

CHAPTER 47C

GENERAL COMMODITIES; WEIGHTS
AND MEASURES

Authority

N.J.S.A. 51:1-61.

Source and Effective Date

R.1999 d.202, effective June 3, 1999.
See: 31 N.J.R. 926(a), 31 N.J.R. 1817(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 47C, General
Commodities; Weights and Measures, expires on November 30, 2004.
See: 36 N.J.R. 3229(a).

Chapter Historical Note

Chapter 47C, General Commodities; Weights and Measures, became
effective prior to September 1, 1969.Subchapter 4, Industry Standard; New Jersey Atlantic White Cedar,
was adopted as R.1979 d.373, effective September 20, 1979. See: 11
N.J.R. 399(a), 11 N.J.R. 580(c).Subchapter 5, Sales of Precious Metals, was adopted as R.1980 d.420,
effective September 30, 1980. See: 12 N.J.R. 551(a), 12 N.J.R. 671(c).Subchapter 5, Sales of Precious Metals, was repealed, and Subchap-
ter 6, Requirements for Security Bond Required by Transient Buyers of
Precious Metals, was adopted by R.1982 d.96, effective April 5, 1982.
See: 13 N.J.R. 818(a), 14 N.J.R. 346(e).Pursuant to Executive Order No. 66(1978), Chapter 47C, General
Commodities; Weights and Measures, was readopted, and Subchapter
2, Foodstuffs, was adopted by R.1984 d.373, effective August 6, 1984.
See: 16 N.J.R. 1031(a), 16 N.J.R. 2289(a).Pursuant to Executive Order No. 66(1978), Chapter 47C, General
Commodities; Weights and Measures, was readopted as R.1989 d.350,
effective June 9, 1989. See: 21 N.J.R. 1096(a), 21 N.J.R. 1832(a).Pursuant to Executive Order No. 66(1978), Chapter 47C, General
Commodities; Weights and Measures, was readopted as R.1994 d.330,
effective June 6, 1994, and Subchapter 4, Industry Standard; New
Jersey Atlantic White Cedar, was repealed by R.1994 d.330, effective
July 5, 1994. See: 26 N.J.R. 1761(a), 26 N.J.R. 2796(b).Pursuant to Executive Order No. 66(1978), Chapter 47C, General
Commodities; Weights and Measures, was readopted as R.1999 d.202,
effective June 3, 1999. See: Source and Effective Date. See, also,
section annotations.

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SUBCHAPTER 1. DEFINITIONS

13:47C-1.1 Words and phrases defined

The following words and terms, as used in this chapter,
shall have the following meanings unless the context clearly
indicates otherwise.

“Advertising media or means” means any attempt directly
or indirectly by publication, dissemination, solicitation, en-
dorsement or circulation or in any other way to induce
directly or indirectly any person to enter or not enter into
any obligation or acquire any title or interest in any building
materials as defined by this regulation.

“Building materials” means lumber, wood, and wood
product materials used in connection with the construction,
fabrication, and erection of residential, utility or business
premises.

“Consumer” means any person who purchases building
materials for incorporation into any type of structure.

“Cord” means the amount of wood which is contained in
a space of 128 cubic feet, when the wood is ranked and well
stowed. For the purpose of this regulation, “ranked and
well stowed” shall be construed to mean when pieces of
wood are placed in a line or row, with individual pieces
touching and parallel to each other, and stacked in a
compact manner.

“Cordwood”, “firewood”, “fireplace” and “stove wood”
mean any logs, boards, timbers or other wood, split or not
split, advertised, offered for sale, or sold as fuel.

“Cut-up poultry” means all dressed poultry from which
the entire viscera (entrails) have been removed and the
carcass of which has been cut into portions or dismembered.

“Dealers” means any person who is regularly engaged in the business of selling or selling and delivering building materials to consumers in this State and who maintains unloading or loading, storage, transportation, communication, sales, services or other facilities therefore, with an office accessible to the public with a competent person on duty, commensurate with the nature and other requirements of the business or an “unequipped dealer” which is any person who is regularly engaged in the business of selling building materials at retail in this State to consumers in this State who does not maintain loading, unloading or storage facilities.

“Grade” and “species” means those grades and species for building materials that are authorized by N.J.S.A. 51:4-27.

“Lumber” means the wood obtained from the felling, trimming and working up of all kinds and types of trees for use as a structural material.

“Meat” means and includes beef, veal, pork, mutton, lamb, domestic rabbits and products of all kinds in which meat of the prescribed classes forms the basic ingredient.

“Offer for sale” or “expose for sale” shall be construed to include the use of any advertising media or means.

“Paneling” is defined as all products, whether of domestic or foreign origin, which are suitable for use as interior decorative wall panels.

“Persons” means and includes corporations, companies, associations, societies, firms, partnerships, joint stock companies and governmental entities as well as individuals.

“Poultry” means and includes chickens, ducks, geese, turkeys, guineas and all products the basic ingredient of which is poultry of prescribed classes; provided, however, that squabs shall be exempt from the requirements of this chapter.

“Processed” means meat, whether fresh or frozen, that has been removed from the shells of clams, mussels, oysters or other mollusks and has been chopped or commingled with other solid foods.

“Single service container” means a container intended to be used once only to determine at the time of retail sale the quantity of the commodity comprising a retail sale made from a bulk supply on the basis of liquid measure and to serve as the container for the delivery of the commodity.

“Treated lumber” means any lumber or lumber product which has been chemically treated for the purpose of retarding or preventing deterioration or destruction by insects, fungi, bacteria or other wood destroying organisms.

“Whole logs” means any single piece of wood, greater in length than eight feet, unsplit and in the natural state. The trimming or looping of limbs from such logs is permitted and shall not be deemed to change the natural state of such logs.

“Wiping materials” means and includes all textiles, washed and unwashed, new or old, such as mill rags, mill ends, remnants, cheesecloth, cotton thread, shoddy, clippings, machined cotton and wool waste, discarded garments, discarded household textiles, raw cotton or any other material or thing sold, distributed or used as wiping material.

As amended, R.1979 d.251, effective June 20, 1979.

See: 11 N.J.R. 256(a), 11 N.J.R. 400(b).

As amended, R.1980 d.421, effective September 30, 1980.

See: 12 N.J.R. 550(a), 12 N.J.R. 672(a).

“Cord” and “cordwood” redefined; “fireplace”, “firewood”, “stove wood” and “whole logs” defined.

As amended, R.1984 d.5, effective February 6, 1984.

See: 15 N.J.R. 1835(a), 16 N.J.R. 249(b).

Added definition of “treated lumber”.

As amended, R.1984 d.373, effective August 20, 1984.

See: 16 N.J.R. 1031(a), 16 N.J.R. 2289(a).

Changes in definitions “cordwood”, “persons”, “whole logs”.

Amended by R.1999 d.202, effective July 6, 1999.

See: 31 N.J.R. 926(a), 31 N.J.R. 1817(a).

Inserted “Processed”.

SUBCHAPTER 2. FOODSTUFFS

13:47C-2.1 Meat, poultry, fish, and/or shellfish sold by net weight; methods of sale

(a) All meat, poultry, fish and shellfish offered for sale or sold in the State of New Jersey shall be offered for sale or sold on the basis of net weight only, except as provided in (b) through (e) below.

(b) Shellfish, except as provided in (e) below may be sold by weight, measure and/or count.

(c) When meat, poultry, fish or seafood is combined with some other food element to form a distinctive food product, the representation of quantity may be in terms of the total weight of the combined product and a representation of quantity need not be made for each element.

(d) Labels on ready-to-cook stuffed fish, seafood, poultry, or meat products must show the total net weight of the stuffed fish, seafood, poultry, or meat product.

(e) Clams, mussels, oysters, and other mollusks shall be offered for sale in the following manner:

1. Processed clams, mussels, oysters and other mollusks on the half shell, fresh or frozen, shall be sold by net weight excluding the weight of the shell.

2. Canned (heat-processed) mussels, clams, oysters, and other mollusks shall be sold by net weight:

i. A maximum of 41 percent free liquid by weight is permitted for canned oysters.

3. Fresh oysters, clams, mussels, and other mollusks removed from the shell and placed in a container shall be sold by liquid volume. A maximum of 15 percent free liquid by weight is permitted.

4. Whole clams, oysters, mussels and other mollusks in the shell, fresh or frozen, shall be sold by one of the following methods, and size designations may be provided.

i. Weight, including the shell but not including any liquid or ice packed with the clams, oysters, mussels or other mollusks.

ii. Dry measure (for example, bushel); and/or

iii. Count.

As amended, R.1984 d.373, effective August 20, 1984.

See: 16 N.J.R. 1031(a), 16 N.J.R. 2289(a).

Deleted "avoirdupois"; changed "Division" to "Office".

Amended by R.1988 d.35, effective January 19, 1988.

See: 19 N.J.R. 1787(b), 20 N.J.R. 204(a).

Substantially amended.

Amended by R.1999 d.202, effective July 6, 1999.

See: 31 N.J.R. 926(a), 31 N.J.R. 1817(a).

In (e), substituted references to other mollusks for references to crabs in the introductory paragraph and 4, and inserted references to other mollusks in 1 through 3.

13:47C-2.2 Sectioned poultry

(a) All cut-up poultry shall be offered for sale or sold by a net weight on the following basis of dissection:

1. The wings of each poultry item must be disjointed and removed at the socket joint adjoining the breasts and must contain all the wing meat.

2. The legs must be disjointed and removed from the shank at the hock joint and from the body at the hip point and must contain the complete thigh, all the thigh meat, and the oyster but shall not contain the ilium and the ischium bones or any part thereof.

3. The drumsticks must be disjointed and removed from the shank at the hock joint and disjointed and removed from the thigh at knee joint between the tibia and femur (thigh) bones.

4. The thighs must be disjointed and removed from the drumstick at the knee joint between the tibia and femur (thigh) bone from the body at the hip joint and must contain the complete thigh, all the thigh meat and the oyster, but shall not contain the ilium or the ischium bones or any part thereof.

5. The breast must be removed from the back by cutting alongside the exterior of the oyster socket (ilium) and through the ribs at the point the ribs connect with the spinal vertebrae. No part of the wings, legs, back or neck bones, skin, meat, gizzard, heart or any other portion not breast may be sold as breasts.

6. The back must contain the neck, vertebrae, backbone, oyster socket (ilium), the ischium and the meat, skin and bones of these parts.

(b) The requirements of (a) above do not apply when the poultry is:

1. Split down the back into halves; or

2. Cut into quarters, provided, however, that all such portions are at all times properly labeled, advertised or otherwise described as such.

Amended by R.1999 d.202, effective July 6, 1999.

See: 31 N.J.R. 926(a), 31 N.J.R. 1817(a).

In (a), substituted a reference to net weight for a reference to avoirdupois net weight in the introductory paragraph.

13:47C-2.3 Dried or smoked fish

(a) All dried fish, smoked fish and products thereof shall be sold by net weight.

(b) When packed in containers or wrappers, the net contents shall be clearly and conspicuously marked, provided, however, that in lieu thereof it shall be permissible to mark the tare weight alone, together with a conspicuous statement on each wrapper or container to the effect that the retailer must weigh the package at time of sale to the consumer in order to ascertain the actual net weight.

13:47C-2.4 Divided units of food

(a) All articles of food which are normally permitted to be sold by numerical count as an individual piece or unit when divided or portioned by any method whatsoever shall have all such divisions or portions sold, exposed or offered for sale on the basis of net weight.

(b) When such articles of food in package form are removed and divided or portioned, the requirements of (a) above shall apply.

(c) The provisions of (a) and (b) above shall not apply to those items portioned for consumption on the premises by restaurants, diners or similar eating establishments.

Amended by R.1999 d.202, effective July 6, 1999.

See: 31 N.J.R. 926(a), 31 N.J.R. 1817(a).

In (a), substituted a reference to net weight for a reference to avoirdupois net weight.

13:47C-2.5 Ready-to-eat food

(a) All articles of food shall be offered for sale or sold by net weight, measure or count, except as provided in (a)1 through 4 below:

1. Items sold for, or intended to be sold for, consumption on the premises of the seller;

2. Items sold as one of three or more different elements, excluding condiments, comprising a ready-to-eat

meal sold as a unit, for consumption elsewhere than on the premises where sold;

3. Ready-to-eat chicken parts cooked on the premises but not packaged in advance of sale; and

4. Sandwiches when offered or exposed for sale on the premises where packed or produced and not intended for resale.

Amended by R.1984 d.373, effective August 20, 1984.

See: 16 N.J.R. 1031(a), 16 N.J.R. 2289(a).

(b)5. added.

New Rule, R.1988 d.92, effective March 7, 1988.

See: 19 N.J.R. 2124(a), 20 N.J.R. 543(a).

This rule replaced "Shellfish" which was repealed.

Amended by R.1994 d.330, effective July 5, 1994.

See: 26 N.J.R. 1761(a), 26 N.J.R. 2796(b).

13:47C-2.6 Fresh meat roasts

Fresh meat roasts of any kind or cut shall be exposed, advertised, offered for sale or sold on the basis of net weight of the fresh meat or roast only, and any fat or other extraneous material of any kind whatsoever, either wrapped around or wrapped within such fresh meat or roast, shall be considered as tare weight only.

Amended by R.1999 d.202, effective July 6, 1999.

See: 31 N.J.R. 926(a), 31 N.J.R. 1817(a).

Substituted a reference to net weight for a reference to avoiddupois net weight.

13:47C-2.7 Primal cuts of meats

(a) The sale of gross cuts or gross weight portions of meat such as hind quarters beef, half round, ground beef, sirloin beef, whole beef, beef lamb, fore quarter veal and hind quarter veal sold on a gross weight basis to freezer plans in home freezer units will be construed as meeting the requirements of this chapter, and the provisions of N.J.A.C. 13:47K-4 (Marking Requirements) implementing N.J.S.A. 51:1-29 will not apply except as specified.

(b) The delivery shall be accompanied with an invoice, which will be a guarantee of the net weight, showing the name and address of the provisioner; the name and address of the purchaser; the date of delivery; the total number of boxes, cartons or other containers in which the meat is packed and the number being delivered, the price list stating in dollars and cents the price per pound or other appropriate unit of measure and the total sale price of each item. The price list shall clearly and conspicuously state whether there are additional costs relating to any service charges associated with the purchase to holders of freezer plans in home freezer units and shall contain a statement as to whether or not the trim is requested by the purchaser.

(c) The type, grade and gross weight of each wholesale cut purchased shall be indicated on the invoice accompanying the delivery as well as the percentage of the gross weight loss in processing.

(d) Boxes, cartons, bags and other containers in which meat is delivered shall be sealed, strapped or stapled.

(e) Substitutions or specific cuts not a part of the gross or wholesale cut shall be construed to be pre-packed food and must comply with N.J.A.C. 13:47K-4 (Marking Requirements).

(f) Upon request by purchaser that the trim (bones, fat and other waste) be included with the delivery, it shall be wrapped separately and a declaration of weight on the package will be required.

Amended by R.1994 d.330, effective July 5, 1994.

See: 26 N.J.R. 1761(a), 26 N.J.R. 2796(b).

Amended by R.1999 d.202, effective July 6, 1999.

See: 31 N.J.R. 926(a), 31 N.J.R. 1817(a).

Rewrote (b).

SUBCHAPTER 3. NONFOODSTUFFS

13:47C-3.1 Cordwood and firewood

(a) For the purpose of this chapter, this section shall apply to the sale of all wood, natural and processed, for use as fuel, at retail.

(b) Representation: A "representation" means any advertisement, offering, invoice, or the like that pertains to the sale of fireplace or stove wood.

(c) Identity: A representation may include a declaration of identity that indicates the species group (Example: 50 percent miscellaneous softwood). Such a representation shall indicate, within 10 percent accuracy, the percentages of each group.

(d) Quantity: Wood, of any type, for use as fuel shall be advertised, offered for sale and sold only by measures, using the term "cord" and fractional parts of a cord; except that:

1. Wood, natural or processed, offered for sale in package form shall display the quantity in terms of cubic feet, to include fractions of cubic feet.

2. Whole logs may be sold by net weight.

3. Cordwood, firewood, fireplace or stove wood may be sold or offered for sale in package form by net weight plus count when each such individual package contains less than four cubic feet (32 cord).

(e) Prohibition of terms: The terms "face cord," "rack," "pile," "truckload," or terms of similar import shall not be used when advertising, offering for sale, or selling wood for sale, or selling wood for use as fuel.