

Serial Number 1938/149.



THE HONEY MARKETING REGULATIONS 1938.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 9th day of
November, 1938.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Primary Products Marketing Act, 1936, and the Agriculture (Emergency Powers) Act, 1934, 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 Honey Marketing Regulations 1938.
2. In these regulations, unless inconsistent with the context,—
 - “Bulk container” means a package containing honey over 10 lb. net weight :
 - “Minister” means the Minister of ~~Marketing~~
 - “Manufacturer” means a person who purchases honey for use in any manufacturing process :
 - “Packer” means a person carrying on the business of repacking honey from bulk containers into retail containers for sale by wholesale or retail :
 - “Producer” means a person carrying on business as a producer of honey for sale and being the occupier of an apiary registered under the Apiaries Act, 1927 :
 - “Retail container” means any package containing honey not exceeding 10 lb. net weight :
 - “Sale” includes a contract for sale, agreement to sell, and offer for sale :
 - “Purchase” includes a contract for purchase, agreement to purchase, and offer to purchase :
 - “Sale” and “purchase” include barter and exchange, and “to sell” and “to purchase” have corresponding meanings :

“ Sale by retail ” means a sale other than a sale made by wholesale, and includes a sale made to any person for any purpose other than resale :

“ Sale by wholesale ” means a sale made to any person for the purpose of resale.

3. These regulations shall not apply to—

- (a) Any honey sold by way of retail or wholesale intended for consumption in the bee comb in which the honey was produced.
- (b) Any honey sold by a producer by way of sale by retail at his apiary and delivered to the purchaser at the apiary without soliciting orders for sale of honey by way of an advertisement, placard, or circular.
- (c) The sale by a producer to a packer of honey packed in a bulk container.
- (d) The delivery in any container of honey accepted by the Internal Marketing Division of the Primary Products Marketing Department at Auckland for disposal by the said Division.

4. Subject to the provisions of these regulations, there shall be imposed on all honey sold in New Zealand a levy computed according to the net weight of honey packed in any container at the respective rates following, that is to say :—

Net Weight of Honey.	Amount of Levy.
8 oz. and under ¼d. seal.
Over 8 oz. and not exceeding 16 oz. ½d. seal.
Over 16 oz. and not exceeding 2 lb. 1d. seal.

and on all other containers thereafter, on the basis of ½d. per pound net weight of honey packed.

5. The appropriate levy prescribed by these regulations on all honey sold in New Zealand shall be levied by means of an adhesive seal of the appropriate value and of a design approved by the Postmaster-General which shall be affixed to the top or bottom of every container of honey in respect of which the levy is imposed.

6. The appropriate seal required by these regulations to be affixed to containers of honey for sale shall be affixed by the producer in respect of all honey sold by the producer to a manufacturer or by the producer in a retail container to a packer or wholesaler, or in either a bulk or a retail container by way of sale by retail ; and in the case of sales other than by a producer the appropriate seal shall be affixed by the packer by whom honey is packed into a retail container or sold by way of sale by retail.

7. The Minister shall cause seals of the respective values set forth in clause 4 hereof to be printed for issue, and such seals shall be available for cash sale from the offices of the ~~Internal Marketing Division of the Primary Products Marketing~~ Department, located at Auckland and Wellington.

8. On and after the 1st day of December, 1938, no producer shall sell and no manufacturer, packer, or other person shall purchase for sale by retail any honey which—

- (a) If at the time of sale to a manufacturer is packed in any container, or

- (b) If at the time of sale to a packer is packed in a retail container, or
- (c) If at the time of sale to any other person for sale by retail is packed in a retail container, or
- (d) Is sold in either a bulk or a retail container by way of sale by retail,

unless such container bears the appropriate seal prescribed by these regulations.

9. On and after the 1st day of December, 1938, no packer shall, in respect of any honey packed into retail containers for sale by wholesale or retail, sell or offer for sale any honey so repacked unless such retail containers bear the appropriate seals prescribed by these regulations.

10. On and after the 1st day of March, 1939, no person shall sell or offer for sale or expose for sale by way of sale by retail any honey in a container unless such container bears the appropriate seal prescribed by these regulations.

11. (a) The Minister may at any time, upon giving public notice of his intention so to do, withdraw from sale all seals for the time being issued and available for the purposes of these regulations, and may make available in substitution therefor a fresh issue of such seals, and may also repurchase any seals.

(b) For the purposes of this regulation the term "public notice" means publication in the *New Zealand Gazette* or in such newspaper or newspapers as the Minister thinks fit.

12. Any officer of the ~~Primary Products Marketing Department~~ or any other person duly authorized by the Minister in that behalf shall have the right of entry to the premises of any person engaged in the business of marketing or storing honey in New Zealand and may inspect the stocks of honey for the time being deposited in such premises and the books and records of such person relating to the storage, sale, and purchase of honey.

13. Every person commits a breach of these regulations and shall be liable accordingly who—

- (a) Fails to observe or perform any duty directly or by implication imposed upon him by these regulations.
- (b) Counterfeits any official seal issued in pursuance of these regulations.
- (c) Affixes to any container of honey any counterfeit seal.
- (d) Removes or causes or allows to be removed without lawful justification or excuse any seal lawfully affixed to any container of honey.
- (e) Uses on any container of honey for sale any official seal that has been previously used as a seal in respect of a sale of any other honey.

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

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 10th day of November, 1938.

These regulations are administered by the Internal Marketing Division of the Primary Products Marketing Department.