

P.L. 2021, CHAPTER 422, *approved January 18, 2022*  
Senate, No. 4128 (*First Reprint*)

1   **AN ACT** concerning the labeling of fruits and vegetables by food  
2       retailers and supplementing Title 4 of the Revised Statutes.

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4       **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

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7       1.   a.   Beginning <sup>1</sup>~~30~~ <sup>60</sup> days after the effective date of this  
8       section, a food retailer shall not label, <sup>1</sup>~~or~~ <sup>1</sup>advertise <sup>1</sup>~~[,]~~ <sup>1</sup>or in any  
9       way imply <sup>1</sup>~~[in any advertising]~~ with labeling or signage in the  
10      store or other establishment where the fruit or vegetable is sold,<sup>1</sup>  
11      that a fruit or vegetable is “locally grown,” “locally harvested,”  
12      “locally-sourced,” or local to the State unless the fruit or vegetable  
13      was grown, harvested, and packaged within the State.

14      b.   Beginning <sup>1</sup>~~30~~ <sup>60</sup> days after the effective date of this  
15      section, a food retailer who violates the provisions of this section  
16      shall be subject to a penalty of not less than \$100 <sup>1</sup>~~for the first~~  
17      violation,<sup>1</sup> or more than \$200 for <sup>1</sup>~~[each offense]~~ a second or  
18      subsequent violation<sup>1</sup> , to be collected in a civil action in a  
19      summary proceeding pursuant to the "Penalty Enforcement Law of  
20      1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court  
21      and the municipal court shall have jurisdiction to enforce the  
22      provisions of the "Penalty Enforcement Law of 1999" in connection  
23      with this section. Each <sup>1</sup>~~[piece]~~ type<sup>1</sup> of fruit or vegetable  
24      improperly labeled by a food retailer in violation of this section  
25      shall constitute a separate violation. The Secretary of Agriculture is  
26      authorized to institute a civil action for a violation of this section.

27      c.   <sup>1</sup>As soon as practicable after the effective date of this act,  
28      the Department of Agriculture shall post on its website notification  
29      of the enactment and provisions of this section.

30      d. <sup>1</sup>As used in this section, “food retailer” means an  
31      establishment that sells a selection of foods to consumers including,  
32      but not limited to, grocery stores, supermarkets, farmer’s markets,  
33      and convenience stores.

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35      2.   This act shall take effect immediately.

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39      Requires that only fruits and vegetables grown and packaged in  
40      NJ may be labeled by food retailers as local to State.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AAN committee amendments adopted January 3, 2022.