



THE EGG MARKETING EMERGENCY REGULATIONS 1944

C. L. N. NEWALL, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 31st day
of May, 1944

Present :

THE HON. D. G. SULLIVAN PRESIDING IN COUNCIL

PURSUANT to the Emergency Regulations Act, 1939, 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. These regulations may be cited as the Egg Marketing Emergency Regulations 1944, and shall come into force on the 5th day of June, 1944.

2. (1) In these regulations, unless the context otherwise requires,—
- “Egg marketing area” means an egg marketing area under the Egg Marketing Regulations 1940* :
 - “Egg-price area” means an egg-price area as defined in the First Schedule to Price Order No. 128† (being a price order made by the Price Tribunal acting pursuant to the Control of Prices Emergency Regulations 1939‡) :
 - “Special egg marketing area” means a special egg marketing area under the Egg Marketing Emergency Regulations 1942§ :
 - “Authorized distributor” means the holder of a wholesale distributor’s license under the Egg Marketing Regulations 1940,* or a person authorized to carry on business as a distributor under the Egg Marketing Emergency Regulations 1942§ :
 - “Licensed producer” means the holder of a producer’s license under the Egg Marketing Regulations 1940* :
 - “Minister” means the Minister of Marketing.

(2) Terms and expressions defined in the Egg Marketing Regulations 1940,* when used in these regulations, have the meanings severally assigned thereto by those regulations.

* Statutory Regulations 1940, Serial number 1940/146, page 505.

† *Gazette*, 1943, Vol. I, page 314.

‡ Statutory Regulations 1939, Serial number 1939/275, page 1057.

§ Statutory Regulations 1942, Serial number 1942/179, page 423.

3. (1) Subject to the following provisions of this regulation, no person resident or carrying on business within any marketing area or special marketing area shall sell or offer for sale, or shall purchase or offer to purchase, any eggs or egg-pulp unless—

- (a) The vendor is an authorized distributor or a licensed producer carrying on business in that marketing area or special marketing area under a license or other authority relating to or operative in that area ; or
- (b) The vendor has acquired the eggs or egg-pulp from an authorized distributor or a licensed producer as aforesaid ; or
- (c) The eggs or egg-pulp have been released for distribution by an authorized distributor.

(2) Nothing in the last preceding subclause shall apply with respect to the retail sale of eggs by any producer, in accordance with the Sale of Eggs Notice 1943, No. 1,* or in accordance with any like notice that may hereafter be issued by the Minister in relation to the retail sale of eggs by producers.

(3) No person who purchases any eggs or egg-pulp from a retailer in the ordinary course of the retailer's business shall be guilty of an offence against this regulation unless it is proved that he knew or had reasonable grounds to suspect that the retailer acquired the eggs or egg-pulp in contravention of the provisions of subclause (1) hereof.

4. (1) With respect to eggs produced in any price area and with respect to egg-pulp produced from any such eggs the following provisions shall apply :—

- (a) Every authorized distributor may sell any such eggs or egg-pulp within that price area or elsewhere in accordance with the terms of his license or authority, but not otherwise :
- (b) Any person carrying on business as a retailer in any part of a price area that is not included in a marketing area or a special marketing area may sell any such eggs or egg-pulp in accordance with the following provisions of this paragraph but not otherwise, that is to say :—
 - (i) He may sell any such eggs or egg-pulp to an authorized distributor carrying on business in any marketing area or special marketing area within the price area ; or
 - (ii) He may sell any such eggs or egg-pulp to a retailer carrying on business in the price area (elsewhere than in a marketing area or special marketing area) ; or
 - (iii) He may sell any such eggs or egg-pulp by way of retail sale for delivery in the price area (elsewhere than in a marketing area or special marketing area).
- (c) Any producer may sell any such eggs or egg-pulp by way of wholesale to any authorized distributor or retailer carrying on business in that price area (elsewhere than in a marketing area or special marketing area), but shall not sell any eggs or egg-pulp by way of wholesale to any other person except with the authority of the Director or pursuant to a producer's license.

(2) No carrier or other person shall undertake delivery of any eggs or egg-pulp, and no person shall accept delivery of any eggs or egg-pulp, if he has reason to believe or suspect that the sending, consignment, or delivery of such eggs or egg-pulp was or would be in contravention of the provisions of the last preceding subclause.

* *Gazette*, 1943, Vol. I, page 377.

5. (1) For the purposes of this regulation the term "cool store" means any premises used for the storage of any foodstuffs in a chilled or frozen condition, but does not include any refrigerator used exclusively for domestic purposes.

(2) Except with the permission of the Director or of a person acting with authority of the Director, no eggs or egg-pulp shall be stored in any cool store for a longer period than fourteen days :

Provided that in the application of this subclause to eggs or egg-pulp in cool store on the date of the coming into force of these regulations, the period of fourteen days referred to therein shall commence to run on that date.

(3) If any egg-pulp or eggs deposited in a cool store are kept therein for a longer period than fourteen days or for two or more periods exceeding fourteen days in the aggregate, the owner of such egg-pulp or eggs, the person having control thereof immediately prior to their deposit in cool store, the owner or occupier of the cool store, and the manager or other person in charge thereof at the time of deposit, shall be severally guilty of an offence against this regulation.

6. (1) For the purposes of Regulation 10 and Regulation 26 of the Egg Marketing Regulations 1940,* the term "retailer" shall be deemed to include any person who in the course of his business uses eggs or egg-pulp in the manufacture of goods for sale, or who, in the course of his business as a purveyor of meals, supplies any item of food in the preparation of which egg-pulp or eggs form the only or the principal or a substantial component part.

(2) The said Regulation 26 is hereby amended by inserting the words "egg-pulp" after the word "eggs" wherever that word occurs.

(3) For the purposes of this regulation references to "eggs" in the said Regulation 26 shall be deemed to include a reference to any goods in the manufacture of which any egg-pulp or eggs have been used.

7. Where, pursuant to the powers conferred on him by Regulation 4 of the Egg Marketing Emergency Regulations 1942†, the Minister has given any directions as to the branding or marking of eggs with a distinctive brand or mark it shall be an offence against those regulations for any person to brand or mark, or to cause or permit to be branded or marked, any eggs to which the direction is not applicable with an identical brand or mark or with any brand or mark that is so similar thereto as to be likely to deceive or otherwise to induce any person to believe that any such eggs have been branded or marked in accordance with the direction of the Minister.

8. Regulation 3 of the Egg Marketing Regulations 1940* is hereby amended by omitting the definition of the term "egg-pulp," and substituting the following definition :—

" 'Egg-pulp' means the product obtained by mixing the yolks of eggs and the albumen of eggs, with or without the admixture of any other substance, and includes any such product in its natural state or when artificially chilled or preserved :".

9. The Egg Marketing Regulations 1940,* the Egg Marketing Emergency Regulations 1942†, and these regulations shall, to the extent to which they are applicable, apply with respect to swans' eggs and to egg-pulp made in whole or in part from swans' eggs, in the same manner as they apply with respect to the eggs of domestic fowls or ducks and to egg-pulp derived from such eggs.

* Statutory Regulations 1940, Serial number 1940/146, page 505.

† Statutory Regulations 1942, Serial number 1942/179, page 423.

10. (1) Any officer of the Marketing Department, acting with the general or special authority in writing of the Minister, or any constable, may seize any eggs or egg-pulp which he has reasonable or probable cause for believing or suspecting to have been sold or delivered or to be in process of delivery contrary to the provisions of any of the foregoing regulations.

(2) All eggs and egg-pulp seized pursuant to this regulation shall on seizure become the property of the Crown.

(3) For all eggs or egg-pulp seized in accordance with this regulation the Marketing Department shall pay to or on account of the owner such reasonable compensation as the Minister determines.

(4) Every person commits an offence against these regulations who obstructs or attempts to obstruct, or in any way interferes with any officer of the Department, or with any constable, in the exercise of his powers of seizure under this regulation.

11. Except where otherwise provided therein, every person who commits an offence against any of these regulations shall be deemed to have committed an offence against the Egg Marketing Regulations 1940,* and shall be liable accordingly.

C. A. JEFFERY,
Clerk of the Executive Council.

* Statutory Regulations 1940, Serial number 1940/146, page 505.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 2nd day of June, 1944.

These regulations are administered in the Internal Marketing Division of the Marketing Department.