

Serial Number 146/1937.



**THE BUTTER (WELLINGTON DISTRICT) MARKETING
REGULATIONS, 1937.**

Enacting authority : His Excellency the Governor-General in Council.
Acts pursuant to which the regulations were made : The Primary
Products Marketing Act, 1936, and the Agriculture (Emergency
Powers) Act, 1934.

Date on which the regulations were made : 31st day of March, 1937.

Date of notification in *Gazette* : 8th day of April, 1937.

REGULATIONS.

1. (i) These regulations may be cited as the Butter (Wellington District) Marketing Regulations, 1937.

(ii) These regulations shall come into force on the 1st day of May, 1937.

(iii) In these regulations, unless inconsistent with the context,—

“Butter” means creamery butter, whey butter, or dairy butter manufactured by a manufacturer :

“Department” means the Primary Products Marketing Department established by the said Act, and includes every person by whom pursuant to the said Act the functions of the Department may be exercised :

“Manufacturer” means the occupier of a manufacturing dairy situated within the Wellington Marketing District and registered as a creamery, whey-butter factory, or private dairy pursuant to the Dairy-produce General Regulations, 1933* :

“Sale by wholesale” includes every sale to any person for purposes of retail sale :

“The said Act” means the Primary Products Marketing Act, 1936 :

“Wellington Marketing District” and “district” mean that portion of the North Island lying southwards of a line commencing at the point where the south-western boundary of the Waitotara County meets the sea ; thence northerly along the western and north-western boundaries of the Waitotara County and the north-western boundary of the Waimarino County to its junction with the southern boundary of the Kaitieke County ; thence easterly generally along the southern boundaries of the Kaitieke and Taupo Counties, the north-western boundary of the Hawke’s Bay County, and the western and northern boundaries of the Wairoa County to the sea-coast :

* *Gazette*, 18th May, 1933, Vol. II, page 1341.

“Wellington City Area” means that portion of the Wellington Marketing District lying within a radius of twenty miles from the General Post Office :

“Wholesale distributor” means a person licensed under these regulations to act on behalf of a manufacturer in the sale by wholesale of any butter in pursuance of these regulations.

(iv) Terms defined by the Dairy-produce General Regulations, 1933, shall have the respective meanings assigned to them by those regulations.

2. No manufacturer shall sell, supply, or deliver butter intended for consumption within the Wellington Marketing District except in pursuance of these regulations.

3. No manufacturer of butter manufactured within the Wellington Marketing District shall at any place, except with the permission in writing of the Department, sell, supply, or deliver to any person butter that is so manufactured and is intended for consumption anywhere in New Zealand outside the boundary of the said district.

4. No person shall, except with the permission in writing of the Department, transport butter manufactured in the Wellington Marketing District and intended for consumption in New Zealand to any place outside the said district.

5. No person shall, except with the permission in writing of the Department, sell, supply, or deliver to any person within the Wellington Marketing District any butter intended for consumption in New Zealand which has been manufactured outside the said district.

6. No manufacturer shall, except with the permission in writing of the Department, sell by wholesale within the Wellington Marketing District any butter which has not been manufactured by him in his manufacturing dairy.

7. All butter intended to be disposed of by wholesale or retail in the Wellington City Area for consumption in New Zealand shall be delivered to the Department for purposes of sale by wholesale within the said area by the Department or a wholesale distributor, and the Department may from time to time by notice to any manufacturer require him to deliver to the Department for consumption as aforesaid in bulk or in pats as the Department may specify and at such place within the Wellington City Area as may be specified in the notice any specified quantity of butter which at the time of the notice has been or thereafter is manufactured by the manufacturer and has not at the time of the notice been otherwise disposed of, and every manufacturer to whom such a notice is given shall duly comply therewith.

8. No manufacturer shall sell any butter manufactured in his dairy to any person being a supplier of milk or cream to such manufacturer at a price other than the appropriate wholesale price prescribed by clause 19 hereof.

9. No manufacturer or wholesale distributor shall effect any sale of butter within the Wellington Marketing District by means of house canvassing or by other similar means.

10. (i) No person shall carry on business as a distributor of butter by wholesale within the Wellington Marketing District except in pursuance of a license granted pursuant to these regulations.

(ii) Every application for a license under this clause shall be made in writing addressed to the Department, and shall be signed by or on

behalf of the applicant and shall be in or to the effect of the Form No. 1 in the Schedule hereto.

(iii) Every such license shall authorize the licensee to carry on business as a wholesale distributor of butter on the premises specified in the license and to the extent and within the locality (if any) set out therein.

(iv) The Department may in its discretion grant or refuse a license.

(v) Every applicant for a license shall establish to the satisfaction of the Department that the applicant has all reasonable facilities for carrying out a regular delivery service within the area to which his license applies to all retailers within such area who may require regular deliveries of butter of the brands or quality for the sale by wholesale of which the applicant desires a license.

(vi) Every license granted in pursuance of this clause shall be in the Form No. 2 in the Schedule hereto.

11. In every license granted under these regulations there shall be implied the conditions following, that is to say :—

- (a) That the licensee will as far as is reasonably practicable perform his delivery service of butter by such regular itinerary or rounds as to afford adequate service to retailers requiring supplies of butter of the brands and qualities authorized to be sold by him in terms of his license :
- (b) That the licensee will perform such delivery service aforesaid by means of delivery conveyances owned by him and under his charge or that of some person employed by him and will not, except for the purpose of ensuring prompt and efficient delivery of any supplies, make delivery of any butter by the employment of any common carrier :
- (c) That to any retailer who requires not less than 24 lb. of any specified brand of butter authorized to be sold by the licensee and who tenders the appropriate wholesale price in payment for such butter the licensee will sell such butter accordingly and will make delivery of such butter in accordance with the order of the retailer on the licensee's regular itinerary or round at any place reasonably specified by the retailer within the area to which the license applies :
- (d) That the licensee will make available to any retailer supplies of butter ex the premises of the licensee and will not, except on the ground that no supplies are then available for sale, refuse to supply any retailer who requires not less than one box of butter and who tenders the appropriate wholesale price in payment therefor.

12. Where it is established to the satisfaction of the Department that any licensed wholesale distributor has committed a breach of any of the conditions of his license the Department may by notice in writing to the licensee revoke the license issued to him under these regulations without prejudice to the liability of the licensee to the penalty imposed by section 26 of the said Act.

13. The Department may—

- (a) Define areas within which manufacturers or wholesale distributors may sell by wholesale any butter pursuant to these regulations :

- (b) Assign to any manufacturer or wholesale distributor any area defined as aforesaid :
- (c) Define and assign to any manufacturer or wholesale distributor any area within which the manufacturer or the wholesale distributor may pay freight on butter sold to any person for retail sale :
- (d) Fix a date upon which any such definition and assignment shall take effect and shall give notice thereof before the date aforesaid to all manufacturers and wholesale distributors thereby affected.

14. In every case where any area within which any manufacturer or wholesale distributor may pay freight on butter sold to any person for retail sale is defined and assigned to any manufacturer or wholesale distributor pursuant to paragraph (c) of the last preceding clause hereof and where such manufacturer or wholesale distributor sells any butter to any person outside such area for retail sale such person shall pay all freight charges on such butter from the nearest convenient place of delivery within such area.

15. The Department shall from time to time fix and notify in the *Gazette* rates of distribution allowances which may respectively be allowed to—

- (a) A manufacturer in respect of the sale by wholesale by the manufacturer of butter in pursuance of these regulations :
- (b) A wholesale distributor in respect of the sale by wholesale of butter within the Wellington City Area :
- (c) The Department in respect of the sale by wholesale of butter within the Wellington City Area otherwise than through a wholesale distributor and in respect of the receiving, storing, and delivering of all butter delivered to the Department for sale for consumption within the said area :
- (d) A wholesale distributor in respect of the sale by wholesale of butter within any portion of the Wellington Marketing District other than the Wellington City Area.

16. (i) Where pursuant to these regulations a manufacturer is required to deliver to the Department all butter intended for consumption in the Wellington City Area, the Department shall account to the manufacturer not later than the twentieth day in every month for all butter so delivered during the immediately preceding month at the several sale prices fixed by clause 19 hereof, subject to distribution allowances as aforesaid.

(ii) Where a manufacturer delivers any butter to a wholesale distributor for sale by wholesale on behalf of the manufacturer the wholesale distributor shall be entitled to the distribution allowance for his services but shall be liable to account to the manufacturer for all loss incurred in the sale by wholesale of such butter.

17. No manufacturer or wholesale distributor shall upon any sale of butter to a retailer carrying on business within the Wellington Marketing District for the purposes of that business allow a period of credit greater than that which may from time to time be fixed and notified by the Department by publication in the *Gazette*.

18. (i) No person shall deliver to the Department any butter intended for consumption in the Wellington City Area and no

manufacturer or wholesale distributor shall sell any butter by wholesale within the Wellington Marketing District unless either—

- (a) Such butter has been graded in manner prescribed by the Dairy-produce General Regulations, 1933, in respect of butter intended for export ; or
- (b) Such butter has been examined by a dairy-factory manager at the manufacturing dairy where it was manufactured and (in the case of creamery butter) a grade and grade points or (in the case of whey butter) a grade has been assigned thereto being respectively the grade and grade points or grade which in the opinion of the factory manager would be assigned thereto had the butter been graded in manner prescribed by the Dairy-produce General Regulations, 1933, in respect of butter intended for export, such butter being hereinafter referred to as “factory-graded butter”.
- (ii) The manufacturer shall keep a record of the grade and grade points assigned to all factory-graded butter manufactured by him.
- (iii) The Department may at any time require any parcel of factory-graded butter to be graded under the provisions of the Dairy-produce General Regulations, 1933, as the Department may from time to time direct and at the expense of the Department.
- (iv) Upon the grading at a grading store of any parcel of butter pursuant to the last preceding subclause then all butter manufactured in the manufacturing dairy where such butter was produced on and after the date of manufacture of the butter so graded shall for the purposes of these regulations be deemed to be of the grade and grade points so assigned in the grading store until upon a further grading at a grading store of butter from the same manufacturing dairy a different grade or different grade points are assigned thereto.
- (v) The manufacturer of any butter affected by the last preceding subclause may at any time require further grading to be undertaken at a grading store but not so as to require that butter manufactured at intervals of less than fifteen days be so graded and so that the selection of parcels to be graded shall with respect to date of manufacture and otherwise be in the discretion of the Department.

19. (i) The several prices at which butter prepared in one pound pats or smaller portions shall be sold by wholesale for consumption within the Wellington Marketing District shall be the following :—

- (a) In the case of creamery butter the standard of quality of which is not lower than first grade, the price of thirteence halfpenny per pound :
- (b) In the case of creamery butter the standard of quality of which is second grade, the price of twelvecence three farthings per pound :
- (c) In the case of whey butter, the price of twelvecence halfpenny per pound.
- (ii) The price for butter sold in bulk by way of sale by wholesale within the Wellington Marketing District, being butter of the same kind and standard of quality as the kind and standard of quality of butter prescribed by subclause (i) hereof, shall be one-eighth of a penny per pound less than the appropriate price prescribed for such last mentioned butter by the last preceding subclause.

(iii) The grades referred to in this regulation shall as the case requires be either—

- (a) Grades assigned at a grading store ; or
- (b) Grades assigned in the manufacturing dairy as prescribed by clause 18 hereof ; or
- (c) Grades constructively assigned pursuant to subclause (iv) of clause 18 hereof.

20. Every manufacturer shall from time to time as hereinafter prescribed pay to the Department the amount by which the return to the manufacturer for butter disposed of under these regulations exceeds the parity value of such butter ascertained as hereinafter provided.

21. The parity value of butter disposed of under these regulations shall be ascertained as follows :—

- (i) To creamery butter shall be assigned as its basic value the respective prices fixed by clause 3 of the Dairy-produce Export Prices Order, 1936,* according to the grade points allotted thereto ascertained as aforesaid :
- (ii) To whey butter shall be assigned as its basic value the respective price fixed by clause 3 of the Dairy-produce Export Prices Order, 1936, according to the grade thereof ascertained as aforesaid :
- (iii) There shall be added to the said basic value the actual reasonable costs incurred in the preparation of butter pats and all other charges and expenses actually and reasonably incurred by the manufacturer in the packing, transport, and sale of butter for consumption within the Wellington Marketing District :
- (iv) There shall be deducted from the said basic value the estimated packing and transport costs and charges and all other costs and charges that would have been incurred and payable by the manufacturer if such butter had been acquired by the Crown for export from New Zealand pursuant to the provisions of Part II of the said Act :
- (v) The transport charges to be so deducted shall be those that would have been incurred had the butter been delivered by the manufacturer at the port at which butter for export manufactured in the manufacturing dairy in question or in the same locality is customarily delivered :
- (vi) The sums to be added to and deducted from the said basic value shall be ascertained, estimated, and computed in its discretion by the Department, and the decision of the Department shall be final :
- (vii) The said basic value with the additions and deductions aforesaid shall be the parity value for the purposes of these regulations.

22. Within seven days after the end of each month every manufacturer shall complete and deliver to the Department returns for the immediately preceding month in the forms numbered 3 and 4 in the Schedule hereto of all supplies, sales, and disposals of butter within the Wellington Marketing District during that month. Such returns shall be signed by the manufacturer or his authorized agent. The grades and grade points referred to in the said forms shall be (as the case requires) those assigned at a grading store or those assigned at

* Statutory Regulations, 1936-7, Serial number 27/1936, page 93.

a manufacturing dairy as prescribed by clause 18 hereof or those constructively assigned pursuant to subclause (iv) of clause 18 hereof.

23. (i) The Department will as soon as practicable after the end of each month complete and deliver to each manufacturer a statement based on the returns of sales and disposals of butter by the manufacturer for the preceding month and showing the aggregate amount by which the manufacturer's sales at the wholesale price exceed the parity value for such month of the butter so sold and disposed of, and the amount of such excess shall be due and payable by the manufacturer to the Department on the 20th day of the month in which the statement is rendered.

(ii) If the manufacturer fails to pay to the Department the full amount shown as owing in any such statement the Department—

(a) Shall be entitled to deduct the amount owing from any moneys that are then payable or may become payable to the manufacturer out of the Dairy Industry Account ; or

(b) May recover the amount due as a debt in any Court of competent jurisdiction.

24. Not later than the 31st day of August in every year each manufacturer shall deliver to the Department for the year ended on the immediately preceding 31st day of July a certified statement signed by an accountant registered under the New Zealand Society of Accountants Act, 1908, reconciling the quantities of butter entered by the manufacturer in the returns delivered to the Department by the manufacturer pursuant to clause 22 hereof with the quantities of butter ascertained to have been manufactured by the manufacturer for the purposes of the certified statement to be given under section 4 of the Dairy Industry Amendment Act, 1922.

25. In addition to the foregoing returns and statement, every manufacturer selling or disposing of butter intended for consumption within the Wellington Marketing District and every wholesale distributor shall on demand by the Department furnish to the Department such further or other information or returns relating to the manufacture, sale, or supply of butter by such manufacturer or wholesale distributor as the Department may from time to time reasonably require.

26. The Department shall have the right at all reasonable times to inspect and take extracts from the books and records of any manufacturer, and for this purpose any officer of the Department duly authorized in that behalf by the Minister of Marketing may make such inspection and take such extracts.

27. All moneys paid to the Department by manufacturers pursuant to clause 23 hereof (being moneys representing the surplus above the parity value of butter sold or supplied for consumption within the Wellington Marketing District) shall be paid into the Dairy Industry Account.

28. (i) No person shall keep butter intended for consumption within the Wellington Marketing District on any premises other than the premises of any manufacturer unless such premises are approved as a cool store for the storage of such butter.

(ii) For the purpose of this clause every manufacturer or wholesale distributor shall forthwith on the coming into force of these regulations complete and deliver to the Department a return showing the total quantity of butter intended for consumption within the Wellington Marketing District which at the date of coming into force of these

regulations is stored in any premises other than the premises of the manufacturer or wholesale distributor.

(iii) Approval of any premises as a cool store for the storage of any butter to which this clause applies shall be granted at the sole discretion of the Department and upon such terms and conditions as the Department shall think fit.

(iv) In the event of the Department refusing to approve of any premises as a cool store for the storage of butter to which this clause applies all butter then stored in such premises shall be sold or otherwise disposed of in accordance with the directions of the Minister of Marketing and not otherwise.

29. (i) No person shall sell or expose for sale for consumption within the Wellington Marketing District any butter which is not branded or marked as required by this regulation.

(ii) On every wrapper or package containing any creamery butter, whey butter, or dairy butter there shall be borne the words "pure creamery butter", "whey butter", or "pure dairy butter", as the case may require.

30. No person shall stamp or mark on any wrapper or package containing butter intended for consumption within the Wellington Marketing District any words indicative of quality such as "Choicest", "Choice", "Superfine", "Superior", "Best Factory Butter", "Best Table Butter", or "Table Butter", or use in connection with any butter sold, offered, or exposed for sale any words that are calculated to mislead a purchaser as to the quality of that butter: Provided that nothing in this clause shall forbid the use on any wrapper or package or otherwise in connection with butter of the words "Finest", "First Grade", "Second Grade", and "Third Grade" so long as these words are applied only to butter to which the grade indicated by those respective words is the grade which has been assigned to such butter (a) in a grading store, or (b) in a manufacturing dairy, or (c) constructively pursuant to subclause (iv) of clause 18 hereof and so long as when applied to whey butter the words "whey butter" are used therewith and so long as no deterioration in the quality of such butter has thereafter taken place.

31. Except so far as other provision is made by these regulations, nothing in these regulations shall be construed to limit the operation of the Sale of Food and Drugs, Act 1908, or of any regulations for the time being in force thereunder.

SCHEDULE.

[Form No. 1.

The Butter (Wellington District) Marketing Regulations, 1937.

APPLICATION FOR LICENSE TO CARRY ON BUSINESS AS A WHOLESALE DISTRIBUTOR OF BUTTER WITHIN THE WELLINGTON MARKETING DISTRICT.

Director of Internal Marketing, Internal Marketing Branch, Primary Products Marketing Department, Wellington, C. 1.

APPLICATION is hereby made for a license to carry on business as a wholesale distributor of butter intended for consumption within the Wellington Marketing District.

1. Name of applicant:
 2. If applicant is a company, name of secretary:
 3. Address of business premises:
 4. State name or names of manufacturers for whom applicant desires to act as a wholesale distributor of butter:
 5. State name of the brand or brands under which the butter will be sold:
- Dated at this day of, 19..

Signature of applicant:

Butter (Wellington District) Marketing Regulations, 1937. 529

[Form No. 2.

The Butter (Wellington District) Marketing Regulations, 1937.

LICENSE TO CARRY ON BUSINESS AS A WHOLESALE DISTRIBUTOR OF BUTTER
WITHIN THE WELLINGTON MARKETING DISTRICT.

PURSUANT to application in this behalf dated the day of, 19..,
[Name of licensee] is (are) hereby authorized to carry on business as (a) wholesale
distributor(s) in respect of the following brands of butter intended for consumption
within the following area in the Wellington Marketing District :—

Particulars of brands of butter :

Description of area :

This license shall remain in force subject to the provisions of the Butter
(Wellington District) Marketing Regulations, 1937, or any regulations in substitu-
tion therefor.

Dated at Wellington this day of, 19..

.....
Director of Internal Marketing,
Primary Products Marketing Department.

[Form No. 3.

The Butter (Wellington District) Marketing Regulations, 1937.

MONTHLY RETURN TO PRIMARY PRODUCTS MARKETING DEPARTMENT (INTERNAL
MARKETING BRANCH).

By [Name of dairy company].

PART "A."

*Return showing Manufacture and Disposal of Creamery Butter for the Month
of, 19..*

	Lb.
1. Stock on hand in factory at beginning of month .. .. .	.. .. .
2. Withdrawals from cold storage for local consumption .. .. .	.. .. .
3. Returns to factory :—	
(a) From customers .. .. .	.. .. . lb.
(b) From grading stores .. .. .	.. .. . lb.
Total (a) and (b) .. .. .	.. .. .
4. Purchases of butter from any source .. .. .	.. .. .
5. Manufacture—	
1st period 1st to 10th .. .. .	.. .. . lb.
2nd period 10th to 20th .. .. .	.. .. . lb.
3rd period 20th to end of month .. .. .	.. .. . lb.
Manufactured total .. .. .	.. .. .
Nos. 1, 2, 3, 4, and 5 total .. .. .	.. .. .
6. Deliveries during the above-mentioned monthly period—	
(a) To grading stores for export (... boxes) .. .. .	.. .. .
(b) To cool stores for local consumption (... boxes) .. .. .	.. .. .
(c) For consumption within the Wellington Marketing District .. .. .	.. .. .
(d) For consumption outside the Wellington Marketing District .. .. .	.. .. .
(e) To suppliers .. .. .	.. .. .
(f) To employees' butter allowances .. .. .	.. .. .
(g) Other deliveries (state particulars) .. .. .	.. .. .
7. Stock on hand [Date] .. .. .	.. .. .
Total of Nos. 6 and 7 to agree with total of Nos. 1, 2, 3, 4, and 5 above .. .. .	.. .. .

PART "B."

Analysis of Creamery Butter delivered for Local Consumption during the Month ended, 19..

Grade Points.	Delivered direct to own Customers.		Delivered to Primary Products Marketing Department.		Delivered to Wholesale Distributor's Warehouse.		Name of Distributor.	Delivered to other Manufacturers.		Name of Manufacturer.	Totals.
	Pats, lb.	Bulk, lb.	Pats, lb.	Bulk, lb.	Pats, lb.	Bulk, lb.		Pats, lb.	Bulk, lb.		
<i>First Period, 1st to 15th of Month.</i>											
94 and over ..											
93 and under 94 ..											
92 and under 93 ..											
90 and under 92 ..											
80 and under 90 ..											
Sub-totals ..											
<i>Second Period, 16th to end of Month.</i>											
94 and over ..											
93 and under 94 ..											
92 and under 93 ..											
90 and under 92 ..											
80 and under 90 ..											
Sub-totals ..											
Grand totals ..											

I hereby certify that all particulars shown in this return under the respective headings—viz., Parts "A" and "B"—are correct.

Signature :

Capacity of person signing (Secretary, or as the case may be) :

Date :

[Form No. 4.

The Butter (Wellington District) Marketing Regulations, 1937.

MONTHLY RETURN TO PRIMARY PRODUCTS MARKETING DEPARTMENT
(INTERNAL MARKETING BRANCH).

By [*Name of dairy company*].

PART "A."

*Return showing Manufacture and Disposal of Whey Butter for
the Month of..... 19..*

Items 1 to 7 (inclusive) as in the last preceding form (No. 3).

PART " B."

Analysis of Whey Butter delivered for Local Consumption during the Month ended....., 19..

Grade.	Delivered direct to own Customers.		Delivered to Primary Products Marketing Department.		Delivered to Wholesale Distributor's Warehouse.		Name of Distributor.	Delivered to other Manufacturers.		Name of Manufacturer.	Totals.
	Pats, lb.	Bulk, lb.	Pats, lb.	Bulk, lb.	Pats, lb.	Bulk, lb.		Pats, lb.	Bulk, lb.		
<i>First Period, 1st to 15th of Month.</i>											
1st Grade ..											
2nd Grade ..											
Sub-totals ..											
<i>Second Period, 16th to end of Month.</i>											
1st Grade ..											
2nd Grade ..											
Sub-totals ..											
Grand totals ..											

I hereby certify that all particulars shown in this return under the respective headings—viz., Parts " A " and " B"—are correct.

Signature :

Capacity of person signing (Secretary, or as the case may be) :

Date :

Issued under the authority of the Regulations Act, 1936.
 These regulations are administered by the Primary Products Marketing Department.