

# SENATE, No. 410

## STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Senator JOSEPH PENNACCHIO**

**District 26 (Essex, Morris and Passaic)**

**Senator ANTHONY R. BUCCO**

**District 25 (Morris and Somerset)**

**Co-Sponsored by:**

**Senator Oroho**

**SYNOPSIS**

Concerns baked goods sold at farm markets.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning baked goods sold at farm markets and  
2 amending R.S.51:1-17.

3

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

6

7 1. R.S.51:1-17 is amended to read as follows:

8 51:1-17. All articles of food, other than liquids, which are  
9 capable of being measured **[by dry capacity measure and which**  
10 **heretofore have been]** and are sold by dry capacity measure in this  
11 State shall, except as hereinafter provided, be offered for sale or  
12 sold upon the basis of avoirdupois net weight or by numerical count  
13 only, and it shall be unlawful for anyone to use or employ any dry  
14 capacity measure, basket, barrel or container of any kind as a means  
15 of determining the amounts or quantities of **[any such]** the articles  
16 of food offered for sale or sold. The provisions of this section shall  
17 not be construed to apply to:

18 a. Fruits and vegetables offered for sale or sold in closed or  
19 covered standard containers; **[or]**

20 b. Articles of food offered for sale **[by bona fide farmers in any**  
21 **farmers' public]** at a farm market, **[in open or uncovered standard**  
22 **containers,]** which articles may be transferred to a bag or other  
23 suitable receptacle when **[such]** the transfer is agreeable to **[,]** and  
24 made in the presence of **[,]** the buyer, by (1) bona fide farmers in  
25 open or uncovered standard containers, or (2) producers of baked  
26 goods in covered or wrapped containers for health or sanitation  
27 purposes; **[or]**

28 c. Vegetables which by common custom are offered for sale or  
29 sold by the bunch; or

30 d. Fresh berries and other small fruits, which are customarily  
31 offered for sale and sold by the box, basket or other receptacle,  
32 except, however, when **[such]** the fresh berries and other small  
33 fruits are offered for sale or sold in bulk, in which case the  
34 provisions of this section shall apply to the extent that **[such]** the  
35 fresh berries and other small fruits shall be offered for sale and sold  
36 by avoirdupois net weight only, but all fresh berries and **[such]**  
37 other small fruits **[, when offered for sale or sold]** shall be **[so]**  
38 offered for sale or sold in boxes, baskets or receptacles of uniform  
39 size to hold one quart or one pint dry measure only, uniformly and  
40 evenly filled throughout.

41 As used in this section:

42 “Bona fide farmers” means agriculturists or growers of fruits and  
43 vegetables who actually produce the commodities they sell and who

**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 are registered with the Department of Agriculture or a county agent  
2 or board of agriculture.

3 “Dry capacity measure” means only bushel, half-bushel, peck,  
4 half-peck, quarter-peck, quart, pint, half-pint, and similar measures.

5 “Producer” includes a baker of freshly baked or made products,  
6 including, but not limited to, cakes, cookies, desserts, muffins,  
7 pastries, pies, treats, or other baked goods, excluding bread.

8 “Standard container” means only barrels, boxes, baskets,  
9 hampers or similar containers, the dimensions or capacity of which  
10 is established by law of this State or by Act of Congress, and upon  
11 which is plainly and conspicuously marked the net quantity of  
12 contents thereof in terms of weight, measure or numerical count.

13 **【“Bona fide farmers” means agriculturists or growers of fruits**  
14 **and vegetables who actually produce the commodities they sell and**  
15 **who are registered as such either with the State Department of**  
16 **Agriculture or with any county agent or board of agriculture.】**

17 Any person violating any of the provisions of this section shall,  
18 for the first offense, be liable to a penalty of not less than **【\$50.00**  
19 **nor】** \$50 or more than **【\$100.00】** \$100, for a second offense to a  
20 penalty of not less than **【\$100.00 nor】** \$100 or more than  
21 **【\$250.00】** \$250, and for each subsequent offense to a penalty of not  
22 less than **【\$250.00 nor】** \$250 or more than **【\$500.00】** \$500.

23 (cf: P.L.1977, c.201, s.1)

24

25 2. This act shall take effect immediately.

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## STATEMENT

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30 This bill allows producers to sell their freshly-baked products at  
31 farm markets in wrapped or covered containers, for sanitation  
32 purposes, without being weighed.

33 Under current law, all articles of food which are capable of being  
34 measured and sold by dry capacity measure are based on the  
35 avoirdupois net weight or numerical count only and sold  
36 accordingly. An exception to this measurement requirement is  
37 articles of food offered for sale by bona fide farmers at a farm  
38 market, but only if the food is in open or uncovered standard  
39 containers. This requirement puts producers of baked goods, such  
40 as “Baked with Jersey Fresh” and “Made with Jersey Fresh”  
41 products, who sell their products at farm markets at a disadvantage,  
42 because they are required to weigh their hand-crafted products,  
43 unlike their counterparts in retail shops and local bakeries.