



**CONDITIONAL VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

**REPORTS:** Yes

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

Transition team agriculture subcommittee report on the Department of Agriculture.

[Trenton, NJ: New Jersey Office of the Governor, 2010]

974.90 R424, 2010r

<http://hdl.handle.net/10929/24386>

"Riley bill to protect New Jersey farmers by doubling penalties for false 'Jersey Fresh' labeling law," Today's Sunbeam, 1-19-12

LAW/RWH

P.L.2011, CHAPTER 218, *approved January 17, 2012*

Assembly, No. 2665 (*First Reprint*)

1 AN ACT concerning misuse of labeling on farm products, <sup>1</sup>**[and]**<sup>1</sup>  
2 amending various sections of statutory law, <sup>1</sup>supplementing  
3 chapter 10 of Title 4 of the Revised Statutes,<sup>1</sup> and repealing  
4 R.S.4:10-15.

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

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

10 4:10-5. No person shall use the outline of this State on packages  
11 or devices containing farm products <sup>1</sup>or to otherwise advertise or  
12 promote such farm products<sup>1</sup> unless **[he]** the person is licensed by  
13 the department so to do.

14 Upon application for such a license and upon being satisfied that  
15 any farm products to be sold by the applicant conform to official  
16 standards promulgated by the department, the department may issue  
17 a license in the name of the State, permitting the person to use the  
18 outline on any such package <sup>1</sup>**[or]**,<sup>1</sup> device <sup>1</sup>,or advertising<sup>1</sup>.

19 The form of the application and the license shall be determined  
20 by the department.

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

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

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

36  
37 2. R.S.4:10-9 is amended to read 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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SEG committee amendments adopted January 5, 2012.

1 4:10-9. All fees and other moneys collected under this chapter  
2 by the secretary and the employees or agents of the department,  
3 shall be paid into the **[state treasury]** General Fund, and shall be  
4 appropriated for the use of the department in carrying out the  
5 provisions of this chapter when authorized by any appropriation act.  
6 (cf: R.S.4:10-9)

7  
8 3. Section 1 of P.L.1956, c.88 (C.4:10-13.1) is amended to read  
9 as follows:

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

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

19  
20 4. R.S.4:10-14 is amended to read as follows:

21 4:10-14. a. A person who shall:

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

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

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

29 **[d. Willfully]** (4) knowingly interfere with the secretary, or the  
30 employees or agents of the department, in the performance of duties  
31 prescribed by this chapter--

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

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

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

5

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

8        6. The Secretary of Agriculture shall cause to be printed labels  
9 bearing a State brand in sufficient quantities to meet the demand  
10 therefor and may sell such labels at a price to be fixed by the  
11 Secretary of Agriculture. As an alternative method, the Secretary of  
12 Agriculture may, in accordance with rules and regulations  
13 **[promulgated]** adopted by **[him]** the department, rent dies or cuts  
14 of the State brand to persons or organizations desiring to  
15 manufacture their own labels for use on fresh or processed farm  
16 products owned and packed by them, at a price to be fixed by the  
17 Secretary of Agriculture. When a brand bearing the outline of the  
18 map of the State is desired to be used, the applicant shall secure a  
19 license **[to]** for its use **[same]** as provided in **[section]** R.S.4:10-5  
20 **[of the Revised Statutes]**.

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

22

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

25        10. The Secretary of Agriculture <sup>1</sup>, in conjunction with the  
26 Division of Consumer Affairs in the Department of Law and Public  
27 Safety,<sup>1</sup> shall have the power, by injunction or otherwise, to restrain  
28 any person or organization using or attempting to use any State  
29 brand or the use of the outline of the State, except in accordance  
30 with the provisions of **[this act]** R.S.4:10-5 or P.L.1939, c.136  
31 (C.4:10-16 et seq.). <sup>1</sup>Notwithstanding any law, rule, or regulation to  
32 the contrary, Department of Agriculture inspectors may issue  
33 citations to any person suspected of using, or attempting to use, any  
34 State brand or the outline of the State, except in accordance with the  
35 provisions of R.S.4:10-5 or P.L. 1939, c.136 (C.4:10-16 et seq.).<sup>1</sup>

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

37

38        <sup>1</sup>7. (New section). A person shall not advertise, or in any way  
39 imply in any advertising or on any packages or devices, that any  
40 produce, seafood, dairy, or other agricultural product has been  
41 produced in New Jersey unless the product, seafood, dairy, or other  
42 agricultural product was produced in New Jersey or the waters  
43 thereof.

44        A person who shall violate the provisions of this section shall be  
45 liable to a penalty of \$100 to be collected in a civil action in a  
46 summary proceeding pursuant to the "Penalty Enforcement Law of  
47 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) and paid to the General

1 Fund. The Superior Court and the municipal court shall have  
2 jurisdiction to enforce the provisions of the “Penalty Enforcement  
3 Law of 1999” in connection with this section. Each package or  
4 device improperly labeled in violation of this section shall  
5 constitute a separate violation.

6 The Secretary of Agriculture, in conjunction with the Division of  
7 Consumer Affairs in the Department of Law and Public Safety,  
8 shall have the power, by injunction or otherwise, to restrain any  
9 person or organization violating the provisions of this section. Not  
10 withstanding any law, rule, or regulation to the contrary,  
11 Department of Agriculture inspectors may issue citations to any  
12 person suspected of violating the provisions of this section.<sup>1</sup>

13

14 <sup>1</sup>[7.] 8. R.S.4:10-15 is hereby repealed.

15

16 <sup>1</sup>[8.] 9. This act shall take effect immediately.

17

18

19

20

21 Clarifies and extends law concerning labeling of farm products;  
22 increases penalties for violations; repeals R.S.4:10-15.

# 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)**

**Co-Sponsored by:**

**Assemblymen Milam and Albano**

**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

2

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

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.

25

26

27

#### STATEMENT

28

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.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2665**

**STATE OF NEW JERSEY**

DATED: OCTOBER 14, 2010

The Assembly Agriculture and Natural Resources Committee favorably reports Assembly Bill No. 2665.

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

# SENATE ECONOMIC GROWTH COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2665**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JANUARY 5, 2012

The Senate Economic Growth Committee reports favorably, and with committee amendment, Assembly Bill No. 2665.

As amended, this bill changes current law by doubling the penalties for: 1) misuse of the outline of the State on the packaging of farm products; and 2) other violations of chapter 10 of Title 4 of the Revised Statutes, the law concerning labeling and identification of farm products, and Department of Agriculture (“department”) designated brands. These brands include “Jersey Fresh.”

The bill clarifies that the penalties doubled under the bill are to be collected in a civil action in a summary proceeding pursuant to the “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court and the municipal court shall have jurisdiction to enforce the provisions of the “Penalty Enforcement Law of 1999” in connection with these provisions of law. The bill also clarifies that, concerning violations that involve the labeling of farm products, each improperly labeled package would constitute a separate violation. In conjunction with the incorporation of references to the Penalty Enforcement Law, the bill repeals R.S.4:10-15, which establishes jurisdiction and penalty recovery procedures superseded by the incorporation of those references.

The amended bill further provides that no person shall advertise, or in any way imply in any advertising or on any packages or devices, that any seafood, dairy, or other agricultural product has been produced in New Jersey unless the product was, in fact, produced in the State. The penalty for a violation would be \$100.

As amended, the bill specifies that the department, in cooperation with the Division of Consumer Affairs in the Department of Law and Public Safety (“division”), is responsible for the enforcement of the bill’s provisions and permits the department’s inspectors to issue citations for violations.

The committee amended the bill to: (1) prohibit the use of the State outline on the advertising for farm products unless permitted by the department; (2) provide that the department, in cooperation with the division, is responsible for the enforcement of the bill’s provisions; (3)

permit department inspectors to issue citations for violations; and (4) prohibit advertising, or other implications, that agricultural products were produced in New Jersey if they were not and to set a penalty of \$100 for each violation enforceable by the department in cooperation with the division.

Assembly Bill No. 2665, as amended and reported, is identical to Senate Bill No. 3184, which was amended and reported by the committee on this date.

# SENATE, No. 3184

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JANUARY 5, 2012

**Sponsored by:**

**Senator DONALD NORCROSS**

**District 5 (Camden and Gloucester)**

**Senator STEVEN V. OROHO**

**District 24 (Sussex, Hunterdon and Morris)**

**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.



S3184 NORCROSS, OROHO

2

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 of  
4 which would indicate or tend to indicate to the public at large that  
5 farm products as defined in [section] R.S.4:10-1 [of the Revised  
6 Statutes] are dealt with therein, unless such farm products are the  
7 principal commodities displayed and offered for sale or sold in the  
8 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



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  
14 read 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.

25

26

27

#### STATEMENT

28

29 This bill doubles the penalties for: 1) misuse of the outline of the  
30 State on packaging of farm products; and 2) other violations of  
31 chapter 10 of Title 4 of the Revised Statutes, the law concerning  
32 labeling and identification of farm products, and Department of  
33 Agriculture designated brands. These brands include “Jersey  
34 Fresh.” The bill also clarifies that, concerning violations that  
35 involve the labeling of farm products, each improperly labeled  
36 package would constitute a separate violation.

# SENATE ECONOMIC GROWTH COMMITTEE

## STATEMENT TO

### **SENATE, No. 3184**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JANUARY 5, 2012

The Senate Economic Growth Committee reports favorably, and with committee amendment, Senate Bill No. 3184.

As amended, this bill changes current law by doubling the penalties for: 1) misuse of the outline of the State on the packaging of farm products; and 2) other violations of chapter 10 of Title 4 of the Revised Statutes, the law concerning labeling and identification of farm products, and Department of Agriculture (“department”) designated brands. These brands include “Jersey Fresh.”

The bill clarifies that the penalties doubled under the bill are to be collected in a civil action in a summary proceeding pursuant to the “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court and the municipal court shall have jurisdiction to enforce the provisions of the “Penalty Enforcement Law of 1999” in connection with these provisions of law. The bill also clarifies that, concerning violations that involve the labeling of farm products, each improperly labeled package would constitute a separate violation. In conjunction with the incorporation of references to the Penalty Enforcement Law, the bill repeals R.S.4:10-15, which establishes jurisdiction and penalty recovery procedures superseded by the incorporation of those references.

The amended bill further provides that no person shall advertise, or in any way imply in any advertising or on any packages or devices, that any seafood, dairy, or other agricultural product has been produced in New Jersey unless the product was, in fact, produced in the State. The penalty for a violation would be \$100.

As amended, the bill specifies that the department, in cooperation with the Division of Consumer Affairs in the Department of Law and Public Safety (“division”), is responsible for the enforcement of the bill’s provisions and permits the department’s inspectors to issue citations for violations.

The committee amended the bill to: (1) prohibit the use of the State outline on the advertising for farm products unless permitted by the department; (2) provide that the department, in cooperation with the division, is responsible for the enforcement of the bill’s provisions; (3)

permit department inspectors to issue citations for violations; and (4) prohibit advertising, or other implications, that agricultural products were produced in New Jersey if they were not and to set a penalty of \$100 for each violation enforceable by the department in cooperation with the division.

Senate Bill No. 3184, as amended and reported, is identical to Assembly Bill No. 2665, which was amended and reported by the committee on this date.