

1976/80



**THE ECONOMIC STABILISATION (BREAD PRICES)  
REGULATIONS 1976**

DENIS BLUNDELL, Governor-General

**ORDER IN COUNCIL**

At the Government Buildings at Wellington this 31st day of March 1976

Present:

THE HON. L. R. ADAMS-SCHNEIDER PRESIDING IN COUNCIL

PURSUANT to the Economic Stabilisation Act 1948, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

**REGULATIONS**

**1. Title**—These regulations may be cited as the Economic Stabilisation (Bread Prices) Regulations 1976.

**2. Commencement and expiry**—(1) These regulations shall come into force on the 1st day of April 1976.

(2) These regulations shall continue in force until the close of the 31st day of May 1976, and shall then expire.

**3. Interpretation**—(1) In these regulations, unless the context otherwise requires,—

“Bread” means—

(a) Bread which is customarily known as—

- (i) Standard white bread:
- (ii) Standard brown bread:
- (iii) Wholemeal bread:
- (iv) Vienna bread:
- (v) Wheat-germ bread; and

(b) Protein-enriched bread—

but does not include bread which is sold as part of a meal or which is sold in Stewart Island:

“Commission” means the Commerce Commission constituted under the Commerce Act 1975:

“Price”, in relation to the sale of bread, includes every valuable consideration whatsoever, whether direct or indirect; and includes any consideration which in effect relates to the sale of bread, although ostensibly relating to any other matter or thing:

“Protein-enriched bread” means bread which is customarily known as protein-enriched bread, being bread in the making of which there is for each 100 kg of flour used not less than 3.75 kg of dry gluten and not less than 2.4 percent of nitrogen calculated on a dry basis:

“Retailer”, in relation to the sale of bread, includes every person, other than a wholesaler, who sells bread to any other person, and in respect of the sale of bread by a wholesaler to any person for any purpose other than resale, includes that wholesaler:

“Secretary” means the Secretary of Trade and Industry; and, in relation to any power conferred on the Secretary by the Commerce Act 1975, includes any person to whom the Secretary has delegated that power pursuant to section 120 of that Act:

“Wholesaler”, in relation to the sale of bread, means a person who sells bread to any person for the purpose of resale.

(2) For the purpose of these regulations, the price of any bread shall be deemed to have been increased if there has been any variation in the nature, quality, or quantity of the bread or in the terms of sale of the bread, being a variation that is disadvantageous to the purchaser of the bread, without a corresponding reduction in price.

(3) For the purpose of these regulations, the publication or exhibition of a price list in respect of any bread, or the furnishing of a quotation for any bread, or the exposure of any bread with a specification or an indication of the price thereof attached thereto or displayed in the vicinity thereof shall be deemed to constitute the making of a charge for that bread.

**4. Maximum wholesale and retail prices of bread—**(1) Notwithstanding anything in the Commerce Act 1975 or in any price order made or special approval given under that Act, the maximum price that may be charged by any wholesaler or retailer for any bread while these regulations are in force shall be—

(a) In the case of bread of a kind customarily known as standard white bread, standard brown bread, wholemeal bread, Vienna bread, or wheat-germ bread—

(i) The wholesale price or, as the case may be, the retail price for that kind of bread specified in Part I of the First Schedule hereto; or

(ii) If the bread is sliced or unsliced and enclosed and securely wrapped at the bakehouse in clean unused paper, the wholesale price or, as the case may be, the retail price for that kind of bread, specified in Part II of the First Schedule hereto; and

(b) In the case of protein-enriched bread—

(i) The wholesale price or, as the case may be, the retail price for that kind of bread specified in Part I of the Second Schedule hereto; or

(ii) If the bread is sliced or unsliced and enclosed and securely wrapped at the bakehouse in clean unused paper, the wholesale price or, as the case may be, the retail price for that kind of bread, specified in Part II of the Second Schedule hereto:

Provided that if any wholesaler or retailer was authorised to charge, immediately before the commencement of these regulations, any amount in relation to any bread, in addition to the maximum wholesale price or, as the case may be, the maximum retail price, fixed by Price Order No. 6\* it shall be lawful for the wholesaler or retailer to continue to charge that amount in addition to the maximum wholesale or retail price fixed by these regulations for that bread.

(2) The maximum wholesale prices fixed by this regulation shall apply to bread delivered to the retailer's premises. If bread is not so delivered the maximum wholesale prices shall be such lower prices as are agreed between the wholesaler and the retailer, or, failing such agreement, as may be approved by the Secretary.

(3) A booking fee of the rate of one quarter cent ( $\frac{1}{4}$ c) for each loaf of not more than 1 lb weight and one half cent ( $\frac{1}{2}$ c) for each loaf exceeding 1 lb weight may be made for any bread sold by a retailer if payment for that bread is not made before, or at the time of, the customer's taking delivery of the bread at the shop of the retailer.

(4) The maximum retail prices provided for in these regulations shall include the service of wrapping where this service is provided by the retailer.

**5. Special prices where extraordinary charges incurred—**(1) Notwithstanding anything in these regulations, and subject to such conditions, if any, as he thinks fit, the Secretary on his own motion or on application by any wholesaler or retailer, may authorise special maximum wholesale or retail prices in respect of bread to which these regulations apply where special circumstances exist or for any reason extraordinary charges or costs (freight or otherwise) are incurred by the wholesaler or retailer.

(2) Any authority given by the Secretary under this regulation may apply with respect to a specified lot or consignment of bread or may relate generally to all bread sold by the wholesaler or retailer, while the authority remains in force.

(3) In this regulation and in regulation 4 (2) hereof the Secretary includes any officer of the Department of Trade and Industry to whom the Secretary has delegated pursuant to section 120 of the Commerce Act 1975 the power to give special approvals under section 90 of that Act.

(4) It shall be an offence for any wholesaler or retailer to charge a price exceeding that authorised by the Secretary under this regulation or regulation 4 (2) of these regulations.

**6. Existing price order suspended—**(1) Subject to the proviso to regulation 4 (1) of these regulations and to subclause (2) of this regulation, the provisions of Price Order No. 6\* which fix maximum prices for bread are hereby suspended and shall have no effect while these regulations are in force.

(2) Notwithstanding the provisions of subclause (1) of this regulation, but subject to regulation 7 (2) of these regulations, appeals under the Commerce Act 1975 in connection with the making of Price Order No. 6\* and prosecutions in respect of breaches of that order committed before the commencement of these regulations may be instituted, heard, and disposed of as if these regulations had not been made.

**7. Powers of Commerce Commission and Secretary**—(1) Except as provided in regulations 4 and 6 of these regulations and in subclause (2) of this regulation, nothing in these regulations shall restrict or affect any power or duty of the Commission or the Secretary under the Commerce Act 1975 or any proceeding or appeal before the Commission or the Secretary under that Act.

(2) No order made or special approval given under the Commerce Act 1975 and no amendment to or revocation of any such order or special approval and no order made under section 101 of that Act, being an order, special approval, amendment, or revocation which fixes, increases, or reduces or would have the effect of fixing, increasing, or reducing the prices of bread that comes within the ambit of these regulations, shall have effect in relation to that bread until a date fixed by the Commission, or, as the case may be, by the Secretary, being a date later than the date of the expiration of these regulations.

**8. Statement of retail prices to be displayed**—On and after the 12th day of April 1976 it shall be the duty of every person who, in the course of trade, sells bread at retail to keep a statement of the maximum retail prices fixed for that bread by or pursuant to these regulations prominently displayed in his shop or place of trade in such a position that customers may examine the statement without having to ask for its production or to obtain permission to examine it.

**9. Offences and penalties**—Without limiting the provisions of section 18 of the Economic Stabilisation Act 1948, every person commits an offence who without lawful justification or excuse acts in contravention of or fails to comply with any provision of these regulations, and is liable accordingly on summary conviction to the penalties specified in subsection (3) of the said section 18, namely:

- (a) In the case of an individual, to imprisonment for a term not exceeding 3 months, or to a fine not exceeding \$400 and (if the offence is a continuing one) to a further fine not exceeding \$10 for every day during which the offence continues, or to both such imprisonment and such fines:
- (b) In the case of a company or other corporation, to a fine not exceeding \$1,000 and (if the offence is a continuing one) to a further fine not exceeding \$40 for every day during which the offence continues.

\**Gazette*, 1975, p. 3093

## SCHEDULES

## Reg. 4 (1) (a) FIRST SCHEDULE

MAXIMUM WHOLESALE AND RETAIL PRICES OF STANDARD WHITE BREAD,  
STANDARD BROWN BREAD, WHOLEMEAL BREAD, VIENNA BREAD, AND  
WHEAT-GERM BREAD

## PART I

*If not bakehouse wrapped*

	Wholesale Price	Retail Price
Per 4 lb loaf	49c	55c
Per 2 lb loaf	25c	28c
Per 1 lb 12 oz loaf	23c	26c
Per half of a 1 lb 12 oz loaf formed from two similar dough units baked together		13c
Per 1 lb 8 oz loaf (wholemeal or Vienna)	21c	24c
Per 1 lb loaf	13c	16c

## PART II

*If bakehouse wrapped (whether sliced or unsliced)*

	Wholesale Price	Retail Price
Per 4 lb loaf	53c	59c
Per 2 lb loaf	28c	31c
Per 1 lb 12 oz loaf	26c	29c
Per 1 lb 8 oz loaf (wholemeal or Vienna)	24c	27c
Per 1 lb loaf	15c	18c

## Reg. 4 (1) (b) SECOND SCHEDULE

MAXIMUM WHOLESALE AND RETAIL PRICES OF PROTEIN-ENRICHED BREAD

## PART I

*If not bakehouse wrapped*

	Wholesale Price	Retail Price
Per loaf weighing not less than 1 lb 8 oz	22c	25c
Per loaf weighing less than 1 lb 8 oz but not less than 1 lb	16c	19c

## PART II

*If bakehouse wrapped (whether sliced or unsliced)*

	Wholesale Price	Retail Price
Per loaf weighing not less than 1 lb 8 oz	25c	28c
Per loaf weighing less than 1 lb 8 oz but not less than 1 lb	19c	22c.

N. DANSKIE,

Acting for Clerk of the Executive Council.

## EXPLANATORY NOTE

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

These regulations fix maximum wholesale and retail prices for certain bread (standard loaves and protein-enriched bread) for the period beginning with 1 April 1976 and ending with 31 May 1976.

These maximum selling prices apply notwithstanding any price order or special approval for the time being in force under the Commerce Act 1975. The kinds of bread covered by these regulations are the same as those covered by Price Order (No. 6) issued under the Commerce Act 1975.

The prices of bread to which other price orders and special approvals made under the Commerce Act 1975 apply, such as special breads and Sunday bread, are not governed by these regulations.

Provision is made (under regulation 5) for special wholesale or retail prices to be authorised by the Secretary of Trade and Industry where special circumstances exist or where extraordinary charges are incurred by the wholesaler or retailer.

On and after 12 April 1976 it shall be the duty of every person who, in the course of trade, sells at retail bread to which these regulations apply to display a statement of the maximum retail prices fixed by or pursuant to these regulations.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 31 March 1976.

These regulations are administered in the Department of Trade and Industry.