

Serial Number 1939/47.



**THE LEMON MARKETING REGULATIONS 1939.**

GALWAY, Governor-General.

**ORDER IN COUNCIL.**

At the Government Buildings at Wellington, this 2nd day of May, 1939.

Present :

THE RIGHT HON. M. J. SAVAGE PRESIDING 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. (1) These regulations may be cited as the Lemon Marketing Regulations 1939.

(2) These regulations shall come into force on the day following notification in the *Gazette* of the making hereof.\*

2. In these regulations, unless inconsistent with the context,—

“Minister” means the Minister of Marketing :

“Department” means the Primary Products Marketing Department established by the Primary Products Marketing Act, 1936, and includes every person by whom, pursuant to the said Act, the functions of the Department may be exercised :

“Grade” means any of the grades for lemons prescribed by the New-Zealand-grown Fruit Regulations 1938 : †

“Fresh lemons” mean mature hand-picked lemons when silver-green, or yellow, or partially yellow in appearance, but not tree-ripened and not having been subjected to any part of a curing process :

“Cured lemons” mean lemons which have been stored in the manner usual in the citrus industry until the skin of the fruit is thin enough to permit the fruit to be suitable for marketing as cured lemons :

“Juice lemons” mean matured lemons of a standard unsuitable for marketing as cured lemons but suitable for conversion into lemon-juice :

\* See end note.

† Statutory Regulations 1938, Serial number 1938/43.

- “ Peel lemons ” mean mature lemons hand-picked when yellow or partially yellow in appearance but not tree-ripened lemons, and being of such a size as to render them unsuitable for marketing as cured lemons but suitable for conversion into lemon-peel or lemon-juice :
- “ Measure case ” means a wooden case the inside dimensions of which shall be  $19\frac{1}{2}$  in. long, 11 in. wide, and  $12\frac{3}{4}$  in. deep, and which when loose packed with fresh lemons to a depth of  $11\frac{3}{4}$  in. will yield a  $\frac{3}{4}$ -bushel case of cured and packed lemons :
- “ Loose packed ” means the packing of lemons without reference to size or grade, in a measure case, or in a strong wooden container :
- “ Packed lemons ” mean lemons packed in containers in accordance with the provisions of the New-Zealand-grown Fruit Regulations 1938 :
- “ Public notice ” means publication in the *Gazette* or in a newspaper or newspapers commonly circulating in the lemon-growing districts of the Dominion as the Minister thinks fit :
- “ Producer ” means a person engaged in the business of producing lemons for sale and being the occupier of an orchard registered under the Orchard and Garden Diseases Act, 1928 :
- “ Sale ” includes a contract for sale, agreement to sell, and offer for sale :
- “ Purchase ” includes a contract for purchase, agreement for purchase, and offer to purchase :
- “ Sale ” and “ purchase ” include barter and exchange ; and “ to sell ” and “ to purchase ” have corresponding meanings.

3. On and after the 1st day of May, 1939, no producer shall sell any lemons harvested on or after that date unless such sale is made in accordance with these regulations, and no person shall purchase from a producer any lemons harvested on or after that date unless such purchase is made in accordance with these regulations.

4. It shall be lawful for a producer to sell to any person purchasing for his own use, and not in any case for resale, any lemons harvested on or after the 1st day of May, 1939, if such sale is made by the producer at his orchard and delivery is taken at such orchard by the purchaser.

5. Except as provided by clause 4 hereof, all lemons harvested on and after the 1st day of May, 1939, and intended for sale shall be delivered loose packed in strong wooden containers to the Internal Marketing Division of the Department or to such places as the Minister by public notice or by notice served on a producer shall appoint in that behalf for examination and classification according to grade.

6. Not later than ten days after delivery by a producer of any lemons in accordance with any notification given pursuant to clause 5 hereof the Internal Marketing Division of the Department shall, subject to clause 7 hereof, classify and grade such lemons, or cause such lemons to be classified and graded, into one or other of the respective grades for lemons prescribed by the New-Zealand-grown Fruit Regulations 1938 for the purpose of determining the price at which the Department shall take in such lemons pursuant to the

provisions hereinafter contained, and any Inspector under the Orchard and Garden Diseases Act, 1928, may at any time and at any place examine any package of lemons so graded for the purpose of checking the grading of the contents thereof.

7. Notwithstanding the provisions of clause 6 hereof, the Internal Marketing Division of the Department may postpone the grading of any lemons, delivery of which has been made in accordance with these regulations, and which, in the opinion of the Division, require to be held for a further period in order to determine the grade at date of delivery of such lemons, and payment therefor shall not be made to the producer until the grade of such lemons has been determined.

8. In addition to the grades for lemons prescribed by the New-Zealand-grown Fruit Regulations 1938, the Internal Marketing Division of the Department shall classify lemons not assigned to one of the prescribed grades in one of the following classes, viz. :—

- (a) Peel lemons, which shall include all lemons affected with skin blemish not exceeding  $33\frac{1}{3}$  per cent. of the surface of any one lemon, and being of a size packing not more than a 150 count to the standard bushel case; or
- (b) Juice lemons, which shall include all lemons affected with skin blemish exceeding  $33\frac{1}{3}$  per cent. of the surface of any one lemon, and being of a size packing not more than a 319 count to the standard bushel case.

9. The Internal Marketing Division of the Department reserves the right—

- (a) To fix the aggregate quantity of juice lemons which shall be taken from a producer at not more than 10 per cent. of the total quantity of lemons delivered to it by that producer pursuant to clause 5 of these regulations; and
- (b) To reject all or any of the following classes of lemons delivered to it by a producer pursuant to the said clause 5, viz.,—
  - (i) Tree-ripened lemons which in the opinion of the said Division are unsuitable for marketing either as cured lemons or for conversion into lemon-peel or lemon-juice :
  - (ii) Lemons of a size packing more than a 320 count to the standard bushel case :
  - (iii) All lemons in any consignment delivered by a producer which exceed 10 per cent. of that consignment and which in the opinion of the said Division are suitable only for conversion into lemon-juice :
  - (iv) Any other lemons which in the opinion of the said Division are unsuitable for marketing as cured lemons or for conversion into lemon-peel or lemon-juice.

10. Not later than two days after grading any lemons, the Internal Marketing Division of the Department shall furnish to the producer particulars in writing of the grade or grades at date of delivery of such lemons, the total quantity of lemons comprised in each grade, the price payable in accordance with these regulations in respect of the lemons of each grade, and the total quantity of the lemons the grading of which has been postponed pursuant to clause 7 hereof.

11. The receipt by the producer of the aforesaid particulars in writing shall be deemed to constitute an acknowledgment of a debt due and owing by the Internal Marketing Division of the Department to the producer in respect of the price payable for lemons delivered by him and accepted and graded by the Division, and payment thereof shall be made within twenty days of the day on which the particulars were so furnished.

12. The several prices at which the Internal Marketing Division of the Department shall take lemons delivered to and accepted by the Department for sale in accordance with the regulations shall be as follows:—

For Extra Fancy Grade Lemons ..	6s. 9d. per measure case.
For Fancy Grade Lemons ..	5s. 3d. per measure case.
For Good Grade Lemons ..	4s. 5d. per measure case.
For Small Grade Lemons ..	4s. 5d. per measure case.
Peel lemons affected with skin blemish not exceeding 10 per cent. of the surface of any one lemon .. .. .	1¼d. per pound.
Peel lemons affected with skin blemish exceeding 10 per cent. but not exceeding 33½ per cent. of the surface of any one lemon	1d. per pound.
Juice lemons .. .. .	½d. per pound.

13. The Internal Marketing Division of the Department shall destroy or otherwise dispose of all lemons forming part of a consignment delivered by a producer and rejected by the Division pursuant to clause 9 of these regulations, and the reasonable cost of the destruction or other disposal of such lemons shall be deducted from any moneys due and payable by the Division to the producer pursuant to these regulations.

14. In any case where the Internal Marketing Division of the Department incurs any additional charges other than grading charges and services incidental thereto in rendering suitable for marketing any lemons in any consignment by reason of improper picking, packing, or mishandling on the part of the producer, the Division reserves to itself the right to deduct the amount of the charges so incurred from any moneys due and payable by the Division to the producer pursuant to these regulations.

15. Within seven days after receiving the particulars as to grades and prices for lemons delivered by him to the Internal Marketing Division of the Department, the producer shall remove or cause to be removed from the premises at which the grading of his lemons was carried out by the Division all empty wooden containers for lemons belonging to him, and if he makes default in removing such containers the Division may charge storage thereon at such rates as it thinks fit, and may deduct such storage charges from any moneys payable by the Division to the producer pursuant to these regulations.

16. The Minister may appoint a Committee to be known as the "Lemon Marketing Advisory Committee" (hereinafter referred to as the Committee).

17. The Committee shall consist of such persons, being not less than three nor more than five, as the Minister may appoint thereto after consultation with representative associations of producers in the lemon-growing districts of New Zealand.

18. Every appointment of a member of the Committee shall be made by notification under the hand of the Minister published in the *Gazette*, and shall take effect on the date of notification or such later date as may be stated therein.

19. The members of the Committee shall hold office during the pleasure of the Minister.

20. At any meeting of the Committee a quorum shall consist of not less than one-half of the members of the Committee.

21. The functions of the Committee shall be to advise the Department with respect to any matter referred to it in relation to the administration of these regulations and generally in relation to the marketing of lemons in New Zealand.

22. Where there is any conflict between the provisions of the New-Zealand-grown Fruit Regulations 1938 and of these regulations the provisions of these regulations shall prevail.

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

---

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 4th day of May, 1939.

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