

SENATE, No. 4128

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 8, 2021

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Co-Sponsored by:

Senator Turner

SYNOPSIS

Requires that only fruits and vegetables grown and packaged in NJ may be labeled by food retailers as local to State.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/2/2021)

1 AN ACT concerning the labeling of fruits and vegetables by food
2 retailers and supplementing Title 4 of the Revised Statutes.

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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. Beginning 30 days after the effective date of this section, a
8 food retailer shall not label, advertise, or in any way imply in any
9 advertising that a fruit or vegetable is “locally grown,” “locally
10 harvested,” “locally-sourced,” or local to the State unless the fruit
11 or vegetable was grown, harvested, and packaged within the State.

12 b. Beginning 30 days after the effective date of this section, a
13 food retailer who violates the provisions of this section shall be
14 subject to a penalty of not less than \$100 or more than \$200 for
15 each offense, to be collected in a civil action in a summary
16 proceeding pursuant to the "Penalty Enforcement Law of 1999,"
17 P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court and the
18 municipal court shall have jurisdiction to enforce the provisions of
19 the "Penalty Enforcement Law of 1999" in connection with this
20 section. Each piece of fruit or vegetable improperly labeled by a
21 food retailer in violation of this section shall constitute a separate
22 violation. The Secretary of Agriculture is authorized to institute a
23 civil action for a violation of this section.

24 c. As used in this section, “food retailer” means an
25 establishment that sells a selection of foods to consumers including,
26 but not limited to, grocery stores, supermarkets, farmer’s markets,
27 and convenience stores.

28
29 2. This act shall take effect immediately.

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32 STATEMENT

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34 This bill requires that only fruits and vegetables grown,
35 harvested, and packaged in the State may be labeled by food
36 retailers as “locally grown,” “locally harvested,” “locally-sourced,”
37 or local to the State.

38 Since locally grown produce is picked at its peak ripeness,
39 locally grown produce is fresher and richer in nutrients than other
40 non-local produce. In addition, eating locally grown food provides
41 environmental benefits since produce grown and harvested locally
42 avoids the environmental costs of transportation and refrigeration.
43 The purchase of locally grown produce benefits the local economy
44 and helps to preserve farmland. New Jersey farmers rely on the
45 sales of locally grown produce in order to sustain their businesses.

46 The terms “locally grown,” “locally harvested,” “locally-
47 sourced,” or local to the State refer to food and other agricultural
48 products that are grown, harvested, packaged, and then sold within

1 a certain area. However, there's no standard definition of local. As
2 a result, many food retailers utilize different definitions of the terms
3 “locally grown,” “locally harvested,” or “locally-sourced,” to
4 describe food and agricultural products. The current ability of
5 retailers to label produce that is grown, harvested, and packed in
6 other states as local to the State of New Jersey creates ambiguity
7 about the freshness of produce and also serves as competition to the
8 sales of “Jersey Fresh” products.

9 This bill, requiring that only fruits and vegetables grown,
10 harvested, and packaged in the State may be labeled by food
11 retailers as “locally grown,” “locally harvested,” “locally-sourced,”
12 or local to the State, will ensure that only fruits and vegetables
13 grown and harvested within the State are advertised as local to the
14 State.

15 Any food retailer that violates the provisions in the bill would be
16 subject to a penalty of not less than \$100 or more than \$200. Each
17 piece of fruit or vegetable improperly labeled by a food retailer
18 would constitute a separate violation.