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ASSEMBLY, No. 863

STATE OF NEW JERSEY

209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblyman RICHARD H. BAGGER

District 22 (Middlesex, Morris, Somerset and Union)

Assemblyman NEIL M. COHEN

District 20 (Union)

SYNOPSIS

Criminalizes certain tampering with consumer products.

CURRENT VERSION OF TEXT

As Introduced.



(Sponsorship Updated As Of: 2/25/2000)

1 AN ACT concerning consumer product tampering and supplementing
2 chapter 40 of Title 2C of the New Jersey Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. Except as provided in subsection b. of this section, a person
8 who tampers with a consumer product offered for sale by stamping,
9 printing, placing or inserting any writing in or on the product or the
10 box, package or other container containing the product is guilty of a
11 crime of the fourth degree.

12 b. This act shall not apply in any case where the owner or manager
13 of the premises where the product is stored or sold; the product
14 manufacturer; the authorized distributor or the retailer of the product
15 consents to the placing or inserting of the writing.

16 c. As used in this act:

17 (1) "Writing" means any form of representation or communication,
18 including handbills, notices or advertising, that contains letters, words
19 or pictorial representations;

20 (2) "Consumer product" includes but is not limited to any cosmetic,
21 drug or food product as defined in section 1 of P.L.1987, c.421
22 (C.2C:40-16) or any article, product or commodity which is
23 customarily produced or distributed for use by individuals.

24
25 2. This act shall take effect immediately.

26

27

28

STATEMENT

29

30 This bill would criminalize the insertion of pamphlets or other
31 writings into consumer products without appropriate authorization.
32 According to recent reports, consumers have found various leaflets
33 and notices inserted into such items as cereal boxes and soft drink six-
34 packs purchased from supermarkets, books purchased from
35 bookstores, and other products. A number of such incidents have been
36 reported to law enforcement authorities in several states, including
37 New Jersey. In response to incidents in California, that state enacted
38 legislation in 1996 which criminalized the unauthorized insertion of
39 written materials into consumer products or the products' packaging.

40 In the view of the sponsor, this type of activity is damaging and
41 harmful, not only to consumers but to the product manufacturers and
42 sellers as well. It undermines consumers' confidence that products are
43 safe and unadulterated and it puts manufacturers into the unwanted
44 position of having their product used as a billboard or as an envelope
45 for an unsolicited message.

46 This bill, which is modeled on the California statute, would make

1 it a crime of the fourth degree to stamp, print, place or insert any
2 writing in or on a consumer product or the box, package or other
3 container containing the product without the consent of the owner or
4 manager of the premises where the product is stored or sold, the
5 product manufacturer, the authorized distributor of the product or the
6 retailer of the product.

7 The bill provides that the term "consumer product" includes but is
8 not limited to any cosmetic, drug or food product as defined in
9 N.J.S.A.2C:40-16 (the food and drug tampering statute), or any
10 article, product or commodity which is customarily produced or
11 distributed for use by individuals.

12 "Writing" is defined in the bill as any form of representation or
13 communication, including handbills, notices, or advertising, that
14 contains letters, words or pictorial representations.

15 A crime of the fourth degree is punishable by a term of
16 imprisonment of up to 18 months or a fine of up to \$10,000, or both.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 863

STATE OF NEW JERSEY

DATED: FEBRUARY 28, 2000

The Assembly Judiciary Committee reports favorably Assembly Bill No. 863.

This bill would criminalize the insertion of pamphlets or other writings into consumer products without appropriate authorization. This bill would make it a crime of the fourth degree to stamp, print, place or insert any writing in or on a consumer product or the box, package or other container containing the product without the consent of the owner or manager of the premises where the product is stored or sold, the product manufacturer, the authorized distributor of the product or the retailer of the product.

The bill provides that the term "consumer product" includes but is not limited to any cosmetic, drug or food product as defined in N.J.S.A.2C:40-16 (the food and drug tampering statute), or any article, product or commodity which is customarily produced or distributed for use by individuals. "Writing" is defined as any form of representation or communication, including handbills, notices, or advertising, that contains letters, words or pictorial representations.

A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months or a fine of up to \$10,000, or both.

[First Reprint]

ASSEMBLY, No. 863

STATE OF NEW JERSEY

209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblyman RICHARD H. BAGGER

District 22 (Middlesex, Morris, Somerset and Union)

Assemblyman NEIL M. COHEN

District 20 (Union)

Co-Sponsored by:

Senator Bucco

SYNOPSIS

Criminalizes the unauthorized insertion of writings into consumer products.

CURRENT VERSION OF TEXT

As amended by the General Assembly on March 16, 2000.



(Sponsorship Updated As Of: 10/3/2000)

1 AN ACT concerning consumer ¹[product tampering] products¹ and
2 supplementing chapter 40 of Title 2C of the New Jersey Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. Except as provided in subsection b. of this section, ¹[a] any¹
8 person who ¹[tampers with a consumer product offered for sale by
9 stamping, printing, placing or inserting]stamps, prints, places or
10 inserts¹ any writing in or on ¹[the] a consumer¹ product ¹offered for
11 sale¹ or the box, package or other container containing the product is
12 guilty of a ¹[crime of the fourth degree] disorderly persons offense¹.

13 b. This act shall not apply in any case where the owner or manager
14 of the premises where the product is stored or sold; the product
15 manufacturer; the authorized distributor or the retailer of the product
16 consents to the placing or inserting of the writing.

17 c. As used in this act:

18 (1) "Writing" means any form of representation or communication,
19 including handbills, notices or advertising, that contains letters, words
20 or pictorial representations;

21 (2) "Consumer product" includes but is not limited to any cosmetic,
22 drug or food product as defined in section 1 of P.L.1987, c.421
23 (C.2C:40-16) or any article, product or commodity which is
24 customarily produced or distributed for use by individuals.

25
26 2. This act shall take effect immediately.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted March 16, 2000.

STATEMENT TO
ASSEMBLY, No. 863

with Assembly Floor Amendments
(Proposed By Assemblyman BAGGER)

ADOPTED: MARCH 16, 2000

This bill criminalizes the insertion of pamphlets or other writings into consumer products without the appropriate authorization. This floor amendment would make it a disorderly persons offense for any person to insert, stamp, print or place any writings in or on a consumer product without the consent of the owner. This offense has been downgraded and the term "tampers with" has been deleted to avoid any confusion between tampering with a product by adulterating a cosmetic, drug or food product by adding any poison which is currently prohibited under the provisions of N.J.S.A. 2C:40-16 and 2C:40-17, a crime of the fourth degree, and the activity which is prohibited under this bill.

SENATE COMMERCE COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 863

STATE OF NEW JERSEY

DATED: SEPTEMBER 14, 2000

The Senate Commerce Committee reports favorably Assembly Bill No. 863 (1R).

This bill would criminalize the insertion of pamphlets or other writings into consumer products without appropriate authorization. This bill would make it a disorderly persons offense to stamp, print, place or insert any writing in or on a consumer product offered for sale or the box, package or other container containing the product without the consent of the owner or manager of the premises where the product is stored or sold, the product manufacturer, the authorized distributor of the product or the retailer of the product.

The bill provides that the term "consumer product" includes but is not limited to any cosmetic, drug or food product as defined in N.J.S.A.2C:40-16 (the food and drug tampering statute), or any article, product or commodity which is customarily produced or distributed for use by individuals. "Writing" is defined as any form of representation or communication, including handbills, notices, or advertising, that contains letters, words or pictorial representations.

P.L. 2000, CHAPTER 153, *approved November 13, 2000*
Assembly, No. 863 (*First Reprint*)

1 AN ACT concerning consumer ¹[product tampering] products¹ and
2 supplementing chapter 40 of Title 2C of the New Jersey Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. Except as provided in subsection b. of this section, ¹[a] any¹
8 person who ¹[tampers with a consumer product offered for sale by
9 stamping, printing, placing or inserting]stamps, prints, places or
10 inserts¹ any writing in or on ¹[the] a consumer¹ product ¹offered for
11 sale¹ or the box, package or other container containing the product is
12 guilty of a ¹[crime of the fourth degree] disorderly persons offense¹.

13 b. This act shall not apply in any case where the owner or manager
14 of the premises where the product is stored or sold; the product
15 manufacturer; the authorized distributor or the retailer of the product
16 consents to the placing or inserting of the writing.

17 c. As used in this act:

18 (1) "Writing" means any form of representation or communication,
19 including handbills, notices or advertising, that contains letters, words
20 or pictorial representations;

21 (2) "Consumer product" includes but is not limited to any cosmetic,
22 drug or food product as defined in section 1 of P.L.1987, c.421
23 (C.2C:40-16) or any article, product or commodity which is
24 customarily produced or distributed for use by individuals.

25
26 2. This act shall take effect immediately.

27
28
29 _____
30
31 Criminalizes the unauthorized insertion of writings into consumer
32 products.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted March 16, 2000.

CHAPTER 153

AN ACT concerning consumer products and supplementing chapter 40 of Title 2C of the New Jersey Statutes.

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

C.2C:40-19 Consumer products; unauthorized writing, offense.

1. a. Except as provided in subsection b. of this section, any person who stamps, prints, places or inserts any writing in or on a consumer product offered for sale or the box, package or other container containing the product is guilty of a disorderly persons offense.

b. This act shall not apply in any case where the owner or manager of the premises where the product is stored or sold; the product manufacturer; the authorized distributor or the retailer of the product consents to the placing or inserting of the writing.

c. As used in this act:

(1) "Writing" means any form of representation or communication, including handbills, notices or advertising, that contains letters, words or pictorial representations;

(2) "Consumer product" includes but is not limited to any cosmetic, drug or food product as defined in section 1 of P.L.1987, c.421 (C.2C:40-16) or any article, product or commodity which is customarily produced or distributed for use by individuals.

2. This act shall take effect immediately.

Approved November 13, 2000.