

Serial Number 1950/174

**THE DAIRY PRODUCE REGULATIONS 1938,
AMENDMENT NO. 5**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 4th day of
October, 1950

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Dairy Industry Act, 1908, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Dairy Produce Regulations 1938, Amendment No. 5, and shall be read together with and deemed part of the Dairy Produce Regulations 1938* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the seventh day after the date of their notification in the *Gazette*.

2. Regulation 1 of the principal regulations is hereby amended by inserting, after clause (4), the following clause:—

“(4A) These regulations shall not apply to a dairy used solely for the receipt of milk or cream or for the separation of cream from milk, if the milk or cream is intended for subsequent removal for sale for human consumption as milk or cream.”

3. Regulation 13 of the principal regulations is hereby amended by inserting, after clause (3), the following clauses:—

“(3A) For the purposes of the last preceding clause, a sample of milk shall be deemed to be a truly representative sample if—

“(a) The contents of the weighing pan into which the milk of a supplier is deposited for the purpose of weighing that milk are first thoroughly mixed by means of a suitable hand-operated metal plunger or by a mechanically operated agitator ; or

* Statutory Regulations 1938, Serial number 1938/91, page 396.

Amendment No. 1 : Statutory Regulations 1942, Serial number 1942/18, page 47.

Amendment No. 2 : Statutory Regulations 1948, Serial number 1948/102, page 310.

Amendment No. 3 : Statutory Regulations 1949, Serial number 1949/13, page 52.

Amendment No. 4 : Statutory Regulations 1949, Serial number 1949/115, page 455.

- “(b) The contents of each can of milk of each supplier are poured briskly into the pan of a weigher which contains no strainer, baffle, or other impediment to the flow of the milk; but this means may be adopted only if no condition, whether in relation to the milk or otherwise, is present to prevent, restrict, or retard its full and proper mixing by this means,—
- and, in either of the foregoing cases,—
- “(c) The sample is taken immediately after mixing as aforesaid by means of a dipper; or
- “(d) The contents of each can of milk of each supplier are poured into the pan of a weigher into which is fitted a mechanical sampling device which—
- “(i) Is of such design, construction, and adjustment that, in the course of being poured into the pan of the weigher, the milk is thoroughly mixed immediately before the sample is received by that device; and
- “(ii) Is at all times maintained by the owner in proper adjustment to receive a truly representative sample:
- “Provided that, where the mechanical sampling device used is not so designed, constructed, or adjusted as to ensure that the milk is thoroughly mixed as aforesaid, the contents of each can of milk of each supplier shall be thoroughly mixed by means of a suitable hand-operated metal plunger or by a mechanically operated agitator immediately before the milk is poured into the pan of the weigher to which the sampling device is fitted.
- “(3B) For the purposes of clause (3) of this regulation, a sample of cream shall be deemed to be a truly representative sample if—
- “(a) The contents of each can of cream of each supplier are first thoroughly mixed by means of a suitable hand-operated metal plunger or by a mechanically operated agitator; and
- “(b) The sample is taken immediately after mixing as aforesaid by means of a dipper.”

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

[This note is not part of the regulations, but is intended to indicate their general effect.]

1. The effect of regulation 2 is to exclude from the operation of the principal regulations dairies used solely for the receipt of milk or cream or for the separation of cream, if the milk or cream is intended for subsequent removal for sale for human consumption.

2. Regulation 3 defines what is a truly representative sample of milk or cream for the purposes of the principal regulations.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 5th day of October, 1950.

These regulations are administered in the Department of Agriculture.

(Notice No. Ag. 4916.)