

MERCHANDISE MARKS.

THE MERCHANDISE MARKS (IMPORTED GOODS) EXEMPTION DIRECTION (No. 4), 1935, DATED 24TH OCTOBER, 1935, MADE BY THE MINISTER OF AGRICULTURE AND FISHERIES, THE SECRETARY OF STATE FOR THE HOME DEPARTMENT AND THE SECRETARY OF STATE FOR SCOTLAND ACTING JOINTLY UNDER SECTION 3 (1) OF THE MERCHANDISE MARKS ACT, 1926 (16 & 17 GEO. 5. c. 53).

Whereas by Section 3, sub-section (1) of the Merchandise Marks Act, 1926 (16 and 17 Geo. 5. c. 53) it is provided that if, where an Order in Council has been made under that Act with respect to any goods, it is shown to the satisfaction of the Appropriate Department by persons appearing to the Department to have a substantial interest in the matter that the application of the provisions of the Order or of some of those provisions to any particular class or description of those goods has caused or is likely to cause injury or hardship to the said persons or any of them, the Department may direct that the Order or any particular provisions of the Order shall cease to apply to goods of that class or description or shall apply to such goods subject only to such modifications and conditions as the Department think fit, and the Order shall, while the Direction is in force, have effect subject thereto:

And whereas it is provided by Article 1 of the Merchandise Marks (Imported Goods) No. 7 Order, 1934,* that it shall not be lawful to import (among other things) any chilled beef or frozen pork or to sell or expose for sale in the United Kingdom (among other things) any imported chilled beef or frozen pork unless such meat bears an indication of origin; and by Article 2 of the said Order that the indication of origin shall be branded, or stamped, stencilled or printed in ink or stain, durably and conspicuously, in letters which shall except as therein provided be not less than one-half of one inch in height; and by Paragraphs I, III and IV of Article 3 of the said Order that the indication of origin required on importation shall be applied as follows, that is to say—

I. In the case of chilled beef, each side of chilled beef shall bear the indication of origin on the outer side in a continuous series of words in three columns extending longitudinally:—

(i) from the hock joint to the neck, in a line passing over the round, aitchbone and rump and then continuing at a distance of two inches from the chine bone to the neck; and

(ii) from the hind leg or shin to the foreshin in a line drawn down the middle of the side; and

(iii) from the fore-rib or crop to the sticking in a line drawn midway between the lines specified in (i) and (ii),

as shown in the diagram, Figure I, in the Schedule to the Order.

III. In the case of frozen pork, each carcass shall bear the indication of origin on each side of the carcass on the outer side

of the leg, loin, fore-end (spare-rib and blade-bone) and hand-and-spring, composing four marks on each side in the positions shown in the diagram, Figure III, in the Schedule to the Order.

IV. Except where any portion of (among other things) a carcass of frozen pork is one of the forms of meat specified in the next following paragraph of the Order, each portion of any such carcass shall bear such markings indicative of origin as it would have borne if it had formed part of a complete carcass of such meat which had been marked in the manner hereinbefore in the Article prescribed.

and by Paragraph I of Article 4 of the said Order, that the indication of origin required on sale and exposure for sale, whether wholesale or by retail, shall be applied as follows, that is to say—

I. In the case of chilled beef and frozen pork, in like manner as on importation.

And whereas representations have been made on behalf of the High Commissioner of the Union of South Africa that Regulations have been made by the Government of the Union of South Africa requiring chilled beef exported from that Dominion to bear the name of the country of origin applied to it in the following manner:—

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and that the application of the aforesaid provisions of Article 3 of the said Order without modification is likely to cause hardship.

And whereas the Minister of Agriculture and Fisheries, the Secretary of State for the Home Department and the Secretary of State for Scotland, acting jointly, being the Appropriate Department in this case, are satisfied that hardship is likely to be caused by the application of the aforesaid provisions of Article 3 of the said Order to such chilled beef before the said representations have been further considered.

And whereas the Minister of Agriculture and Fisheries, the Secretary of State for the Home Department and the Secretary of State for Scotland, acting jointly, as aforesaid and being the Appropriate Department in this case are also satisfied, after consideration of representations made to them by persons appearing to the Department to have a substantial interest in the matter, that hardship is likely to be caused to the said persons by the application of the aforesaid provisions of Articles 3 and 4 of the said Order to certain portions of carcasses of frozen pork, namely, frozen loins and shoulder cuts of pork from which the skin has been removed prior to importation.

Now, therefore, the Minister of Agriculture and Fisheries, the Secretary of State for the Home Department and the Secretary of State for Scotland, acting jointly, in pursuance of the powers conferred upon them by Section 3 of the said Act hereby direct as follows:—

* S.R. & O., 1934, No. 727.