The principal changes are :—

(1) Licences to can particular specified fruits and vegetables, to freeze fruit and vegetables, to preserve fruit, and to bottle vegetables, are no longer required. (Licences to can fruit and vegetables will still be required under the provisions of the Canning of Food and Feeding Stuffs (Control) Order, 1942 as amended(a).)

(2) Up to 25 per cent. of the sugar in syrup used in canning fruit and vegetables may be sugar other than cane or beet sugar.

(3) Some alterations have been made to the prescribed minimum weights of fruit or vegetables to be put into cans (Part I of the Schedule); and it is now permissible to can raspberries mixed with redcurrants and soaked and scalded peas mixed with carrots (in limited proportions in each case).

The Imported Canned Fruit Order, 1950

1950 No. 676

Made - - - -	*25th April*, 1950
Laid before Parliament	*26th April*, 1950
Coming into Operation	*30th April*, 1950

In exercise of the powers conferred upon him by Regulations 55, 55AA and 55AB of the Defence (General) Regulations, 1939, 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:—

Interpretation

1.—(1) In this Order—

" The Minister " means the Minister of Food.

" The Ministry " means the Ministry of Agriculture for Northern Ireland.

" 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.

" 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.

(a) S.R. & O. 1942 (No. 2186) II, p. 861; and S.I. 1949 (No. 2133) II, p. 252.
(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.

"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, 4 or 5 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 Minister, 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.

* Deleted by S.I. 1950 No. 2128 at p. 634 below.

(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 Minister, or in respect of Northern Ireland by or on behalf of the Minister or the Ministry, and to 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 Ministry; and the Minister hereby delegates to the Ministry the function of giving or granting any such directions, licence or authorisation in respect of Northern Ireland.

(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 Minister; 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 Minister, 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.

Saving of licences and authorisations; retention of records

7.—(1) Any licence or authorisation granted under the Canned Fruit and Vegetables (No. 2) Order, 1946 as amended(**a**) 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.

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

Infringements

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

(**a**) S.R. & O. 1946 (No. 1724) II, p. 939; 1947 (Nos. 333, 1317 and 1979) II, pp. 742–7; S.I. 1948 (Nos. 397 and 1884) II, pp. 652 and 654; and 1949 Nos. 694 and 1726.

(**b**) Revoked by S.I. 1950 No. 675, p. 623 above (the Home-Canned Fruit and Vegetables Order, 1950) simultaneously with the coming into operation of this Order.

Commencement and citation

9. This Order shall come into operation on the 30th day of April, 1950; and may be cited as the Imported Canned Fruit Order, 1950.

Dated the 25th day of April, 1950.

Maurice Webb,
Minister of Food.

THE SCHEDULE

(For new Part I substit. by S.I. 1950 No. 2128 *see* p. 635 below).

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 to a wholesaler or 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—

(*a*) if the buyer's premises at which delivery is given are situate on the mainland of Scotland north of the Caledonian Canal, or on any of the islands of the Pentland Firth, or in the counties of Orkney or Zetland, the maximum price may be increased by a sum not exceeding ½d. per can, and, if such premises are situate on any of the islands of the West of Scotland other than those of the Firth of Clyde, by a sum not exceeding ½d. per can;

(*b*) 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.

4. *Sales by retail in certain parts of Scotland*

There may be added to the maximum price—

(*a*) on a sale by a retailer on the mainland of Scotland north of the Caledonian Canal, or on any of the islands of the Pentland Firth, or in the Counties of Orkney or Zetland, a sum not exceeding ½d. per can; and

(*b*) on a sale by a retailer on any of the islands of the West of Scotland other than those of the Firth of Clyde, a sum not exceeding ½d. per can.

EXPLANATORY NOTE

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

This Order replaces the Canned Fruit and Vegetables (No. 2) 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.

(Home-canned fruit and vegetables are dealt with separately by the Home-canned Fruit and Vegetables Order, 1950(a) which comes into operation simultaneously.)

The Imported Canned Fruit (Amendment) Order, 1950

1950 No. 2128

Made - - - -	*29th December,* 1950
Laid before Parliament	*30th December,* 1950
Coming into Operation	*1st January,* 1951

The Minister of Food, in pursuance of the powers conferred upon him by Regulations 55 and 55AB of the Defence (General) Regulations, 1939, 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 continued in force by the Supplies and Services (Continuance) Order, 1950(d)) and of all other powers him enabling in that behalf, hereby orders as follows:—

1. The Imported Canned Fruit Order, 1950(e) shall be amended as follows:—

(*a*) by deleting paragraph (2) of Article 2 thereof (which permitted the sale free of price-control of imported canned pineapple in cans containing not less than 105 ounces); and

(*b*) by substituting for Part I of the Schedule thereto the Schedule to this Order.

2. This Order may be cited as the Imported Canned Fruit (Amendment) Order, 1950; and shall come into operation on the 1st day of January, 1951.

Dated the 29th day of December, 1950.

Maurice Webb,
Minister of Food.

(a) S.I. 1950 No. 675, p. 623 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.
(d) S.I. 1950 No. 1769, p. 51 above.
(e) S.I. 1950 No. 676, p. 630 above.