

ASSEMBLY, No. 2665

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MAY 13, 2010

Sponsored by:

Assemblywoman CELESTE M. RILEY
District 3 (Salem, Cumberland and Gloucester)

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SYNOPSIS

Clarifies law concerning labeling of farm products; increases penalties for violations and false labeling and identification of “Jersey Fresh” and Department of Agriculture designated brands; repeals R.S.4:10-15.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/26/2010)

A2665 RILEY

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1 AN ACT concerning misuse of labeling on farm products, and
2 amending various sections of statutory law, and repealing
3 R.S.4:10-15.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. R.S.4:10-5 is amended to read as follows:

9 4:10-5. No person shall use the outline of this State on packages
10 or devices containing farm products unless **[he]** the person is
11 licensed by the department so to do.

12 Upon application for such a license and upon being satisfied that
13 any farm products to be sold by the applicant conform to official
14 standards promulgated by the department, the department may issue
15 a license in the name of the State, permitting the person to use the
16 outline on any such package or device.

17 The form of the application and the license shall be determined
18 by the department.

19 The license may be revoked by the department at any time for
20 good cause shown after notice and an opportunity to be heard and
21 subject to the right of appeal to the State board.

22 A person who shall violate the provisions of this section shall be
23 liable to a penalty of **[fifty dollars (\$50.00)]** \$100, to be
24 **[recovered in a civil action by and in the name of the department,**
25 **which penalty when recovered shall be]** collected in a civil action
26 in a summary proceeding pursuant to the "Penalty Enforcement
27 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) and paid [into]
28 to the [State treasury.] General Fund. The Superior Court and the
29 municipal court shall have jurisdiction to enforce the provisions of
30 the "Penalty Enforcement Law of 1999" in connection with this
31 section. Each package or device improperly labeled in violation of
32 this section shall constitute a separate violation.

33 (cf: P.L.1953, c.5, s.20)

34
35 2. R.S.4:10-9 is amended to read as follows:

36 4:10-9. All fees and other moneys collected under this chapter
37 by the secretary and the employees or agents of the department,
38 shall be paid into the **[state treasury]** General Fund, and shall be
39 appropriated for the use of the department in carrying out the
40 provisions of this chapter when authorized by any appropriation act.
41 (cf: R.S.4:10-9)

42
43 3. Section 1 of P.L.1956, c.88 (C.4:10-13.1) is amended to read
44 as follows:

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 1. No person shall designate, display any sign designating, or
2 advertise any business as a "farmers' market," "farmers' auction
3 market," or use words in connection therewith the general import
4 of which would indicate or tend to indicate to the public at large
5 that farm products as defined in [section] R.S.4:10-1 [of the
6 Revised Statutes] are dealt with therein, unless such farm products
7 are the principal commodities displayed and offered for sale or sold
8 in the operation of such business.

9 (cf: P.L.1956, c.88, s.1)

10
11 4. R.S.4:10-14 is amended to read as follows:

12 4:10-14. a. A person who shall:

13 [a. Violate] (1) except as provided for pursuant to subsection b.
14 of this section, violate any provision of this chapter or [the] any
15 rules or regulations [made under this chapter for carrying out]
16 adopted pursuant thereto to implement any such provision;

17 [b. Fail] (2) fail to comply with any requirement of this chapter;

18 [c. With] (3) with intent to deceive, answer or report falsely in
19 response to any requirement of this chapter; or

20 [d. Willfully] (4) knowingly interfere with the secretary, or the
21 employees or agents of the department, in the performance of duties
22 prescribed by this chapter--

23 Shall for the first offense be liable to a penalty of not more than
24 [fifty dollars (\$50.00)] \$100, and for any subsequent offense be
25 liable to a penalty of not more than [one hundred dollars
26 (\$100.00)] \$200, to be [sued for and recovered in a civil action by,
27 and in the name of, the department; except that the provisions of
28 this section shall not apply to violations of section 4:10-5 of this
29 Title] collected in a civil action in a summary proceeding pursuant
30 to the "Penalty Enforcement Law of 1999," P.L.1999, c.274
31 (C.2A:58-10 et seq.). The Superior Court and the municipal court
32 shall have jurisdiction to enforce the provisions of the "Penalty
33 Enforcement Law of 1999" in connection with this section. The
34 penalty when recovered shall be paid [into the State treasury.] to
35 the General Fund. Whenever a violation of this section involves
36 false, misleading, or improper labeling of farm products, each
37 package shall constitute a separate violation.

38 b. The provisions of subsection a. of this section shall not apply
39 to violations of R.S.4:10-5, or any rules or regulations adopted
40 pursuant thereto.

41 (cf: P.L.1953, c.5, s.21)

42
43 5. Section 6 of P.L.1939, c.136 (C.4:10-21) is amended to read
44 as follows:

45 6. The Secretary of Agriculture shall cause to be printed labels
46 bearing a State brand in sufficient quantities to meet the demand
47 therefor and may sell such labels at a price to be fixed by the

A2665 RILEY

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1 Secretary of Agriculture. As an alternative method, the Secretary of
2 Agriculture may, in accordance with rules and regulations
3 ~~【promulgated】~~ adopted by ~~【him】~~ the department, rent dies or cuts
4 of the State brand to persons or organizations desiring to
5 manufacture their own labels for use on fresh or processed farm
6 products owned and packed by them, at a price to be fixed by the
7 Secretary of Agriculture. When a brand bearing the outline of the
8 map of the State is desired to be used, the applicant shall secure a
9 license ~~【to】~~ for its use ~~【same】~~ as provided in ~~【section】~~ R.S.4:10-5
10 ~~【of the Revised Statutes】~~.

11 (cf: P.L.1939, c.136, s.6)

12

13 6. Section 10 of P.L.1939, c.136 (C.4:10-25) is amended to read
14 as follows:

15 10. The Secretary of Agriculture shall have the power, by
16 injunction or otherwise, to restrain any person or organization using
17 or attempting to use any State brand or the use of the outline of the
18 State, except in accordance with the provisions of ~~【this act】~~
19 R.S.4:10-5 or P.L.1939, c.136 (C.4:10-16 et seq.).

20 (cf: P.L.1939, c.136, s.10)

21

22 7. R.S.4:10-15 is hereby repealed.

23

24 8. This act shall take effect immediately.

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STATEMENT

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29 This bill doubles the penalties for misuse of the outline of the
30 State on packaging of farm products and other violation of chapter
31 10 of Title 4 of the Revised Statutes, the law concerning labeling
32 and identification of farm products and Department of Agriculture
33 designated brands. These brands include “Jersey Fresh.” The bill
34 also clarifies that, concerning violations that involve the labeling of
35 farm products, each improperly labeled package would constitute a
36 separate violation.