

Serial Number 1950/102

**THE FOOD AND DRUG REGULATIONS 1946,
AMENDMENT NO. 4**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 21st day of
June, 1950

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Food and Drugs Act, 1947, 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 Food and Drug Regulations 1946, Amendment No. 4, and shall be read together with and deemed part of the Food and Drug Regulations 1946* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of August, 1950.

2. The principal regulations are hereby amended by inserting, after Regulation 88, the following heading and regulation :—

“ MUTTON BIRDS

“ 88A. (1) In this regulation, unless the context otherwise requires,—

“ ‘ Mutton bird ’ means a member of the species *Puffinus griseus* or sooty shearwater :

“ ‘ Type ’, in relation to mutton birds, means one of the four types for which standards are prescribed by clause (2) of this regulation.

“ Standards

“ (2) The following standards are hereby prescribed in respect of mutton birds :—

“ (a) *Titi puku* shall be mutton birds which—

“ (i) Have not been drawn or cleaned, but have been plucked and scalded and have had the down, head, wings, tails, and feet removed ; and

“ (ii) Have, after cooling, been tightly packed in kelp bags :

*Statutory Regulations 1946, Serial number 1946/136, page 327.

Amendment No. 1 : Statutory Regulations 1947, Serial number 1947/152, page 526.

Amendment No. 2 : Statutory Regulations 1948, Serial number 1948/147, page 463.

Amendment No. 3 : Statutory Regulations 1949, Serial number 1949/158, page 625.

- “(b) Salted birds shall be mutton birds which—
- “(i) Have been plucked and scalded and have had the down, head, wings, tails, feet, and internal organs removed; and
- “(ii) Have been hung for a period of not less than twelve hours nor more than seventy-two hours and have then had salt rubbed into them by hand; and
- “(iii) Have been packed in barrels and left to cure for a period of not less than one day nor more than five days; and
- “(iv) Have then had all excess salt and slime scraped from them; and
- “(v) Have then been packed in kelp bags or in barrels :
- “(c) *Titi tahu*, or cooked birds, shall be mutton birds which—
- “(i) Have been plucked and scalded and have had the down, head, wings, tails, feet, and internal organs removed; and
- “(ii) Have then been cooked in their own fat for a period of not less than thirty-five minutes, and have then been cooled :
- “(d) Smoked birds shall be mutton birds which have been treated in the same manner as salted birds, but have, before being finally packed in kelp bags or barrels, been smoked for a period of not less than twelve hours.
- “(3) No person shall sell any mutton birds that are not *titi puku* or salted birds or cooked birds or smoked birds as hereinbefore described.
- “(4) No person shall sell any mutton bird which, at the time of its conversion into *titi puku*, salted bird, cooked bird, or smoked bird, was not freshly killed, or not healthy, or was broken or torn or in poor condition.
- “(5) No person shall sell as a mutton bird any *kiaka*.
- “(6) No person shall sell any salted bird, cooked bird, or smoked bird that is not thoroughly cleaned.

“ *Grading*

- “(7) No person shall sell any mutton bird, not being *titi puku*, which is not of one of the following grades, namely :—
- “(a) ‘A’ grade, being mutton birds having a dressed weight of not less than 14 oz. :
- “(b) ‘B’ grade, being mutton birds having a dressed weight of less than 14 oz. and not less than 9 oz.

“ *Packages and Containers*

- “(8) No person shall—
- “(a) Sell any mutton birds of any type unless they are packed in the kind of container specified in clause (2) of this regulation in respect of that type :
- “Provided that *titi tahu*, or cooked birds, may be packed in tins, barrels, or kelp bags :
- “(b) Pack any salted birds, or cause or permit them to be packed, otherwise than in kelp bags or in barrels :
- “(c) Use or cause or permit to be used for packing mutton birds any barrel, tin, or kelp bag that is not clean :

“(d) Use or cause or permit to be used for packing mutton birds any barrel that is not lined with suitable transparent wrapping material or other suitable material :

“ Provided that this paragraph shall not apply if the mutton birds are so packed that no fleshy portion of any **bird** comes into direct contact with the barrel :

“(e) Use or cause or permit to be used for packing mutton birds any tin that has previously been used for any purpose.

“(9) No person shall pack or cause or permit to be packed in the same container or package mutton birds of different types or different grades.

“(10) The provisions of clauses (8) and (9) of this regulation are in addition to the provisions of Regulation 50 of these regulations.

“ *Register of Mutton Bird Packers*

“(11) For the purpose of facilitating the labelling of containers in the manner hereinafter prescribed, the Medical Officer of Health for the Invercargill Health District may keep a register containing the names and addresses of persons who are for the time being engaged in the preparation and packing of mutton birds for sale. To each person whose name and address is entered in the register he may allot a brand consisting of a number or a letter or letters, or a combination of numbers and letters.

“ *Labelling*

“(12) There shall be clearly marked on every container containing mutton birds the following particulars, namely :—

“(a) A statement as to the type of mutton birds in the container :

“ Provided that in the case of *titi puku*, salted birds, or cooked birds, it shall be sufficient if the type is indicated in the following manner :—

“(i) In the case of *titi puku*, by the symbol ‘ ⊗ ’ :

“(ii) In the case of salted birds, by the symbol ‘ ⊙ ’ :

“(iii) In the case of *titi tahu*, or cooked birds, by the symbol ‘ ⊕ ’ :

“(b) The name and address of the packer :

“ Provided that where the packer has been allotted a brand under clause (11) of this regulation the brand so allotted shall be deemed for the purposes of this paragraph to be sufficient particulars of the packer’s name and address :

“(c) In the case of salted birds, *titi tahu* or cooked birds, or smoked birds, the grade of the mutton birds. The grade shall be marked immediately below the name and address or, as the case may be, the brand of the packer. The letter ‘ A ’ or, as the case may require, the letter ‘ B ’ shall be deemed a sufficient indication of the grade :

“(d) The number of mutton birds in the container. The number shall be marked immediately after, or immediately below, the indication of the grade.

“(13) No person shall repack or cause or permit to be repacked into another container any mutton birds that have been removed from their original container unless the label on the container into which they are repacked bears the name and address of the person by whom or on whose behalf they are repacked, or, where a brand has been allotted to that person as aforesaid, the brand so allotted, in the following manner, namely:—

“ ‘ Repacked by [*Name and address, or brand*] ’ .”

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.*]

The effect of these regulations is as follows:—

1. Mutton birds may be sold only if they have been prepared, by the prescribed method, as one of the following types—namely, (a) *titi puku*; (b) salted birds; (c) *titi tahu*, or cooked birds; (d) smoked birds.
2. Dressed mutton birds sold must be either “A” grade (having a dressed weight of not less than 14 oz.) or “B” grade (having a dressed weight of less than 14 oz. but not less than 9 oz.).
3. Special provisions are made as to the kinds of containers and materials to be used for packing.
4. Mutton birds of different types or different grades are not to be packed in the same container.
5. All containers are to have marked on them the type of mutton birds packed in them, the name and address (or an approved brand) of the packer, the number of birds, and (in the case of salted birds, cooked birds, or smoked birds) the grade.

Failure to comply with these regulations renders the person in default liable to a fine, not exceeding £50, under Regulation 10 of the principal regulations.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 22nd day of June, 1950.

These regulations are administered in the Department of Health.

(H.-F. & D. 50/1)