56:8-1 to 14

March 17, 1971

LEGISLATIVE HISTORY OF R.S.56:8-1 through 14

This law was one of a "package" of three consumer protection bills signed by the Governor at the same time. See the legislative history of 17:16C-1 et seq. for background information.

L.1960 - Chap. 39 - S199.
April 11 - Introduced by Waddington and 10 others.
May 9 - Passed Senate under emergency resolution, amended.
May 16 - Passed Assembly under emergency resolution.
June 9 - Approved, Chapter 39.
Statement on bill (copy enclosed.)
amended during passage (copy enclosed.)
Governor's statement on signing (copy enclosed.) MISSING *

Amended by:

L.1967 - Chapter 97 - A830 (amended R.S.56:8-3.1)
April 3 - Introduced by Yesko and Skevin
May 1 - Passed in Assembly.
May 8 - Passed in Senate.
June 8 - Approved, Chapter 97.
No statement.
Not amended during passage.

L.1967 - Chap.301 - A715 (amended R.S.56:8-1,2)
March 13 - Introduced by A. Brown.
April 27 - Passed in Assembly, amended.
May 8 - Passed in Senate.
February 15 - Approved, Chapter 301.
No statement.
Amended during passage (copy enclosed of original bill and amendment.)

L.1968 - Chap.448 - A558 (amended R.S.56:8-2.1)
April 1 - Introduced by Todd and others.
May 13 - Passed in Assembly.
November 25 - Passed in Senate.
February 19 - Approved, Chapter 448.
No statement.
Not amended during passage.

L.1969 - Chap.131 - See legislative history of R.S.56:8-2.2

* NOT IN BOUND BILLS. NOT WITH THE HISTORIES FOR C. 40 & C. 41 (SIGNED AT THE SAME TIME). NJ DOCUMENTS HAS NO PRESS RELEASES FOR 1960.

R.S.56:8-13,14 were added by:

L.1966 - Chap.39 - S10.
January 18 - Introduced by Crabiel, Hughes and Waddington.
February 7 - Passed in Senate.
May 9 - Passed in Assembly.
May 24 - Approved, Chap. 39.
Not amended during passage.
No statement.

Hearings and Reports.

974.90
A244
1962
New Jersey Commission to Study Unfair Advertising.
Meeting...held March 9, 1962.
Trenton, 1962

This Commission was succeeded by the Unfair Advertising and Packaging Study Commission, created by ACR 2 of 1968. To date we have received no report from this commission.

No other hearings or reports were located.

Newspaper clippings: see those attached to the legislative history of 56:8-2.2,2.3 (enclosed) and the list in the legislative history of R.S.17:16C-1 et seq. (enclosed.)

JC – Yes

JH/EH
Enclosure

L. 1960, c. 39

[OFFICIAL COPY REPRINT]

SENATE, No. 199

STATE OF NEW JERSEY

INTRODUCED APRIL 11, 1960

By Senators WADDINGTON, FOX, CONNERY, LYNCH, GROSSI, RIDOLFI, JONES, LANCE, DUMONT, CRANE and OZZARD

Referred to Committee on Judiciary

AN ACT concerning consumer fraud, its prevention, and providing penalties therefor.

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

1. (a) The term "advertisement" shall include the attempt by publication, dissemination, solicitation or circulation **[**or by any manner or means**]** to induce directly or indirectly any person to enter into any obligation or acquire any title or interest in any merchandise;

(b) The term "Attorney General" shall mean the Attorney General of the State of New Jersey or any person acting on his behalf;

(c) The term "merchandise" shall include any objects, wares, goods, commodities or services;

(d) The term "person" as used in this act shall include any natural person or his legal representative, partnership, corporation, company, trust, business entity or association, and any agent, employee, salesman, partner, officer, director, member, stockholder, associate, trustee or cestuis que trustent thereof;

(e) The term "sale" shall include any sale, offer for sale, or attempt to sell.

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

2. The act, use or employment *by any person* of any deception, fraud, false pretense, false promise, misrepresentation, *or the knowing,* concealment, suppression, or omission of any material fact **[**by any person**]** *with intent that others rely upon such concealment, suppression or omission,* in connection with the sale or advertisement of any merchandise, whether or not any person has in fact been misled, deceived or damaged thereby, is declared to be an unlawful practice; provided, however, that nothing herein contained shall apply to the owner or publisher of newspapers, magazines, publications or printed matter wherein such advertisement appears, or to the owner or operator of a radio or television station which disseminates such advertisement when the owner, publisher or operator has no knowledge of the intent, design or purpose of the advertiser*; and provided, further, that nothing herein contained shall apply to any advertisement which is subject to and complies with the rules and regulations of, and the statutes administered by the Federal Trade Commission.*

3. When it shall appear to the Attorney General that a person has engaged in, is engaging in, or is about to engage in any practice declared to be unlawful by this act, or when he believes it to be in the public interest that an investigation should be made to ascertain whether a person in fact has engaged in, is engaging in or is about to engage in, any such practice, he may:

(a) Require such person to file on such forms as are prescribed a statement or report in writing under oath or otherwise, as to all the facts and circumstances concerning the sale or advertisement of merchandise by such person, and such other data and information as he may deem necessary;

(b) Examine under oath any person in connection with the sale or advertisement of any merchandise;

(c) Examine any merchandise or sample thereof, record, book, document, account or paper as he may deem necessary; and

(d) **[**Impound**]** *Pursuant to an order of the Superior Court impound* any record, book, document, account, paper, or sample of merchandise that is produced in accordance with this act, and retain the same in his posses-

sion until the completion of all proceedings in connection with which the same are produced.

4. To accomplish the objectives and to carry out the duties prescribed by this act, the Attorney General, in addition to other powers conferred upon him by this act, may issue subpœnas to any person, administrator an oath or affirmation to any person, conduct hearings in aid of any investigation or inquiry, promulgate such rules and regulations, and prescribe such forms as may be necessary, which shall have the force of law.

5. Service by the Attorney General of any notice requiring a person to file a statement or report, or of a subpœna upon any person, shall be made personally within this State, but if such cannot be obtained, substituted service therefor may be made in the following manner:

(a) Personal service thereof without this State; or

(b) The mailing thereof by registered mail to the last known place of business, residence or abode, within or without this State of such person for whom the same is intended; or

(c) As to any person other than a natural person, in accordance with the Rules Governing the Courts of the State of New Jersey pertaining to service of process, provided, however, that service shall be made by the Attorney General; or

(d) Such service as the Superior Court may direct in lieu of personal service within this State.

6. If any person shall fail or refuse to file any statement or report, or obey any subpœna issued by the Attorney General, the Attorney General may apply to the Superior Court and obtain an order:

(a) Adjudging such person in contempt of court;

(b) Granting injunctive relief without notice restraining the sale or advertisement of any merchandise by such persons;

(c) Vacating, annulling, or suspending the corporate charter of a corporation created by or under the laws of this State or revoking or suspending the certificate of authority to do business in this State of a foreign cor-

poration or revoking or suspending any other licenses, permits or certificates issued pursuant to law to such person which are used to further the allegedly unlawful practice; and

(d) Granting such other relief as may be required; until the person files the statement or report, or obeys the subpœna.

7. If any person shall refuse to testify or produce any book, paper or other document in any proceeding under this act for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him, convict him of a crime, or subject him to a penalty or forfeiture, and shall, notwithstanding, be directed to testify or to produce such book, paper or document, he shall comply with such direction.

A person who is entitled by law to, and does assert such privilege, and who complies with such direction shall not thereafter be prosecuted or subjected to any penalty or forfeiture in any criminal proceeding which arises out of and relates to the subject matter of the proceeding. No person so testifying shall be exempt from prosecution or punishment for perjury or false swearing committed by him in giving such testimony.

8. Whenever it shall appear to the Attorney General that a person has engaged in, is engaging in or is about to engage in any practice declared to be unlawful by this act he may seek and obtain in an action in the Superior Court an injunction prohibiting such person from continuing such practices or engaging therein or doing any acts in furtherance thereof or an order appointing a receiver, or both *after appropriate notice to such person. Such notice shall state generally the relief sought and be served in accordance with section 5 of this act at least 3 days prior to the institution of such action.* In addition, the court may vacate or annul the charter of a corporation created by or under the laws of this State, revoke the certificate of authority to do business in this State of a foreign corporation, and revoke any other licenses, permits or certificates issued pursuant to law to such person which have been or may be used to further such unlawful practice. The court may make such orders or judgments as may be necessary to prevent

the use or employment by a person of any prohibited practices, or which may be necessary to restore to any person in interest any moneys or property, real or personal which may have been acquired by means of any practice herein declared to be unlawful.

9. When a receiver is appointed by the court pursuant to this act, he shall have the power to sue for, collect, receive and take into his possession all the goods and chattels, rights and credits, moneys and effects, lands and tenements, books, records, documents, papers, choses in action, bills, notes and property of every description, derived by means of any practice declared to be illegal and prohibited by this act, including property with which such property has been mingled, if it cannot be identified in kind because of such commingling, and to sell, convey, and assign the same and hold and dispose of the proceeds thereof under the direction of the court. Any person who has suffered damages as a result of the use or employment of any unlawful practices and submits proof to the satisfaction of the court that he has in fact been damaged, may participate with general creditors in the distribution of the assets to the extent he has sustained out-of-pocket losses. In the case of a corporation, partnership or business entity the receiver shall settle the estate and distribute the assets under the direction of the court, and he shall have all the powers and duties conferred upon receivers by the provisions of Title 14, Corporations, General, so far as the provisions thereof are applicable. The court shall have jurisdiction of all questions arising in such proceedings and may make such orders and judgments therein as may be required.

10. Subject to an order of the court terminating the business affairs of any person after receivership proceedings held pursuant to this act, the provisions of this act shall not bar any claim against any person who has acquired any moneys or property, real or personal, by means of any practice herein declared to be unlawful.

11. In any action or proceeding brought under the provisions of this act, the Attorney General shall be entitled to recover costs for the use of this State.

12. If any provision of this law or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the law which can be given effect without the invalid provision or application, and to this end the provisions of this law are severable.

13. This act shall take effect immediately.

SENATE, No. 199

STATE OF NEW JERSEY

INTRODUCED APRIL 11, 1960

By Senators WADDINGTON, FOX, CONNERY, LYNCH, GROSSI, RIDOLFI, JONES, LANCE, DUMONT and CRANE

Referred to Committee on Judiciary

AN ACT concerning consumer fraud, its prevention, and providing penalties therefor.

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

1. (a) The term "advertisement" shall include the attempt by publication, dissemination, solicitation or circulation or by any manner or means to induce directly or indirectly any person to enter into any obligation or acquire any title or interest in any merchandise;

(b) The term "Attorney General" shall mean the Attorney General of the State of New Jersey or any person acting on his behalf;

(c) The term "merchandise" shall include any objects, wares, goods, commodities or services;

(d) The term "person" as used in this act shall include any natural person or his legal representative, partnership, corporation, company, trust, business entity or association, and any agent, employee, salesman, partner, officer, director, member, stockholder, associate, trustee or cestuis que trustent thereof;

(e) The term "sale" shall include any sale, offer for sale, or attempt to sell.

2. The act, use or employment of any deception, fraud, false pretense, false promise, misrepresentation, concealment, suppression, or omission of any material fact by any person in connection with the sale or advertisement of any merchandise, whether or not any person has in fact been misled, deceived or damaged thereby, is declared to be an unlawful practice; provided, however, that nothing herein contained shall apply to the owner or publisher of newspapers, magazines, publications or printed matter wherein such advertisement appears, or to the owner or operator of a radio or television station which disseminates such advertisement when the owner, publisher or operator has no knowledge of the intent, design or purpose of the advertiser.

3. When it shall appear to the Attorney General that a person has engaged in, is engaging in, or is about to engage in any practice declared to be unlawful by this act, or when he believes it to be in the public interest that an investigation should be made to ascertain whether a person in fact has engaged in, is engaging in or is about to engage in, any such practice, he may:

(a) Require such person to file on such forms as are prescribed a statement or report in writing under oath or otherwise, as to all the facts and circumstances concerning the sale or advertisement of merchandise by such person, and such other data and information as he may deem necessary;

(b) Examine under oath any person in connection with the sale or advertisement of any merchandise;

(c) Examine any merchandise or sample thereof, record, book, document, account or paper as he may deem necessary; and

(d) Impound any record, book, document, account, paper, or sample of merchandise that is produced in accordance with this act, and retain the same in his possession until the completion of all proceedings in connection with which the same are produced.

4. To accomplish the objectives and to carry out the duties prescribed by this act, the Attorney General, in addition to other powers conferred upon him by this act, may issue subpœnas to any person, ~~administrator~~ administer an oath or affirmation to any person, conduct hearings in aid of any investigation or in-

quiry, promulgate such rules and regulations, and prescribe such forms as may be necessary, which shall have the force of law.

5. Service by the Attorney General of any notice requiring a person to file a statement or report, or of a subpœna upon any person, shall be made personally within this State, but if such cannot be obtained, substituted service therefor may be made in the following manner:

(a) Personal service thereof without this State; or

(b) The mailing thereof by registered mail to the last known place of business, residence or abode, within or without this State of such person for whom the same is intended; or

(c) As to any person other than a natural person, in accordance with the Rules Governing the Courts of the State of New Jersey pertaining to service of process, provided, however, that service shall be made by the Attorney General; or

(d) Such service as the Superior Court may direct in lieu of personal service within this State.

6. If any person shall fail or refuse to file any statement or report, or obey any subpœna issued by the Attorney General, the Attorney General may apply to the Superior Court and obtain an order:

(a) Adjudging such person in contempt of court;

(b) Granting injunctive relief without notice restraining the sale or advertisement of any merchandise by such persons;

(c) Vacating, annulling, or suspending the corporate charter of a corporation created by or under the laws of this State or revoking or suspending the certificate of authority to do business in this State of a foreign corporation or revoking or suspending any other licenses, permits or certificates issued pursuant to law to such person which are used to further the allegedly unlawful practice; and

(d) Granting such other relief as may be required; until the person files the statement or report, or obeys the subpœna.

7. If any person shall refuse to testify or produce any book, paper or other document in any proceeding under this act for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him, convict him of a crime, or subject him to a penalty or forfeiture, and shall, notwithstanding, be directed to testify or to produce such book, paper or document, he shall comply with such direction.

A person who is entitled by law to, and does assert such privilege, and who complies with such direction shall not thereafter be prosecuted or subjected to any penalty or forfeiture in any criminal proceeding which arises out of and relates to the subject matter of the proceeding. No person so testifying shall be exempt from prosecution or punishment for perjury or false swearing committed by him in giving such testimony.

8. Whenever it shall appear to the Attorney General that a person has engaged in, is engaging in or is about to engage in any practice declared to be unlawful by this act he may seek and obtain in an action in the Superior Court an injunction prohibiting such person from continuing such practices or engaging therein or doing any acts in furtherance thereof or an order appointing a receiver, or both. In addition, the court may vacate or annul the charter of a corporation created by or under the laws of this State, revoke the certificate of authority to do business in this State of a foreign corporation, and revoke any other licenses, permits or certificates issued pursuant to law to such person which have been or may be used to further such unlawful practice. The court may make such orders or judgments as may be necessary to prevent the use or employment by a person of any prohibited practices, or which may be necessary to restore to any person in interest any moneys or property, real or personal which may have been acquired by means of any practice herein declared to be unlawful.

9. When a receiver is appointed by the court pursuant to this act, he shall have the power to sue for, collect, receive and take into his possession all the goods and chattels, rights and credits, moneys and effects, lands and tenements, books, records, documents, papers, choses in action, bills, notes

and property of every description, derived by means of any practice declared to be illegal and prohibited by this act, including property with which such property has been mingled, if it cannot be identified in kind because of such commingling, and to sell, convey, and assign the same and hold and dispose of the proceeds thereof under the direction of the court. Any person who has suffered damages as a result of the use or employment of any unlawful practices and submits proof to the satisfaction of the court that he has in fact been damaged, may participate with general creditors in the distribution of the assets to the extent he has sustained out-of-pocket losses. In the case of a corporation, partnership or business entity the receiver shall settle the estate and distribute the assets under the direction of the court, and he shall have all the powers and duties conferred upon receivers by the provisions of Title 14, Corporations, General, so far as the provisions thereof are applicable. The court shall have jurisdiction of all questions arising in such proceedings and may make such orders and judgments therein as may be required.

10. Subject to an order of the court terminating the business affairs of any person after receivership proceedings held pursuant to this act, the provisions of this act shall not bar any claim against any person who has acquired any moneys or property, real or personal, by means of any practice herein declared to be unlawful.

11. In any action or proceeding brought under the provisions of this act, the Attorney General shall be entitled to recover costs for the use of this State.

12. If any provision of this law or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the law which can be given effect without the invalid provision or application, and to this end the provisions of this law are severable.

13. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to permit the Attorney General to combat the increasingly widespread practice of defrauding the consumer. The authority conferred will provide effective machinery to investigate and prohibit deceptive and fraudulent advertising and selling practices which have caused extensive damage to the public.

SENATE COMMITTEE AMENDMENTS TO

SENATE, No. 199

STATE OF NEW JERSEY

ADOPTED MAY 9, 1960

Amend page 1, section 1, line 2, following the word "circulation", delete the words "or by any manner or means".

Amend page 2, section 2, line 1, following the word "employment", insert the words "by any person".

Amend page 2, section 2, line 2, following the word "misrepresentation," insert the words "or the knowing".

Amend page 2, section 2, line 3, following the words "material fact", delete "by any person" and insert in lieu thereof "with intent that others rely upon such concealment, suppression or omission,".

Amend page 2, section 2, line 10, following the word "advertiser", insert "; and provided, further, that nothing herein contained shall apply to any advertisement which is subject to and complies with the rules and regulations of, and the statutes administered by the Federal Trade Commission".

Amend page 2, section 3, line 14, following "(d)" delete "Impound" and insert the words "Pursuant to an order of the Superior Court impound".

Amend page 4, section 8, line 6, following the words "or both", insert "after appropriate notice to such person. Such notice shall state generally the relief sought and be served in accordance with section 5 of this act at least 3 days prior to the institution of such action.".

CHAPTER 97 LAWS OF N. J. 1967
APPROVED 6-8-67

ASSEMBLY, No. 830

STATE OF NEW JERSEY

INTRODUCED APRIL 3, 1967

By Assemblymen YESKO and SKEVIN

Referred to Committee on Judiciary

A SUPPLEMENT to "An act concerning consumer fraud, its prevention, and providing penalties therefor," approved June 9, 1960 (P. L. 1960, c. 39).

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

1. Upon receiving evidence of any violation of the provisions of chapter 39 of the laws of 1960, the Attorney General, or any assistant designated by him for such purpose, is empowered to hold hearings upon said violation and upon finding the violation to have been committed, to assess a penalty against the person alleged to have committed such violation, in such amount within the limits of chapter 39 of the laws of 1966 as the Attorney General deems proper under the circumstances. Any such amounts collected by the Attorney General shall be paid forthwith into the State treasury for the general purposes of the State.

2. This act shall take effect immediately.

ASSEMBLY BILL NO. 830, 1967

From: OFFICE OF THE GOVERNOR

For Release: June 8, 1967
after 3:30 P.M.

STATEMENT OF GOVERNOR RICHARD J. HUGHES ON SIGNING
OF ASSEMBLY BILL NOS. 403, 406, 613 and 830
AND SENATE BILL NOS. 15 and 327

I am pleased today to sign into law several bills which constitute significant steps toward increased protection for the New Jersey consumer in many important areas.

Briefly, these measures involve the following protection to the consumer:

Revision of the Small Loans Act to provide numerous changes, most important of which from the standpoint of the public being the elimination of wage assignments in connection with collections on such loans and the requirement that the borrower at the time of negotiating the loan receive a statement setting forth the true rate of interest. This is Assembly Bill No. 403.

Assembly Bill No. 406, another significant step toward consumer protection, requires the posting in all hotel, motel and guest-house rooms of the charges for the renting of such rooms. In addition, this measure provides for penalties for failure to comply.

The signing of Assembly Bill No. 613 marks the strengthening of the Real Estate Syndication Law by increasing the penalties for violation and giving considerable enforcement powers to the Bureau of Securities to eliminate any undesirable practices in the selling of real estate syndications.

With the establishment of the Consumer Fraud Bureau this year, New Jersey took a long step toward protecting the consuming public from a multitude of unscrupulous practices. The signing into law today of Assembly Bill No. 830 provides a means for the Attorney General's office, through the Bureau of Consumer Frauds, to enforce provisions of the Consumer Fraud Law effectively. It does so by permitting the Attorney General to hold hearings on consumer fraud violations so as to omit the necessity of lengthy court action in many instances.

Senate Bill No. 15 requires the marking of milk cartons with the day of the week on which the milk was pasteurized, rather than the present system of number markings which to some degree has been confusing to the public.

Finally, Senate Bill No. 327 revises the State Uniform Securities Law and for the first time requires the filing of registration statements prior to the sale of securities to the public. This measure, I am certain, will be of great assistance in protecting the public particularly the unsophisticated buyer of securities, so that he may be fully alerted to any risks involved in such purchases.

CHAPTER 301 LAWS OF N. J. 1967

APPROVED 2-15-68

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 715

STATE OF NEW JERSEY

INTRODUCED MARCH 13, 1967

By Assemblyman A. E. BROWN

Referred to Committee on State Government

AN ACT concerning consumer fraud, its prevention, and providing penalties therefor and amending section 2A:111–32 of the New Jersey Statutes, and chapter 39 of the laws of 1960.

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

1. Section 1 of chapter 39 of the laws of 1960 is amended to read as follows:

1. (a) The term "advertisement" shall include the attempt *directly or indirectly* by publication, dissemination, solicitation, *indorsement* or circulation *or in any other way* to induce directly or indirectly any person to enter *or not enter* into any obligation or acquire any title or interest in any merchandise *or to increase the consumption thereof or to make any loan;*

(b) The term "Attorney General" shall mean the Attorney General of the State of New Jersey or any person acting on his behalf;

(c) The term "merchandise" shall include any objects, wares, goods, commodities, **[real estate, securities,]** **[**or**]** services *or anything offered, directly or indirectly to the public for sale;*

(d) The term "person" as used in this act shall include any natural person or his legal representative, partnership, corporation, company, trust, business entity or association, and any agent, employee, salesman, partner, officer, director, member, stockholder, associate, trustee or cestuis que trustent thereof;

(e) The term "sale" shall include any sale, *rental or distribution,* offer for sale, *rental or distribution* or attempt *directly or indirectly* to sell, *rent or distribute.*

2. Section 2 of chapter 39 of the laws of 1960 is amended to read as follows:

2. The act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, or the know-

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

ing, concealment, suppression, or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise *or with the subsequent performance of such person as aforesaid*, whether or not any person has in fact been misled, deceived or damaged thereby, is declared to be an unlawful practice; provided, however, that nothing herein contained shall apply to the owner or publisher of newspapers, magazines, publications or printed matter wherein such advertisement appears, or to the owner or operator of a radio or television station which disseminates such advertisement when the owner, publisher or operator has no knowledge of the intent, design or purpose of the advertiser; and provided, further, that nothing herein contained shall apply to any advertisement which is subject to and complies with the rules and regulations of, and the statutes administered by the Federal Trade Commission.

3. Section 2A:111–32 of the New Jersey Statutes is amended to read as follows:

2A:111–32. Any person who, by advertising, offers for sale any commodity or service as a part of a plan or scheme with the intent, design or purpose not to sell or not to sell at the price stated therein, the commodity or service so advertised, *or to engage in any practice declared to be unlawful under section 2 of chapter 39 of the laws of 1960,* is guilty of a misdemeanor. Nothing herein contained shall apply to the publisher of such advertising in newspapers, magazines, publications or programs where the publisher thereof has no knowledge of the said intent, design or purpose of the advertiser, or to the owner or operator of a radio or television station who disseminates such advertising without knowledge of the said intent, design or purpose of the advertiser.

Any person found guilty of a misdemeanor as set forth in this section shall be punished by a fine of not more than $1,000.00 or by imprisonment of not more than 1 year, or both.

4. This act shall take effect immediately.

ASSEMBLY, No. 715

STATE OF NEW JERSEY

INTRODUCED MARCH 13, 1967

By Assemblyman A. E. BROWN

Referred to Committee on State Government

AN ACT concerning consumer fraud, its prevention, and providing penalties therefor and amending section 2A:111–32 of the New Jersey Statutes, and chapter 39 of the laws of 1960.

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

1. Section 1 of chapter 39 of the laws of 1960 is amended to read as follows:

1. (a) The term "advertisement" shall include the attempt *directly or indirectly* by publication, dissemination, solicitation, *endorsement* or circulation *or in any other way* to induce directly or indirectly any person to enter *or not enter* into any obligation or acquire any title or interest in any merchandise *or to increase the consumption thereof or to make any loan;*

(b) The term "Attorney General" shall mean the Attorney General of the State of New Jersey or any person acting on his behalf;

(c) The term "merchandise" shall include any objects, wares, goods, commodities, *real estate, securities,* **[**or**]** services *or anything offered, directly or indirectly to the public for sale*;

(d) The term "person" as used in this act shall include any natural person or his legal representative, partnership, corporation, company, trust, business entity or association, and any agent, employee, salesman, partner, officer, director, member, stockholder, associate, trustee or cestuis que trustent thereof;

(e) The term "sale" shall include any sale, *rental or distribution,* offer for sale, *rental or distribution* or attempt *directly or indirectly* to sell, *rent or dsitribute.*

2. Section 2 of chapter 39 of the laws of 1960 is amended to read as follows:

2. The act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, or the know-

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

ing, concealment, suppression, or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise *or with the subsequent performance of such person as aforesaid*, whether or not any person has in fact been misled, deceived or damaged thereby, is declared to be an unlawful practice; provided, however, that nothing herein contained shall apply to the owner or publisher of newspapers, magazines, publications or printed matter wherein such advertisement appears, or to the owner or operator of a radio or television station which disseminates such advertisement when the owner, publisher or operator has no knowledge of the intent, design or purpose of the advertiser; and provided, further, that nothing herein contained shall apply to any advertisement which is subject to and complies with the rules and regulations of, and the statutes administered by the Federal Trade Commission.

3. Section 2A:111–32 of the New Jersey Statutes is amended to read as follows:

2A:111–32. Any person who, by advertising, offers for sale any commodity or service as a part of a plan or scheme with the intent, design or purpose not to sell or not to sell at the price stated therein, the commodity or service so advertised, *or to engage in any practice declared to be unlawful under section 2 of chapter 39 of the laws of 1960,* is guilty of a misdemeanor. Nothing herein contained shall apply to the publisher of such advertising in newspapers, magazines, publications or programs where the publisher thereof has no knowledge of the said intent, design or purpose of the advertiser, or to the owner or operator of a radio or television station who disseminates such advertising without knowledge of the said intent, design or purpose of the advertiser.

Any person found guilty of a misdemeanor as set forth in this section shall be punished by a fine of not more than $1,000.00 or by imprisonment of not more than 1 year, or both.

4. This act shall take effect immediately.

ASSEMBLY COMMITTEE AMENDMENT TO

ASSEMBLY, No. 715

STATE OF NEW JERSEY

ADOPTED APRIL 17, 1967

Amend page 1, section 1, line 15, omit "*real estate, securities,*".

CHAPTER 448 LAWS OF N. J. 19 68
APPROVED 2/19/69

ASSEMBLY, No. 558

STATE OF NEW JERSEY

INTRODUCED APRIL 1, 1968

By Assemblymen TODD, KEAN, GARIBALDI, GIMSON and VANDER PLAAT

Referred to Committee on Commerce, Industry and Professions

A SUPPLEMENT to "An act concerning consumer fraud, its prevention, and providing penalties therefor," approved June 9, 1960 (P. L. 1960, c. 39).

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

1. It shall be an unlawful practice for any person to operate under a name or in a manner which wrongfully implies that such person is a branch of or associated with any department or agency of the Federal Government or of this State or any of its political subdivisions, or use any seal, insignia, envelope or other format which simulates that of any governmental department or agency.

2. This act shall take effect immediately.

CHAPTER 39 LAWS OF N. J. 1966
APPROVED 5/24/66

SENATE No. 10

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1966

By Senator CRABIEL

Referred to Committee on Law and Public Safety

A SUPPLEMENT to "An act concerning consumer fraud, its prevention, and providing penalties therefor," approved June 9, 1960 (P. L. 1960, c. 39).

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

1. Any person who violates any of the provisions of the act to which this act is a supplement shall, in addition to any other penalty provided by law, be liable to a penalty of not less than $50.00 or more than $100.00 for the first offense and not less than $100.00 or more than $250.00 for the second and each subsequent offense.

2. Every county district court and municipal court shall have jurisdiction of proceedings for the collection and enforcement of a penalty imposed because of the violation, within the territorial jurisdiction of the court, of any provision of the act to which this act is a supplement. The penalty shall be collected and enforced in a summary proceeding pursuant to the Penalty Enforcement Law (N. J. S. 2A:58–1, et seq.). Process shall be either in the nature of a summons or warrant and shall issue in the name of the State, upon the complaint of the Attorney General or any other person.

3. This act shall take effect immediately.