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RULE ADOPTIONS

**AGRICULTURE
DIVISION OF MARKETING AND DEVELOPMENT**

49 N.J.R. 3497(b)

Readoption: N.J.A.C. 2:48

Notice of Readoption

General Provisions

Authority: N.J.S.A. 4:12A-1 et seq., specifically 4:12A-7 and 20.

Authorized By: Thomas L. Beaver, Director, Division of Marketing and Development, the State Board of Agriculture and Douglas H. Fisher, Secretary, Department of Agriculture.

Effective Date: September 28, 2017.

New Expiration Date: September 28, 2024.

Take notice that pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 2:48 were scheduled to expire on December 22, 2017.

The purpose of these rules is to assure that the dairy industry and consumers receive the benefit of effective milk control. The rules define the marketing areas in New Jersey as included in Federal Milk Order No. 1 (Northeast Marketing Area); prohibit false, misleading, or unfair advertising of milk and milk products by dealer and store licensees; make it a violation for any licensee, to represent products as milk unless they meet state standards and to use coupons in any advertising media without prior written approval, which helps prevent the licensee from misleading the consumer concerning the quality of milk and milk products being offered for sale and from using coupons that result in the sale of any milk or fluid milk product below variable cost, as defined in rules of the Division, specifically N.J.A.C.

2:52-7 and 2:53-6; and set forth requirements and procedures to obtain required pre-approval for all promotions, newspaper, and advertising media to assure compliance with these rules. N.J.A.C. 2:48-4.2 and 4.3 provide for the unlimited use of coupons by the National Dairy Promotion Board.

The rules also protect confidential information obtained while implementing the rules set forth in this chapter. Confidential reports and records include, but shall not be limited to, financial data submitted in support of license applications, records and reports of purchases and sales of milk and milk products, prices at which products are sold, the cost of processing and distributing such milk and milk products, audit work papers and audit reports, and any list of accounts served.

The Department of Agriculture has reviewed the rules and has determined that the rules should be readopted without amendment. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.