

Serial Number 1940/12.



THE LEMON MARKETING REGULATIONS 1940.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 1st day of
February, 1940.

Present :

THE HON. P. FRASER PRESIDING IN COUNCIL.

PURSUANT to the 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.

REGULATION 1.—PRELIMINARY.

1 : 1. These regulations may be cited as the Lemon Marketing Regulations 1940.

1 : 2. The Lemon Marketing Regulations 1939* are hereby revoked.

1 : 3. All appointments, all contracts, express or implied, and all rights and liabilities which arose under the regulations hereby revoked, and all documents, matters, acts, and things, and all periods of time which originated or had effect under the regulations hereby revoked and are of continuing effect at the time of coming into force of these regulations shall enure for the purposes of these regulations and shall, where necessary, be deemed to have so originated, and accordingly all such contracts shall be completed and all payments thereunder be made and all liabilities enforced as if such regulations were still in force.

1 : 4. In particular the Lemon Marketing Advisory Committee constituted hereunder shall be deemed to be the Committee constituted under that name by the regulations hereby revoked, and the members thereof shall continue in office accordingly.

* Statutory Regulations 1939, Serial number 1939/47, page 225.

- 1:5.** In these regulations, unless inconsistent with the context,—
- “Minister” means the Minister of Marketing :
 - “Department” means the Marketing Department established by the Marketing Act, 1936, and includes every person by whom, pursuant to the said Act, the functions of the Department may be exercised :
 - “Fresh lemons” means 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” means lemons that have been processed in a citrus depot in such a manner as to render the fruit suitable for domestic use :
 - “Measure case” means a wooden case, the inside dimensions of which are $10\frac{1}{2}$ in. by $11\frac{1}{2}$ in. by 18 in. (having the capacity of the case known as the standard bushel case) :
 - “Packed lemons” means lemons packed in containers in accordance with any requirements for distribution notified from time to time by the Department :
 - “Loose packed” means packed without reference to size or grade, in a measure case, or in a strong wooden container :
 - “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 :
 - “Diameter” in respect of a lemon means the greatest width of the fruit taken at right angles to its length from stem to tip.

REGULATION 2.—SALE OF LEMONS.

2:1. No producer shall sell any lemons unless such sale is made in accordance with these regulations, and no person shall purchase from a producer any lemons unless such purchase is made in accordance with these regulations.

2:2. It shall be lawful for a producer to sell any lemons to any person purchasing for his own use, and not in any case for resale, and any person may buy lemons for his own use from a producer if such sale is made by the producer at his orchard and delivery is taken at such orchard by the purchaser.

2:3. In every case to which clause 2:2 of these regulations does not apply all lemons intended for sale shall be sold to the Department by being delivered to the Internal Marketing Division of the Department at such places as the Minister may from time to time by public notice or by notice served on a producer appoint as places of delivery.

2:4. All lemons delivered for sale to the Department shall be delivered loose packed and shall be delivered as fresh lemons, except in cases in which the Minister may agree to accept them as cured lemons, and acceptance thereof by the Department shall be deemed to constitute an agreement for the sale thereof to the Department at a price to be determined as hereinafter provided and subject in all respects to the provisions of these regulations.

2:5. The Department shall be entitled at any time after delivery to reject—

- (a) Any juice lemons exceeding the proportion of the total quantity of lemons delivered by a producer at any one time which exceeds a proportion to be fixed from time to time by the Department but shall not at any time be greater than 10 per cent. :
- (b) Any tree-ripened lemons which in the opinion of the Department are unsuitable for marketing either as cured lemons or for conversion into lemon-peel or lemon-juice :
- (c) Lemons of a size less than $1\frac{3}{4}$ in. in diameter :
- (d) All lemons which exceed 10 per cent. of the total quantity of lemons delivered by a producer at any one time and which in the opinion of the Department are suitable only for conversion into lemon-juice :
- (e) Any other lemons which in the opinion of the Department are unsuitable for marketing as cured lemons or for conversion into lemon-peel or lemon-juice.

REGULATION 3.—GRADES.

3:1. All lemons received by the Division under these regulations and not rejected as hereinbefore provided shall be graded into one of the following grades, namely :—

Fancy Grade :
 Commercial Grade :
 First-grade Peel :
 Second-grade Peel :
 Juice Grade.

3:2. Fancy Grade lemons shall include—

- (a) Lemons included within the grade of Extra Fancy as prescribed by the New-Zealand-grown Fruit Regulations 1938 :
- (b) Lemons included within the grade of Fancy as prescribed by the New-Zealand-grown Fruit Regulations 1938* :

Provided that the Department may permit such proportion as it from time to time thinks fit of lemons included within the grade of Small as prescribed by the New-Zealand-grown Fruit Regulations 1938 to be included in a parcel of lemons graded as Fancy and to be paid for accordingly.

3:3. Commercial Grade lemons shall include—

- (a) Lemons included within the grade of Good as prescribed by the New-Zealand-grown Fruit Regulations 1938 :
- (b) All lemons included within the grade of Small which in any case have not been included in lemons graded as Fancy

* Statutory Regulations 1938, Serial number 1938/43, page 231.

3:4. First-grade Peel lemons shall include mature lemons hand-picked when yellow in appearance but not tree-ripened which have not been graded as Fancy or Commercial Grade lemons, but which are of a size suitable in the opinion of the Department for conversion into lemon-peel and nine-tenths of the surface of which is entirely free from blemish.

3:5. Second-grade Peel lemons shall include mature lemons hand-picked when yellow in appearance but not tree-ripened which have not been graded as Fancy, Commercial, or First-grade Peel lemons, but which are of a size suitable in the opinion of the Department for conversion into lemon-peel and two-thirds of the surface of which is entirely free from blemish.

3:6. Juice Grade lemons shall include lemons not included in any of the grades hereinbefore specified, but suitable in the opinion of the Department for conversion into juice and of a diameter not less than $1\frac{3}{4}$ in.

REGULATION 4.—GRADING.

4:1. Not later than ten days after receipt of any lemons, except as provided by the next succeeding clause hereof, the Department shall grade such lemons or cause such lemons to be graded into one or other of the grades hereinbefore specified.

4:2. Notwithstanding the provisions of clause 4:1 hereof, the Department may postpone the grading of any lemons which in the opinion of the Department 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.

4:3. 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.

4:4. Not later than four days after grading any lemons 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 quantities (if any) rejected and the grounds of rejection, 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 4:2 hereof.

4:5. The aforesaid particulars shall be deemed to constitute an acknowledgment to the producer of a debt due and owing by the Department to the producer in respect of the price payable for lemons delivered by him and accepted and graded as set out in the particulars.

REGULATION 5.—PRICES AND PAYMENT.

5:1. The prices to be paid from time to time by the Department for lemons of Fancy Grade and Commercial Grade respectively shall be such as the Minister may from time to time fix by public notice.

5:2. The prices per pound to be paid for lemons of other grades shall be—

- (a) For First-grade Peel lemons, $1\frac{1}{4}$ d.
- (b) For Second-grade Peel lemons, 1d.
- (c) For Juice Grade lemons, $\frac{1}{2}$ d.

5 : 3. Payment of the price of any lemons delivered to and accepted by the Department shall be made to the producer not later than the 15th day of the month next following the month in which grading was effected, and may be made by cheque drawn on the appropriate account established under the Marketing Act, 1936, and its amendments, and made payable to the order of the producer or the order of a person named by him for the purpose.

REGULATION 6.—DEDUCTIONS.

6 : 1. The Department shall destroy or otherwise dispose of all lemons forming part of a consignment delivered by a producer and rejected by the Department, and the reasonable cost of the destruction or other disposal of such lemons shall be deducted from any moneys payable to the producer pursuant to these regulations.

6 : 2. In any case in which the Department incurs any additional charge or is put to any additional expense or considers it necessary to undertake any additional work beyond grading charges and services incidental thereto in rendering lemons suitable for marketing, and such additional charge, expense, or work is, in the opinion of the Department, made necessary by reason of improper orchard practice or mishandling on the part of the producer or his agent, then the Department may deduct the amount of such additional charge or expense or a sum representing, in the opinion of the Department, the amount of such additional work from any moneys payable to the producer pursuant to these regulations.

6 : 3. Within seven days after receiving the particulars as to grades and prices for lemons delivered by him, the producer shall remove or cause to be removed from the premises at which the grading of his lemons was carried out all empty wooden containers for lemons belonging to him, and if he makes default in removing such containers by the time aforesaid the Department may charge storage thereon at such rates as it thinks fit, and may deduct such storage charges from any moneys payable to the producer pursuant to these regulations, and if such containers be not removed by the producer within two months after the time aforesaid the Department may sell, destroy, or otherwise dispose of such containers without incurring any liability to the producer for so doing.

REGULATION 7.—LEMON MARKETING ADVISORY COMMITTEE.

7 : 1. The Minister may appoint a Committee to be known as “The Lemon Marketing Advisory Committee” (hereinafter referred to as the Committee).

7 : 2. 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.

7 : 3. 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.

7:4. The members of the Committee shall hold office during the pleasure of the Minister.

7:5. At any meeting of the Committee a quorum shall consist of not less than one-half of the members of the Committee.

7:6. 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.

7:7. 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* : 2nd day of February, 1940.

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