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RULE ADOPTIONS
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
General Advertising Practices
Rainchecks

Adopted Amendment: N.J.A.C. 13:45A-9.2

Proposed: July 16, 2007 at 39 N.J.R. 2586(a).

Adopted: September 20, 2007 by Lawrence Demarzo, Acting Director, Division of Consumer Affairs.

Filed: October 1, 2007 as R.2007 d.337, **without change**.

Authority: N.J.S.A. 56:8-2.32.

Effective Date: November 5, 2007.

Expiration Date: March 21, 2011.

Summary of Public Comment and Agency Response:

The official comment period ended September 14, 2007. **The Director received no comments.**

Federal Standards Statement

A Federal standards analysis is not required because the rule and the proposed amendments are not subject to any Federal standards or requirements.

Full text of the adoption follows:

13:45A-9.2 General advertising practices

(a) Without limiting the application of N.J.S.A. 56:8-1 et seq., the following practices shall be unlawful with respect to all advertisements:

1.-7. (No change.)

8. Whenever an advertiser provides a raincheck for an advertised item which is not available for immediate purchase, the failure to:

i. Honor or satisfy such raincheck within 60 days of issuance unless an extension of such time period is agreed to by the holder thereof or, if after a good faith effort an advertiser cannot procure for the holder of the raincheck the advertised merchandise within the 60-day period, failure to offer the holder of the raincheck a different item of merchandise of substantially the same kind, quality and price as the original advertised merchandise; and

ii. Give written or telephonic notice to the holder thereof when the merchandise is available and hold such merchandise for not less than 10 days after giving such notice or to the end of the 60-day period for which the raincheck is valid, whichever is longer, for all merchandise with an advertised unit price greater than \$ 15.00;

iii. Offer a raincheck to all customers who are unable, due to the unavailability thereof, to purchase the advertised merchandise during the period of time during which the merchandise has been advertised as available for sale; and

iv. Conspicuously post its raincheck policy on a sign in at least one of the following locations:

- (1) Affixed to a cash register or location of the point of sale;
- (2) So situated as to be clearly visible to the buyer;
- (3) Posted at each store entrance used by the public;
- (4) At the location where the merchandise was offered for sale;
- (5) In an advertisement for merchandise; or
- (6) Printed on the receipt of sale.

9.-13. (No change.)