

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Subchapter 5, Sales of Precious Metals, was repealed, and Subchapter 6, Requirements for Security Bond Required by Transient Buyers of Precious Metals, was adopted by R.1982 d.96, effective April 5, 1982.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as R.1994 d.330, effective June 6, 1994, and Subchapter 4, Industry Standard; New Jersey Atlantic White Cedar, was repealed by R.1994 d.330, effective July 5, 1994.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, when 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, endorsement 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.

“Dry tare” means the unused dry tare and used dry tare methods of net weight inspection.

“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.

“Unused dry tare” means all unused packaging materials, including such materials as glue, labels, and ties, that contain or enclose a product and includes prizes, gifts, coupons, or decorations that are not part of the product.

“Used dry tare” or “dried used tare” means used packaging material that has been air dried or dried in some manner to simulate the unused tare weight, including all packaging materials that can be separated from the packaged product either readily or by washing, scraping, ambient air drying, or other techniques involving more than normal household recovery procedures, but not including laboratory procedures like oven drying.

“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”.

Amended by R.2004 d.314, effective August 16, 2004.

See: 36 N.J.R. 916(a), 36 N.J.R. 3884(b).

Added “Dry tare”, “Unused dry tare”, “Used dry tare”.

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.

(f) Persons conducting net weight inspections of meat, poultry or fish shall use dry tare. Packages of meat, poultry and fish shall be tested for net weight content as follows:

1. For packages of meat and poultry that bear a United States Department of Agriculture (USDA) inspection seal, used dry tare (or dried used tare) shall be used as the method of tare determination.

2. For packages that do not bear the USDA seal of inspection, unused dry tare shall be used when available at the place of sale. If unused dry tare is not available, then used dry tare (or dried used tare) shall be used as the method of tare determination.

3. When testing packages of fresh or unfrozen fish, unused dry tare shall be used if available at the place of sale. If unused dry tare is not available, then used dry tare (or dried used tare) shall be used as the method of tare determination.

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.

Amended by R.2004 d.314, effective August 16, 2004.

See: 36 N.J.R. 916(a), 36 N.J.R. 3884(b).

Added (f).

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 avoirdupois 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.

(f) Delivery ticket or sale invoice: A serialized delivery ticket or invoice shall accompany all shipments of non-packaged cordwood, firewood, fireplace, stove wood or whole logs when in transit between seller and buyer. The delivery ticket or sales invoice shall be issued by the seller to the purchaser at time of delivery. All such delivery tickets and sale invoices shall be subject to inspection by any weights and measures officer while in transit.

1. The delivery ticket or sales invoice shall contain at least the following information:

- i. The legal name and address of the vendor;
- ii. The name and address of the purchaser;
- iii. The date delivered;
- iv. The quantity delivered and the quantity upon which the price is based, if this differs from the delivery quantity;
- v. The price of the amount delivered;
- vi. The identity of the most descriptive terms commercially practicable, including any quality representation made in connection with the sale;
- vii. The serial number of the delivery ticket or invoice.

2. Any person issuing or directing the issuance of, or possessing a delivery ticket or sales invoice showing a different species, quantity or quality other than the species, quantity or quality of the cordwood, firewood, fireplace, stove wood or whole logs being delivered shall be subject to a penalty for a violation of this chapter.

3. A copy of all delivery tickets and sale invoices shall be retained by the seller, or vendor for a period of at least six months and shall be subject to inspection, at the seller or vendor's place of business, during normal business hours, by any weights and measures officer.

(g) Reweighing or remeasuring: All cordwood, firewood, fireplace, stove wood, whole logs, as defined by this chapter, will be subject to inspection, when in transit, at the time of delivery or at any reasonable time following delivery, by any weights and measures officer pursuant to N.J.S.A. 51:1-88.

Amended by R.1980 d.421, effective September 30, 1980.
See: 12 N.J.R. 550(a), 12 N.J.R. 672(a).

Section substantially amended.

Amended by R.1984 d.373, effective August 20, 1984.
See: 16 N.J.R. 1031(a), 16 N.J.R. 2289(a).

Section substantially amended.

13:47C-3.2 Holiday decorating materials

(a) All decorating materials intended for use during the holiday seasons and constituting various forms of natural vegetation normally made or manufactured into rope form, such as laurel rope and robinhood rope and so forth, and distributed in bundles, shall be offered for sale or sold on the basis of linear measurement only.

(b) To each bundle there shall be affixed a tag on which is plainly and conspicuously marked the name and address of the marker of such rope decorations, together with a declaration of the quantity of contents of the bundle in terms of linear measurement.

13:47C-3.3 Wiping materials

All wiping materials shall be sold by net weight, and when put up in bales, cartons or other containers, the net quantity of the contents in terms of net weight shall be plainly and conspicuously marked on the outside of the package together with the name and address of the packer or distributor.

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).

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

13:47C-3.4 Advertising of building materials and paneling

(a) This section is adopted pursuant to the specific authority of N.J.S.A. 51:4-31 and is intended to implement and supplement the provisions of Title 51 Article 3 entitled Lumber and Lumber Products.

(b) No dealer, equipped or unequipped, shall offer, expose for sale or both offer and expose for sale, by the use of any advertising media or means, any building materials to consumers in the State of New Jersey unless the size, grade and species of each such untreated building material and the size, grade, species, the preservative used in treatment, the amount of preservative retention expressed as pound per cubic foot and maximum or worst exposure conditions to which the treated wood should be subjected is clearly contained in said advertising. All prefix and/or suffix adjectives about the grade and species of the building materials shall be limited to a statement of both the grade and species in accordance with the applicable commercial standards of the United States Department of Commerce, the grading rules of approved grading rules writing agency or other industry standards as are accepted by the Superintendent.

(c) No dealer, equipped or unequipped, shall offer, expose for sale or both offer and expose for sale, by the use of any advertising media or means, any paneling, to consumers in the State of New Jersey, unless said advertising is in compliance, in all respects, with the United States Federal Trade Commission "Guides For The Decorative Paneling Industry", promulgated December 15, 1971, and effective December 15, 1972, and all supplements and amendments thereto that may be adopted by the Federal Trade Commission or by the Superintendent.

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

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

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-3.5 Penalties

(a) Any violation of or noncompliance with the provisions of this subchapter, with the exception of N.J.A.C. 13:47C-3.4 (Advertising of building materials and paneling), shall subject the violator to a penalty of not less than \$100.00 as authorized by N.J.S.A. 51:1-89.

1. Each package in violation shall be deemed a separate violation as required by N.J.S.A. 51:1-100.

(b) Any violation or noncompliance with provisions of N.J.A.C. 13:47C-3.4 shall subject the violator to a penalty of not less than \$50.00 nor more than \$100.00 for the first offense, not less than \$100.00 nor more than \$250.00 for the second offense, and not less than \$250.00 nor more than \$500.00 for each subsequent offense, as authorized by N.J.S.A. 51:4-38.

R.1979 d.251, effective June 20, 1979.
Sec: 11 N.J.R. 256(a), 11 N.J.R. 400(b).

13:47C-3.6 Standard for treated lumber

(a) All preservatives, commodities, analysis methods, miscellaneous standards, conversion factors and correction tables for treated lumber so contained in the "Book of Standards" published by the American Wood Preservers Association (AWPA), P.O. Box 286, Woodstock, Maryland 21163, together with all amendments and supplements thereto, are hereby adopted by reference as the legal requirements for treated lumber sold, sold and delivered, offered or advertised for sale to consumers as building materials in the State of New Jersey.

(b) Treated lumber sold, sold and delivered, offered or advertised for sale to consumers as building materials in the State of New Jersey, except for lumber which has been treated for "Above ground use only" or which has not been treated in compliance with the "Book of Standards," published by the American Wood Preservers Association, together with all amendments and supplements thereto, or equivalent standards, as are accepted by the State Superintendent of Weights and Measures, shall in addition to being graded, measured and labeled in accordance with the requirements of N.J.S.A. 51:4-27 bear legible treatment marks that contain the following minimum information:

1. The year of treatment;
2. The treater's trademark, if any;
3. The preservative used in treatment;
4. The applicable AWPA or equivalent standard;
5. The maximum or worst exposure conditions to which the treated wood should be subjected;
6. Treating company name and plant location; and
7. The amount of retention of preservative in the treated lumber expressed as pound(s) per cubic foot.

(c) Hardwoods listed in the National Hardwood Lumber Association Rule Book which are treated in accordance with the provisions of (a) above need only carry treatment marks containing the information prescribed by (b) above.

(d) Any treated lumber product which has been treated for "Above Ground use only" or which has not been treated in compliance with the "Book of Standards," published by the American Wood Preservers Association, together with all amendments and supplements thereto, or equivalent standards, as are accepted by the State Superintendent of Weights and Measures, which is sold and delivered, offered or advertised for sale to consumers by use of any media exclusively for landscaping or gardening purposes need not be grademarked but must be labeled with the following minimum information:

1. The year of treatment;
2. The treater's trademark, if any;
3. The preservative used in treatment;
4. The words "Non AWPA standard";
5. The words "Above ground use only"; and
6. The name and address of the treating company or plant.

(e) The exemption listed above in (c) and (d) above from the grademarking requirements pertain only to those treated lumber products specifically enumerated within the subsections. All other treated lumber products, and building materials as defined in N.J.S.A. 51:4-23, must fully comply with all provisions of law.

(f) Any violation of or noncompliance with the provisions of this regulation shall subject the violator to the penalties set forth in N.J.S.A. 51:4-38.

R.1984 d.5, effective February 6, 1984.
Sec: 15 N.J.R. 1835(a), 16 N.J.R. 249(b).
Amended by R.1985 d.645, effective December 16, 1985.
Sec: 17 N.J.R. 2234(b), 17 N.J.R. 2993(c).
Old (d) deleted and (d)-(i) inserted.
Amended by R.1994 d.330, effective July 5, 1994.
Sec: 26 N.J.R. 1761(a), 26 N.J.R. 2796(b).

SUBCHAPTERS 4 THROUGH 5. (RESERVED)

**SUBCHAPTER 6. REQUIREMENTS FOR
SECURITY BOND REQUIRED BY
TRANSIENT BUYERS OF PRECIOUS
METALS**
13:47C-6.1 Definitions

"Bond": The bond shall be approved as to form and sufficiency by the State Superintendent, shall be given to the State Superintendent in his official capacity and shall be conditioned for the faithful compliance by the precious metals transient buyer with all of the provisions of P.L. 1981, Chapter 96 and for the payment of all amounts due to sellers of precious metals during the period the bond is in force.

“Cancellation notice”: In accordance with the provisions of P.L. 1981, Chapter 96 Section 1 (i), no bond shall be cancelled for any cause unless Notice of Intention to cancel is filed 30 days before with the State Superintendent. The bond must contain such a provision.

“Notice of withdrawal”: No monies or securities shall be withdrawn from the State Superintendent unless Notice of Intention to withdraw is given to the State Superintendent 30 days before such withdrawal.

“Precious metals” means gold, silver, platinum, palladium, and alloys thereof.

“Precious metals transient buyer bond”: All precious metals transient buyers shall file with the State Superintendent a good and sufficient surety bond, executed by a surety company authorized to transact business in this State in a sum of not less than \$5,000.

“State Superintendent” means the State Superintendent of the Office of Weights and Measures in the Division of Consumer Affairs, Department of Law and Public Safety for the State of New Jersey.

“Transient buyer” means a buyer of precious metals as provided for in P.L. 1981, Chapter 96 N.J.S.A. (RS 51:6 et al.) who has not been in the retail business continuously for at least six months at the address in the municipality where he is required to register or who intends to close out or discontinue all retail business in the municipality within six months.

13:47C-6.2 Notice of Intention

After the Notice of Intention is filed with the State Superintendent, the transient buyer shall make no further purchases of precious metals in this State.

13:47C-6.3 Claims

(a) Each customer (seller of precious metals) having a claim against a transient buyer shall file a verified claim in writing with the State Superintendent within 60 days. Failure to file within 60 days shall nullify the claim.

(b) If a customer has reduced his claim to a judgement, the judgement shall be presumptive proof of the amount due him.

(c) When the customer is the prevailing party and the surety shall not make payment of the amount decided, the State Superintendent shall bring an action at law to recover the amount necessary to satisfy the claim.

(d) The State Superintendent shall make distribution thereof to the claimants in accordance with the amounts determined to be due thereon, and if the bond is less than the total amount of awarded claims, distribution shall be made ratably to the claimants according to said amounts.

(e) Claims not filed with the bonding period or within 60 days of the termination of the bond shall not be received, acted upon or paid.