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RULE ADOPTIONS  
LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
Banned Hazardous Products; Toy Recall Notices

Adopted Amendments: N.J.A.C. 13:45A-4.1, 4.2 and 24.3

**Banned Hazardous Products; Toy Recall Notices**

Proposed: June 18, 2007 at 39 N.J.R. 2321(a).

Adopted: September 25, 2007 by Lawrence Demarzo, Acting Director, Division of Consumer Affairs.

Filed: October 3, 2007 as R.2007 d.342, without change.

Authority: N.J.S.A. 56:8-4.

Effective Date: November 5, 2007.

Expiration Date: March 21, 2011.

**Federal Standards Statement**

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

Full text of the adoption follows:

**SUBCHAPTER 4. RULES CONCERNING HAZARDOUS PRODUCTS**

**13:45A-4.1 Unconscionable commercial practice**

(a) It shall be an unconscionable commercial practice for any person, including any business entity, to manufacture, distribute, sell or offer for sale any consumer product contrary to any order of the Consumer Product Safety Commission, pursuant to 15 U.S.C. §2051 et seq. or to advertise a consumer product that has been the subject of a safety advisory, warning, or recall issued by any governmental agency or the manufacturer of the product, without clearly and conspicuously disclosing in the advertisement, at the place in the store where the product is or, if the product is no longer sold, where it was displayed, and at the customer service area, that the product is the subject of a safety advisory, warning, or recall and the general nature of the safety hazard that prompted the advisory, warning, or recall.

(b) It shall be an unconscionable practice for any person, including any business entity, to advertise or market to, or otherwise solicit the sale from, a resident of this State, a consumer product that is illegal to possess or use in this State or a consumer product that is illegal to possess or use in this State without a valid permit or license, where the possession or use, or the possession or use without a valid permit or license, would subject the person possessing or using the product to criminal prosecution, without clearly and conspicuously disclosing that the product is illegal to possess or use in this State, or to possess or use in this State without a valid permit or license, as the case may be.

(c) It shall be an unconscionable practice for any person, including any business entity, to advertise or market to, or otherwise solicit the sale from, a resident of this State or to expose for sale, offer for sale, or sell in this State, a consumer product consisting of a motor vehicle that is not required to be registered with any state or Federal agency, whose possession or use in this State is subject to restrictions or limitations, including mandated safety devices, specific to such product imposed by State law or rule, without clearly and conspicuously disclosing that the product is subject to restrictions or limitations imposed by State law or rule and the general nature of such

restrictions or limitations.

### **13:45A-4.2 Definitions**

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly requires otherwise:

"Consumer product" means any article or component part thereof, produced or distributed:

1. (No change.)
2. For the personal use, consumption or enjoyment by a consumer in or around a permanent or temporary household or residence, a school, in recreation or otherwise.

"Motor vehicle" means a vehicle propelled otherwise than by muscular power, in, upon or by which a person or property is or may be transported upon land.

### **13:45A-24.3 Toy recall notices**

(a)-(c) (No change.)

(d) A dealer who is notified by a manufacturer, a distributor, or the U.S. Consumer Product Safety Commission of a defective or hazardous toy or other article intended for use by children shall, if the dealer has carried or normally carries such item, prominently display that notification for at least 120 days after its receipt on each premises where the toy or article was sold or would normally be sold, as follows:

1. Each notification shall be displayed at the place in the store where the product is or, if the product is no longer sold, where it was, displayed, and at the customer service area. Notifications shall be placed so that they can be easily read by adult persons of average height and normal vision. No structures, furniture, boxes, merchandise, packaging material, etc., shall impede access to the display of notifications.

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