

6. Purchase and expense records, including but not limited to:

- i. A detailed daily record of all purchases relating to the licensed business, including purchases of milk and milk products and all other items of cost and expense. These entries shall be supported by original documentation from vendors or others with whom the transactions originate;
- ii. A detailed record of all assets purchased, including refrigeration and storage units;
- iii. Detailed payroll and personnel records showing all employees and their individual earnings, as well as any other reimbursed expenses of officers and employees;

7. A general ledger, posted monthly, showing the summary of all transactions reflected in the cash receipt and disbursement records, the sales records, the purchase record, and the adjustments or other financial records;

8. Copies of any and all agreements pertaining to the licensed business, including but not limited to sales or leases or property and/or equipment, rentals of property and/or equipment, loans received or granted, routes leased, sold or purchased, and contracts relating to the sale or purchase of milk or milk products.

Amended by R.1990 d.271, effective May 21, 1990.
See: 22 N.J.R. 888(a), 22 N.J.R. 1553(a).
Minor internal recodification.

2:52-1.5 Retention of records

(a) All books and records shall be retained by the licensee for a period of three years to begin at the end of the calendar month to which such books and records pertain, subject to the following.

1. If within such three year period the Director of the Division of Marketing and Development notifies the licensee in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under the act or a court action specified in such notice, the licensee shall retain such books and records until further written notification from the director;

2. Daily delivery records which have been consolidated into weekly; biweekly or monthly records may be retained for only two years.

2:52-1.6 Reports required

(a) All processors, dealers and subdealers shall file monthly reports on forms supplied by the Division of Marketing and Development as follows:

1. On or before the 20th day of each month for the preceding month a report of all milk and milk products purchased and sold during the month, which report shall in-

clude information as to the source of milk supplies and the destination and quantities of products sold.

2. In lieu of the monthly report of milk and milk products purchased and sold, the director may accept a copy of the report filed with the market administrator of the joint Federal-State order covering New Jersey;

3. If milk and milk products are purchased and/or sold both within and outside the State of New Jersey, such information shall be reported separately;

4. The director may exempt subdealers from filing the report of purchases and sales if such information is included in the report of the processor or dealer supplying the subdealer.

(b) All processors, dealers and subdealers shall file reports by April 1, 2007 on forms provided by the Department for such purposes, which shall include the following information, broken down on a per point basis for the time period between January 1 to December 31, 2006:

1. A list of all stores and wholesale accounts served (including dealers, subdealers, schools and institutions) showing the following information:

- i. The name of the store, dealer, subdealer, school or institution to which you supply milk;
- ii. Any trade name of the store, dealer, subdealer, school or institution;
- iii. The address of the store, dealer, subdealer, school or institution;
- iv. The current license number (if applicable) of the store, dealer, subdealer, school or institution;
- v. The volume of milk supplied annually to store, dealer, subdealer, school or institution;
- vi. The amount of money received annually in sales of milk from the store, dealer, subdealer, school or institution;
- vii. The total price of milk charged to the store, dealer, subdealer, school or institution on a monthly basis, for each size container, and any extra fees charged, including, but not limited to, delivery fees, transportation fees, processing fees and case deposits; and
- viii. A list of all rebates, price cuts, credits, give-backs, advertising allowance or any other reduction in the price charged to the store, dealer, subdealer, school or institution;

2. A statement of costs and other expenses, showing the following information, reported on a per point basis:

- i. Administrative costs, which include, but are not limited to, executive and officer salaries, costs for

accounting, bookkeeping and related expenses, and any other costs incurred in operating the business;

ii. Fixed expenses, including, but not limited to, rent or mortgage payments, interest, depreciation, license fees, taxes, and insurance;

iii. Costs of ingredients, including, but not limited to, the costs of raw milk, raw milk procurement, reconstituted powder, flavorings, sweeteners, vitamins and minerals, and any other substance or fortification added to the milk product;

iv. Processing costs, including, but not limited to, pasteurization, separation, standardization, balancing, labor, utilities and maintenance;

v. Cooling and refrigeration costs;

vi. Container costs associated for each type and size including, but not limited to, the costs of purchased containers, blow mold operations, resin, handles, caps, labels, pallets, cases and packing material;

vii. Shipping and transportation costs, including, but not limited to, fuel, freight, labor and maintenance, and delivery costs;

viii. Sales costs, including, but not limited to, salaries and commissions of salesmen, costs to acquire and maintain vehicles, costs of advertisement and any other costs associated with the sale of milk and milk products;

ix. Costs of purchasing and processing non-regulated items, including, but not limited to, water, juice, and other non-regulated milk products; and

x. Any other similar cost information as may be deemed necessary by the Director of the Division of Marketing and Development;

3. A statement indicating the total annual volume of all milk processed, bottled and sold and the volume of all non-regulated items processed, bottled and sold by the licensee;

4. A statement describing the current premium program for premiums paid to New Jersey producers, if one exists, which shall include the following information:

i. A list of all premiums paid to producers or any entity acting on behalf of a producer under current premium programs;

ii. A description of the purpose for each premium listed; and

iii. A description of how each premium is calculated to arrive at the amount payable to a New Jersey producer; and

5. For purposes of reporting pursuant to (a)2 above, points will be calculated as follows:

i. Point value for allocation of plant cost centers shall be as follows:

- (1) Fluid gallon-milk, milk drinks, etc., ice cream, others in fruit drink.....Four points;
- (2) Yogurt, dips, sour cream, cottage cheese
 - (A) 12 to 16 ounces.....One point;
 - (B) Under 12 ounces.....1/2 point;
- (3) Butter, margarine, bread, eggs....One point per pound, loaf, dozen;
- (4) Aerated whips, cream.....One point per can;
- (5) Ice cream novelties.....Two points per dozen; and
- (6) All other items.....Two points per \$1.00 sales;
 - (A) All other items shall include, but not be limited to, non-processed fruit drinks purchased for resale in unchanged form and package.

(c) All processors, dealers and subdealers shall file annually, but no later than April 1st of each year, on forms provided by the Department for such purposes, a revised report containing the information in (b) above for the preceding calendar year for the period between January 1st and December 31st.

(d) All processors, dealers and subdealers shall file such other reports as may be required by the Director in the administration and enforcement of N.J.S.A. 4:12A-1 et seq.

(e) All records and supporting documents for the information required to be reported in this section shall be kept by the processor, dealer or subdealer for a period of three years and shall be made available to an employee or agent of the Department upon request for purposes of audit.

(f) Reports that are incomplete or inaccurate shall be returned and considered not filed.

As amended, R.1977 d.310, effective August 22, 1977.

See: 9 N.J.R. 250(a), 9 N.J.R. 404(a).

Amended by R.1989 d.127, effective March 6, 1989.

See: 20 N.J.R. 2955(a), 21 N.J.R. 634(a).

Deleted old text in (a)2iii(2) and substituted new.

Amended by R.1990 d.271, effective May 21, 1990.

See: 22 N.J.R. 888(a), 22 N.J.R. 1553(a).

Reporting extended to 20th day of month; old (a)2 deleted, remaining paragraphs recodified.

Amended by R.2005 d.327, effective October 17, 2005.

See: 37 N.J.R. 1913(a), 37 N.J.R. 3968(a).

In (a), added "and" at the end of 2, deleted former 3, recodified former 4 as 3, and deleted 5.

Emergency amendment, R.2007 d.70, effective January 29, 2007 (operative February 1, 2007, to expire March 30, 2007).

See: 39 N.J.R. 677(a).

In introductory paragraph of (a), inserted "monthly"; recodified former (a)1i through (a)1iii as (a)2 through (a)4; added (b); recodified former (a)2 as (b)1 and rewrote; added (b)2 through (b)5; added (c); recodified former (a)3 as (d); in (d), substituted "All processors, dealers and subdealers shall file such" for "Such" and "Director" for "director"; and added (e) and (f).

2:52-1.7 Confidentiality

The New Jersey Department of Agriculture will hold confidential any information obtained while implementing the rules set forth in this chapter, which constitutes proprietary commercial or financial information, or is otherwise protected from disclosure under 7 C.F.R. Part 205.501 and 205.504 or