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LAW/RWH

[Third Reprint]

ASSEMBLY, No. 2653

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED MAY 12, 2008

Sponsored by:

Assemblywoman NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Assemblyman REED GUSCIORA

District 15 (Mercer)

Assemblywoman SANDRA LOVE

District 4 (Camden and Gloucester)

Co-Sponsored by:

Assemblywoman Vainieri Huttle, Assemblyman Johnson, Senators Van Drew and Cunningham

SYNOPSIS

Requires disclosure when selling certain clothing apparel containing fur.

CURRENT VERSION OF TEXT

As amended by the Senate on June 18, 2009.



(Sponsorship Updated As Of: 6/26/2009)

1 AN ACT concerning the sale of certain fur products and
2 supplementing Title 56 of the Revised Statutes.

3

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

6

7 1. a. No person shall sell or offer to sell ²['at retail']² any
8 ³new³ coat, jacket, garment or other clothing apparel made wholly
9 or in part of fur, regardless of the price of the clothing apparel or
10 the amount of the value of the fur contained therein, ³[without
11 having] unless it has³ attached and conspicuously displayed a tag or
12 label including the following information:

13 (1) the ¹[name or names] ²[species]¹ name or names² of the
14 animal or animals ³that produced the fur^{3 2}, as set forth in the
15 ³[federal]³ Fur Products ³[Labeling Act name] Name³ Guide,²
16 ³[that produced the fur] promulgated by the Federal Trade
17 Commission pursuant to section 7 of the federal "Fur Products
18 Labeling Act," Pub.L.82-110 (15 U.S.C. s.69e)³; and

19 (2) the name of the country of origin of any imported furs used.

20 b. Labeling of ³[an] a new³ article of clothing apparel pursuant
21 to this section shall be accomplished by adding the required
22 disclosures to a permanent or temporary tag attached to the clothing
23 apparel, or by affixing in a conspicuous place a sticker listing these
24 disclosures upon the clothing apparel.

25 ²c.² As used in this section, "fur" means animal skin or part
26 thereof, with hair, fleece, or fibers attached thereto, either in its raw
27 or processed state.

28 ²d. ³[Nothing] A retail merchant shall not be held liable for a
29 violation of this section if a manufacturer or supplier for the
30 merchant certifies to that merchant, in the invoice or other written
31 document describing the clothing apparel, that any tag or label
32 attached by the manufacturer or supplier conforms to the
33 requirements of this section, unless the retail merchant knew, or
34 reasonably should have known, that the certification is false.

35 e. This section shall only apply to new clothing apparel sold or
36 offered for sale to a retail consumer in the first instance, and shall
37 not apply to the resale of that clothing apparel by any second-hand,
38 consignment, goodwill or similar resale merchant. Additionally,
39 nothing³ contained in this section shall be construed to apply to the
40 isolated or occasional sale of ³new³ clothing apparel by an
41 individual not regularly engaged in the business of selling clothing

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:

¹Assembly ACO committee amendments adopted June 5, 2008.

²Assembly floor amendments adopted September 25, 2008.

³Senate floor amendments adopted June 18, 2009.

1 apparel and who originally purchased the clothing apparel for the
2 individual's personal use.²

3

4 2. A person who violates this act shall be subject to a penalty
5 of not more than \$500 for the first offense and not more than \$1,000
6 for each subsequent offense, to be collected in a civil action by a
7 summary proceeding under the "Penalty Enforcement Law of
8 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

9 Each article of clothing apparel that is not marked in accordance
10 with the provisions of this act shall constitute a separate violation.

11

12 3. The Director of the Division of Consumer Affairs in the
13 Department of Law and Public Safety shall adopt rules and
14 regulations pursuant to the "Administrative Procedure Act,"
15 P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the provisions of
16 this act.

17

18 4. This act shall take effect on the first day of the fourth month
19 following enactment.

ASSEMBLY, No. 2653

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED MAY 12, 2008

Sponsored by:

Assemblywoman NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Assemblyman REED GUSCIORA

District 15 (Mercer)

Assemblywoman SANDRA LOVE

District 4 (Camden and Gloucester)

Co-Sponsored by:

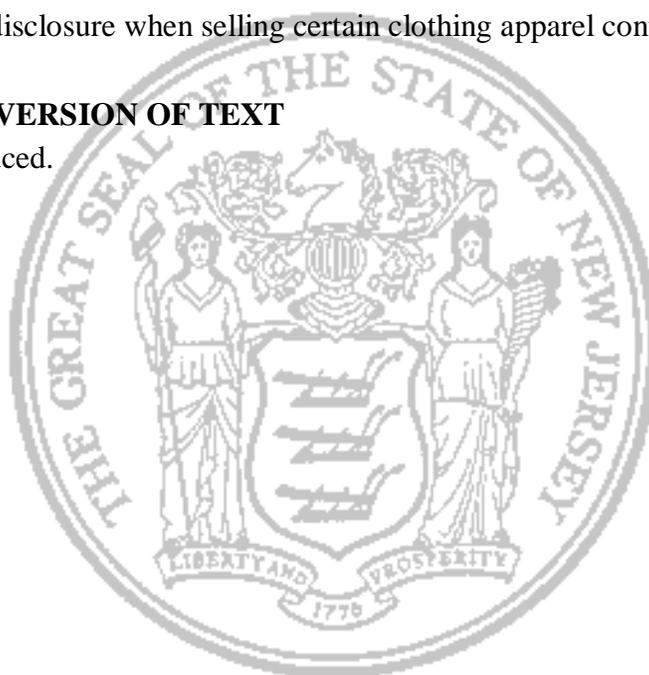
Assemblywoman Vainieri Huttle

SYNOPSIS

Requires disclosure when selling certain clothing apparel containing fur.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/23/2008)

1 AN ACT concerning the sale of certain fur products and
2 supplementing Title 56 of the Revised Statutes.

3

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

6

7 1. a. No person shall sell or offer to sell any coat, jacket,
8 garment or other clothing apparel made wholly or in part of fur,
9 regardless of the price of the clothing apparel or the amount of the
10 value of the fur contained therein, without having attached and
11 conspicuously displayed a tag or label including the following
12 information:

13 (1) the name or names of the animal or animals that produced
14 the fur; and

15 (2) the name of the country of origin of any imported furs used.

16 b. Labeling of an article of clothing apparel pursuant to this
17 section shall be accomplished by adding the required disclosures to
18 a permanent or temporary tag attached to the clothing apparel, or by
19 affixing in a conspicuous place a sticker listing these disclosures
20 upon the clothing apparel.

21 As used in this section, "fur" means animal skin or part thereof,
22 with hair, fleece, or fibers attached thereto, either in its raw or
23 processed state.

24

25 2. A person who violates this act shall be subject to a penalty
26 of not more than \$500 for the first offense and not more than \$1,000
27 for each subsequent offense, to be collected in a civil action by a
28 summary proceeding under the "Penalty Enforcement Law of
29 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

30 Each article of clothing apparel that is not marked in accordance
31 with the provisions of this act shall constitute a separate violation.

32

33 3. The Director of the Division of Consumer Affairs in the
34 Department of Law and Public Safety shall adopt rules and
35 regulations pursuant to the "Administrative Procedure Act,"
36 P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the provisions of
37 this act.

38

39 4. This act shall take effect on the first day of the fourth month
40 following enactment.

41

42

43

STATEMENT

44

45 This bill provides that no person shall sell or offer to sell any
46 coat, jacket, garment or other clothing apparel made wholly or in
47 part of fur, regardless of the price of the clothing apparel or the
48 amount of the value of the fur contained therein, without having

A2653 CRUZ-PEREZ, WATSON COLEMAN

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1 attached and conspicuously displayed a tag or label including the
2 following information: the name or names of the animal or animals
3 that produced the fur; and the name of the country of origin of any
4 imported furs used.

5 A person who violates the provisions of this bill shall be subject
6 to a penalty of not more than \$500 for the first offense and not more
7 than \$1,000 for each subsequent offense.

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2653

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 5, 2008

The Assembly Consumer Affairs Committee reports favorably and with committee amendments Assembly Bill No. 2653.

As amended, Assembly Bill No. 2653 prohibits the sale or offering for sale, at retail, of any coat, jacket, garment or other clothing apparel made wholly or in part of fur, regardless of the price of the clothing apparel or the amount of the value of the fur contained therein, without having attached and conspicuously displayed a tag or label stating:

- the species of the animal or animals that produced the fur; and
- the name of the country of origin of any imported furs used.

The bill specifies that violations are punishable by a fine of not more than \$500 for the first offense and not more than \$1,000 for each subsequent offense.

COMMITTEE AMENDMENTS

At the sponsor's request, the committee amended the bill to:

- limit the scope of the bill to only apply to retail sales; and
- require disclosure of the species, rather than name or names, of the animal or animals that produced the fur.

SENATE COMMERCE COMMITTEE

STATEMENT TO

[Second Reprint]
ASSEMBLY, No. 2653

STATE OF NEW JERSEY

DATED: MAY 14, 2009

The Senate Commerce Committee reports favorably Assembly Bill No. 2653 (2R).

This bill prohibits the sale or offering for sale of any coat, jacket, garment or other clothing apparel made wholly or in part of fur, regardless of the price of the clothing apparel or the amount of the value of the fur contained therein, without having attached and conspicuously displayed a tag or label stating:

- the name or names of the animal or animals that produced the fur, as set forth in the Fur Products Name Guide, promulgated by the Federal Trade Commission pursuant to section 7 of the federal "Fur Products Labeling Act," Pub.L.82-110 (15 U.S.C. s.69e); and
- the name of the country of origin of any imported furs used.

The provisions of the bill do not apply to the isolated or occasional sales of clothing by individuals not regularly engaged in the business of selling clothing apparel, who originally purchased the clothing for their personal use.

The bill specifies that violations are punishable by a fine of not more than \$500 for the first offense and not more than \$1,000 for each subsequent offense.

This bill is identical to Senate Bill No. 2472, as reported by the committee today.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 2653

with Assembly Floor Amendments
(Proposed By Assemblywoman CRUZ-PEREZ)

ADOPTED: SEPTEMBER 25, 2008

Assembly Bill No. 2653 [1R] requires disclosure when selling certain clothing apparel containing fur.

These Assembly amendments clarify that all sales other than isolated or occasional sales of clothing by individuals not regularly engaged in that business, who originally purchased the clothing for their personal use, fall under the bill's provisions.

The amendments further clarify that the names of any animals which produced the fur should be displayed on the required label, as set forth in the federal Fur Products Labeling Act Name Guide. The purpose of this change is to make the identification of the type of animal used to provide the fur more recognizable to consumers.

STATEMENT TO
[Second Reprint]
ASSEMBLY, No. 2653

with Senate Floor Amendments
(Proposed by Senator VAN DREW)

ADOPTED: JUNE 18, 2009

These amendments, concerning the labeling of clothing apparel made wholly or in part of fur as required by the underlying bill, provide that:

- the bill shall only apply to new clothing apparel sold or offered for sale to a retail consumer in the first instance, and shall not apply to the resale of that clothing apparel by any second-hand, consignment, goodwill or similar resale merchant;

- a retail merchant shall not be held liable for a violation of the bill if a manufacturer or supplier for the merchant certifies to that merchant, in the invoice or other written document describing the clothing apparel, that any tag or label attached by the manufacturer or supplier conforms to the requirements of the bill; and

- clarifies that the name or names of the animal or animals that produced the fur, to be placed on the clothing apparel label, shall be those listed in the Fur Products Name Guide promulgated by the Federal Trade Commission pursuant to section 7 of the federal "Fur Products Labeling Act, Pub.L.82-110 (15 U.S.C. s.69e).

SENATE, No. 2472

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED JANUARY 13, 2009

Sponsored by:

Senator JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

SYNOPSIS

Requires disclosure when selling certain clothing apparel containing fur.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the sale of certain fur products and
2 supplementing Title 56 of the Revised Statutes.

3

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

6

7 1. a. No person shall sell or offer to sell any coat, jacket,
8 garment or other clothing apparel made wholly or in part of fur,
9 regardless of the price of the clothing apparel or the amount of the
10 value of the fur contained therein, without having attached and
11 conspicuously displayed a tag or label including the following
12 information:

13 (1) the name or names of the animal or animals, as set forth in
14 the federal Fur Products Labeling Act Name Guide, that produced
15 the fur; and

16 (2) the name of the country of origin of any imported furs used.

17 b. Labeling of an article of clothing apparel pursuant to this
18 section shall be accomplished by adding the required disclosures to
19 a permanent or temporary tag attached to the clothing apparel, or by
20 affixing in a conspicuous place a sticker listing these disclosures
21 upon the clothing apparel.

22 c. As used in this section, “fur” means animal skin or part
23 thereof, with hair, fleece, or fibers attached thereto, either in its raw
24 or processed state.

25 d. Nothing contained in this section shall be construed to apply
26 to the isolated or occasional sale of clothing apparel by an
27 individual not regularly engaged in the business of selling clothing
28 apparel and who originally purchased the clothing apparel for the
29 individual’s personal use.

30

31 2. A person who violates this act shall be subject to a penalty
32 of not more than \$500 for the first offense and not more than \$1,000
33 for each subsequent offense, to be collected in a civil action by a
34 summary proceeding under the “Penalty Enforcement Law of
35 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).

36 Each article of clothing apparel that is not marked in accordance
37 with the provisions of this act shall constitute a separate violation.

38

39 3. The Director of the Division of Consumer Affairs in the
40 Department of Law and Public Safety shall adopt rules and
41 regulations pursuant to the “Administrative Procedure Act,”
42 P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the provisions of
43 this act.

44

45 4. This act shall take effect on the first day of the fourth month
46 following enactment.

1 STATEMENT

2

3 This bill prohibits the sale or offering for sale of any coat, jacket,
4 garment or other clothing apparel made wholly or in part of fur,
5 regardless of the price of the clothing apparel or the amount of the
6 value of the fur contained therein, without having attached and
7 conspicuously displayed a tag or label stating:

- 8 • the name or names of the animal or animals as set forth in
9 the Federal Fur Products Labeling Act Name Guide that
10 produced the fur; and
11 • the name of the country of origin of any imported furs used.

12 The provisions of the bill do not apply to the isolated or
13 occasional sales of clothing by individuals not regularly engaged in
14 the business of selling clothing apparel, who originally purchased
15 the clothing for their personal use.

16 The bill specifies that violations are punishable by a fine of not
17 more than \$500 for the first offense and not more than \$1,000 for
18 each subsequent offense.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 2472

STATE OF NEW JERSEY

DATED: MAY 14, 2009

The Senate Commerce Committee reports favorably Senate Bill No. 2472.

This bill prohibits the sale or offering for sale of any coat, jacket, garment or other clothing apparel made wholly or in part of fur, regardless of the price of the clothing apparel or the amount of the value of the fur contained therein, without having attached and conspicuously displayed a tag or label stating:

- the name or names of the animal or animals that produced the fur, as set forth in the Fur Products Name Guide, promulgated by the Federal Trade Commission pursuant to section 7 of the federal "Fur Products Labeling Act," Pub.L.82-110 (15 U.S.C. s.69e); and
- the name of the country of origin of any imported furs used.

The provisions of the bill do not apply to the isolated or occasional sales of clothing by individuals not regularly engaged in the business of selling clothing apparel, who originally purchased the clothing for their personal use.

The bill specifies that violations are punishable by a fine of not more than \$500 for the first offense and not more than \$1,000 for each subsequent offense.

This bill is identical to Assembly Bill No. 2653 (2R), as reported by the committee today.

STATEMENT TO
SENATE, No. 2472

with Senate Floor Amendments
(Proposed by Senator VAN DREW)

ADOPTED: JUNE 18, 2009

These amendments, concerning the labeling of clothing apparel made wholly or in part of fur as required by the underlying bill, provide that:

- the bill shall only apply to new clothing apparel sold or offered for sale to a retail consumer in the first instance, and shall not apply to the resale of that clothing apparel by any second-hand, consignment, goodwill or similar resale merchant;

- a retail merchant shall not be held liable for a violation of the bill if a manufacturer or supplier for the merchant certifies to that merchant, in the invoice or other written document describing the clothing apparel, that any tag or label attached by the manufacturer or supplier conforms to the requirements of the bill; and

- clarifies that the name or names of the animal or animals that produced the fur, to be placed on the clothing apparel label, shall be those listed in the Fur Products Name Guide promulgated by the Federal Trade Commission pursuant to section 7 of the federal "Fur Products Labeling Act, Pub.L.82-110 (15 U.S.C. s.69e).