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NEW JERSEY ADMINISTRATIVE CODE
TITLE 13
LAW AND PUBLIC SAFETY
CHAPTER 47C
GENERAL COMMODITIES; WEIGHTS AND
MEASURES

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SUBCHAPTER 1. GENERAL COMMODITIES; DEFINITIONS

13:47C-1.1 GENERAL COMODITIES

The Uniform Regulation for the Method of Sale of Commodities contained in the National Institute of Standards and Technology (NIST) Handbook 130, 2018 edition, at pages 95 through 140, adopted by the National Conference on Weights and Measures, is incorporated herein by reference, as amended and supplemented. The Uniform Regulation for Method of Sale of Commodities may be found at <https://nvlpubs.nist.gov/nistpubs/hb/2018/NIST.HB.130-2018.pdf>. All general commodities sold or offered for sale in this State shall comply with these regulations. Notwithstanding the incorporation of the NIST Handbook 130, 2018 edition, the State definitions and requirements in this chapter shall be followed by those who sell or offer for sale general commodities.

13:47C-1.2 DEFINITIONS

The following words and terms, as used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Advertising media or means” means any attempt directly or indirectly by publication, dissemination, solicitation, endorsement or circulation or in any other way to induce directly or indirectly any person to enter or not enter into’ any obligation or acquire any title or interest in any building materials as defined by this regulation.

“Building materials” means lumber, wood, and wood product materials used in connection with the construction, fabrication, and erection of residential, utility or business premises.

“Consumer” means any person who purchases building materials for incorporation into any type of structure.

“Cut-up poultry” means all dressed poultry from which the entire viscera (entrails) have been removed and the carcass of which has been cut into portions or dismembered.

“Dry tare” means the unused dry tare and used dry tare methods of net weight inspection.

“Equipped dealer” means any person who is regularly engaged in the business of selling or selling and delivering building materials to consumers in the State of New Jersey and who maintains unloading or loading, storage, transportation, communication, sales, services or other facilities therefor, with an office accessible to the public with a competent person on duty, commensurate with the nature and other requirements of the business.

“Grade” and “species” means those grades and species for building materials that are authorized by N.J.S.A. 51:4-27.

“Meat” means and includes beef, veal, pork, mutton, lamb, domestic rabbits and products of all kinds in which meat of the prescribed classes forms the basic ingredient.

“Offer for sale” or “expose for sale” shall be construed to include the use of any advertising media or means.

“Page” means one side of a sheet of paper used for writing purposes.

“Persons” means and includes corporations, companies, associations, societies, firms, partnerships, joint stock companies and governmental entities as well as individuals.

“Poultry” means and includes chickens, ducks, geese, turkeys, guineas and all products the basic ingredient of which is poultry of prescribed classes; provided, however, that squabs shall be exempt from the requirements of this chapter.

“Precious metals” means gold, silver, platinum, palladium, and alloys thereof.

“Sheet” means the separate, individual piece of tissue or paper. In case of writing materials, “sheet” shall not be construed to mean “page.”

“State Superintendent” means the State Superintendent of the Office of Weights and Measures in the Division of Consumer Affairs, New Jersey State Department of Law and Public Safety.

“Transient buyer” means a buyer of precious metals as provided for in N.J.S.A. 51:6A-1 et seq. who has not been in the retail business continuously for at least six months at the address

in the municipality where he is required to register or who intends to close out or discontinue all retail business in the municipality within six months.

“Unequipped dealer” means any person who is regularly engaged in the business of selling building materials at retail in the State of New Jersey to consumers in this State who does not maintain loading, unloading or storage facilities.

“Unused dry tare” means all unused packaging materials, including such materials as glue, labels, and ties, that contain or enclose a product and includes prizes, gifts, coupons, or decorations that are not part of the product.

“Usable unit” means an individual sheet or unit or any combination of sheets or units which can be removed or dispensed from any type of roll, container or other package form in a single operation.

“Used dry tare” or “dried used tare” means used packaging material that has been air dried or dried in some manner to simulate the unused tare weight, including all packaging materials that can be separated from the packaged product either readily or by washing, scraping, ambient air drying, or other techniques involving more than normal household recovery procedures, but not including laboratory procedures like oven drying.

SUBCHAPTER 2. FOODSTUFFS

13:47C-2.1 MEAT, POULTRY, FISH AND/OR SHELLFISH SOLD BY NET WEIGHT: METHODS OF SALE

- a) Labels on ready-to-cook stuffed fish, seafood, poultry, or meat products must show the total net weight of the stuffed fish, seafood, poultry, or meat product.

- b) Persons conducting net weight inspections of meat, poultry or fish shall use dry tare. Packages of meat, poultry and fish shall be tested for net weight content as follows:
 - 1) For packages of meat and poultry that bear a United States Department of Agriculture (USDA) inspection seal, used dry tare (or dried used tare) shall be used as the method of tare determination.

- 2) For packages that do not bear the USDA seal of inspection, unused dry tare shall be used when available at the place of sale. If unused dry tare is not available, then used dry tare (or dried used tare) shall be used as the method of tare determination.
- 3) When testing packages of fresh or unfrozen fish, unused dry tare shall be used if available at the place of sale. If unused dry tare is not available, then used dry tare (or dried used tare) shall be used as the method of tare determination.

13:47C-2.2 SECTIONED POULTRY

- a) All cut-up poultry shall be offered for sale or sold by net weight on the following basis of dissection:
 - 1) The wings of each poultry item must be disjointed and removed at the socket joint adjoining the breasts and must contain all the wing meat.
 - 2) The legs must be disjointed and removed from the shank at the hock joint and from the body at the hip point and must contain the complete thigh, all the thigh meat, and the oyster but shall not contain the ilium and the ischium bones or any part thereof.
 - 3) The drumsticks must be disjointed and removed from the shank at the hock joint and disjointed and removed from the thigh at knee joint between the tibia and femur (thigh) bones.
 - 4) The thighs must be disjointed and removed from the drumstick at the knee joint between the tibia and femur (thigh) bone from the body at the hip joint and must contain the complete thigh, all the thigh meat and the oyster, but shall not contain the ilium or the ischium bones or any part thereof.
 - 5) The breast must be removed from the back by cutting alongside the exterior of the oyster socket (ilium) and through the ribs at the point the ribs connect with the spinal vertebrae. No part of the wings, legs, back or neck bones, skin, meat, gizzard, heart or any other portion not breast may be sold as breasts.
 - 6) The back must contain the neck, vertebrae, backbone, oyster socket (ilium), the ischium and the meat, skin and bones of these parts.
- b) The requirements of (a) above do not apply when the poultry is:
 - 1) Split down the back into halves; or

- 2) Cut into quarters, provided, however, that all such portions are at all times properly labeled, advertised or otherwise described as such.

13:47C-2.3 DRIED OR SMOKED FISH

- a) All dried fish, smoked fish and products thereof shall be sold by net weight.
- b) When packed in containers or wrappers, the net contents shall be clearly and conspicuously marked, provided, however, that in lieu thereof it shall be permissible to mark the tare weight alone, together with a conspicuous statement on each wrapper or container to the effect that the retailer must weigh the package at time of sale to the consumer in order to ascertain the actual net weight.

13:47C-2.4 DIVIDED UNITS OF FOOD

- a) All articles of food which are normally permitted to be sold by numerical count as an individual piece or unit when divided or portioned by any method whatsoever shall have all such divisions or portions sold, exposed or offered for sale on the basis of net weight.
- b) When such articles of food in package form are removed and divided or portioned, the requirements of (a) above shall apply.
- c) The provisions of (a) and (b) above shall not apply to those items portioned for consumption on the premises by restaurants, diners or similar eating establishments.

13:47C-2.5 FRESH MEAT ROASTS

Fresh meat roasts of any kind or cut shall be exposed, advertised, offered for sale or sold on the basis of net weight of the fresh meat or roast only, and any fat or other extraneous material of any kind whatsoever, either wrapped around or wrapped within such fresh meat or roast, shall be considered as tare weight only.

SUBCHAPTER 3. NONFOODSTUFFS

13:47C-3.1 WOOD FOR USE AS FUEL OR FLAVORING; DELIVERY TICKETS AND SALE INVOICES; INSPECTIONS

- a) The regulation addressing advertising quantity of wood for use as fuel is set forth in the NIST Handbook 130, 2018 edition, at IV.B.2.

- b) The regulation addressing the method of sale of wood for use as fuel or flavoring is set forth in the NIST Handbook 130, 2018 edition, at IV.B.2. In addition to the requirements of the NIST Handbook 130, the following State rules apply:
- 1) A delivery ticket or sales invoice is to include the serial number; and
 - 2) A copy of all delivery tickets and sale invoices, except voided delivery tickets shall be retained by the seller or vendor for a period of at least six months and shall be subject to inspection at the seller or vendor's place of business during normal business hours by any weights and measures officer. All voided delivery tickets in duplicate shall be kept on file at the seller or vendor's place of business where the sale originated for a period of at least two years from the date of issuance and shall be subject to inspection during normal business hours by any weights and measures official.
- c) Reweighing or remeasuring: All cordwood, firewood, fireplace, stove wood, and whole logs, as defined by this chapter, will be subject to inspection, when in transit, at the time of delivery or at any reasonable time following delivery, by any weights and measures officer pursuant to N.J.S.A. 51:1-88.

13:47C-3.2 HOLIDAY DECORATING MATERIALS

- a) All decorating materials intended for use during the holiday seasons and constituting various forms of natural vegetation normally made or manufactured into rope form, such as laurel rope and robinhood rope and so forth, and distributed in bundles, shall be offered for sale or sold on the basis of linear measurement only.
- b) To each bundle there shall be affixed a tag on which is plainly and conspicuously marked the name and address of the maker of such rope decorations, together with a declaration of the quantity of contents of the bundle in terms of linear measurement.

13:47C-3.3 RESERVED

13:47C-3.4 ADVERTISING OF BUILDING MATERIALS

- a) This section is adopted pursuant to the specific authority of N.J.S.A. 51:4-31 and is intended to implement and supplement the provisions of Title 51 Article 3 entitled Lumber and Lumber Products.
- b) No dealer, equipped or unequipped, shall offer, expose for sale or both offer and expose for sale, by the use of any advertising media or means, any building materials to consumers in the State of New Jersey unless the size, grade and species of each such untreated building materials and the size, grade, species, the preservative used in treatment, the amount of

preservative retention expressed as pound per cubic foot and maximum or worst exposure conditions to which the treated wood should be subjected is clearly contained in said advertising. All prefix and/or suffix adjectives about the grade and species of the building materials shall be limited to a statement of both the grade and species in accordance with the applicable commercial standards of the United States Department of Commerce, the grading rules of approved grading rules writing agency or other industry standards as are accepted by the Superintendent.

13:47C-3.5 PENALTIES

- a) Any violation of or noncompliance with the provisions of this subchapter, with the exception of N.J.A.C. 13:47C-3.4 (Advertising of building materials), shall subject the violator to a penalty of not less than \$100.00 as authorized by N.J.S.A. 51:1-89.

1. Each package in violation shall be deemed a separate violation as required by N.J.S.A. 51:1-100.

- b) Any violation or noncompliance with provisions of N.J.A.C. 13:47C-3.4 shall subject the violator to a penalty of not less than \$50.00 nor more \$250.00 for the second offense, and not less than \$250.00 nor more than \$500.00 for each subsequent offense, as authorized by N.J.S.A. 51:4-38.

13:47C-3.6 RESERVED

13:47C-3.7 PAPER NAPKINS, PAPER TOWELS, FACIAL TISSUES AND TOILET TISSUES

The declaration of quantity on a package of paper napkins, paper towels, facial tissues or toilet tissues shall indicate the numerical count of usable units (a sheet of two- or three-ply shall be considered a single usable unit), the number of ply, and the dimensions of the individual unit contained in the package.

13:47C-3.8 TABLETS AND BOOKS OF WRITING PAPER

The declaration of quantity on a package of tablets or books of writing paper shall indicate the number of tablets or books in a package.

13:47C-3.9 WRAPPING PAPER

- a) The declaration of quantity on a package of wrapping paper in sheet form shall be in terms of either numerical count or of net weight.

- b) If the declaration is in terms of numerical count, it shall indicate both the dimensions of an individual sheet and the number of sheets in the package.

13:47C-3.10 GIFT-WRAPPING PAPER

The declaration of quantity on a package of gift-wrapping paper, whether packaged as individual sheets or in roll form, shall indicate the numerical count and the dimensions of the individual sheets. Any linear dimensions in excess of 48 inches shall be expressed in terms of feet.

13:47C-3.11 SUPPLEMENTARY QUANTITY DECLARATION

Any declaration or statement relating to the quantity of contents of a package of paper product that is in addition to or supplementary to the declaration required by law, regulation or rule shall be in juxtaposition with and be subordinated to the required declaration.

13:47K-3.12 MULTI-UNIT PACKAGES, PAPER PRODUCTS

Multi-unit packages of paper products shall bear on the outside wrapper, clearly and conspicuously, a quantity declaration indicating the number of individual rolls or packages, the usable unit count and sheet size for each individual roll or package, and the total quantity of the multi-unit package.

13:47C-3.13 PAPER PRODUCTS FOR INDUSTRIAL USE ONLY

Rolls or packages of paper products for industrial use only and not for resale need not be marked individually so long as the container in which such rolls or packages are packed is properly marked to show the quantity of the contents of such container

13:47C-3.14 FOLDED FACIAL TISSUES TO BE COMPACTLY PACKAGED

Folded facial tissues shall be compactly folded and gaps between the edges of sheets shall be held to a minimum.

13:47C-3.15 SIZE OF CARTONS

Cartons or any other package form in which paper products are packed shall not be larger than needed to hold their intended or represented contents.

13:47C-3.16 SIZE OF TUBES FOR ROLLED PAPER PRODUCTS

Tubes or any other device similarly used for rolled paper products shall not be larger than required to contain the minimum diameter of rolled paper product without damage.

13:47C-3.17 KINDLING WOOD

- a) All kindling wood shall be offered for sale, sold or distributed by avoirdupois net weight, except when sold in quantities of a bushel or half bushel.
- b) The quantity of contents either in terms of avoirdupois net weight or of the bushel or half bushel shall be declared on all containers used for this purpose.

SUBCHAPTERS 4 THROUGH 5. (RESERVED)

SUBCHAPTER 6. REQUIREMENTS FOR SECURITY BOND REQUIRED BY TRANSIENT BUYERS OF PRECIOUS METALS

13:47C-6.1 TRANSIENT BUYER BOND REQUIREMENTS

- a) A transient buyer of precious metals shall file with the State Superintendent a good and sufficient surety bond executed by a surety company authorized to transact business in the State of New Jersey in an amount of not less than \$5,000. The bond shall run to the State for the benefit of any person injured by the wrongful act, default, fraud or misrepresentation of the transient buyer of precious metals. The bond shall be approved as to form and sufficiency by the State Superintendent, shall be given to the State Superintendent in his or her official capacity and shall be conditioned for the faithful compliance by the precious metals transient buyer with all of the provisions of N.J.S.A. 51:6A-1 et seq., and for the payment of all amounts due to sellers of precious metals during the period the bond is in force.
- b) In accordance with the provisions of N.J.S.A. 51:6A-1i, the bond shall not be cancelled for any cause unless a Notice of Intention to cancel is filed at least 30 days before the requested cancellation date with the State Superintendent. The bond shall contain such a provision.

13:47C-6.2 NOTICE OF INTENTION

- a) No monies or securities shall be withdrawn from the State Superintendent unless a Notice of Intention to withdraw is given to the State Superintendent at least 30 days before such withdrawal.
- b) After the Notice of Intention is filed with the State Superintendent, the transient buyer shall make no further purchases of precious metals in the State of New Jersey.

13:47C-6.3 CLAIMS

- a) Each customer (seller of precious metals) having a claim against a transient buyer shall file a verified claim in writing with the State Superintendent within 60 days. Failure to file within 60 days shall nullify the claim.
- b) If a customer has reduced his claim to a judgment, the judgment shall be presumptive proof of the amount due him.
- c) When the customer is the prevailing party and the surety shall not make payment of the amount decided, the State Superintendent shall bring an action at law to recover the amount necessary to satisfy the claim.
- d) The State Superintendent shall make distribution thereof to the claimants in accordance with the amounts determined to be due thereon, and if the bond is less than the total amount of awarded claims, distribution shall be made ratably to the claimants according to said amounts.
- e) Claims not filed with the bonding period or within 60 days of the termination of the bond shall not be received, acted upon or paid.