

CHAPTER 48

GENERAL PROVISIONS

Authority

N.J.S.A. 4:12A-1 et seq., specifically 4:12A-7 and 20.

Source and Effective Date

R.1995 d. 454, effective July 28, 1995.
See: 27 N.J.R. 2033(b), 27 N.J.R. 3155(b).

Executive Order 66(1978) Expiration Date

Chapter 48, General Provisions, expires July 28, 2000.

Chapter Historical Note

This chapter became effective prior to September 1, 1969.

1971 Revisions: Section 3.2 became effective July 30, 1971 as R.1971 d.130. See: 3 N.J.R. 174(c), 7 N.J.R. 190(c).

1975 Revisions: Amendments became effective April 1, 1975 as R.1975 d.82. See: 7 N.J.R. 90(a), 7 N.J.R. 190(c).

1976 Revisions: Subchapter 3 was recodified from Subchapter 6, November 15, 1976.

1977 Revisions: Amendments became effective January 1, 1977 as R.1976 d.359. See: 8 N.J.R. 450(b), 8 N.J.R. 542(c). Further amendments became effective September 30, 1977 as R.1977 d.366. See: 9 N.J.R. 402(b), 9 N.J.R. 502(a).

1978 Revisions: Amendments to section 2.1 became effective February 21, 1978 as R.1978 d.57. See: 9 N.J.R. 110(a), 10 N.J.R. 92(a).

1980 Revisions: Subchapter 5 became effective December 2, 1980 as R.1980 d.519. See: 12 N.J.R. 627(a), 13 N.J.R. 6(a).

1981 Revisions: Amendments to section 5.1 became effective June 4, 1981 as R.1981 d.166. See: 13 N.J.R. 181(b), 13 N.J.R. 318(b).

1985 Revisions: The chapter was readopted pursuant to Executive Order 66(1978) effective November 27, 1985 as R.1985 d.649. See: 17 N.J.R. 2486(a), 18 N.J.R. 77(a).

1986 Revisions: Section 5.3 and 5.4 became effective January 6, 1986 as R.1985 d.649. See: 17 N.J.R. 2486(a), 18 N.J.R. 77(a).

1988 Revisions: Subchapter 3 "Sales of milk in new container size" was repealed effective August 15, 1988 as R.1988 d.385. See: 20 N.J.R. 1129(a), 20 N.J.R. 2052(b).

1990 Revisions: Chapter 48, General Provisions, was readopted pursuant to Executive Order No. 66(1978) by R.1990 d.572, effective December 3, 1990. See: 22 N.J.R. 2625(a), 22 N.J.R. 3619(a). The readoption included the recodification of Subchapter 4 to Subchapter 3 and Subchapter 5 to Subchapter 4 and the repeal of N.J.A.C. 2:48-5.1, coupons on milk containers restricted. Subsequent amendments were as follows:

SUBCHAPTER 5. RESTRICTIONS ON THE USE OF COUPONS IN MILK PROMOTION

- 2:48-5.1 Coupons on milk containers restricted
Amended by R.1981 d.166, effective June 4, 1981.
See: 13 N.J.R. 181(b), 13 N.J.R. 381(b)
(a)2 deleted and (a)3 renumbered as (a)2.

Chapter 2:48 was readopted as R.1995 d. 454, effective July 28, 1995.
See: Source and Effective Date.

See section annotations for specific rulemaking activity.

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SUBCHAPTER 1. MARKETING AREAS

2:48-1.1 Marketing areas defined

(a) The milk marketing areas in the State of New Jersey shall be and hereby are defined as follows.

1. Area one shall include those areas of New Jersey included in the joint State-Federal milk marketing order designated as order number 2:

i. The counties of Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean (except the boroughs of Barnegat Light, Beach Haven, Harvey Cedars, Ship Bottom, Surf City and Tuckerton, and the townships of Eagleswood, Lacey, Little Egg Harbor, Long Beach, Ocean, Stafford and Union), Passaic, Somerset, Sussex, Union and Warren;

2. Area two shall include those areas in New Jersey included in the joint State-Federal milk marketing order designated as order number 4:

i. The counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, (in Ocean County the boroughs of Barnegat Light, Beach Haven, Harvey Cedars, Ship Bottom, Surf City and Tuckerton, and the townships of Eagleswood, Lacey, Little Egg Harbor, Long Beach, Ocean, Stafford and Union) and Salem.

SUBCHAPTER 2. PROHIBITION OF FALSE, MISLEADING OR UNFAIR ADVERTISEMENTS OF MILK AND MILK PRODUCTS

2:48-2.1 Advertising of milk and milk products

(a) It shall be an unfair trade practice and unlawful for any licensee of the Division of Dairy Industry to directly or indirectly publish, promulgate, or distribute any false, misleading, or unfair advertisements through any form of advertising medium, or to make any misrepresentation which has the effect of deceiving, defrauding, or confusing consumers pertaining to the quality of his milk and milk products or the quality of the product of any other licensee.

(b) Any licensee offering milk products for sale to consumers in this State shall not represent such products as being milk unless such product meets the standards for milk as defined in the laws governing the production, handling and distribution of milk, cream and milk products in the State of New Jersey (see N.J.S.A. 24:10-57.1 et seq., as amended, and N.J.A.C. 8:21-10).

(c) Advertising copy (including lettering of all sizes and kinds) designed to induce customers to purchase milk or milk products shall include the product name shown on the label of the milk products container and if such term includes the word "milk", it shall not be any larger or of a different color than the other parts of the product name.

(d) Milk products referred to in this regulation shall mean those milk products defined in N.J.S.A. 24:10-57.1 et seq. and N.J.A.C. 8:21-10.

As amended, R.1978 d.57, eff. February 21, 1978.
See: 9 N.J.R. 110(a), 10 N.J.R. 92(a).
Amended by R.1990 d.572, effective December 3, 1990.
See: 22 N.J.R. 2625(a), 22 N.J.R. 3619(a).
Stylistic correction to cites.

SUBCHAPTER 3. REPORTS

2:48-3.1 Confidentiality of reports by dealers, processors, subdealers and stores

(a) All records and reports of dealers, processors, subdealers and stores containing commercial or financial information of a sort not customarily disclosed to the public and which disclosure would be likely to result in placing the person submitting the information at a competitive disadvantage shall be deemed to be confidential and not subject to review or reproduction under the provisions of N.J.S.A. 47:1A-1 et seq. (chapter 73, P.L. 1963).

(b) The confidential reports and records referred to herein include, but shall not be limited to, financial data submitted in support of license applications, records and reports of purchases and sales of milk and milk products, prices at which such products are sold, the cost of processing and distributing such milk and milk products, audit work papers and audit reports, and any list of accounts served.

R.1977 d.366, eff. September 30, 1977.
See: 9 N.J.R. 402(b), 9 N.J.R. 502(a).
Recodified from N.J.A.C. 2:48-4.1 by R.1990 d.572, effective December 3, 1990.
See: 22 N.J.R. 2625(a), 22 N.J.R. 3619(a).

SUBCHAPTER 4. RESTRICTIONS ON THE USE OF COUPONS IN MILK PROMOTION

2:48-4.1 Coupons for milk restricted

(a) It shall be unlawful and a violation of these regulations for any licensee directly or indirectly through an entity associated in any way with the licensee to print or cause to be printed any "cents off" or "refund" coupon in any newspaper or other advertising media (including the milk container) which is redeemable either directly or indirectly through a third party by the consumer upon his purchase of any milk or fluid milk product, the result of which is to sell such product below cost as defined in rules of the Division, specifically N.J.A.C. 2:52-7 and N.J.A.C. 2:53-6.

Amended by R.1990 d.572, effective December 3, 1990.
See: 22 N.J.R. 2625(a), 22 N.J.R. 3619(a).
Recodified from N.J.A.C. 2:48-5.2 and (b) was repealed which required the notification to Director before licensee instituted "cents off" or "refund" couponing.

2:48-4.2 Unlimited use of coupons by National Dairy Promotion Board permitted

(a) It shall be lawful for the National Dairy Promotion Board of any state dairy promotion council to offer "cents off" or "refund" coupons on milk containers or any other medium for the promotion of dairy products including fluid milk, if the following conditions are met:

1. The cost of the coupon and the redemption thereof is borne entirely by the promotional organizations; and
2. The coupons are offered without limitations on all milk sold in the State of New Jersey.

New Rule, R.1985 d.649, effective January 6, 1986.
See: 17 N.J.R. 2486(a), 18 N.J.R. 77(a).
Recodified from N.J.A.C. 2:48-5.3 by R.1990 d.572, effective December 3, 1990.
See: 22 N.J.R. 2625(a), 22 N.J.R. 3619(a).

2:48-4.3 Unlimited use of coupons in restaurant promotions permitted

It shall be lawful for any promotional organization or milk processing dealer to enter into promotional arrangements with restaurant owners where coupons are used for promoting the sale of fluid milk or fluid milk products for consumption on the premises.