

CHAPTER 45A
ADMINISTRATIVE RULES OF THE DIVISION
OF CONSUMER AFFAIRS

Authority

N.J.S.A. 56:8-1 et seq., specifically 56:8-48

Source and Effective Date

R.2000 d.460, effective October 20, 2000.
 See: 32 N.J.R. 3282(a), 32 N.J.R. 4126(a).

Executive Order No. 66(1978) Expiration Date

Chapter 45A, Administrative Rules of the Division of Consumer Affairs, expires on October 20, 2005.

Chapter Historical Note

Chapter 45A, Administrative Rules of the Division of Consumer Affairs, Subchapter 1, Deceptive Practices in Mail Order or Catalog Business, was adopted as R.1973 d.176, effective August 1, 1973. See: 5 N.J.R. 151(b), 5 N.J.R. 290(a).

Subchapter 2, Motor Vehicle Advertising Practices, was adopted as R.1973 d.183, effective July 15, 1973. See: 5 N.J.R. 191(a), 5 N.J.R. 290(d).

Subchapter 4, Banned Hazardous Products, was adopted as R.1973 d.222, effective August 15, 1973. See: 5 N.J.R. 229(d), 5 N.J.R. 317(c).

Subchapter 8, Tire Distributors and Dealers, was adopted as R.1973 d.309, effective December 1, 1973. See: 5 N.J.R. 354(a), 5 N.J.R. 390(e).

Subchapter 3, Sale of Meat at Retail, was adopted as R.1973 d.169, effective January 1, 1974. See: 5 N.J.R. 154(a), 5 N.J.R. 239(b).

Subchapter 5, Delivery of Household Furniture and Furnishings, was adopted as R.1973 d.262, effective January 1, 1974. See: 5 N.J.R. 287(a), 5 N.J.R. 357(b).

Subchapter 7, Deceptive Practices Concerning Automotive Repairs and Advertising, was adopted as R.1973 d.307, effective January 1, 1974. See: 5 N.J.R. 351(b), 5 N.J.R. 390(b).

Subchapter 9, Retail Store Advertising and Marketing Practices, was adopted as R.1974 d.15, effective March 1, 1974. See: 5 N.J.R. 422(a), 6 N.J.R. 82(b).

Subchapter 10, Servicing and Repairing of Home Appliances, was adopted as R.1974 d.16, effective March 1, 1974. See: 5 N.J.R. 421(a), 6 N.J.R. 82(c).

Subchapter 12, Sale of Animals, was adopted as R.1975 d.351, effective November 20, 1975. See: 7 N.J.R. 231(b), 7 N.J.R. 571(c).

Subchapter 13, Powers to be Exercised by County and Municipal Officers of Consumer Affairs, was adopted as R.1976 d.245, effective August 3, 1976. See: 8 N.J.R. 233(b), 8 N.J.R. 439(b).

Subchapter 14, Unit Pricing of Consumer Commodities in Retail Establishments, was adopted as R.1976 d.265, effective August 23, 1976. See: 8 N.J.R. 304(a), 8 N.J.R. 439(e).

Subchapter 6, Automotive Sales Practices, was adopted as R.1979 d.392, effective October 1, 1979. See: 11 N.J.R. 386(a), 11 N.J.R. 580(e).

Subchapter 16, Home Improvement Practices, was adopted as R.1980 d.111, effective April 1, 1980. See: 11 N.J.R. 577(a), 12 N.J.R. 209(b).

Subchapter 9, Retail Store Advertising and Marketing Practices, was repealed and Subchapter 9, Merchandise Advertising, was adopted as new rules by R.1980 d.200, effective May 6, 1980. See: 12 N.J.R. 45(a), 12 N.J.R. 348(b).

Subchapter 17, Sale of Advertising in Journals Relating or Purporting to Relate to Police, Firefighting or Charitable Organizations, was adopted as R.1981 d.294, effective August 6, 1981. See: 13 N.J.R. 235(b), 13 N.J.R. 520(b).

Subchapter 15, Disclosure of Refund Policy in Retail Establishment, was adopted as R.1982 d.29, effective February 1, 1982. See: 13 N.J.R. 665(a), 14 N.J.R. 160(a).

Subchapter 21, Representations Concerning and Requirements for the Sale of Kosher Food, was adopted as R.1984 d.113, effective April 2, 1984. See: 16 N.J.R. 220(a), 16 N.J.R. 741(a).

Subchapter 20, Resale of Tickets of Admission to Places of Entertainment, was adopted as R.1984 d.196, effective May 21, 1984. See: 16 N.J.R. 417(a), 16 N.J.R. 1281(b).

Pursuant to Executive Order No. 66(1978), Subchapter 6, Deceptive Practices Concerning Automotive Practices, was readopted as R.1984 d.526, effective October 24, 1984. See: 16 N.J.R. 2349(a), 16 N.J.R. 3214(a).

Subchapter 7, Deceptive Practices Concerning Automotive Repairs and Advertising, was readopted as R.1984 d.527, effective October 24, 1984. See: 16 N.J.R. 2350(a), 16 N.J.R. 3214(b).

Pursuant to Executive Order No. 66(1978), Subchapter 16, Home Improvement Practices, expired April 1, 1985.

Pursuant to Executive Order No. 66(1978), Subchapter 9, Merchandise Advertising, was readopted as R.1985 d.256, effective April 29, 1985. See: 17 N.J.R. 678(a), 17 N.J.R. 1323(b).

Subchapter 16, Home Improvement Practices, was adopted as new rules by R.1985 d.255, effective May 20, 1985. See: 17 N.J.R. 679(a), 17 N.J.R. 1325(a).

Subchapter 23, Deceptive Practices Concerning Watercraft Repair, was adopted as R.1985 d.306, effective June 17, 1985. See: 17 N.J.R. 680(a), 17 N.J.R. 1581(a).

Subchapter 22, Inspections of Kosher Meat Dealers, Kosher Poultry Dealers, and Dealers of Kosher Food and Food Products; Records Required to be Maintained by Kosher Meat Dealers and Kosher Poultry Dealers, was adopted as R.1985 d.407, effective August 5, 1985. See: 17 N.J.R. 1241(a), 17 N.J.R. 1901(b).

Pursuant to Executive Order No. 66(1978), Subchapter 14, Unit Pricing of Consumer Commodities in Retail Establishments, expired on October 9, 1985.

Subchapter 14, Unit Pricing of Consumer Commodities in Retail Establishments, was adopted as new rules by R.1985 d.643, effective December 16, 1985. See: 17 N.J.R. 2232(b), 17 N.J.R. 2991(c).

Subchapter 2, Motor Vehicle Advertising Practices, was repealed and Subchapter 2, Motor Vehicle Advertising Practices, was adopted as new rules by R.1987 d.341, effective August 17, 1987. See: 19 N.J.R. 1056(a), 19 N.J.R. 1562(c).

Subchapter 21, Representations Concerning and Requirements for the Sale of Kosher Food, and Subchapter 22, Inspections of Kosher Meat Dealers, Kosher Poultry Dealers, and Dealers of Kosher Food and Food Products; Records Required to be Maintained by Kosher Meat Dealers and Kosher Poultry Dealers, were repealed and Subchapter 21, Sale of Kosher Products, and Subchapter 22, Inspections of Kosher Meat Dealers, Kosher Poultry Dealers, and Dealers of Kosher Food and Food Products; Records Required to be Maintained by Kosher Meat Dealers and Kosher Poultry Dealers, were adopted as new rules by R.1987 d.450, effective November 2, 1987. See: 19 N.J.R. 1060(a), 19 N.J.R. 2060(d).

CHAPTER TABLE OF CONTENTS

Subchapter 25, Sellers of Health Club Services, was adopted as R.1988 d.23, effective January 4, 1988. See: 19 N.J.R. 1967(a), 20 N.J.R. 103(a).

Subchapter 12, Sale of Animals, was repealed and Subchapter 12, Sale of Animals, was adopted as new rules by R.1988 d.271, effective June 20, 1988. See: 19 N.J.R. 853(a), 20 N.J.R. 501(b), 20 N.J.R. 1463(a).

Subchapter 25, Sellers of Health Club Services, was repealed and Subchapter 25, Sellers of Health Club Services, was adopted as new rules by R.1988 d.520, effective November 7, 1988. See: 20 N.J.R. 2036(a), 20 N.J.R. 2790(b).

Subchapter 26, Automotive Dispute Resolutions, was adopted as R.1989 d.65, effective February 6, 1989. See: 20 N.J.R. 2681(b), 21 N.J.R. 339(b).

Subchapter 2, Motor Vehicle Advertising Practices, was repealed and Subchapter 2, Motor Vehicle Advertising Practices, was adopted as new rules by R.1989 d.253, effective May 15, 1989. See: 21 N.J.R. 115(a), 21 N.J.R. 1368(a).

Subchapter 17, Sale of Advertising in Journals Relating or Purporting to Relate to Police, Firefighting or Charitable Organizations, was repealed by R.1990 d.606, effective December 17, 1990. See: 22 N.J.R. 2396(a), 22 N.J.R. 3758(a).

Subchapter 19, Petition for Rulemaking, was adopted as R.1990 d.371, effective August 6, 1990. See: 22 N.J.R. 786(a), 22 N.J.R. 2331(c).

Petition for Rulemaking. See: 22 N.J.R. 3166(b).

Pursuant to Executive Order No. 66(1978), Chapter 45A, Administrative Rules of the Division of Consumer Affairs, was readopted as R.1990 d.606, effective November 9, 1990. See: 22 N.J.R. 2396(a), 22 N.J.R. 3758(a).

Subchapter 24, Toy and Bicycle Safety, was adopted as R.1993 d.372, effective July 19, 1993. See: 24 N.J.R. 3019(b), 24 N.J.R. 3666(a), 25 N.J.R. 3235(a).

Subchapter 21, Sale of Kosher Products, and Subchapter 22, Inspections of Kosher Meat Dealers, Kosher Poultry Dealers, and Dealers of Kosher Food and Food Products; Records Required to be Maintained by Kosher Meat Dealers and Kosher Poultry Dealers, were repealed and Subchapter 21, Regulations Concerning the Sale of Food Represented as Kosher, was adopted as new rules by R.1994 d.204, effective April 18, 1994. See: 25 N.J.R. 3086(a), 26 N.J.R. 1667(a).

Pursuant to Executive Order No. 66(1978), Chapter 45A, Administrative Rules of the Division of Consumer Affairs, was readopted as R.1995 d.618, effective November 6, 1995, and Subchapter 2, Motor Vehicle Advertising Practices, Subchapter 6, Deceptive Practices Concerning Automotive Sales Practices, Subchapter 7, Deceptive Practices Concerning Automotive Repairs and Advertising, and Subchapter 8, Tire Distributors and Dealers, were recodified as Subchapter 26A, Motor Vehicle Advertising Practices, Subchapter 26B, Automotive Sales Practices, Subchapter 26C, Automotive Repairs, and Subchapter 26D, Tire Distributors and Dealers, by R.1995 d.618, effective December 4, 1995. See: 27 N.J.R. 3566(a), 27 N.J.R. 4899(b).

Subchapter 28, Motor Vehicle Leasing, was adopted as R.1996 d.129, effective March 4, 1996. See: 27 N.J.R. 4130(a), 28 N.J.R. 1394(b).

Subchapter 26E, Motorized Wheelchair Dispute Resolution, was adopted as R.1996 d.407, effective August 19, 1996. See: 28 N.J.R. 2320(a), 28 N.J.R. 3965(a).

Subchapter 26F, Unfair Trade Practices—Used Motor Vehicles—Sale and Warranty, was adopted as R.1999 d.45, effective February 1, 1999. See: 30 N.J.R. 518(a), 31 N.J.R. 446(a).

Pursuant to Executive Order No. 66(1978), Chapter 45A, Administrative Rules of the Division of Consumer Affairs, was readopted as R.2000 d.460, effective October 20, 2000. See: Source and Effective Date. See, also, section annotations.

SUBCHAPTER 1. DECEPTIVE MAIL ORDER PRACTICES

13:45A-1.1 General provisions

SUBCHAPTER 2. (RESERVED)

SUBCHAPTER 3. SALE OF MEAT AT RETAIL

13:45A-3.1 Definitions

13:45A-3.2 Labeling and advertising requirements

13:45A-3.3 Exemption for certain meats

13:45A-3.4 Exemptions for meat inspected under United States Department of Agriculture

13:45A-3.5 Name in addition to the species and primal cut

13:45A-3.6 Advertising when additional name used

13:45A-3.7 Use of United States Department of Agriculture grading terms

13:45A-3.8 Use of United States Department of Agriculture grading terms for pork

13:45A-3.9 Labeling or advertising when certain United States Department of Agriculture grading terms used

13:45A-3.10 Labeling of certain meat food products

13:45A-3.11 Fabricated steak

13:45A-3.12 Supply of meat advertised

13:45A-3.13 Frozen meat

13:45A-3.14 Violations

13:45A-3.15 Meat charts

SUBCHAPTER 4. BANNED HAZARDOUS PRODUCTS

13:45A-4.1 Unconscionable commercial practice

13:45A-4.2 Consumer product defined

13:45A-4.3 Violations

SUBCHAPTER 5. DELIVERY OF HOUSEHOLD FURNITURE AND FURNISHINGS

13:45A-5.1 Deceptive practices; generally

13:45A-5.2 Contract forms; date of order

13:45A-5.3 Contract form; delayed delivery

13:45A-5.4 Violations, sanctions

SUBCHAPTERS 6 THROUGH 8. (RESERVED)

SUBCHAPTER 9. GENERAL ADVERTISING

13:45A-9.1 Definitions

13:45A-9.2 General advertising practices

13:45A-9.3 Price reduction advertisements; merchandise advertised at a price of less than \$100.00

13:45A-9.4 Price reduction advertisements; items of merchandise specifically advertised at a price of more than \$100.00

13:45A-9.5 Price reduction advertisements; merchandise advertised as a savings of a percentage or a range of percentages

13:45A-9.6 Pricing; prohibition on fictitious pricing and methods of substantiation

13:45A-9.7 Application of regulation

13:45A-9.8 Retail discounts in scanner stores; percentage-off discounts; point-of-sale discounts; multi-tiered pricing offers; targeted discounts

SUBCHAPTER 10. SERVICING AND REPAIRING OF HOME APPLIANCES

13:45A-10.1 Definitions

13:45A-10.2 Required information

13:45A-10.3 Deceptive practices

13:45A-10.4 Exceptions

13:45A-10.5 Violations

SUBCHAPTER 11. (RESERVED)

SUBCHAPTER 12. SALE OF ANIMALS

13:45A-12.1 Definitions

ADMINISTRATIVE RULES

- 13:45A-12.2 General provisions
- 13:45A-12.3 Required practices related to the health of animals and fitness for sale and purchase

SUBCHAPTER 13. POWERS TO BE EXERCISED BY COUNTY AND MUNICIPAL OFFICERS OF CONSUMER AFFAIRS

- 13:45A-13.1 Statement of general purpose and intent
- 13:45A-13.2 Definitions
- 13:45A-13.3 General provisions
- 13:45A-13.4 Qualifications of county or municipal director
- 13:45A-13.5 Termination of authority to exercise delegated authority
- 13:45A-13.6 Delegated powers
- 13:45A-13.7 Limitations; litigation
- 13:45A-13.8 Restrictions; powers
- 13:45A-13.9 (Reserved)

SUBCHAPTER 14. UNIT PRICING OF CONSUMER COMMODITIES IN RETAIL ESTABLISHMENTS

- 13:45A-14.1 General provisions
- 13:45A-14.2 Definitions
- 13:45A-14.3 Persons and operations exempted from complying with Unit Price Disclosure Act
- 13:45A-14.4 Regulated consumer commodities and their approved units of measure
- 13:45A-14.5 Exempt consumer commodities
- 13:45A-14.6 Calculation of the numerical unit price of a regulated consumer commodity
- 13:45A-14.7 Unit price labels approved for display
- 13:45A-14.8 Unit price signs and unit price lists
- 13:45A-14.9 Unit price tags
- 13:45A-14.10 Means of disclosing unit price information
- 13:45A-14.11 Placement of unit price information on consumer commodities by nonretailers
- 13:45A-14.12 Extension of time to comply with these regulations
- 13:45A-14.13 Nonintentional technical errors
- 13:45A-14.14 Waiver of unit price requirements
- 13:45A-14.15 Penalties

SUBCHAPTER 15. DISCLOSURE OF REFUND POLICY IN RETAIL ESTABLISHMENT

- 13:45A-15.1 Definitions
- 13:45A-15.2 Unlawful practices
- 13:45A-15.3 Exemption
- 13:45A-15.4 Remedy

SUBCHAPTER 16. HOME IMPROVEMENT PRACTICES

- 13:45A-16.1 Purpose and scope
- 13:45A-16.1A Definitions
- 13:45A-16.2 Unlawful practices

SUBCHAPTER 17. HOME IMPROVEMENT CONTRACTOR REGISTRATION

- 13:45A-17.1 Purpose and scope
- 13:45A-17.2 Definitions
- 13:45A-17.3 Registration required
- 13:45A-17.4 Exemptions
- 13:45A-17.5 Initial and renewal applications
- 13:45A-17.6 Disclosure statement
- 13:45A-17.7 Duty to update information
- 13:45A-17.8 Requirement to cooperate
- 13:45A-17.9 Refusal to issue, suspension or revocation of registration; hearing; other sanctions
- 13:45A-17.10 Reinstatement of suspended registration
- 13:45A-17.11 Ownership and use of registration number; replacement and duplicate certificates
- 13:45A-17.12 Mandatory commercial general liability insurance
- 13:45A-17.13 Requirements of certain home improvement contracts
- 13:45A-17.14 Fees

SUBCHAPTER 18. PLAIN LANGUAGE REVIEW

- 13:45A-18.1 Fee for contract review

SUBCHAPTER 19. PETITION FOR RULEMAKING

- 13:45A-19.1 Petition for promulgating, amending or repealing rules

SUBCHAPTER 20. RESALE OF TICKETS OF ADMISSION TO PLACES OF ENTERTAINMENT

- 13:45A-20.1 Definitions
- 13:45A-20.1A (Reserved)
- 13:45A-20.2 Licensure
- 13:45A-20.3 Fees: new or renewal license
- 13:45A-20.4 Place of business
- 13:45A-20.5 Sale or exchange
- 13:45A-20.6 Records
- 13:45A-20.7 Advertising

SUBCHAPTER 21. REGULATIONS CONCERNING THE SALE OF FOOD REPRESENTED AS KOSHER

- 13:45A-21.1 Definitions
- 13:45A-21.2 Disclosure requirements
- 13:45A-21.3 Labeling requirements
- 13:45A-21.4 Recordkeeping requirements
- 13:45A-21.5 Filing requirements
- 13:45A-21.6 Inspections of dealers
- 13:45A-21.7 Unlawful practices
- 13:45A-21.8 Presumptions

SUBCHAPTER 22. HALAL FOOD

- 13:45A-22.1 Purpose and scope
- 13:45A-22.2 Definitions
- 13:45A-22.3 (Reserved)
- 13:45A-22.4 Oral disclosure
- 13:45A-22.5 Reliance on representation; good faith; defense
- 13:45A-22.6 Recordkeeping requirements
- 13:45A-22.7 Presumptions
- 13:45A-22.8 Inspection of dealers
- 13:45A-22.9 (Reserved)
- 13:45A-22.10 Unlawful practices

SUBCHAPTER 23. DECEPTIVE PRACTICES CONCERNING WATERCRAFT REPAIR

- 13:45A-23.1 Definitions
- 13:45A-23.2 Deceptive practices: watercraft repairs

SUBCHAPTER 24. TOY AND BICYCLE SAFETY

- 13:45A-24.1 Purpose and scope
- 13:45A-24.2 Reporting of toy-related injuries
- 13:45A-24.3 Toy recall notices
- 13:45A-24.4 Bicycle safety notices

SUBCHAPTER 25. SELLERS OF HEALTH CLUB SERVICES

- 13:45A-25.1 "Health club" defined
- 13:45A-25.2 Registration; fees
- 13:45A-25.3 Exemption from registration
- 13:45A-25.4 Exemption from security requirement
- 13:45A-25.5 Documentation of maintenance of security
- 13:45A-25.6 Violations; sanctions

SUBCHAPTER 26. AUTOMOTIVE DISPUTE RESOLUTION

- 13:45A-26.1 Purpose and scope
- 13:45A-26.2 Definitions
- 13:45A-26.3 Statements to consumer; other notices
- 13:45A-26.4 Lemon Law Unit
- 13:45A-26.5 Preliminary steps
- 13:45A-26.6 Eligibility

- 13:45A-26.7 Application
- 13:45A-26.8 Filing fee
- 13:45A-26.9 Processing of applications
- 13:45A-26.10 Notification and scheduling of hearings
- 13:45A-26.11 Computation of refund
- 13:45A-26.12 Final decision
- 13:45A-26.13 Appeals
- 13:45A-26.14 Manufacturer's reporting requirements
- 13:45A-26.15 Index of disputes

SUBCHAPTER 26A. MOTOR VEHICLE ADVERTISING PRACTICES

- 13:45A-26A.1 Scope
- 13:45A-26A.2 Application
- 13:45A-26A.3 Definitions
- 13:45A-26A.4 Bait and switch
- 13:45A-26A.5 Advertisements; mandatory disclosure requirements in all advertisements for sale
- 13:45A-26A.6 Advertisements; mandatory disclosure in advertisements for lease of a new or used motor vehicle
- 13:45A-26A.7 Unlawful advertising practices
- 13:45A-26A.8 Certain credit and installment sale advertisements
- 13:45A-26A.9 On-site disclosures
- 13:45A-26A.10 Record of transactions

SUBCHAPTER 26B. AUTOMOTIVE SALES PRACTICES

- 13:45A-26B.1 Definitions
- 13:45A-26B.2 Unlawful practices

SUBCHAPTER 26C. AUTOMOTIVE REPAIRS

- 13:45A-26C.1 Definitions
- 13:45A-26C.2 Deceptive practices; automotive repairs

SUBCHAPTER 26D. TIRE DISTRIBUTORS AND DEALERS

- 13:45A-26D.1 General provisions
- 13:45A-26D.2 Deceptive practices
- 13:45A-26D.3 Violations

SUBCHAPTER 26E. MOTORIZED WHEELCHAIR DISPUTE RESOLUTION

- 13:45A-26E.1 Purpose and scope
- 13:45A-26E.2 Definitions
- 13:45A-26E.3 Manufacturer warranty
- 13:45A-26E.4 Wheelchair Lemon Law Unit
- 13:45A-26E.5 Repair of nonconformity
- 13:45A-26E.6 Eligibility
- 13:45A-26E.7 Application
- 13:45A-26E.8 Filing fee
- 13:45A-26E.9 Processing of applications
- 13:45A-26E.10 Notification and scheduling of hearings
- 13:45A-26E.11 Computation of refund
- 13:45A-26E.12 Final decision
- 13:45A-26E.13 Appeals
- 13:45A-26E.14 Manufacturer's informal dispute resolution system
- 13:45A-26E.15 Index of disputes

SUBCHAPTER 26F. UNFAIR TRADE PRACTICES—USED MOTOR VEHICLES—SALE AND WARRANTY

- 13:45A-26F.1 Purpose and scope
- 13:45A-26F.2 Definitions
- 13:45A-26F.3 Dealer warranty; form; scope; purchaser's obligations
- 13:45A-26F.4 Waiver of warranty
- 13:45A-26F.5 Bond requirement
- 13:45A-26F.6 Administrative fee
- 13:45A-26F.7 Procedures regarding repair of material defect
- 13:45A-26F.8 Used Car Lemon Law Unit; duties; address
- 13:45A-26F.9 Procedures for resolving a complaint

- 13:45A-26F.10 Application for dispute resolution
- 13:45A-26F.11 Processing of applications
- 13:45A-26F.12 Notification of scheduling of hearings
- 13:45A-26F.13 Final decision
- 13:45A-26F.14 Computation of refund
- 13:45A-26F.15 Appeals
- 13:45A-26F.16 Dealer's informal dispute resolution procedures
- 13:45A-26F.17 Index of disputes
- 13:45A-26F.18 Violations

APPENDIX A. USED MOTOR VEHICLE LIMITED WARRANTY

APPENDIX B. "AS IS" DISCLOSURE FORM

APPENDIX C. WAIVER OF NEW JERSEY USED MOTOR VEHICLE LIMITED WARRANTY

SUBCHAPTER 27. NEW JERSEY UNIFORM PRESCRIPTION BLANKS PROGRAM

- 13:45A-27.1 Purpose and scope
- 13:45A-27.2 Definitions
- 13:45A-27.3 NJPB required for prescriptions
- 13:45A-27.4 Recordkeeping, reporting, and security requirements for licensed prescribers, healthcare facilities, and pharmacists
- 13:45A-27.5 Group practice
- 13:45A-27.6 Vendor application
- 13:45A-27.7 Manufacture and distribution by approved vendors; withdrawal or termination from NJPB program
- 13:45A-27.8 NJPB printing specifications
- 13:45A-27.9 Vendor requirements
- 13:45A-27.10 Vendor security requirements
- 13:45A-27.11 Confidentiality
- 13:45A-27.12 Enforcement
- 13:45A-27.13 Renewal of approved vendor status

SUBCHAPTER 28. MOTOR VEHICLE LEASING

- 13:45A-28.1 through 13:45A-28.7 (Reserved)
- 13:45A-28.8 Credit check of lessee; right to review contract

SUBCHAPTER 29. PROPERTY CONDITION DISCLOSURE

- 13:45A-29.1 Property Condition Disclosure Form

SUBCHAPTER 1. DECEPTIVE MAIL ORDER PRACTICES

13:45A-1.1 General provisions

(a) Without limiting any other practices which may be unlawful under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., this rule makes unlawful thereunder some specific practices in the mail order or catalog business.

(b) It is an unlawful practice in connection with the advertisement or sale of merchandise for a person conducting a mail order or catalog business to accept money through the mail or any electronic transfer medium, for merchandise ordered by mail, telephone, facsimile transmission or electronic mail and then permit six weeks to elapse without either:

1. Delivering or mailing the merchandise order; or
2. Making a full refund; or

3. Sending the consumer a letter or notice advising the consumer of the duration of an expected delay or the substitution of merchandise of equivalent or superior quality, and offering to send a refund within one week if so requested. If a proposal to substitute merchandise is made, it shall describe, in specific detail, how the substituted merchandise differs from the merchandise ordered; or

4. Sending the consumer substituted merchandise of equivalent or superior quality, together with:

i. A written notice offering, without reservation, to accept the return of the merchandise at the seller's expense within 14 days of receipt of the merchandise and, upon request, the consumer's choice of either, a refund of cash paid, including the amount of postage to return the item, or a credit; and

ii. A postage-paid letter or card on which the consumer may indicate whether he wishes the purchase price to be refunded or credited to his account within 14 days of receipt of the letter or card by the seller. The consumer's request entered on such a letter or card must be honored by the seller; and

iii. The written notice and postage-paid letter or card, as stated in (b)4i and ii above, need not be sent with the merchandise, if in lieu thereof, a statement that the seller will accept the return of the merchandise for a period of at least 14 days without reservation is printed in the catalog itself.

(c) For purposes of (b)3 and 4 above, merchandise may not be considered of "equivalent or superior quality" if it is not substantially similar to the merchandise ordered or not fit for the purposes intended, or if the seller normally offers the substituted merchandise at a price lower than the price of the merchandise ordered.

(d) Subsection (b) above does not apply:

1. To merchandise ordered pursuant to an open-end credit plan as defined in the Federal Consumer Credit Protection Act or any other credit plan pursuant to which the consumer's account was opened prior to the mail order in question, and under which the creditor may permit the customer to make purchases from time to time from the creditor or by use of a credit card; or

2. When all advertising for the merchandise contains a notice (which, in the case of printed advertising, shall be in a type size at least as large as the price) that delay may be expected of a specified period. In such cases, one of the events described in (b) above must occur no later than one week after expiration of the period specified in the advertisement; or

3. To merchandise, such as quarterly magazines, which by their nature are not produced until a future date and for that reason cannot be stocked at the time of order; or

4. To installments other than the first of merchandise, such as magazine subscriptions, ordered for serial delivery.

(e) It is an unlawful practice in connection with the advertisement or sale of merchandise for a person conducting a mail order or catalog business to fail to disclose the legal name of the company and the complete and permanent street address from which the business is actually conducted in any materials, including advertising and promotional materials, order blanks and order forms, which contain a mailing address other than the actual street address from which the business actually engages in or conducts business.

(f) The provisions of this section shall apply to any person who conducts a mail order or catalog business in or from the State of New Jersey or who advertises or sells merchandise via mail order or catalog into this State.

Amended by R.1995 d.618, effective December 4, 1995.
See: 27 N.J.R. 3566(a), 27 N.J.R. 4899(b).

Case Notes

Franchise arrangement; application of New Jersey Consumer Fraud Act. *J & R Ice Cream Corp. v. California Smoothie Licensing Corp.*, C.A.3 (N.J.)1994, 31 F.3d 1259.

Purchaser of rail cars was not a "consumer" and the car design was not "merchandise" under New Jersey Consumer Fraud Act. *R.J. Longo Const. Co., Inc. v. Transit America, Inc.*, D.N.J. 1996, 921 F.Supp. 1295.

Multi-million dollar transaction between large corporations not covered by Consumer Fraud Act. *BOC Group, Inc. v. Lummus Crest, Inc.*, 251 N.J.Super. 271, 597 A.2d 1109 (L.1990).

Action against gas company for misuse of Purchased Gas Adjustment Clause was not cognizable under the Consumer Fraud Act; Public Utilities Commission has exclusive jurisdiction over misuse of such clauses. *Daaleman v. Elizabethtown Gas Co.*, 77 N.J. 267, 390 A.2d 566 (1978).

Respondent's motion to depose the Executive Director of the Office of Consumer Protection, in furtherance of defense that inspection processes were arbitrary and capricious, denied due to lack of good cause showing that information could not be otherwise obtained. *Div. of Consumer Affairs v. Acme Markets, Inc.*, 3 N.J.A.R. 210 (1981).

SUBCHAPTER 2. (RESERVED)

SUBCHAPTER 3. SALE OF MEAT AT RETAIL

13:45A-3.1 Definitions

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

“Back ribs” means ribs derived from the rib area of pork loin.

“Bottom sirloin butt” means meat derived from the posterior portion of the loin of cattle after removal of the short loin and which is the lower portion (ventral side) of the sirloin after removal of the top sirloin butt (dorsal side) by a cut following the natural muscle seam (blue tissue).

“Club steak” means meat derived from the anterior end (rib end) of the short loin of cattle or the posterior end (loin end) of the rib. Any labeling of or advertising for “club steak” shall indicate short loin or rib, whichever is appropriate.

“Dealer” means any establishment that advertises, represents or holds itself out as selling, preparing or maintaining food as halal, including, but not limited to, persons, manufacturers, slaughterhouses, processors, wholesalers, stores, restaurants, hotels, caterers, catering facilities, butcher shops, summer camps, bakeries, delicatessens, supermarkets, grocery stores, nursing homes, freezer dealers and food plan companies. Such establishments may also deal in food not represented as halal.

“Director” means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety or the Director’s designee.

“Disclosure” means the form(s) provided by the Division and executed by a dealer for the purpose of disclosing to consumers and to the Division practices relating to the slaughter of animals, preparation, handling and sale of food represented to be halal.

“Division” means the Division of Consumer Affairs in the Department of Law and Public Safety.

“Food” means a food, food product, food ingredient, dietary supplement or beverage.

“Meat” means animal and/or poultry meat, meat products or meat byproducts.

“Person” means an individual, corporation, business trust, trust, estate, partnership, association, two or more persons having a joint or common interest or any other legal or commercial entity. When used in this subchapter, “person” shall include, but not be limited to, all retail establishments, all dealers as defined above, and all others along the chain of commerce from the time a food is produced or, in the case of meat or poultry, from the time of slaughter to the time of its sale.

“Properly sealed packages” means those packages which bear a halal symbol sealed by the manufacturer, processor or wholesaler at its premises.

“Sell” means to offer for sale, expose for sale, serve or sell, directly or indirectly.

“Wholesaler” means any person selling food to another person where that food is intended for resale.

13:45A-22.3 (Reserved)

13:45A-22.4 Oral disclosure

In establishments such as hospitals or other places where representations that food is halal are not made until after the consumer has made a request for halal food, the disclosure may be orally provided to the consumer either prior to serving the food or together with the food when served.

13:45A-22.5 Reliance on representation; good faith; defense

(a) A person subject to the requirements of N.J.A.C. 13:45A-22.3 and 22.4 shall not have committed an unlawful practice if it can be shown, by a preponderance of the evidence, that the person relied in good faith upon the representations that the food is halal made by the following:

1. A slaughterhouse;
2. A manufacturer;
3. A processor;
4. A packer; or
5. A distributor.

13:45A-22.6 Recordkeeping requirements

(a) Dealers shall keep complete and accurate records of all food purchased as halal including:

1. The name and address of the slaughterhouse, wholesaler or other source from which the food is purchased;
2. The dates of purchase;
3. The quantities of food purchased;
4. The identity or nature of food; and
5. Copies of all invoices and bills of sale.

(b) In addition to the requirements of (a) above, dealers who are slaughterhouses shall maintain a record of:

1. The source of the animals;
2. The name(s) of the person who slaughters the animals;
3. The name(s) of the responsible supervisor, if any; and
4. The method of slaughter.

(c) A dealer shall retain such records on its premises for a two-year period following the date of purchase.

13:45A-22.7 Presumptions

Possession by a dealer of any food which does not conform with the disclosure statement required by N.J.A.C. 13:45A-22.3 is presumptive evidence that the dealer possesses that food with the intent to sell it in nonconformance with the disclosure.

13:45A-22.8 Inspection of dealers

(a) Inspections of dealers and dealers’ premises shall be conducted by authorized inspectors of the Division.

(b) For purposes of conducting an inspection, an inspector shall have the right of entry to, upon and through the

business premises of any dealer which represents food as halal.

13:45A-22.9 (Reserved)

13:45A-22.10 Unlawful practices

(a) In addition to any violation of any other statutes or regulations, the following shall constitute an unlawful practice by a dealer under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq.:

1. Failure to comply with the disclosure requirements of N.J.A.C. 13:45A-22.3;
2. Failure to request a halal disclosure statement form from the Division;
3. Failure to return the completed disclosure statement within 14 calendar days of receipt;
4. Failure to conform sales practices with the posted disclosures;
5. Failure to conform posted disclosures with the disclosure filed with the Division;
6. Failure to comply with the recordkeeping requirements of N.J.A.C. 13:45A-22.6;
7. Use by any person of a recognized halal food symbol without first obtaining written authorization by the person or agency representing that symbol;
8. Failure to permit an inspector entry upon the business premises of a dealer or to interfere in any way with an inspection;
9. Failure to respond in a timely fashion to an inquiry conducted by the Division;

10. Failure to attend any scheduled proceeding as directed by the Division. In the event that a person elects to retain counsel for the purpose of representation in any such proceeding, it shall be the person's responsibility to do so in a timely fashion. The failure of a person to retain counsel, absent a showing of good cause for such failure, shall not require an adjournment of the proceeding;

11. Failure to answer any question pertinent to an inquiry made pursuant to N.J.S.A. 56:8-3, or other applicable law, unless the response is subject to a bona fide claim of privilege; or

12. Failure to make a proper and timely response by way of appearance and/or production of documents to any subpoena issued pursuant to N.J.S.A. 56:8-3 or as otherwise may be provided by law.

**SUBCHAPTER 23. DECEPTIVE PRACTICES
CONCERNING WATERCRAFT REPAIR**

13:45A-23.1 Definitions

“Customer” means the owner, or any family member, employee or any other person whose use of the watercraft is authorized by the owner.

“Director” means the Director of the Division of Consumer Affairs.

“Repair of watercraft” means all maintenance and repair to such watercraft, its engine or motor, but excluding lubrication, oil changes, installing light bulbs, and other such minor accessories and services. No service or accessory to be installed shall be excluded for purpose of this rule if the Director determines that the performance of the service or the installation of an accessory requires mechanical expertise has given rise to a high incidence of fraud or deceptive practices or involves a part of such watercraft essential to its safe operation.