

Serial Number 1952/66



**THE NEW ZEALAND GROWN VEGETABLES
REGULATIONS 1952**

FREYBERG, Governor-General
ORDER IN COUNCIL

At the Government Buildings at Wellington, this 31st day of
March 1952

Present:

THE RIGHT HON. S. G. HOLLAND PRESIDING IN COUNCIL

PURSUANT to the Orchard and Garden Diseases Act 1928, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the New Zealand Grown Vegetables Regulations 1952.

(2) These regulations shall come into force on the fourth day after the date of their notification in the *Gazette*.

2. In these regulations, unless the context otherwise requires,—

“The Act” means the Orchard and Garden Diseases Act 1928:

“Container” includes every portable receptacle in which vegetables are cased, covered, enclosed, contained, or packed:

“Director” means the Director of the Horticulture Division of the Department of Agriculture:

“Grower” means a person engaged in the business of producing vegetables for sale:

“Inspector” means an Inspector appointed under the Act:

“To sell” means to exchange for money or barter, and includes offering or exposing for sale, or sending or delivering for sale, or allowing to be sold or offered or exposed for sale: and “sale” has a corresponding meaning:

“Vegetables” means the plants and edible products of plants hereinafter enumerated in the respective forms in which they are commonly offered for sale—that is to say, asparagus, bean, beetroot, Brussels sprouts, cabbage, carrot, cauliflower (including broccoli), celery, cucumber, kumara, leek, lettuce, marrow, melon (musk, rock, or water), onion, parsnip, pea, potato, pumpkin, radish, rhubarb, silver beet, spinach, squash, swede, sweet corn, tomato, yam: but does not include any such vegetables when grown and intended solely for purposes other than human consumption.

3. These regulations shall not apply to a sale of vegetables effected by retail and not in a container of a kind regularly used for sales of vegetables by wholesale.

4. These regulations shall not apply to vegetables grown elsewhere than in New Zealand.

5. All vegetables packed in a container shall be so packed that any vegetable which is exposed to view, or which would be exposed to view if the container were opened in a normal manner, fairly and substantially represents in size, maturity, quality, and condition the whole contents of the container.

6. Except as otherwise provided in these regulations, the packages in which tomatoes shall be sold shall be constructed of timber and shall be one or other of the respective types of packages prescribed in the Schedule hereto.

7. Every package of any of the types prescribed in the Schedule hereto shall be so constructed that the opening for the purpose of packing tomatoes in the package is on its greatest width.

8. Nothing in these regulations shall be deemed to prohibit the use of any container for tomatoes which,—

- (a) Being a package of one of the types lettered D, E, or F in the said Schedule, has had the depth increased from the depth prescribed for those types of packages to $4\frac{3}{4}$ in. by placing $\frac{1}{4}$ in. cleats under the lid affixed to that type of package :
- (b) Being a combination of three packages of the type lettered A in the said Schedule, is strapped together to form one package :
- (c) Being a package constructed of any substance or material other than timber, is approved in that behalf by the Director as a package for tomatoes by notice under his hand published in the *Gazette*.

9. All containers used for the packing of vegetables shall be clean, sound, and well made.

10. No person shall use for the packing of vegetables any container which has been previously used by any other person as a container for vegetables unless and until he removes or obliterates, or causes to be removed or obliterated, all particulars borne on the container which identify the container and its contents or are calculated to identify the container and its contents with the name of that other person, except in so far as those particulars include the name of the vegetables to be packed by him into the container.

11. Nothing in these regulations shall apply to any tomatoes which—

- (a) Are sold direct to a factory for the purpose of being utilized in the manufacture of any product : or
- (b) Are sold direct to a public institution for use by the institution and not in any circumstances for resale ; or
- (c) Are sold direct to a packing establishment to be there packed ;
or

- (d) Are sold by a grower to any person purchasing for his own use and not in any circumstances for resale if the sale is made by the grower at his garden and delivery is taken at the garden by the purchaser:

Provided that in each of the foregoing cases the tomatoes shall be packed in clean containers.

12. No person shall sell, whether on his own account or as an agent, any vegetables in a container which has not been packed in compliance with these regulations.

13. No person shall sell any tomatoes in any container of a type which does not conform to one or other of the types prescribed by these regulations.

14. (1) If an Inspector finds that any package containing tomatoes for sale does not comply with the requirements of these regulations, he may in writing direct the owner or person in charge thereof to withdraw the tomatoes packed therein from sale until such time as the tomatoes are repacked into packages that comply with these regulations, without prejudice to the liability of any person to the penalty imposed by the Act for a breach of these regulations.

(2) Any person who fails to comply with a written direction given by an Inspector under subclause (1) of this regulation commits an offence against these regulations.

15. An Inspector may at any time enter any premises or place for the purpose of inspecting any vegetables intended for sale which he has reasonable grounds for believing to be vegetables subject to the provisions of these regulations with a view to ascertaining whether the requirements of these regulations with respect to any such vegetables have been complied with.

16. Every person commits a breach of these regulations and is liable accordingly who—

- (a) Fails to observe or perform any duty directly or by implication imposed upon him by these regulations: or
- (b) Does anything contrary to the provisions thereof: or
- (c) Except as authorized by these regulations, alters or obliterates, wholly or partially, or causes to be altered or obliterated, any particulars branded on any container; or
- (d) Refuses to give information or gives false information in answer to any inquiry made by an Inspector in the performance of his duty under the said Act or these regulations.

17. (1) The New Zealand Grown Vegetables Regulations 1950* are hereby revoked.

(2) All notices, and generally all acts of authority and all other documents, matters, acts, and things 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 as if they had originated under these regulations and shall where necessary be deemed to have so originated.

* Statutory Regulations 1950, Serial number 1950/3, page 8.

SCHEDULE

SPECIFICATION OF STANDARD PACKAGES FOR TOMATOES

Package.	Type of Package.						
	Dimensions (Inside). Measurements in Inches.			Thickness of Timber.			
	Depth.	Width.	Length.	Ends.	Sides.	Tops.	Bottoms.
A	2½-3½	11½	18	In. 5/8 or 3/4	In. 5/16	In. 5/16	In. 5/16
B	7	7	18	5/8 or 3/4	5/16	5/16	5/16
C	6	9	11	1/2	1/4	1/4	1/4
D	4½	12	16	5/8 or 3/4	5/16	5/16	5/16
E	4½	7	18	5/8 or 3/4	1/4	1/4	1/4
F	4½	7	8½	1/2	1/4	1/4	1/4

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.]

These regulations replace the New Zealand Grown Vegetables Regulations 1950.

They differ from the regulations replaced in that—

- (a) Kumaras, onions, potatoes, swedes, and yams are included in the definition of the term "vegetables" so as to bring them within the fair packing provisions:
- (b) The provisions relating to registration of marks and compulsory branding of containers have not been repeated.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 3rd day of April 1952.

These regulations are administered in the Department of Agriculture.