

ASSEMBLY, No. 1748

STATE OF NEW JERSEY

INTRODUCED MARCH 25, 1996

By Assemblymen IMPREVEDUTO and MORAN

1 AN ACT concerning certain advertisements of merchandise and
2 supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

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

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7 1. a. It shall be an unlawful practice for any person to advertise in
8 writing merchandise for sale offering any guarantee, including a best
9 price guarantee, if the size of the print for any exception to the
10 guarantee is smaller than the print used for the guarantee or if any
11 exception is not incorporated in the main body of the advertisement.

12 b. In addition to any other penalties provided pursuant to
13 P.L.1960, c.39 (C.56:8-1 et seq.), the penalty for violating the
14 provisions of this section shall be a monetary penalty equal to three
15 times the retail price of item of merchandise advertised. In all actions
16 under this section, a court of competent jurisdiction shall also award
17 reasonable attorneys' fees, filing fees and reasonable costs of suit.

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19 2. This act shall take effect on the 60th day following enactment.

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STATEMENT

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24 This bill provides that it is an unlawful practice under the consumer
25 fraud law, P.L.1960, c.39 (C.56:8-1 et seq.), for any person to
26 advertise in writing merchandise for sale offering any guarantee,
27 including a best price guarantee, if the size of the print for any
28 exception to the guarantee is smaller than the print used for the
29 guarantee or if any exception is not incorporated in the main body of
30 the advertisement.

31 Violators are subject to the penalties set forth in the consumer fraud
32 law. These penalties may include a fine of no more than \$7,500 for a
33 first offense and no more than \$15,000 for any subsequent offense. In
34 addition, the Attorney General is authorized to seek and obtain in a
35 summary action an injunction prohibiting any violator from continuing
36 to engage in the unlawful practice. In addition, the bill stipulates that
37 any person violating its provisions shall also be liable for a monetary

1 penalty equal to three times the retail price of the item of merchandise
2 advertised.

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7 Prohibits certain deceptive written advertising concerning merchandise

8 offered with a guarantee.