Tuohy, pursuant to a delegation from the Secretary of Industries and Commerce acting under a delegation from the Price Tribunal, hereby make the following price order:

PRELIMINARY

1. This order may be cited as Price Order No. 1947, and shall come into force on the 17th day of July 1964.

2. (1) Price Order No. 1911* is hereby revoked.

(2) The revocation of the said order shall not affect the liability of any person for any offence in relation thereto committed before the coming into force of this order.

3. In this order the expression "case" or "case lot" means a lot consisting of four dozen tins of any one kind of condensed milk to which this order applies, as packed by the manufacturer in a case or other container.

APPLICATION OF THIS ORDER

4. This order applies only with respect to condensed milk marketed under the brands of "Highlander", and "Ideal".

FIXING MAXIMUM PRICES OF CONDENSED MILK TO WHICH THIS ORDER APPLIES

Manufacturer's Prices

5. (1) Subject to the following provisions of this clause, the maximum prices that may be charged or received by the manufacturer for any condensed milk to which this order applies that is sold by the manufacturer to a wholesaler shall be—

| | Per Case | |
|---|----------|-------|
| | £ | s. d. |
| Sweetened Condensed Milk— For "Highlander" brand (14 oz. tins) | 4 | 1 0 |
| Unsweetened Condensed Milk— For "Ideal" brand (11 oz. tins) | 2 | 9 6 |

(2) The maximum prices fixed by the last preceding subclause shall be reduced by a trade discount of 10 per cent thereof, and the prices so calculated shall be further reduced as follows:

(a) By a discount of 3 per cent thereof where payment is made within seven days from the date of invoice:

(b) By a discount of 2½ per cent thereof where payment is made after seven days from the date of invoice but on or before the 20th day of the month following the month in which delivery is made to the wholesaler.

(3) In respect of deliveries in quantities of not less than six cases to wholesalers carrying on business at Auckland, Gisborne, Napier, Hastings, New Plymouth, Hawera, Wanganui, Palmerston North, Wellington, Blenheim, Nelson, Westport, Greymouth, Hokitika, Christchurch, Timaru, Oamaru, Dunedin, or Invercargill, the maximum prices fixed by the foregoing provisions of this clause are fixed as for delivery (in accordance with the provisions of subclause (5) hereof) to the wholesaler's store at his place of business, or, at the option of the wholesaler, at the local depot of a common carrier nominated in that behalf by the wholesaler.

(4) In respect of deliveries in quantities of not less than six cases to a wholesaler carrying on business elsewhere than at one of the cities or boroughs specified in the last preceding subclause, the maximum prices fixed by subclauses (1) and (2) hereof are fixed as for delivery (in accordance with the provisions of subclause (5) hereof) to the wholesaler's store or the depot of a common carrier in such one of the places specified in subclause (3) hereof as is nearest or most convenient of access to the wholesaler's place of business.

(5) The references in subclauses (3) and (4) hereof to the delivery of any goods to which this order applies shall be deemed to be references to delivery by sea (where the place of delivery is at a port) and, in any other case, shall be deemed to be references to delivery by sea at the port nearest or most convenient of access to the place of delivery, and thence by rail to the place of delivery.

(6) Where any goods to which this order applies are, by arrangement between the manufacturer and the wholesaler, delivered otherwise than in accordance with the last preceding subclause, the wholesaler shall be liable for the payment of any transport charges incurred in excess of the charges that would have been incurred if delivery had been effected in accordance with that subclause.

(7) In respect of deliveries in quantities of less than six cases, the maximum prices fixed by subclauses (1) and (2) hereof are fixed as for delivery free on board or free on rail at Auckland, Wellington, Lyttelton, or Dunedin; or free on rail at Christchurch or Invercargill (whichever of the said places is nearest or most convenient of access to the wholesaler's store or other place to which the goods are to be delivered).

Wholesalers' Prices

6. (1) Subject to the following provisions of this clause, the maximum price (exclusive of sales tax) that may be charged or received by any wholesaler (including the manufacturer in respect of any sales made by the manufacturer direct to a retailer) for any condensed milk to which this order applies shall be at the rate of:

For condensed milk sold by a wholesaler carrying on business in any of the cities or boroughs of Auckland, Gisborne, Napier, Hastings, New Plymouth, Hawera, Wanganui, Palmerston North, Wellington, Blenheim, Nelson, Westport, Greymouth, Hokitika, Christchurch, Timaru, Oamaru, Dunedin, or Invercargill—

| | Per Dozen | |
|---|-----------|----|
| | s. | d. |
| Sweetened Condensed Milk— For "Highlander" brand (14 oz. tins) | 20 | 3 |

| | | |
|--|----|----|
| Unsweetened Condensed Milk— For "Ideal" brand (11 oz. tins) | 12 | 4½ |
|--|----|----|

For condensed milk sold by any other wholesaler—

| | Per Dozen | |
|---|-----------|----|
| | s. | d. |
| Sweetened Condensed Milk— For "Highlander" brand (14 oz. tins) | 20 | 9 |

| | | |
|--|----|----|
| Unsweetened Condensed Milk— For "Ideal" brand (11 oz. tins) | 12 | 8½ |
|--|----|----|

(2) Where any one delivery by a wholesaler to a retailer of any condensed milk to which this order applies—

(a) Comprises one or more but less than three case lots, the maximum prices fixed by subclause (1) hereof shall be reduced by an amount equal to 2½ per cent thereof:

(b) Comprises three or more but less than ten case lots, the maximum prices fixed by subclause (1) hereof shall be reduced by an amount equal to 5 per cent thereof:

(c) Comprises ten or more but less than twenty case lots, the maximum prices fixed by subclause (1) hereof shall be reduced by an amount equal to 6½ per cent thereof:

(d) Comprises twenty or more case lots, the maximum prices fixed by subclause (1) hereof shall be reduced by an amount equal to 7½ per cent thereof.

(3) The maximum prices calculated in accordance with the foregoing provisions of this clause shall be reduced as follows:

(a) By a discount of 3 per cent thereof where payment is made within seven days from the date of invoice:

(b) By a discount of 2½ per cent thereof where payment is made after seven days from the date of invoice but on or before the 20th day of the month following the month in which delivery is made to the retailer.

Retailers' Prices

7. The maximum price that may be charged or received by any retailer for any condensed milk to which this order applies shall be:

For condensed milk sold in any area within which the manufacturer or any wholesaler carrying on business in any of the cities or boroughs of Auckland, Gisborne, Napier, Hastings, New Plymouth, Hawera, Wanganui, Palmerston North, Wellington, Blenheim, Nelson, Westport, Greymouth, Hokitika, Christchurch, Timaru, Oamaru, Dunedin, or Invercargill normally undertakes the free delivery of goods to retailers—

| | Per Tin | |
|---|---------|----|
| | s. | d. |
| Sweetened Condensed Milk— For "Highlander" brand (14 oz. tins) | 1 | 11 |
| Unsweetened Condensed Milk— For "Ideal" brand (11 oz. tins) | 1 | 2 |

For condensed milk sold elsewhere—

| | | |
|---|---|----|
| Sweetened Condensed Milk— For "Highlander" brand (14 oz. tins) | 2 | 0 |
| Unsweetened Condensed Milk— For "Ideal" brand (11 oz. tins) | 1 | 2½ |

GENERAL

8. Notwithstanding the provisions of this order, the maximum price that may be charged by any wholesaler (excluding the manufacturer, in respect of any sales made by the manufacturer direct to a retailer) or by any retailer for any condensed milk to which this order applies, bought by the wholesaler or by the retailer before the date of coming into force of this order and unsold by him at that date, shall not exceed the appropriate price authorised pursuant to the Control of Prices Act 1947 to be charged immediately before that date. In the case of any condensed milk to which this order applies bought by a wholesaler or by a retailer after the coming into force of this order at the appropriate price authorised pursuant to the Control of Prices Act 1947 to be charged immediately before that date, such condensed milk shall not be resold at prices in excess of those so authorised prior to the coming into force of this order.

PROVISION FOR SPECIAL PRICES WHERE EXTRAORDINARY CHARGES INCURRED

9. 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 the manufacturer or by any wholesaler or retailer, may authorise special maximum prices in respect of any condensed milk to which this order applies where special circumstances exist, or for any reason extraordinary charges (freight or otherwise) are incurred by the manufacturer or by the wholesaler or retailer. Any authority given by the Tribunal under this clause may apply with respect to a specified lot or consignment of condensed milk or may relate generally to all condensed milk to which this order applies sold by the manufacturer or by the wholesaler or retailer while the approval remains in force.

Dated at Wellington this 9th day of July 1964.

J. H. TUOHY,

Assistant Director of Trade Practices and Prices Division.
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