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NEW JERSEY ADMINISTRATIVE CODE
TITLE 13
LAW AND PUBLIC SAFETY
CHAPTER 45A
SUBCHAPTER 22
HALAL FOOD

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SUBCHAPTER 22. HALAL FOOD

13:45A-22.1 PURPOSE AND SCOPE

- a) The rules in this subchapter implement the provisions of P.L. 2000, c.60 (N.J.S.A. 56:8-98 et seq.), which created the “Halal Food Consumer Protection Act” under the Division of Consumer Affairs.
- b) This subchapter shall apply to all dealers, as defined in N.J.A.C. 13:45A-22.2, who prepare, distribute, sell or expose for sale any food represented to be halal.

13:45A-22.2 DEFINITIONS

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

“Advertises, represents or holds itself out” means engaging, directly or indirectly, in promotional activities including, but not limited to, oral representations, newspaper, radio and television advertising, Internet and electronic media, telephone book listings, distribution of fliers and menus and any in-store signs or announcements.

“Certified” means guaranteed as meeting a standard and endorsed by a halal certifying agency.

“Dealer” means any establishment that advertises, represents or holds itself out as selling, preparing or maintaining food as halal, including, but not limited to, persons, manufacturers, slaughterhouses, processors, wholesalers, stores, restaurants, hotels, caterers, catering facilities, butcher shops, summer camps, bakeries, delicatessens, supermarkets, grocery stores, nursing homes, freezer dealers and food plan companies. Such establishments may also deal in food not represented as halal.

“Director” means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety or the Director’s designee.

“Disclosure” means the form(s) provided by the Division and executed by a dealer for the purpose of disclosing to consumers and to the Division practices relating to the slaughter of animals, preparation, handling and sale of food represented to be halal.

“Division” means the Division of Consumer Affairs in the Department of Law and Public Safety.

“Food” means a food, food product, food ingredient, dietary supplement or beverage.

“Halal certifying agency” means an independent third party, non-profit or a private entity, non-governmental agency or organization, which supervises a business, product or the production or preparation of food and attests it was in conformance with the standards of halal. Such agencies may endorse a business, product or food as halal by giving a halal symbol.

“Meat” means animal and/or poultry meat, meat products or meat byproducts.

“Person” means an individual, corporation, business trust, trust, estate, partnership, association, two or more persons having a joint or common interest or any other legal or commercial entity. When used in this subchapter, “person” shall include, but not be limited to, all retail establishments, all dealers as defined above, and all others along the chain of commerce from the time a food is produced or, in the case of meat or poultry, from the time of slaughter to the time of its sale.

“Properly sealed packages” means those packages which bear a halal symbol sealed by the manufacturer, processor or wholesaler at its premises.

“Sell” means to offer for sale, expose for sale, serve or sell, directly or indirectly.

“Wholesaler” means any person selling food to another person where that food is intended for resale.

13:45A-22.3 DISCLOSURE STATEMENT; POSTING OF DISCLOSURE

- a) A dealer selling food represented as halal shall request in writing from the Division the halal disclosure form(s) and halal disclosure statement(s) applicable to its business. When making

- a request, the dealer shall identify its business practices on a disclosure form statement provided by the Division.
- b) A dealer shall complete and return to the Division within 14 calendar days of receipt the halal disclosure form(s) provided by the Division. A dealer who completes a halal disclosure form shall conform its sales practices to those it set forth on the halal disclosure form that it returns to the Division.
 - c) A dealer selling food represented as halal shall complete and post, in a location on its premises readily visible to the consumer, the applicable halal disclosure statement provided by the Division.
 - d) In the event of any change in the practices reported to the Division on the halal disclosure form and posted on the halal disclosure statement, a dealer shall immediately manually amend its posted halal disclosure statement to reflect the change in the posted practices and shall inform the Director in writing, and if applicable, any party to a contract, within 14 calendar days of any change in the stated information. The Division shall provide the dealer with a new halal disclosure form and a new halal disclosure statement. The dealer shall complete and return the new halal disclosure form to the Division within 14 calendar days and shall complete and post the new halal disclosure statement.
 - e) A person may sell both food represented as halal and food not represented as halal as long as the food is properly identified and the fact is noted on the halal disclosure statement.
 - f) A person whose sole representation of halal food is limited to the contents of food which is in properly sealed packages prepared by others who labeled the package halal shall be exempt from the requirements of this section.
 - g) In addition to the posted halal disclosure statement required by this section, nursing homes, summer camps, caterers or other dealers who serve prepared food pursuant to a contract shall furnish to the consumer or his or her legal representative a copy of the halal disclosure statement prior to the signing of the contract.
 - h) Any individual or entity giving halal supervision to any dealer in New Jersey shall file annually with the Director a document listing the name, address and type of each establishment that is supervised.

13:45A-22.4 ORAL DISCLOSURE

In establishments such as hospitals or other places where representations that food is halal are not made until after the consumer has made a request for halal food, the disclosure may be orally provided to the consumer either prior to serving the food or together with the food when served.

13:45A-22.5 RELIANCE ON REPRESENTATION; GOOD FAITH; DEFENSE

- a) A person subject to the requirements of N.J.A.C. 13:45A-22.3 and 22.4 shall not have committed an unlawful practice if it can be shown, by a preponderance of the evidence, that the person relied in good faith upon the representations that the food is halal made by the following:
- 1) A slaughterhouse;
 - 2) A manufacturer;
 - 3) A processor;
 - 4) A packer; or
 - 5) A distributor.

13:45A-22.6 RECORDKEEPING REQUIREMENTS

- a) Dealers shall keep complete and accurate records of all food purchased as halal including:
- 1) The name and address of the slaughterhouse, wholesaler or other source from which the food is purchased;
 - 2) The dates of purchase;
 - 3) The quantities of food purchased;
 - 4) The identity or nature of food; and
 - 5) Copies of all invoices and bills of sale.

- b) In addition to the requirements of (a) above, dealers who are slaughterhouses shall maintain a record of:
- 1) The source of the animals;
 - 2) The name(s) of the person who slaughters the animals;
 - 3) The name(s) of the responsible supervisor, if any; and
 - 4) The method of slaughter.
- c) A dealer shall retain such records on its premises for a two-year period following the date of purchase.
- d) A dealer shall turn over all the records required in (c) above upon the sale of the dealer's business to the purchaser of the business. The dealer may provide legible certified true copies of the records in lieu of originals.

13:45A-22.7 PRESUMPTIONS

Possession by a dealer of any food which does not conform with the disclosure statement required by N.J.A.C. 13:45A-22.3 is presumptive evidence that the dealer possesses that food with the intent to sell it in nonconformance with the disclosure.

13:45A-22.8 INSPECTION OF DEALERS

- a) Inspections of dealers and dealers' premises shall be conducted by authorized inspectors of the Division.
- b) For purposes of conducting an inspection, an inspector shall have the right of entry to, upon and through the business premises of any dealer which represents food as halal.

13:45A-22.9 (RESERVED)

13:45A-22.10 UNLAWFUL PRACTICES

- a) In addition to any violation of any other statutes or regulations, the following shall constitute an unlawful practice by a dealer under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq.:

- 1) Failure to comply with the disclosure requirements of N.J.A.C. 13:45A-22.3;
- 2) Failure to request a halal disclosure statement form from the Division;
- 3) Failure to return the completed disclosure statement within 14 calendar days of receipt;
- 4) Failure to conform sales practices with the posted disclosures;
- 5) Failure to conform posted disclosures with the disclosure filed with the Division;
- 6) Failure to comply with the recordkeeping requirements of N.J.A.C. 13:45A-22.6;
- 7) Use by any person of a recognized halal food symbol without first obtaining written authorization by the person or halal certification agency representing that symbol;
- 8) Failure to permit an inspector entry upon the business premises of a dealer or to interfere in any way with an inspection;
- 9) Failure to respond in a timely fashion to an inquiry conducted by the Division;
- 10) Failure to attend any scheduled proceeding as directed by the Division. In the event that a person elects to retain counsel for the purpose of representation in any such proceeding, it shall be the person's responsibility to do so in a timely fashion. The failure of a person to retain counsel, absent a showing of good cause for such failure, shall not require an adjournment of the proceeding;
- 11) Failure to answer any question pertinent to an inquiry made pursuant to N.J.S.A. 56:8-3, or other applicable law, unless the response is subject to a bona fide claim of privilege; or
- 12) Failure to make a proper and timely response by way of appearance and/or production of documents to any subpoena issued pursuant to N.J.S.A. 56:8-3 or as otherwise may be provided by law.

**APPENDIX A
(RESERVED)**

**APPENDIX B
(RESERVED)**

**APPENDIX C
(RESERVED)**

**APPENDIX D
(RESERVED)**
