

(d) It shall be an unlawful practice to fail to include the information required by this section.

Recodified from 13:45A-2.5 by R.1995 d.618, effective December 4, 1995.
See: 27 N.J.R. 3566(a), 27 N.J.R. 4899(b).

13:45A-26A.6 Advertisements: mandatory disclosure in advertisements for lease of a new or used motor vehicle

(a) In any advertisement offering a new or used motor vehicle for lease, at an advertised price, the following information shall be included:

1. That the transaction advertised is a lease;
2. The amount of any payment required at the inception of the lease or that no payment is required if that is the case;
3. The number, amounts, due dates or periods of scheduled payments and the total of such payments under the lease;
4. A toll-free number that may be used by consumers to obtain the information required under (f) below; and
5. The business name and, if an individual dealer, the address of the advertiser.

(b) In all written advertisements the information required in (a) above shall be prominently displayed in at least 10 point type and shall be easy to find, read and understand.

(c) If the advertiser elects to use a full disclosure format in a written advertisement, then the information in (f) below shall be prominently displayed in at least 10 point type and must be easy to find, read and understand.

(d) An advertisement which is not in writing shall clearly and audibly state the information in (a) above at a decibel level equal to the highest decibel level used in the advertisement and at a speed equal to or slower than any other statement contained in the advertisement. In a television broadcast, the information shall be prominently and conspicuously displayed for at least five continuous seconds for each model advertised.

(e) The toll free number required pursuant to (a)4 above shall be operational not later than the date on which the advertisement is broadcast or published. The advertiser shall:

1. Maintain the toll free number for 48 hours after the last day of the advertisement;
2. Ensure that the toll free number is operational from 9:00 A.M. to 9:00 P.M. Monday through Saturday;
3. Provide the information required under (f) below in a clear and audible manner, to any person who calls the toll free number; and

4. If requested, provide the information required under (f) below in written form to be mailed, postage paid, to the consumer's address.

(f) Information provided through the use of a toll free telephone number shall include:

1. The advertiser's business name and address;
2. Identification of the transaction as a lease;
3. Whether or not the advertised price refers solely to a business lease;
4. Whether it is an open-end or closed-end lease;
5. The number, amounts, due dates or periods of scheduled payments and the total of such payments under the lease;
6. All other itemized payments such as security deposits or capitalized cost reduction required at the initiation of the lease;
7. The cost of the lease which shall include the sum of (f)5 and 6 above;
8. The manufacturer's suggested retail price as it appears on the Monroney label; when given in writing to the consumer, clearly denominated by using the abbreviation "MSRP";
9. A statement that "price(s) include(s) all costs to be paid by the consumer, except for licensing, registration and taxes." When given in writing to the consumer, it must be set forth in at least 10 point type;
10. Whether the lessee has the option to purchase the advertised motor vehicle and at what price and time; the method of determining the price may be substituted for disclosure of the price;
11. The amount (including termination charge, if any) or method of determining any liability imposed upon the lessee at the end of the term and a statement that the lessee shall be liable for the difference, if any, between the estimated value of the leased motor vehicle and its realized value at the end of the lease term, if the lessee has such liability;
12. A statement of the items included as standard equipment on the advertised motor vehicle;
13. Whether the transmission is automatic or standard; whether the brakes and steering mechanism are power or manual and whether the vehicle has air conditioning, unless such items are included under (f)12 above. This provision shall not apply to motorcycles;
14. The year, make, model and number of engine cylinders of the advertised vehicle;
15. The last eight digits of the vehicle identification number or "VIN." This provision shall not apply to motorcycles;

16. If the advertised vehicle is a used vehicle, the actual odometer reading at the date of placing the advertisement for publication; and the nature of prior use, unless previously and exclusively owned or leased by individuals for their personal use, when such use is known or should have been known by the advertiser; and

17. If the advertised vehicle is a "demonstration vehicle" or "demo," identification of the vehicle as a "demonstration vehicle" or "demo;" and the actual odometer reading at the date of placing the advertisement for publication.

(g) It shall be an unlawful practice to fail to include the information required by this section.

Recodified from 13:45A-2.6 by R.1995 d.618, effective December 4, 1995.

See: 27 N.J.R. 3566(a), 27 N.J.R. 4899(b).

Amended by R.1996 d.185, effective April 1, 1996.

See: 27 N.J.R. 2537(a), 28 N.J.R. 1861(a).

Rewrote the section.

13:45A-26A.7 Unlawful advertising practices

(a) In any type of motor vehicle advertising, the following practices shall be unlawful:

1. The use of any type size, location, lighting, illustration, graphic depiction or color so as to obscure or make misleading any material fact;

2. The setting forth of an advertised price which has been calculated by deducting a down payment, trade-in allowance or any deductions other than a manufacturer's rebate and dealer's discount;

3. The setting forth of an advertised price which fails to disclose, adjacent to the advertised price, that it has been calculated by deducting a manufacturer's rebate or dealer's discount;

4. The failure to state all disclaimers, qualifiers, or limitations that in fact limit, condition, or negate a purported unconditional offer (such as a low APR or high trade-in amount), clearly and conspicuously, next to the offer and not in a footnote identified by an asterisk. Such disclosure shall be made verbally in a radio or television advertisement. Identical information pertaining to all motor vehicles in a group of advertised motor vehicles, however, may appear in a footnote, provided the type is no smaller than 10 point;

5. The failure to state the applicable time period of any special offer, in at least 10-point type immediately adjacent to the special offer, unless the special offer is a manufacturer's program;

6. The use of the word "free" when describing equipment or other item(s) to be given to the purchaser or lessee of a motor vehicle, if the "free" item has a value which has increased the advertised price. In using the word "free" in advertising, the advertiser shall comply with the Federal Trade Commission Rule, 16 CFR § 251, and any amendments thereto;

7. The failure to disclose that the motor vehicle had been previously damaged and that substantial repair or body work has been performed on it when such prior repair or body work is known or should have been known by the advertiser; for the purposes of this subsection, "substantial repair or body work" shall mean repair or body work having a retail value of \$1,000 or more;

8. The use of the terms "Public Notice", "Public Sale", "Liquidation", "Liquidation Sale", or terms of similar import, where such sale is not required by court order or by operation of law or by impending cessation of the advertiser's business;

9. The use of terms such as "Authorized Sale", "Authorized Distribution Center", "Factory Outlet", "Factory Authorized Sale", or other term(s) which imply that the advertiser has an exclusive or unique relationship with the manufacturer;

10. The use, directly or indirectly, of a comparison to the dealer's cost, inventory price, factory invoice, floor plan balance, tissue, or terms of similar import; or the claim that the advertised price is "wholesale" or "at no profit";

11. The use of the terms "guaranteed discount", "guaranteed lowest prices" or other term of similar import unless the advertiser clearly and conspicuously discloses the manner in which the guarantee will be performed and any conditions or limitations controlling such performance; this information shall be disclosed adjacent to the claim and not in a footnote;

12. The use of the statement "We will beat your best deal", or similar term or phrase if a consumer must produce a contract that the consumer has signed with another dealer or lessor in order to receive the "better" deal;

13. The use of such terms or phrases as "lowest prices", "lower prices than anyone else" or "our lowest prices of the year", or similar terms or phrases if such claim cannot be substantiated by the advertiser.

Recodified from 13:45A-2.7 by R.1995 d.618, effective December 4, 1995.

See: 27 N.J.R. 3566(a), 27 N.J.R. 4899(b).

13:45A-26A.8 Certain credit and installment sale advertisements

(a) The following information must be stated in any credit and installment sale advertising. It must appear adjacent to the description of the advertised motor vehicle and not in a footnote or headline unless the information is the same for all motor vehicles advertised. If in a footnote, it must be in at least 10-point type. Failure to include this information shall be an unlawful practice.

1. The total cost of the installment sale, which shall include the down payment or trade-in or rebate, if any, plus the total of the scheduled periodic payments;