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NEW JERSEY REGISTER

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VOLUME 44, ISSUE 21

ISSUE DATE: NOVEMBER 5, 2012

**RULE PROPOSALS**

**AGRICULTURE  
DIVISION OF MARKETING AND DEVELOPMENT**

44 N.J.R. 2417(a)

**Proposed Amendments: N.J.A.C. 2:71-2.7, 6.3, 7.1, 7.2, 7.3, 7.4, 8.5, and 9.6**

**Proposed New Rule: N.J.A.C. 2:71-7.9@@**

[Click here to view Interested Persons Statement](#)

**Grades and Standards**

**Jersey Grown Logo**

Authorized By: State Board of Agriculture and Douglas M. Fisher, Secretary, Department of Agriculture.

Authority: N.J.S.A. 4:1-11.1, 4:10-13, and 4:10-20.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2012-164.

Submit written comments by January 4, 2013 to:

Alfred Murray, Director  
Division of Marketing and Development  
NJ Department of Agriculture  
P.O. Box 330  
Trenton, New Jersey 08625-0330

The agency proposal follows:

### Summary

N.J.A.C. 2:71, Grades and Standards, will continue to protect New Jersey's agricultural sectors and the consumers it serves through inspection and grading of agricultural commodities marketed under these programs. The Department is proposing amendments and a new rule to permit New Jersey producers of ornamental annuals and bedding plants to use the "Jersey Grown" logo in marketing their products (N.J.A.C. 2:71-1 through 4) and to set forth the conditions and standards for annuals and bedding plants eligible for sale under the Jersey Grown logo (N.J.A.C. 2:71-9). The standards and rules were developed consistent with Executive Orders No. 2 (2010) and No. 4 (2010).

During the past several years the Department has engaged in discussions with sectors of the agricultural industry, who have expressed interest in expanding the Jersey Grown grading standard program to include annuals and bedding plants. In response, a pilot program was authorized. Due to the success of this pilot program, amendments and a new rule are proposed to provide appropriate regulatory guidance while maintaining the necessary standards associated with this program.

The use of the "Jersey Grown" logo will make New Jersey annuals and bedding plants more visible and help promote the viability of the industry by identifying the availability of a product that many believe to be superior.

Proposed amendments permit certified producers of ornamental annual plant material to make application for the use of the "Jersey Grown" logo (N.J.A.C. 2:71-7.1); and define "ornamental annual plant material" (N.J.A.C. 2:71-7.2). In addition, proposed amendments approve the use of the "Jersey Grown" logo in conjunction with the New Jersey map symbol as an official emblem for New Jersey produced ornamental annual plant material, set forth licensing and compliance requirements, the time frame in which commodities must be grown in New Jersey, and penalties to be assessed for non-compliance (N.J.A.C. 2:71-7.3).

Amendments are also being proposed to incorporate changes to the law. Proposed amendments change the penalty amounts in N.J.A.C. 2:71, Grades and Standards. These amendments cover Agricultural Commodities (N.J.A.C. 2:71-2.7); "Jersey Bred" (N.J.A.C. 2:71-6.3); "Jersey Grown" (N.J.A.C. 2:71-7.3); "Jersey Organic" (N.J.A.C. 2:71-8.5); and "Jersey Seafood" (N.J.A.C. 2:71-9.6) to reflect these new statutory requirements. The penalty for violation of N.J.S.A. 4:10-5 was increased from \$ 50.00 to \$ 100.00. The penalty for violation of Title 4, Chapter 10 or its regulations was increased from \$ 50.00 to \$ 100.00 for the first offense and from \$ 100.00 to \$ 200.00 for any subsequent offenses. Violation of N.J.S.A. 4:10-5 is governed by the separate provision noted above. When an offense involves false, misleading, or improper labeling of farm products each package is a separate offense. A package is a unit of sale. Proposed amendments also make the collection and enforcement provisions consistent with the statute, by specifically describing the process, rather than indicating enforcing it through a summary action.

The Department is proposing to amend N.J.A.C. 2:71-7.4(b) to add the guidance document "Insect Control Recommendations for Shade Trees and Commercial Nursery Crops, 2011" (E334) to supplement the already included guidance document "Pest Control Recommendations for Shade Trees and Commercial Nursery Crops" (E036T). The Department is also proposing to add an additional guidance document, "Pest Control Recommendations for Commercial Flower Growers, 2006, Publication: E038" developed by Rutgers University Cooperative Extension, which lists pesticides that may be legally applied in New Jersey and the appropriate rates to control insects, diseases, and weeds that may affect these crops. It is proposed that all guidance documents be incorporated by reference as amended and supplemented. The Department is also proposing to amend N.J.A.C. 2:71-7.4(b)1 to delete the reference to the purchase of these publications as they are available on the website without charge. The website address has been updated to reflect the change in the name of Rutgers Extension Service.

New rules are proposed at N.J.A.C. 2:71-7.9, to set forth the standards required for ornamental annual plant material to be eligible for sale under the Jersey Grown logo.

All annuals and bedding plants offered for sale under the program must be produced (grown to finish) in New Jersey, and meet or exceed the standards set forth in the new rule. Only ornamental annuals and [page=2418] bedding plants are eligible under N.J.A.C. 2:71-7 (Fruit or vegetable plants, such as tomato, pepper, cucurbit, cruciferous are not eligible).

The Department of Agriculture is also proposing technical amendments to:

- N.J.A.C. 2:71-7.2 to correct the definition of "plant material" to remove the duplicate reference;
- N.J.A.C. 2:71-7.3(a) to add "nursery stock";
- N.J.A.C. 2:71-7.3(i) to add "prior to retail sale" pertaining to the growth period and "under the conditions set forth in N.J.A.C. 2:71-7.7" pertaining to the approved woodland management plan;
- N.J.A.C. 2:71-7.3(j) to add, after "firewood," the reference to the general requirements and the specific standards for firewood ("without satisfying the requirements set forth in this section and N.J.A.C. 2:71-7.7"), which were inadvertently left out when originally promulgated and to correct the reference to specific standards for sunflower seed (not for human consumption) to "N.J.A.C. 2:71-7.8"; and
- N.J.A.C. 2:71-7.4(d) to remove the subsection, which duplicates N.J.A.C. 2:71-7.3(i).

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

### **Social Impact**

The Jersey Grown advertising and promotional program was developed to draw consumer attention to the availability of quality New Jersey plant products. This program is based on the Jersey Fresh promotional program, which has become the standard against which other states modeled their own marketing programs. The proposed amendments and new rule will have a positive social impact by expanding the advertising and promotional program to producers of New Jersey annual and bedding plants, thereby helping to maintain an important segment of New Jersey agriculture.

### **Economic Impact**

According to statistics published by the US Department of Agriculture National Agricultural Statistics Service in 2010, New Jersey ranks eighth in the nation in floricultural production. Producers grow approximately \$ 1.1 million of annual and bedding plants in New Jersey. The majority of which are small businesses. The number of producers with sales over \$ 10,000 in New Jersey totaled 339 in 2010, a decline of two percent when compared with 346 in 2009. The number of producers in New Jersey with sales of \$ 100,000 or more decreased from 160 producers in 2009 to 154 producers in 2010.

The proposed amendments and new rule will have a positive economic impact for New Jersey by providing an additional marketing tool for New Jersey producers of annuals and bedding plants that choose to use the Jersey Grown logo on their products. There is no cost for anyone who does not participate in this voluntary program. For those who choose to participate, the cost is \$ 30.00 per year for the annual registration fee, which will be offset by the value added to the product by use of the logo.

### **Federal Standards Statement**

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-23 (P.L. 1995, c. 65) require administrative agencies which

adopt, readopt, or amend any State rules that exceed any Federal standards or requirements to include in the rulemaking a comparison between the two sets of standards and an explanation of the costs and benefits associated with adopting a State standard that exceeds a Federal standard.

Participation in the Jersey Grown program is voluntary. The proposed amendments to N.J.A.C. 2:71-7.4 and new rule at N.J.A.C. 2:71-7.9 offer voluntary marketing quality standards but do not require exceeding Federal standards. The proposed amendments and new rule deal with the use of a logo for marketing New Jersey agricultural commodities. Because there are no Federal standards governing the creation and regulation of a logo identifying New Jersey agricultural products, as provided by N.J.S.A. 4:10-1 et seq. and 4:10-16 et seq., no Federal standards analysis is required.

### **Jobs Impact**

It is not anticipated that the proposed amendments and new rule will result in the loss of jobs. Providing an additional marketing tool for New Jersey producers of annuals and bedding plants will have a positive impact and may result in a slight increase in jobs.

### **Agriculture Industry Impact**

The proposed amendments and new rule will have a positive impact on New Jersey agriculture by helping to maintain a viable floriculture industry in the Garden State as described in the Social and Economic Impact statements above.

### **Regulatory Flexibility Analysis**

The proposed amendments and new rule have an impact on small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., primarily farmers; however the proposed amendments and new rule impose compliance standards, as described in the Summary above, only on those participating in this voluntary program. These rules are designed to ensure truth in packaging and an adherence to statements of quality.

The Department of Agriculture has determined that since these proposed amendments and new rule are voluntary, they do not impose unduly burdensome compliance requirements on either large or small businesses. These amendments and new rule do not include any recording or recordkeeping requirements.

The proposed amendments and new rule expand the Jersey Grown program to protect the interest of New Jersey annual plant producers by offering the use of the logo. The use of uniform product identification promotes the orderly marketing of goods that are similar in the generic sense and provides the opportunity through voluntary participation for small farms to compete with larger operations.

### **Housing Affordability Impact Analysis**

The proposed amendments and new rule will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the proposed amendments and new rule expand the types of commodities eligible to use the marketing logos when voluntary standards are met.

### **Smart Growth Development Impact Analysis**

The proposed amendments and new rule will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules expand the types of

commodities eligible to use the marketing logos when voluntary standards are met.

**Full text** of the proposed amendments and new rule follows (additions indicated in boldface **thus**; deletions in brackets [thus]):

## SUBCHAPTER 2. AGRICULTURAL COMMODITIES

### 2:71-2.7 Penalties

(a) Any licensed packer using "logo" containers for products other than those covered by [these rules] **this subchapter** or any unlicensed packer using "logo" packages for any product shall be subject to a penalty of not more than [\$ 50.00] **\$ 100.00** for the first offense and not more than [\$ 100.00] **\$ 200.00** for each subsequent offense, except for violations of N.J.S.A. 4:10-5, which penalty shall be [\$ 50.00] **\$ 100.00**. **Whenever an offense involves false, misleading, or improper labeling of farm products, each package shall constitute a separate offense.**

(b) (No change.)

(c) Any licensed producer using "logo" containers for products other than those covered by this chapter or any unlicensed producer using "logo" packages for any product shall be subject to a penalty of not more than [\$ 50.00] **\$ 100.00** for the first offense and not more than [\$ 100.00] **\$ 200.00** for each subsequent offense, except for violations of N.J.S.A. 4:10-5, which penalty shall be [\$ 50.00] **\$ 100.00**. **Whenever an offense involves false, misleading, or improper labeling of farm products, each package shall constitute a separate offense.**

(d) (No change.)

(e) Any entity licensed to transfer ownership of containers bearing the "logo" which violates any part of [the regulations] **this subchapter** shall be subject to a penalty of not more than [\$ 50.00] **\$ 100.00** for the first [page=2419] offense and revocation of license for a subsequent offense, except for violators of N.J.S.A. 4:10-5, which [the] penalty shall be [\$ 50.00] **\$ 100.00**. **Whenever an offense involves false, misleading, or improper labeling of farm products, each package shall constitute a separate offense.**

(f)-(h) (No change.)

(i) Orders for penalties or to enjoin continuing violations may be [enforced by summary action brought in the name of the Department in] **collected in a civil action in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999."** The Superior Court [or] **and the Municipal Court shall have jurisdiction to enforce the provisions of the "Penalty Enforcement Law of 1999."**

(j) (No change.)

## SUBCHAPTER 6. "JERSEY BRED" LOGO

### 2:71-6.3 Use of "Jersey Bred" as the logo for any "Jersey Bred Program"

(a)-(h) (No change.)

(i) Any licensed producer using the Jersey Bred logo for horses and 4-H market lambs without satisfying the requirements set forth in N.J.A.C. 2:71-6.4 and 6.5, any unlicensed producer using the Jersey Bred logo, or anyone violating any provision of N.J.S.A. 4:10-14 shall be subject to a penalty of not more than [\$ 50.00] **\$ 100.00** for the first offense and not more than [\$ 100.00] **\$ 200.00** for each subsequent offense, except for violations of N.J.S.A. 4:10-5,

which penalty shall be [\$ 50.00] **\$ 100.00. Whenever an offense involves false, misleading, or improper labeling of farm products, each package shall constitute a separate offense.**

(j) (No change.)

(k) Orders for penalties or to enjoin continuing violations may be [enforced by summary action brought in the name of the Department in] **collected in a civil action in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999." The Superior Court [or] and the Municipal Court shall have jurisdiction to enforce the provisions of the "Penalty Enforcement Law of 1999."**

(l) (No change.)

## SUBCHAPTER 7. "JERSEY GROWN" LOGO

### 2:71-7.1 Scope and purpose

(a) A New Jersey farmer, grower, or producer of agricultural or horticultural products is permitted to make application to the New Jersey Department of Agriculture for the use of the "Jersey Grown" logo if they satisfy the following:

1. A New Jersey producer of nursery stock, [or] plant material, **or ornamental annual plant material**, who is certified pursuant to N.J.A.C. 2:16 to sell or distribute nursery stock or plant material and who complies with the **applicable** requirements set forth in **N.J.A.C. 2:71-7.4 and 7.9**;

2.-5. (No change.)

### 2:71-7.2 Definitions

...

**"Ornamental annual plant material" means annuals or bedding plants not to include any fruit or vegetable plants.**

"Plant material" includes any part of a plant, tree, aquatic plant, plant product, [plant material,] shrub, vine, fruit, rhizome, vegetable, seed, bulb, stolon, tuber, corm, pip, cutting, scion, bud, graft, or fruit pit.

...

### 2:71-7.3 Use of the "Jersey Grown" logo

(a) The New Jersey Department of Agriculture approves the use of "Jersey Grown" in conjunction with the New Jersey map symbol under **the** provisions of N.J.S.A. 4:10-5 and 4:10-15 as an official emblem for identifying New Jersey produced **nursery stock**, plant material, turfgrass sod, firewood, sunflower seeds (not for human consumption), [and] cut Christmas trees, **and ornamental annual plant material**.

(b) Persons, firms, partnerships, corporations, or associations must first obtain a valid nursery certificate, issued by the Division of Plant Industry pursuant to N.J.A.C. 2:16, before applying to utilize the "Jersey Grown" logo on plant material, [or] nursery stock, **or ornamental annual plant material and must be licensed in accordance with this section and comply with the applicable requirements of N.J.A.C. 2:71-7.4 and 7.9**. Persons, firms, partnerships, corporations, or associations utilizing the "Jersey Grown" logo on cut Christmas trees must be licensed in accordance with this section and comply with the requirements of N.J.A.C. 2:71-7.5. Persons, firms, partnerships, corporations, or

associations utilizing the "Jersey Grown" logo on turfgrass sod must be licensed in accordance with this section and comply with the requirements of N.J.A.C. 2:71-7.6. Persons, firms, partnerships, corporations, or associations utilizing the "Jersey Grown" logo on firewood must be licensed in accordance with this section and comply with the requirements of N.J.A.C. 13:47C-3.1 and 2:71-7.7. Persons, firms, partnerships, corporations, or associations utilizing the "Jersey Grown" logo on sunflower seeds (not for human consumption) must be licensed in accordance with this section and comply with the requirements of N.J.A.C. 2:71-7.8. No nursery certificate is needed for cut Christmas trees, turfgrass sod, firewood, or sunflower seeds (not for human consumption).

(c) Only those persons, firms, partnerships, corporations, or associations licensed to use the "Jersey Grown" logo shall be permitted to attach or have it imprinted upon any documents related to their nursery stock, plant material, turfgrass sod, firewood, sunflower seeds (not for human consumption), [or] cut Christmas trees, **or ornamental annual plant material** or to employ its use in advertising or in any manner whatsoever. Layout of proposed advertising to be used for the marketing of "Jersey Grown" plants and nursery stock shall be submitted for approval [by] **to** the Division of Marketing and Development, New Jersey Department of Agriculture, in advance of their manufacture and use.

(d) Any person, firm, partnership, corporation, or association wishing to employ the "Jersey Grown" logo in marketing New Jersey produced plant materials, nursery stock, turfgrass sod, firewood, sunflower seeds (not for human consumption), [and] cut Christmas trees, **or ornamental annual plant material** shall make application to the New Jersey Department of Agriculture for a license to do so. The application shall be made in writing, upon a form provided by the Department for this purpose. The application shall reveal the name, address, and nursery certificate of the user, the type of plant material, nursery stock, or cut Christmas tree for which the user is seeking a license and other such information as is deemed necessary for enforcement of the "Jersey Grown" program. The Department will hold confidential any information provided in the application[, which] **that** constitutes proprietary commercial or financial information, or is otherwise protected from disclosure under the Open Public Records Act, N.J.S.A. 4:1A-1 et seq., subject to the limitations set forth therein.

(e)-(h) (No change.)

(i) All nursery stock marketed under the logo program shall be propagated and/or [be] grown in New Jersey for a period of at least six months **prior to retail sale** under the conditions set forth in this section and N.J.A.C. 2:71-7.4. All cut Christmas trees marketed under the logo program shall be propagated and/or be grown in New Jersey for a period of at least four years prior to retail sale under the conditions set forth in N.J.A.C. 2:71-7.5. All turfgrass sod marketed under the logo shall be grown in New Jersey for a period of at least eight months prior to retail sale under the conditions set forth in N.J.A.C. 2:71-7.6. All firewood marketed under the program shall be harvested from trees grown in New Jersey private forestlands managed under an approved woodland management plan **under the conditions set forth in N.J.A.C. 2:71-7.7**. All sunflower seeds (not for human consumption) marketed under the program shall be grown in New Jersey under the conditions set forth in N.J.A.C. 2:71-7.8. **All ornamental annual plant material marketed under the logo program shall be produced (meaning grown to finish) in New Jersey under the conditions set forth in N.J.A.C. 2:71-7.9.**

(j) Any licensed producer using the "Jersey Grown" logo for nursery stock, [or] plant material, **or ornamental annual plant material** without satisfying the **applicable** requirements set forth in this section and N.J.A.C. 2:71-7.4 **and 7.9**, any licensed grower using the "Jersey Grown" logo for cut Christmas trees without satisfying the requirements set forth in this section and N.J.A.C. 2:71-7.5, any licensed grower using the "Jersey Grown" logo for turfgrass sod without satisfying the requirements set forth in this section and N.J.A.C. 2:71-7.6, any licensed producer using the "Jersey Grown" logo for firewood **without satisfying the** [page=2420] **requirements set forth in this section and N.J.A.C. 2:71-7.7**, any licensed producer using the "Jersey Grown" logo for sunflower seeds (not for human consumption) without satisfying the requirements set forth in this section and N.J.A.C. 2:71-[7.7]**7.8**, any unlicensed or uncertified producer or grower using the "Jersey Grown" logo or anyone violating any provision of N.J.S.A. 4:10-14 shall be subject to a penalty of not more than [\$ 50.00] **\$ 100.00** for the first offense and not more than [\$ 100.00] **\$ 200.00** for

each subsequent offense, except for violations of N.J.S.A. 4:10-5, which penalty shall be [\$ 50.00] **\$ 100.00. Whenever an offense involves false, misleading, or improper labeling of farm products, each package shall constitute a separate offense.**

(k)-(n) (No change.)

(o) Orders for penalties or to enjoin continuing violations may be [enforced by summary action brought in the name of the Department in] **collected in a civil action in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999." The Superior Court [or] and the Municipal Court shall have jurisdiction to enforce the provisions of the "Penalty Enforcement Law of 1999."**

(p) (No change.)

2:71-7.4 Plant material and nursery stock

(a) (No change.)

(b) All nursery stock, **plant material, and ornamental annual plant material** marketed under this program shall be maintained free of injurious insects and plant diseases. Pursuant to the authority of N.J.A.C. 1:30-2.2, the Department hereby adopts and incorporates by reference, **as amended and supplemented**, the Rutgers Cooperative Extension publications "Pest Control Recommendations for Shade Tree and Commercial Nursery Crops" (E036T), "**Pest Control Recommendations for Commercial Flower Growers**" (E038), and **Insect Control Recommendations for Shade Trees and Commercial Nursery Crops, 2011" (E334)** for use as [a] guides by New Jersey plant and nursery stock producers to ensure freedom from injurious plant pests and diseases.

1. Copies of [this] **the** publications [may be purchased from Rutgers, The State University of New Jersey, Publications Distribution Center, RCE, Cook College, 57 Dudley Road, New Brunswick, NJ 08901-8520. In addition, the publication is] **in this subsection are** available free of charge on the Rutgers Cooperative Extension website at [http://www.rce.rutgers.edu] <http://njaes.rutgers.edu/pubs>.

2. [A copy is] **Copies of the publications in this subsection are** on file in the Director's office--Division of Plant Industry, New Jersey Department of Agriculture, PO Box 330, Trenton, New Jersey 08625-0330.

(c) (No change.)

[(d) All nursery stock shall be propagated and/or be grown in New Jersey for a period of at least six months prior to retail sale.]

#### **2:71-7.9 Ornamental annual plant material**

(a) **Plants shall have enough healthy roots to hold their root ball intact when removed from their growing container.**

(b) **Plants must have a canopy large enough to cover the soil when viewed from above and or have a stem caliper large enough to support its normal canopy or floral display.**

(c) **Plants should be no taller than three times the container depth.**

(d) **Plant foliage should be in a normal state of growth and not overly hardened or stunted.**



- (e) Plants shall be free of all disease, physiological defects, and physical injury.
- (f) Containers shall be free from the presence of any foreign plants (weeds, grasses, etc.).
- (g) Each bedding plant package must have a care/culture tag and an identification tag correctly specifying the common name and the botanical genus and species of the plant in the package.

#### SUBCHAPTER 8. "JERSEY ORGANIC" LOGO

##### 2:71-8.5 Penalties

(a) Any person, firm, partnership, corporation, cooperative, or association using the "Jersey Organic" logo for organic agricultural commodities without satisfying the requirements set forth in N.J.A.C. 2:78 or this subchapter, any unlicensed or uncertified producer or handler using the "Jersey Organic" logo, or anyone violating any provision of N.J.S.A. 4:10-1 et seq., shall be subject to a penalty of not more than [\$ 50.00] **\$ 100.00** for the first offense and not more than [\$ 100.00] **\$ 200.00** for each subsequent offense, **except for violations of N.J.S.A. 4:10-5, which penalty shall be \$ 100.00. Whenever an offense involves false, misleading, or improper labeling of farm products, each package shall constitute a separate offense.**

(b)-(d) (No change.)

(e) Orders for penalties or to enjoin continuing violations may be [enforced by the filing of a summary proceeding brought in the name of the Department in] **collected in a civil action in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999." The Superior Court [or] and the Municipal Court shall have jurisdiction to enforce the provisions of the "Penalty Enforcement Law of 1999."**

#### SUBCHAPTER 9. "JERSEY SEAFOOD" LOGO

##### 2:71-9.6 Penalties

(a) Any person, firm, partnership, corporation, cooperative, or association who violates the provisions of this subchapter shall be subject to a penalty of not more than [\$ 50.00] **\$ 100.00** for the first offense and a penalty of not less than [\$ 50.00] **\$ 100.00** and not more than [\$ 100.00] **\$ 200.00** for each subsequent offense, **except for violations of N.J.S.A. 4:10-5, which penalty shall be \$ 100.00. Whenever an offense involves false, misleading, or improper labeling of farm products, each package shall constitute a separate offense.**

(b) (No change.)

(c) Any person, firm, partnership, corporation, cooperative, or association licensed pursuant to N.J.A.C. 2:71-9.4(f) to transfer ownership of containers bearing the "Jersey Seafood" logo who transfers ownership in violation of this subchapter shall be subject to a penalty of no more than [\$ 50.00] **\$ 100.00** for the first offense and revocation of their license for any subsequent offense.

(d) Orders for penalties or to enjoin continuing violations may be [enforced by summary action brought in the name of the Secretary in] **collected in a civil action in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999." The Superior Court [or] and the Municipal Court shall have jurisdiction to enforce the provisions of the "Penalty Enforcement Law of 1999."**

(e)-(f) (No change.)