

Government Circular No. 91/50.

G.O. Reference No. F.C. 6/5/7.

## SUPPLIES AND SERVICES

# THE IMPORTED CANNED FRUIT ORDER, 1950

His Excellency the Lieutenant-Governor has made the above-styled Order, a copy of which is appended.

This Order revokes and replaces the Canned Fruit and Vegetables (No. 4) Order, 1946, as amended, in so far as that Order related to imported canned fruit.

The provisions relating to imported canned vegetables are not repeated, so that imported canned tomatoes are freed from price-control.

### THE SCHEDULE PART I.

#### Maximum Prices of Canned Fruit.

Column 1	Column 2	Column 3	Column 4
Description of Canned Fruit	Minimum Net-Weight Content of Can	On a sale by Wholesale Rate per dozen cans	On a sale by Retail. per can
Mandarin Oranges .....	11 oz.....	s. d. 10 6	s. d. 1 0
Apricots, Peaches, Pears, Fruit Cock- tail, Two-fruits, Fruit Salad, Grape- fruit and Grapes .....	16 oz.....	13 2½	1 3
	20 oz.....	15 7½	1 6
	28 oz.....	21 0½	2 0
	100 oz.....	73 7	7 0
Pineapple (including Crushed Pine- apple) .....	16 oz.....	19 1½	1 9
	20 oz.....	21 7	2 0
	25 oz.....	27 0	2 6
	28 oz.....	29 11½	2 9

The Order comes into force on the 9th May, 1950.

Copies of the Order may be obtained at Government Office, or may be seen at any Police Station on application to the Officer in Charge, at the Douglas Public Library, the Douglas Town Hall, and the Offices of all the Town and Village Commissioners.

Failure to comply with the terms of the Order renders a person liable to the penalties imposed by the Defence Regulations.

By Order,

J. N. PANES,

Government Secretary.

Government Office,  
Isle of Man,  
8th May, 1950.

ISLE OF MAN  
TO WIT.

By His Excellency Air Vice-Marshal SIR GEOFFREY RHODES BROMET, K.B.E.,  
C.B., D.S.O., Lieutenant-Governor of the said Isle, etc., etc.

## SUPPLIES AND SERVICES

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# THE IMPORTED CANNED FRUIT ORDER, 1950

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I, the said Lieutenant-Governor, in exercise of the powers conferred upon me by Regulations 55, 55AA and 98 of the Defence (General) Regulations (Isle of Man), 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) (Isle of Man) Order in Council, 1946, as extended by the Supplies and Services (Extended Purposes) (Isle of Man) Order in Council, 1948, DO hereby make the following Order :—

### Interpretation

1.—(1) In this Order—

“Canned fruit” means fruit of a description specified in Column 1 of Part I of the Schedule to this Order and canned outside the United Kingdom or the Isle of Man.

“Catering business” includes the business or undertaking of an inn, public-house, hotel, restaurant, buffet, coffee-stall, or of any place of refreshment open to the public, or of any club, boarding-house, refreshment contractor or canteen; and the word “caterer” shall be construed accordingly.

“Multiple retailer” means a retailer carrying on business at not fewer than ten retail shops.

“Original package” means the case or other outer package or container in which any cans of fruit were imported into the United Kingdom.

“Sale by retail” means a sale to a person buying otherwise than for the purpose of re-sale; and any sale to a person for the purposes of his catering business; and the word “retailer” shall be construed accordingly.

“Sale by wholesale” means any sale to a retailer, and any sale to a person for use in the manufacture or preparation for sale of any other article; and the word “wholesaler” shall be construed accordingly.

“Sell” includes offer or agree to sell or expose for sale; and “buy” includes offer or agree to buy.

“To can” means to pack in an airtight metal container by any means involving the application of heat, whether before, during or after the placing of the contents in the container; and the word “canned” shall be construed accordingly.

(2) References in this Order to the purchase or sale of canned fruit by a wholesaler, manufacturer, retailer, or other class of trader mean the purchase or sale by him in the course of his business as such class of trader.

### Maximum Prices—

2.—(1) No person shall buy or sell any canned fruit at a price exceeding the appropriate price shown in column 3 or 4 of Part I of the Schedule to this Order: Provided that—

- (a) on a sale of canned fruit in a can of a size not specified in Column 2 of Part I of the said Schedule, the maximum price shall be—
- (i) where the can is not smaller than the smallest can specified in relation to such fruit, the maximum price of such fruit in a can of the next smaller size specified ;
  - (ii) where the can is smaller than the smallest can specified in relation to such fruit, a price at a rate equal to the maximum price of such fruit in the smallest size of can specified.

(2) Paragraph (1) of this Article shall not apply to canned pineapple (including crushed pineapple) in cans containing not less than 105 ounces each.

(3) Except under the authority of the Governor, no person shall make or demand any charge in addition to the prescribed maximum price other than in accordance with the provisions of Part II of the Schedule to this Order.

#### Keeping of Records.

3.—(1) Every person who sells canned fruit otherwise than by retail shall keep or cause to be kept an accurate record of all sales and purchases thereof by him ; and such record shall show, in respect of each such purchase or sale, the date thereof, the name and address of the person from whom such purchase or to whom such sale was made, and particulars of the descriptions and respective quantities of such canned fruit purchased or sold (as the case may be), and of the prices charged, and of any addition to the maximum price made in accordance with the provisions of this Order.

(2) Every person who sells canned fruit by retail shall keep or cause to be kept an accurate record of all purchases thereof by him ; and such record shall show, in respect of each such purchase, the date thereof, the name and address of the person from whom such purchase was made, and particulars of the descriptions and respective quantities of such canned fruit purchased, and of the prices charged, and of any addition to the maximum price made in accordance with the provisions of this Order.

(3) The retention by any person of an invoice or a copy of an invoice shall as regards the particulars mentioned therein be a sufficient compliance by him with the provisions of the Article.

(4) Every person who is required by this Article to keep any record shall retain it for one year from the date of the transaction to which it relates.

#### Exemption for Caterers.

4. The provisions of this Order shall not apply to the sale of any canned fruit as a meal or part of a meal served by a caterer in the course of his catering business.

#### Artificial transactions ; unreasonable charges.

5. No person shall in connection with the sale or disposition or proposed sale or disposition of any canned fruit enter or offer to enter into any artificial transaction or make or demand any unreasonable charge.

#### Directions, licences and authorisations.

6.—(1) The provisions of this Order are subject to any directions which may at any time be given by or on behalf of the Governor and to any licence or authorisation which may be granted under this Order by or on behalf of the Governor.

(2) Every person holding a licence or authorisation granted under this Order shall comply with every condition imposed by such licence or authorisation.

(3) Every licence or authorisation granted under this Order is and shall remain the property of the Governor ; and the licensee or any person being in possession of any such licence or authorisation shall, if requested to do so by or on behalf of the Governor, produce or deliver it to such person or to a person of such class or description, and within such time, as may be specified in the request.

#### Revocation.

7.—(1) The Canned Fruit and Vegetables (No. 4) Order, 1946, as amended is hereby revoked, but without prejudice to any proceedings in respect of any convention thereof.

(2) Any licence or authorisation granted under the said Order and subsisting at the date of coming into force of this Order shall continue to have effect as if it had been granted under this Order.

(3) Every person shall notwithstanding the revocation of the said Order retain any record, required to be kept by him thereunder, for one year from the date of the transaction to which it relates.

8. Infringements of this Order are offences against the Defence (General) Regulations (Isle of Man), 1939.

Commencement and citation.

9. This Order shall come into operation on the 9th day of May, 1950; and may be cited as The Imported Canned Fruit Order, 1950.

GIVEN under my hand this 8th day of May, 1950.

G. R. BROMET,  
Lieutenant-Governor.

**THE SCHEDULE**  
**PART I**  
Maximum Prices of Canned Fruit

Column 1	Column 2	Column 3	Column 4
Description of Canned Fruit	Minimum Net-Weight Content of Can	On a sale by Wholesale Rate per dozen cans	On a sale by Retail per can
		s. d.	s. d.
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	20 oz.....	21 7	2 0
	25 oz.....	27 0	2 6
	28 oz.....	29 11½	2 9

**PART II**

Additions to and deductions from the Maximum Prices in Part I of the Schedule.

1.—Packing and Containers.

The maximum price on any sale includes all costs and charges in respect of packing and of packages or containers, and no additional charge shall be made by the seller in respect thereof.

2.—Transport and Delivery.

(1) The maximum price on a sale by wholesale includes all costs and charges of and incidental to delivery at the buyer's premises, and no additional charge shall be made by the seller in respect thereof:

Provided that—

if delivery is given to the buyer at a point nearer to the seller's premises (including any place where the goods are stored or kept on his behalf) than the buyer's premises, the maximum price shall be reduced by an amount that fairly represents the difference between the cost of delivery to the buyer's premises and the cost of delivery to the place where delivery is actually given; and, in particular, if on a sale to a multiple retailer delivery is given at a central depot or warehouse from which distribution is ordinarily made by the buyer to not less than ten of his retail shops, the maximum price shall be reduced by a sum at the rate of 1s. per original package.

(2) Except as aforesaid, no additional charge shall be made on such a sale in respect of transport or delivery.

3.—Breaking Bulk.

If on a sale by wholesale part only of an original package is sold, or is at the buyer's request delivered to him, the maximum price in respect thereof may be increased by a sum at a rate not exceeding 1d. per dozen cans.