VI. CHEESE

[Rationing, *see* p. 478 above.]

The Cheese (Control and Maximum Prices) Order, 1948

1948 No. 1062

Made - - - - 21*st May*, 1948
Coming into Operation 23*rd May*, 1948
*To be laid before Parliament**

In exercise of the powers conferred upon him by Regulations 55, 55AA and 55AB of the Defence (General) Regulations, 1939(a), as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(b) as extended by the Supplies and Services (Extended Purposes) Act, 1947(c), and of all other powers him enabling, the Minister of Food hereby makes the following Order:—

1. In this Order—

"The Minister" means the Minister of Food.

"Buy" includes offer or agree to buy, and "sell" includes offer or agree to sell or expose for sale.

"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.

"Cheese" means any description of cheese, including processed cheese, except—

(*a*) home produced blue vein cheese other than Stilton cheese and Blue Cheshire cheese;

(*b*) soft cheese or curd cheese; and

(*c*) home produced cheese made from milk other than cow's milk.

"Home produced cheese" means any cheese produced in the United Kingdom but does not include soft or curd cheese or processed cheese.

"Manufacturer" means any person who uses cheese for the purposes of his trade or business (other than a catering business) in the composition, manufacture or preparation of any other article.

"Processed cheese" means cheese which after manufacture has been heated and to which an emulsifying agent has been added.

"Sale by retail" means any sale to a person buying otherwise than for the purpose of resale and includes any sale to a person for the purposes of his catering business, but does not include a sale to a manufacturer.

"Sale by wholesale" means any sale other than a sale by retail.

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* This Order was laid before Parliament on the 25th May, 1948.

(a) *See* Note, p. 15 above.

(b) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (Nos. 1611 and 1615–25) II, pp. 39 and 45–56.

(c) 10 & 11 Geo. 6. c. 55.

"Soft cheese" or "curd cheese" means cheese the moisture content of which exceeds 55 per cent., and includes the product commonly known as "curds", but shall not include Camembert cheese, Pont l'Eveque cheese, Carre de l'Est cheese, Brie cheese or Fromage Demi-sel.

2. Except under and in accordance with the terms of a licence granted under this Order no person shall engage in the manufacture of any home produced cheese or processed cheese.

3.—(1) No person shall buy or sell—

(*a*) any cheese at a price exceeding the maximum price applicable in accordance with the First Schedule to this Order;

(*b*) any soft cheese or curd cheese at a price exceeding the maximum price applicable in accordance with the Second Schedule to this Order.

(2) In calculating the maximum price on a sale by retail any fraction of a farthing shall be regarded as one farthing.

4. No person shall in connection with the sale or disposition or proposed sale or disposition of any cheese, soft cheese or curd cheese enter or offer to enter into any artificial transaction or make or demand any unreasonable charge.

5. On a sale by wholesale of any cheese the seller shall allow to the buyer a discount on the selling price to be calculated—

(*a*) where payment is made within seven days of the date of invoice at the rate of 2d. in the £;

(*b*) where payment is made after seven days but within one calendar month of the date of invoice at the rate of 1d. in the £.

6.—(1) Every person who carries on any undertaking by way of trade or business in the course of which he sells any cheese, soft cheese or curd cheese, otherwise than by retail shall—

(*a*) keep or cause to be kept an accurate record of every purchase and sale thereof by him, such record to include the following particulars:—

(i) the date of the purchase or sale;

(ii) the name and address of the person from whom he purchased or to whom he sold the same;

(iii) the quantity of such cheese bought or sold;

(iv) the price paid or charged and each and every addition to the maximum price permitted under this Order;

(*b*) keep or cause to be kept an accurate record of all stocks of any such cheese held by him from time to time.

(2) Every person who carries on any undertaking by way of trade or business in the course of which he sells any such cheese by retail shall keep or cause to be kept an accurate record of every purchase by him thereof, such record to include the date, the name and address of the person from whom the same was purchased, the quantity purchased, the price paid or charged and each and every addition to the maximum price permitted under this Order.

(3) The retention by any person of an invoice or copy of an invoice shall in relation to the particulars mentioned in such document be a sufficient compliance by that person with the provisions of this Article.

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

7. *Every person* licensed under Article 2 of this Order to engage in the manufacture of home produced cheese or processed cheese shall keep or cause to be kept at his principal place of business an accurate record of the production by him of any such cheese, together with all books, documents and accounts relating and incidental thereto.

8.—(1) In any proceedings in respect of an infringement of this Order, the production by one of the parties of (i) a document purporting to be a certificate of a public analyst or the Government Chemist or (ii) a document supplied to him by the other party as being a copy of such a certificate shall be sufficient evidence of the facts stated therein, unless in the case mentioned under head (i) above the other party requires that the person making the analysis shall be called as a witness.

(2) In any such proceedings

(*a*) if the prosecution intends to produce a certificate of a public analyst or the Government Chemist a copy of such certificate shall be served with the summons; and

(*b*) if a defendant intends to produce a certificate of a public analyst or the Government Chemist, or to require that the person making the analysis shall be called as a witness, he shall give to the other party at least three clear days' notice of his intention,

and, if any of these requirements is not complied with, the Court may, if it thinks fit, adjourn the hearing on such terms as it deems proper.

(3) In this Article " public analyst " has in relation to England and Wales the meaning assigned to it by the Food and Drugs Act, 1938(a), in relation to Scotland the meaning assigned to it by the Food and Drugs (Adulteration) Act, 1928(b), and in relation to Northern Ireland the meaning assigned to it by the Sale of Food and Drugs Acts (Northern Ireland), 1875 to 1939, and " Government Chemist " means, in relation to Northern Ireland, the Government Chemist for Northern Ireland.

9.—(1) The Cheese (Control and Maximum Prices) Order, 1946, as amended(c), is hereby revoked but without prejudice to any proceedings in respect of any contravention thereof, provided that any licence granted thereunder or having effect by virtue thereof, and subsisting immediately before the coming into force of this Order, shall continue to have effect as though granted under this Order.

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

10.—(1) The provisions of this Order are subject to—

(*a*) any *direction* which may at any time be given by or on behalf of the Minister, or in respect of Northern Ireland by or on behalf of the Minister or the Ministry of Agriculture for Northern Ireland, in relation to the articles to which this Order applies; and

(*b*) any licence or authorisation which may be granted under this Order by or on behalf of the Minister, or in respect of Northern Ireland by or on behalf of the Minister or the said Ministry,

and the Minister hereby delegates to the said Ministry the function of giving or granting any such direction, licence or authorisation in respect of Northern Ireland.

(a) 1 & 2 Geo. 6. c. 56.
(b) 18 & 19 Geo. 5. c. 31.
(c) S.R. & O. 1946 (No. 2109) II, p. 689; and 1947 (Nos. 1095, 2144 and 2591) II, pp. 571–5.

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

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

12.—(1) This Order shall not apply to any cheese, soft cheese or curd cheese served as part of a meal.

(2) The maximum prices prescribed by this Order shall not apply to the products commonly known as lactic cheese and lactic food or to cheese, soft cheese or curd cheese sold for use as ships' stores.

13. This Order shall come into force on the 23rd day of May, 1948, and may be cited as the Cheese (Control and Maximum Prices) Order, 1948.

By Order of the Minister of Food.

P. Liesching,
Permanent Secretary.

Dated the 21st day of May, 1948.

THE FIRST SCHEDULE

PART I

MAXIMUM PRICES OF CHEESE ON SALES OTHER THAN TO A MANUFACTURER

Column 1	Column 2	Column 3
Variety of Cheese	On a sale by wholesale	On a sale by retail
	At the rate of s. d.	At the rate of s. d.
1. Stilton cheese	560 0 per cwt.	6 0 per lb.
2. Imported blue vein cheese, other than Roquefort cheese imported from France	387 4 " "	4 0 " "
3. Roquefort cheese imported from France	569 4 " "	6 0 " "
4. Camembert cheese ...	25 6 per dozen whole cheese	2 6 per whole cheese
5. Pont l'Eveque cheese ...	25 6 " "	2 6 " "
6. Carre de l'Est cheese ...	25 6 " "	2 6 " "
7. Brie cheese	12 9 " "	1 3 " "
8. Fromage Demi-sel ...	38 3 per dozen boxes	3 9 per box of 6 portions or 7½d. per portion.
9. Petit Gruyere cheese ...	26 0 " "	2 6 per box of 6 portions.
10. Emmenthal cheese ...	476 0 per cwt.	5 0 per lb.
11. Blue Cheshire cheese ...	560 0 " "	6 0 " "
12. Kosher cheese	298 8 " "	3 0 " "
13. Wensleydale cheese ...	68 9 " "	10 " "
14. Processed cheese and any other variety of cheese not specified above ...	72 3 " "	10 " "

PART II

MAXIMUM PRICE OF CHEESE ON A SALE TO A MANUFACTURER

On a sale of any variety of cheese to a manufacturer the maximum price shall be at the rate of 181s. 9d. per cwt.

PART III

1. Small lots.

(*a*) Where on a sale by wholesale cheese other than processed cheese, Camembert cheese, Pont l'Eveque cheese, Brie cheese, Carre de l'Est cheese, Fromage Demi-sel or Petit Gruyere cheese is, at the request of the buyer, sold or delivered in a quantity of less than a whole cheese or less than 28 lb. total weight, an additional charge may be made by the seller at a rate not exceeding 2s. 4d. per cwt. in respect of the total weight of cheese so sold or delivered.

(*b*) Where on a sale by wholesale Camembert cheese, Pont l'Eveque cheese or Carre de l'Est cheese is, at the request of the buyer, sold or delivered in a quantity of less than a crate of 60 cheese, an additional charge may be made by the seller at a rate not exceeding 1d. per dozen cheese so sold or delivered.

(*c*) Where on a sale by wholesale Brie cheese is, at the request of the buyer, sold or delivered in a quantity of less than a crate of 120 cheese, an additional charge may be made by the seller at a rate not exceeding 1d. per dozen cheese so sold or delivered.

(*d*) Where on a sale by wholesale Fromage Demi-sel is, at the request of the buyer, sold or delivered in a quantity of less than a case of 20 boxes, an additional charge may be made by the seller at a rate not exceeding 1d. per dozen boxes so sold or delivered.

(*e*) Where on a sale by wholesale Petit Gruyere cheese is, at the request of the buyer, sold or delivered in a quantity of less than a crate of 72 boxes, an additional charge may be made by the seller at a rate not exceeding 1d. per dozen boxes so sold or delivered.

2. Containers.

The maximum price on a sale by wholesale includes all costs of and incidental to the provision by the seller of containers and no additional charge shall be made by the seller in respect thereof, provided that—

(*a*) where at the request of the buyer the seller supplies a returnable container the seller may make a reasonable charge by way of deposit;

(*b*) where cheese is packed in a special container for export from the United Kingdom the seller may make a reasonable charge for the provision of such container;

(*c*) where the seller supplies Stilton cheese in a returnable container the seller may make a reasonable charge by way of deposit.

3. Delivery.

The maximum prices on a sale by wholesale include all costs and charges of and incidental to delivery by the seller at the buyer's premises or in the case of cheese sold for export all costs and charges of and incidental to delivery f.o.b. United Kingdom port and no additional charge may be made by the seller in respect of delivery.

THE SECOND SCHEDULE

MAXIMUM RETAIL PRICES OF SOFT CHEESE OR CURD CHEESE

Soft cheese or curd cheese	*On a sale by retail per lb.* s. d.
1. Containing not less than 35 per cent. by weight of fat in the dry matter	1 1
2. Containing less than 35 per cent. by weight of fat in the dry matter ...	10

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order consolidates with amendments the Cheese (Control and Maximum Prices) Order, 1946, as amended.

The principal changes are:—

(1) Maximum wholesale and retail prices are specified for Blue Cheshire cheese, Fromage Demi-sel, Emmenthal cheese and Petit Gruyere cheese.

(2) A separate price is specified on a sale of cheese, other than soft cheese or curd cheese, to a manufacturer.

The Cheese (Control and Maximum Prices) Order, 1948 (Amendment) Order, 1948

1948 No. 1850

Made - - - -	*5th August,* 1948
Laid before Parliament	*6th August,* 1948
Coming into Operation	*8th August,* 1948

The Cheese (Control and Maximum Prices) Order, 1948 (Amendment No. 2) Order, 1948

1948 No. 2634

Made - - - -	*3rd December,* 1948
Laid before Parliament	*4th December,* 1948
Coming into Operation	*5th December,* 1948

[The above two Orders were revoked and replaced (January 30, 1949) by the Cheese (Amendment) Order, 1949 (S.I. 1949 No. 127) and are therefore omitted from this volume.]

VII. CHICORY

The Chicory (Control) Order, 1942 (Revocation) Order, 1948

1948 No. 2028

Made - - - -	*6th September,* 1948
Laid before Parliament	*7th September,* 1948
Coming into Operation	*20th September,* 1948

In exercise of the powers conferred upon him by Regulation 55 of the Defence (General) Regulations, 1939(a), as having effect by virtue of the Supplies and

(a) *See* Note, p. 15 above.