

**A NEW JERSEYAN'S GUIDE
TO CONSUMER RIGHTS**

**JUSTICE
IN THE
MARKETPLACE**



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
VISION OF CONSUMER AFFAIRS

ADAM K. LEVIN, DIRECTOR

RNE

JOHN J. DEGNAN
ATTORNEY GENERAL

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U.S. Department of Justice
National Institute of Justice

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Dear Consumer:

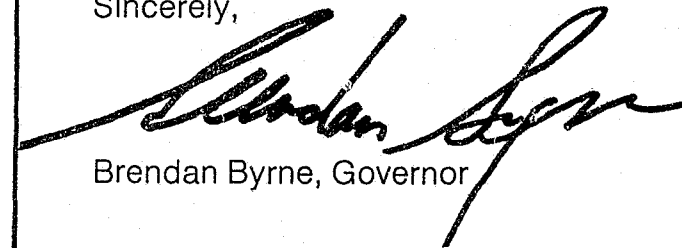
Historically, the State of New Jersey has been a leader in consumer protection.

The State Division of Consumer Affairs provides our citizens with protection in their dealings with professional and business persons. Moreover, the legitimate members of both the professional and business communities benefit by the Division's efforts to curtail unlawful practices.

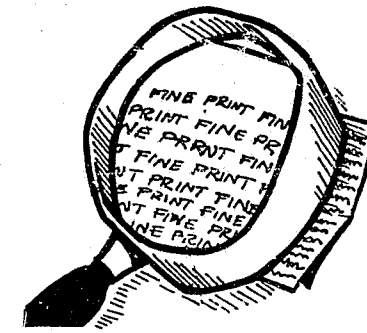
During the past year, the Division's Office of Consumer Protection and its affiliated county and local consumer affairs offices saved or returned to consumers nearly \$6,000,000.

However, true justice in the marketplace will only be achieved by well-informed consumers, who have the knowledge to protect themselves and the determination to do so. Accordingly, this booklet is designed to provide you with a plain language explanation of New Jersey's statutes and regulations which protect consumers and guide business conduct in our State. Therefore, I am pleased to present you with *Justice in the Marketplace*.

Sincerely,



Brendan Byrne, Governor



An Introduction To The Division Of Consumer Affairs

The strongest voice for consumers in the State of New Jersey is the Division of Consumer Affairs. Created in 1971 as a Division of the Department of Law and Public Safety, currently headed by Attorney General John J. Degnan, Consumer Affairs has been an advocate of New Jersey consumer interests as well as an enforcer of consumer laws and regulations.

The Director of the Division of Consumer Affairs, Adam K. Levin, administers the Division's agencies, bureaus and professional regulatory boards.

The Division has broad regulatory power under the New Jersey Consumer Fraud Act. It has the authority to hold administrative hearings for violations of law, issue cease and desist orders, impose penalties and order restitution for consumers.

The Division also works to improve consumer education programs offered in New Jersey and educate citizens through speeches before community and business groups and appearances on radio and television.

The office of the Division Director is located at 1100 Raymond Boulevard, Room 504, Newark, New Jersey 07102. The phone number is (201) 648-3537.

The Division is comprised of the following components:

Office of Consumer Protection (See page on OCP)—Investigates and mediates consumer complaints, develops and enforces regulations, operates Action Line (a central data bank which reports complaint histories of businesses in New Jersey) and trains, certifies and coordinates the Consumer Affairs Local Assistance Network.

Office of Weights and Measures (See page on Weights and Measures)—Calibrates all scales, meters, weighing and radar devices. Monitors lumber sales for grade and moisture content. Calibrates meters used for home heating oil deliveries.

Bureau of Securities—Regulates the offering and sale of intrastate securities, and the registration of security brokers and agents in New Jersey.

Professional and Occupational Boards (See page on Boards)—Regulate many professions and occupations in New Jersey.

Charities Registration Section—Registers and regulates charitable organizations—educational, social, medical—which solicit contributions within the state.

Legalized Games of Chance Control Commission—Administers laws concerning bingo and raffles.

Office of State Athletic Commissioner—Licenses and regulates the conduct of boxing and wrestling matches.

Private Employment Agencies Section—Licenses and regulates employment agencies.



Consumer Fraud Act

The New Jersey Consumer Fraud Act, enacted in 1960, is the foundation of the Division. This statute protects consumers and prohibits businesses from engaging in unconscionable practices, fraud and misrepresentations in the sale of goods and services.

The Consumer Fraud Act declares the following practices to be unlawful:

- **Selling merchandise without clearly marked prices.** Merchandise offered for retail sale must have the selling price clearly marked with a stamp, tag, label or sign, either attached to the merchandise or located where the merchandise is offered.
- **Implying that your business is a branch of government.** Businesses are not permitted to use stationery, seals, names, insignia or other formats which resemble or imitate those of government agencies.
- **Advertising merchandise without intending to sell that merchandise.** Commonly known as "bait and switch".
- **Notifying a consumer that he or she has won a prize, and is required to do an act such as make a purchase or submit to a sales pitch in order to receive the prize.**
- **Falsely advertising unassembled merchandise.** If merchandise is sold unassembled, advertisements cannot depict it assembled, unless the advertisement states that the merchandise is sold unassembled.

The Consumer Fraud Act grants the Attorney General, as well as his designees, such as the Director of the Division of Consumer Affairs, the following broad powers to enforce the Act:

- Examine and impound company records or product samples for investigation
- Subpoena anyone necessary for an investigation.
- Conduct investigative hearings.
- Request the Superior Court to issue an injunction prohibiting an offender from continuing unlawful practices.
- Fine violators up to \$2,000 for first offenses and up to \$5,000 for second and subsequent offenses.
- Request the Superior Court to revoke a corporation's charter, or to impose limitations on the company or individuals involved.

In addition, the Consumer Fraud Act allows the consumer to sue an offender privately for three times his damages plus court costs and reasonable attorney's fees.

The Consumer Fraud Act gives the Attorney General the authority to issue regulations which further prohibit specific business practices. More than a dozen such regulations are in effect, concerning retail practices in many areas.

Each regulation is a vital part of the Consumer Fraud Act. And in this sense, the Act can be compared to the foundation of a house, while the regulations are the remainder of the structure.



Consumer Affairs Local Assistance (CALA)

New Jersey has a unique statewide consumer assistance network, known as the Consumer Affairs Local Assistance Program (CALA). There are about 90 county and municipal offices in the network, staffed by more than 200 men and women who serve as appointees of the participating county and local governments. Although the CALA offices are not funded by the Office of Consumer Protection (OCP), they do cooperate with OCP in settling consumer complaints. After meeting Division requirements and being certified, local offices can be empowered to enforce the New Jersey Consumer Fraud Act.

Your county or municipal CALA office is the first place to contact when you can't resolve a complaint with a business. Every county except Sussex has a CALA office. Residents of that county should contact OCP at 1100 Raymond Boulevard, Room 405, Newark, New Jersey 07102. County CALA offices are listed below.

County	Director	Address	Telephone
Atlantic	John Legnaioli	1601 Atlantic Ave. Atlantic City 08401	(609) 345-6700 (Ext. 465)
Bergen	Jane Bauman	355 Main St. Hackensack 07601	(201) 646-2650
Burlington	Renee L. Borstad	54 Grant St. Mt. Holly 08060	(609) 267-3300 (Ext. 259)
Camden	Barbara Berman	800 Market St. Camden 08101	(609) 757-8387
Cape May	Mark Diederich	Central Mail Rm.-Library Office Bldg. Cape May Court House, N.J. 08210	(609) 465-7111 (Ext. 369)
Cumberland	George S. Franks	788 E. Commerce St. Bridgeton 08302	(609) 451-8000 (Ext. 369, 370)

Essex	Robert Russo	900 Bloomfield Ave. Verona 07044	(201) 226-1571
Gloucester	Viola Gentile	The Cotton Bldg. 1 South Broad St. Woodbury 08096	(609) 845-1600
Hudson	Francis P. Morley	595 Newark Ave. Jersey City 07056	(201) 792-3737 (Ext. 252)
Hunterdon	Deborah Hunt	P.O. Box 198 Califon, N.J. 07830	(201) 832-5621
Mercer	Constance Trombley	640 S. Broad Street Trenton 08611	(609) 989-6671
Middlesex	Lawrence Cimmino	841 Georges Rd. North Brunswick 08902	(201) 745-3000
Monmouth	Joan Litwin	Hall of Records Main Street Freehold 07728	(201) 431-7900
Morris	Carol Glade	Morris Co. Admin. Bldg. Ann Street Morristown 07960	(201) 285-2811
Ocean	Elizabeth Rozier	Ocean Co. Admin. Bldg. Room 225 Toms River 08753	(201) 244-2121 (Ext. 424)
Passaic	Salvatore Cannata	309 Pennsylvania Ave. Paterson 07503	(201) 881-4549
Salem	Robert Jones	Salem Co. Admin. Bldg. P.O. Box 24 Salem 08079	(609) 935-7510 (Ext. 301)
Somerset	Ruth Hotz	Somerset Co. Admin. Bldg. Somerville 08876	(201) 725-4700 (Ext. 306)
Union	Ellen Bloom	300 North Avenue East P.O. Box 186 Westfield 07091	(201) 233-0502
Warren	Ben Bosco	Court House Annex Belvidere 07823	(201) 475-5361 (Ext. 353)



Office of Consumer Protection

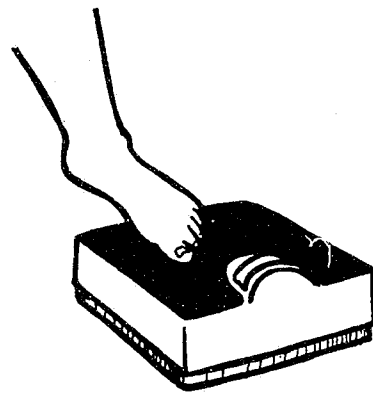
The Office of Consumer Protection (OCP) is the main investigative and complaint processing unit of the State Division of Consumer Affairs. Over 17,000 written complaints are processed each year by OCP. Consumers may file complaints against New Jersey businesses by writing a letter or going to the main Office of Consumer Protection at Room 405, 1100 Raymond Boulevard, Newark, or the branch office at 518 Market Street, Parkade Building, Lower Level, Camden.

Complaints cannot be taken over the phone by OCP, although assistance and advice is provided by the Newark office at (201) 648-3622 and the Camden office at (609) 757-2840.

OCP also functions as an enforcement agency for the New Jersey Consumer Fraud Act and the many regulations adopted as part of the Act. These regulations concern auto sales, auto advertisements and repairs; home improvements; advertising; mail order sales; appliance sales and services; sale of home furnishings; dog and cat sales; banned hazardous products and unit pricing in the food market.

In addition to complaint processing, investigating, and enforcing, the OCP proposes and reviews new consumer legislation and regulations, promotes consumer education, and coordinates consumer activity in the state.

OCP also operates an Action Line which provides callers with the complaint record of particular businesses in the state. Action Line is open during business hours at (201) 648-3295.



Weights and Measures

When many people think about weights and measures violations, they picture the grocer with a heavy thumb charging more for cold cuts than the meat is actually worth. Checking grocery scales, however, is only part of the job carried out by the Division of Consumer Affairs' Office of Weights and Measures.

Stores

Every weighing and measuring device that is used in commercial transactions is checked at least once a year by the office's inspectors. In addition to checking the accuracy of store scales, the inspectors verify that items that are preweighed and prepackaged accurately state the net weight of the product. (You can't be charged for the cardboard container in which the meat is packed). Violators can be penalized \$50 per package for the first offense.

The Office of Weights and Measures also determines if measurements of nonfood items are precise. For example, a bottle of shampoo with a label that reads "8 ounces" must contain that amount. If a large number of products produced by the same manufacturer are found to contain less than the stated quantity of the product, Weights and Measures will file a complaint and bring the matter to the attention of the manufacturer. When an agreement between the office and the manufacturer cannot be reached, the Office may prosecute.

Gasoline and Home Fuel Oil

Weights and Measures checks the accuracy of meters used to measure fuel—both gasoline and home heating oil truck pumps. These meters are tested at least once a year. In addition to checking for accuracy, the inspectors determine if the seals designed to

prevent tampering are still in place, and that the air eliminators are functioning. This assures that you will only be charged for the fuel that you receive.

If you believe that you have been "short-weighted," contact your local or county Office of Weights and Measures. The telephone numbers of the state offices and county offices are provided below.

State Superintendent	187 W. Hanover St. Trenton 08625	(609) 292-4615
Deputy State Superintendent	187 W. Hanover St. Trenton 08625	(609) 292-4615

County	Address	Telephone No.
Atlantic	1601 Atlantic Ave. Atlantic City 08401	(609) 344-8600
Bergen	355 Main Street Hackensack 07601	(201) 646-2729
Burlington	54 Grant Street Mt. Holly 08060	(609) 276-3300 (Ext. 210)
Camden	Rm. 306 Court House Camden 08101	(609) 757-8195
Cape May	Library Bldg., Mechanic St. Cape May Court House 08210	(609) 465-7111 (Ext. 229)
Cumberland	788 E. Commerce St. Bridgeton 08302	(609) 451-8000 (Ext. 369)
Essex	900 Bloomfield Ave. Verona 07044	(201) 226-1560
Gloucester	County Bldg. 49 Wood St. Woodbury 08096	(609) 845-1600 (Ext. 252)
Hudson	595 Newark Ave. Jersey City 07306	(201) 792-3737 (Ext. 248)
Hunterdon	Hall of Records Flemington 08822	(201) 782-4300 (Ext. 249)
Mercer	640 S. Broad St. Trenton 08650	(609) 989-6579
Middlesex	841 Georges Rd. North Brunswick 08902	(201) 745-3297
Morris	Court House Morristown 07960	(201) 285-6247

Ocean	P.O. Box 191 38 Hadley Ave. Toms River 08753	(201) 244-2121 (Ext. 257)
Passaic	317 Pennsylvania Ave. Paterson 07503	(201) 525-5000 (Ext. 420)
Salem	94 Market St. Salem 08079	(609) 935-7510 (Ext. 368)
Somerset	County Adm. Bldg. Somerville 08876	(201) 725-4700 (Ext. 295)
Sussex	R.D. #3, Box 140 Newton 07860	(201) 948-5464
Union	Court House Elizabeth 07207	(201) 527-4751
Warren	Court House Belvidere 07823	(201) 475-5087



How To Complain

When you complain, you're actually helping many people along with yourself. Your complaint helps consumer agencies, legislators, and businesses know which problems need attention. Complaints are often the bases for legal action by consumer agencies and the primary justification for new consumer legislation or regulation. Businesses use complaints to determine if new designs or additional resources are needed.

When a problem develops from a retail purchase, you should go directly to the person who sold you the service or merchandise. If your problem is not resolved, write to the manufacturer.

An effective complaint letter contains:

1. Your name, address and telephone number.
2. The name and address of the store or dealer from whom you purchased the item or service.
3. A clear and simple statement of the facts.
4. The make, model, and serial number of the item and the date of purchase and repair.
5. Copies of all documents.
6. A statement of what you want and why you feel you deserve it.

When contacting the dealer or manufacturer, you should not be sarcastic, but you can show your anger or frustration. Also, it is effective to indicate that you will take further action if the problem is not resolved.

Keep a record of your complaint letter and any replies you receive, because if the complaint is not resolved, your next step is to file a similar letter with your Consumer Affairs Local Assistance office. Check your phone book for the nearest office by looking

under your municipal, county or state government listings. You may also, if you wish, file a complaint with the New Jersey Division of Consumer Affairs, Office of Consumer Protection, Room 405, 1100 Raymond Boulevard, Newark, New Jersey 07102, or the branch office at 518 Market Street, Parkade Building, Lower Level, Camden, New Jersey 08102.



Professional and Occupational Boards

The 19 licensing boards in the Division of Consumer Affairs regulate many professions and occupations in New Jersey. Each board was created by a separate law, which establishes the board's duties and functions. These statutes also specify the educational and procedural requirements which must be met by members of that particular profession in order to receive a license to practice in New Jersey.

Every board is composed of three to thirteen professional members. In addition, each board has a member who is a representative of a closely related state government agency and two public members who are not members of the profession regulated by the board.

The following boards are located at 1100 Raymond Boulevard, Newark, New Jersey 07102:

Board	Licenses and Regulates the Practice of:	Telephone Number
Board of Architects	Architects	(201) 648-2378
Board of Barber Examiners	Barbers	(201) 648-3212
Board of Beauty Culture	Beauticians	(201) 648-2450
Board of Certified Public Accountants	C.P.A.'s Public Accountants Registered Municipal Accountants	(201) 648-3240
Board of Examiners of Electrical Contractors	Electricians	(201) 648-2058
Board of Marriage Counselor Examiners	Marriage Counselors	(201) 648-2534
Board of Mortuary Science	Morticians	(201) 648-2532

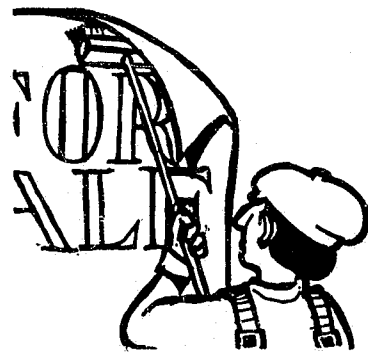
Board of Nursing	Registered Nurses Licensed Practical Nurses	(201) 648-2490
Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians	Ophthalmic Dispensers Ophthalmic Technicians	(201) 648-2012
Board of Optometrists	Optometrists	(201) 648-2285
Board of Pharmacy	Pharmacists	(201) 648-2433
Board of Professional Engineers and Land Surveyors	Professional Engineers Land Surveyors	(201) 648-2660
Board of Professional Planners	Professional Planners	(201) 648-2465
Board of Psychological Examiners	Psychologists	(201) 648-2792
Board of Veterinary Medical Examiners	Veterinarians	(201) 648-2841

The following boards are **not** located at 1100 Raymond Boulevard, Newark, New Jersey:

Board	Licenses and Regulates the Practice of:	Address and Telephone Number
Board of Dentistry	Dentists Dental Hygienists Dental Assistants	150 E. State St. Trenton, NJ 08608 (609) 292-5416
Board of Medical Examiners	Medical Doctors Doctors of Osteopathy Chiropractors Hearing Aid Dispensers Laboratory Directors Midwives Orthoptic Technicians Physical Therapists Physical Therapist Assistants Podiatrists	Trenton Trust Bldg. 28 W. State St. Trenton, NJ 08608 (609) 292-4843
Board of Master Plumbers	Master Plumbers	744 Broad St. Room 1009 Newark, NJ 07102 (201) 648-3310
Board of Shorthand Reporters	Shorthand Reporters	112 South Main St. Orange, NJ 07050 (201) 674-8575

Boards should be contacted through their Executive Secretaries. If further assistance is needed to resolve a problem with a board or a member of its profession or occupation, contact the Deputy Director, August T. Lembo, of the Division of Consumer Affairs at 1100 Raymond Boulevard, Room 504, Newark, New Jersey 07102.

The Enforcement Bureau of the Division conducts all investigations and inspections for the regulatory boards. Stephen F. Bonora is the Chief of the Enforcement Bureau, located at 1100 Raymond Boulevard, Newark, New Jersey 07102. The telephone number is (201) 648-3500.



Advertising

Effective July 1, 1980

Since advertising can mislead the consumer as well as inform him, New Jersey has a regulation which is designed to protect consumers from deceptive advertising.

The regulation **REQUIRES** that the advertiser:

- Stock enough of each advertised item to meet the reasonably anticipated consumer demand for the time period stated in the advertisement. When the advertisement does not describe how long the offering will last, the store must have enough advertised merchandise to meet reasonably anticipated consumer demand for three days.
- Clearly indicate in the advertisement which items have special or limiting factors relating to price, quality, condition or availability. For example, an advertisement would have to state which advertised goods are on sale if they all do not have reduced prices, and would have to specify which items are floor models or discontinued models.
- Disclose in the advertisement the manufacturer's name or merchandise trade name, and the model or series number for any specifically advertised home appliance.

Advertisements announcing a sale **MUST**:

- State in the advertisement the retail selling price or price range for all sale merchandise that is specifically advertised.

- Conspicuously state a reference price, such as the normal selling price or the manufacturer's suggested retail price, for all specifically advertised merchandise items advertised for sale at a price of \$100 or more.
- State the minimum percent reduction as conspicuously as the maximum percent reduction in an advertisement that announces a sale as a percentage reduction. For example, if an advertisement states "Save 10% to 40%," "10%" must be printed as conspicuously as "40%".

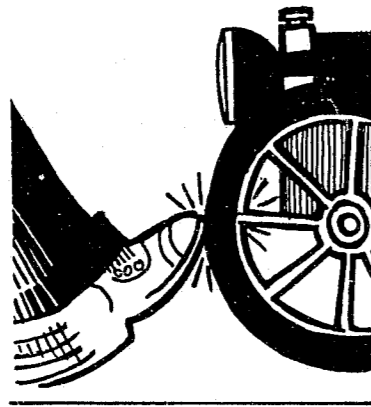
Stores are not required to give you a raincheck when an advertised item becomes unavailable. But if the store does give rainchecks it **MUST**:

- Honor the raincheck within 60 days.
- Notify you when the merchandise is available and hold the merchandise for a reasonable period of time, if the merchandise costs more than \$15 per unit.
- Give a raincheck to all customers who were unable to purchase the item due to its unavailability.

An advertiser **CANNOT**:

- Describe itself through use of terms such as "warehouse", "factory outlet", "discount", "clearance", "liquidators", or any similar terms, unless the term is a true description of the advertiser.
- Describe its advertised prices as "wholesale", "cost", or through the use of any similar terms unless the price offered is equal to or less than the price the advertiser paid the manufacturer or distributor for the merchandise.

The regulation applies to all advertisements that are primarily directed at New Jerseyans. Although this guide covers most of the important points of the advertising regulation, it is not a complete explanation. If you would like a copy of the regulation itself, feel free to contact the N.J. Division of Consumer Affairs.



Purchasing An Automobile

Since an automobile is one of the most expensive consumer purchases, it is helpful to know your rights when buying a car. New Jersey has two strict regulations which protect you from fraudulent automotive practices.

These regulations require the car dealer to follow several guidelines in advertising and selling autos.

Print advertisements **MUST** include:

- The actual price of the auto, including all charges (such as transportation, freight, shipping, and dealer preparation costs), except licensing costs and taxes.
- The manufacturer's suggested retail price.
- A listing of any optional equipment.
- The odometer reading of any used auto, executive car and demonstration or leftover model.
- A statement that the auto for sale was leased or was used as a demonstration model, an executive car, a police or fire vehicle, or a taxi.
- The number of advertised cars in stock; if the advertised car is not in stock, the ad must state "Not in Stock" and the length of time to deliver the car.

Purchase orders **MUST** include:

- An itemization of all documentary services (which includes transferring license plates and processing a registration or title, or any other documents relating to the sale of the car), as well as the charges for each service. Since this service is optional, the dealer must

offer you these services in itemized form **before** you sign the purchase order, thus giving you the opportunity to decline or accept such services.

- An itemization of the individual dealer preparation services and charges, **before** you are charged for these services. If a dealer is reimbursed by the manufacturer for these predelivery services, he cannot charge you. The manufacturer's Monroney sticker—usually on the side window of the auto—will indicate if you are charged for dealer preparation.

The dealer is **REQUIRED** to:

- Deliver an advertised car within the promised delivery period, unless the dealer cannot prevent the delay.
- Disclose the terms and limitations of any warranty offered by the dealer, other than the manufacturer's warranty.

A car dealer **CANNOT**:

- Charge you for pre-delivery services (dealer preparation charges) if the manufacturer reimburses the dealer for these services. Most American car manufacturers **do** reimburse dealers for predelivery services. To learn if you can be charged for dealer preparation charges, you can contact the manufacturer to find out if he paid the dealer for such services.
- Tell you that the government requires the dealer to perform documentary services.
- Refuse to take orders for an advertised automobile.
- Take orders at a price higher than the advertised price.
- Advertise a sale or discount unless the sale price is at least five percent lower than the usual retail price.
- Incorporate a trade-in allowance or other such price reduction into the advertised price of the car.
- Take a deposit for an advertised automobile and then switch your order to a higher-priced vehicle, unless you initiate the request for such a change.

Unit Pricing

If you've ever gone to the supermarket and tried to compare prices, you know what a mathematical chore comparison shopping can be.

But in New Jersey a system called Unit Pricing is required in supermarkets. It is designed to make comparison shopping simple.

Here's an example of how Unit Pricing can save you money:

- A 12-ounce size can of Brand X tomato sauce costs 66 cents.
- A 6.5-ounce size can of Brand X tomato sauce costs 35 cents.

Which is the better buy?

Without Unit Pricing you would be faced with a math problem. But with Unit Pricing, all you have to do is look at the label:

- The "Unit Price" of the 12-ounce can is 5.5 cents per ounce.
- The "Unit Price" of the 6.5-ounce size can is 5.4 cents per ounce.

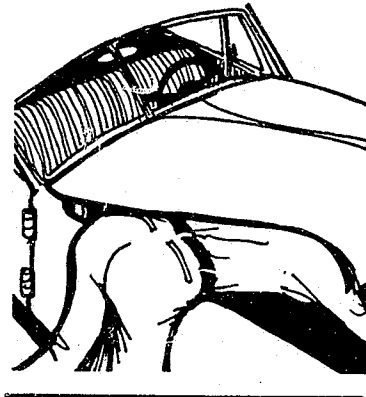
The Unit Pricing label tells you that the smaller size can, in this example, is the "better buy."

Before Unit Pricing was required in new Jersey, shoppers had to divide the price of an item by the number of ounces to come up with the price per ounce (or "unit price"). Under the Unit Pricing system, the division is calculated for you and the "unit price" appears on the label. You should compare the "unit prices", which appear on the left sides of labels.

New Jersey law states that Unit Pricing in supermarkets must be calculated correctly using appropriate units of measure and the descriptive information on the label must be accurate.

The unit price label usually appears on the edge of the shelf on which the products are displayed. If the shelf price information is missing or is not correct:

- You should immediately report the error to the store manager. It is the store's responsibility to keep the labels accurate.
- You should report *consistent* unit pricing problems to your local or county consumer affairs office or to the State Division of Consumer Affairs.



Auto Repairs

The Division's auto repair regulation requires auto dealers and mechanics to give you a repair estimate—whether you take your car for repairs before, during or after shop hours. In addition, the shop cannot begin repairs without receiving your authorization first.

This regulation applies to all auto maintenance and repair work except minor accessories and services like changing tires, lubricating parts, changing oil, and installing light bulbs, batteries and windshield wipers.

When you bring your car to a shop during its working hours, the repairman **MUST** do the following:

1. Obtain a written authorization from you to perform specified repairs or services.
2. Either:
 - a. Provide you with a written estimate for the specified repairs or services, or
 - b. Obtain a waiver of written estimate from you and thereafter obtain your oral approval of the estimate, recording the details of the conversation in which such approval is given, or
 - c. Obtain a written approval to perform the repairs or services for a specified not-to-exceed dollar amount.
3. Obtain your oral approval for any work which would increase the original estimate, recording the details of the conversation.

If your auto is brought to a shop when the shop is closed, or by another person, the repairman **MUST** do the following:

1. Obtain:
 - a. A written authorization from you to perform specific repairs or services, or
 - b. Your oral authorization to perform the repairs or services, recording the details of your oral approval on your repair order.
2. Obtain:
 - a. Your oral approval of the estimated cost of repairs, recording the details of the phone conversation in which such approval is given, or
 - b. A written approval to perform the repairs or services for a specified not-to-exceed dollar amount.
3. Obtain your oral approval for any work which would increase the original estimate, recording the details of the conversation.

You have several other rights regarding the repair of your auto. The regulation **REQUIRES** the repair shop to:

- Complete a work order which includes the estimated cost, the repairs ordered, date, time and the name of the person approving the estimate. When contacting you by phone, the dealer must also note the telephone number where he reached you.
- Give you a legible copy of the work order. The charges for parts and labor must be itemized separately, indicating whether any new, rebuilt, reconditioned or used parts were supplied.
- Present you with written copies of all guarantees. The guarantees must clearly state the conditions and limitations, and state the shop's responsibilities in fulfilling the guarantee (such as repair, replacement or refund).
- Give you copies of receipts and any other documents you signed.

- Return the old parts, if you request them before the repair work begins, unless the old parts are not practical to return, are sold on an exchange basis, or must be returned to the manufacturer.
- Post a sign in a conspicuous space stating the rights of the consumer.

The repair shop **CANNOT**:

- Charge the customer more than the price of the estimate without receiving oral or written approval of the customer.
- Make any untrue or misleading statements.

Sales of Precious Metals

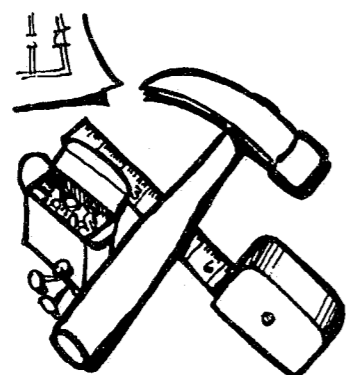
Merchants who buy small quantities of gold, silver or platinum from the public must comply with weights and measures rules designed to protect sellers of precious metals from being cheated.

The rules cover merchants who buy small lots of precious metals from the public and then sell the aggregate to refiners or brokers. The rules also apply to merchants who make appraisals of small lots of precious metals. The rules do NOT cover sales of coins and bullion. The rules DO cover sales of jewelry.

Merchants must:

- Use only tested and sealed weighing devices.
- Conduct all weighings in full view of the seller.
- Post a sign in a conspicuous place where weighings are made with a list of prices being offered for various units and fineness of precious metals.
- Issue a receipt for each purchase and a statement for each appraisal. (These must state the net weight of the metal in approved units of measure and state the fineness of the metal. The full name and address of the merchant and of the seller must be included in these documents.)

People who have problems concerning precious metals sales should contact the State Office of Weights and Measures in Trenton.



Home Improvement

New Jersey has a stringent regulation requiring contractors to follow specified business practices while affording consumers additional protection.

The home improvement regulation **REQUIRES** contractors to:

- Obtain all required state and local building permits before beginning any work.
- Give you a written copy of all guarantees—his own and any manufacturers' guarantees—for your home improvement work. He must give you copies of his own guarantees at the time he presents his bid and when he completes the job, but is only required to give you one copy of the manufacturer's guarantee. These guarantees must be clear and specific, state any limitations, and specify the time period of the guarantee.
- Tell you in advance if his estimate does not include delivery, installation, financing charges, or any other costs or fees.

Contractors are required to give you a written contract for all home improvements over \$25. The contract must be signed by you and the contractor, and **MUST** clearly and accurately give you the following information:

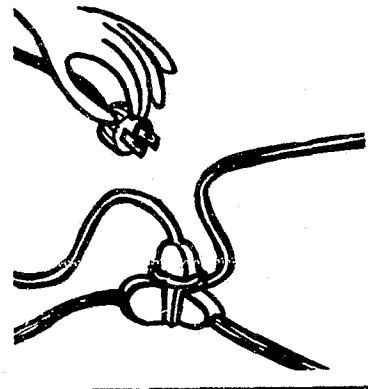
- The name and address of the contractor and the sales representative, if any.
- A description of the work to be done and the major

products and materials to be used or installed. The description must be specific and include the names of manufacturers, size of models and quantity of the parts and appliances.

- The total price for the home improvement, including all finance charges. If your contract is for labor and materials, the hourly labor rate must be clearly stated.
- The dates or time period when the work is to begin and be completed.
- A description of any security interest taken in connection with the financing or the sale of the home improvement.
- A written statement of any verbal guarantees or promises made by the contractor.

Home improvement contractors **CANNOT**:

- Make any false or misleading statement about the condition of your home (such as misstating that a part is defective or unsafe) or the products and services offered by him.
- Engage in a bait-and-switch tactic by offering a certain product or material for sale without intending to sell it, and then inducing you to buy a higher-priced one.
- Offer or advertise any gift, free item or bonus without fully disclosing the conditions of the offer. The contractor must comply with the terms of all offers he makes.
- Request that you sign a certificate of completion or make your final payment before the home improvement is completed.
- Deliver materials, begin work, or use any other tactic to pressure you into signing a home improvement contract.
- Fail to complete all work within the time period specified in the contract unless the failure is due to a cause beyond the contractor's control. If a legitimate delay occurs, the contractor must advise you in writing. Also, any changes in the dates or time periods in the contract must be agreed to in writing.



Home Appliance Purchase and Repair

New Jersey's home appliance purchase and repair regulation covers all electrical, mechanical and thermal articles designed for household use. This includes, but is not limited to, clothes and dish washers, dryers, television sets, refrigerators, ranges, fans, air conditioners, and radios.

The regulation does not apply to gas or oil consuming appliances, central heating and cooling systems, heat pumps, or self-contained heating and cooling systems, when the repair of those appliances is necessary to protect someone from an imminent hazard or danger to life.

When you purchase a home appliance, you are **ENTITLED TO** a written copy of:

- Any manufacturer's warranties.
- Any dealer's warranties.
- A dealer's service contract (if offered), which clearly states the diagnostic charges and other fees, as well as the methods used to determine the fees for parts and labor.

If your appliance is to be repaired by a store or service center other than the seller thereof, or by the seller, if you do not have a service contract, before beginning any repairs the repairman **MUST:**

- Tell you the amount of any diagnostic charges or other fees.

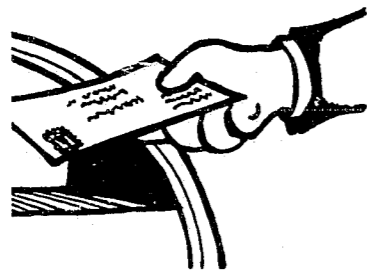
- State the method in determining the total charge, including parts and labor fees.
- Give you a written or verbal itemized estimate of the labor and parts, and obtain your written or verbal approval before commencing repairs.

Any repairman is **REQUIRED** to:

- Give you a copy of any written estimate, receipt, or other document that you sign, when you sign such a document.
- Offer to return the old parts of the appliance after the repair is completed, unless the parts are not easily returnable or you have agreed to exchange them.

It is a **DECEPTIVE PRACTICE** if the repairman:

- Makes any unrealistic promises or estimates in order to persuade you to have your appliance repaired by him.
- Charges you more than the estimated price for the repair, unless you consent to the additional charge prior to the completion of the work. If you do authorize the extra work, the repair dealer must specify the costs of the additional parts and labor, and the recalculated total cost.



Mail Order

The New Jersey mail order regulation states that if merchandise is ordered from a mail order or catalog business located in New Jersey, or one with a New Jersey mailing address, and not delivered within 6 weeks from the date the firm receives payment, you have a choice of three options.

YOU MAY:

- Grant the firm an extension of time after you receive a notice from the business advising you of the delay and your options. Included with this notice must be a postage-paid letter or card for you to indicate your response.

OR

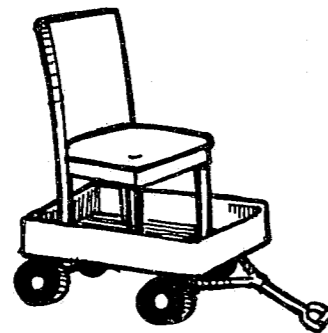
- Ask for a full refund. The seller must send you the refund within one week after receiving your request.

OR

- Accept merchandise of equal or superior quality if the company offers this substitution. If the company sends you the substituted merchandise without your having requested it, the company must include with the merchandise a written notice giving you the option to return the merchandise **at the company's expense** within two weeks of your receipt. Also included must be a post-paid card or letter for you to indicate whether you want the purchase price refunded or credited to your account. The company must give you the refund or credit within two weeks of the day it receives the returned merchandise.

THIS REGULATION DOES NOT APPLY TO:

- Merchandise ordered under an open-end credit plan (such as a department store charge account).
- Merchandise for which advertising stated there would be a delay in delivery.
- Merchandise, such as plant or flower seeds, which is not produced until a future date, and therefore cannot be stocked at the time of order.
- Subscription merchandise, such as magazine subscriptions, ordered for future delivery.



Delivery of Household Furnishings

The household furniture regulation applies to furniture, major electrical or gas appliances and such items as carpets and draperies.

The regulation **REQUIRES:**

- The dealer to indicate the delivery date on the contract or other sales documents by including the following sentence in ten-point bold type:

THE MERCHANDISE YOU HAVE ORDERED IS PROMISED FOR DELIVERY TO YOU ON OR BEFORE (DATE OR LENGTH OF TIME AGREED UPON).

The delivery date can be either a date or a length of time agreed upon by you and the dealer (for example, "six weeks from date of order").

- The dealer to notify you if he cannot deliver the furniture by the specified date. If this occurs, you may either:
 - a) Cancel the order and receive a prompt and full refund

OR

- b) Accept a later delivery date which is clearly specified. The contract or sales document must state these two options in ten-point bold face type.



Refunds and Warranties

New Jersey does not have a law requiring stores to offer refunds or exchanges. Nor are merchants obligated to post their refund policies. Accordingly, you should always ask about a store's policy before making a purchase.

Warranties

Warranty protection is provided to consumers by both federal and state law. Here are a few tips on warranty protection:

- Although manufacturers are not required to offer warranties on their products, the federal Magnuson-Moss Act requires that any warranty that is offered for an item which costs \$15 or more must be in writing, with the terms and conditions stated in clear language. You have the right to compare all warranties before making a purchase. You should shop for warranties just as you shop for a product itself.
- Check whether the warranty on a product is a "full warranty" or a "limited warranty." Full warranties are those in which a defective product will be fixed or replaced free of charge, including the costs of removal and reinstallation if necessary. Repairs must be completed within a reasonable amount of time. In addition, a full warranty allows you a choice of a new product or a full refund, if the product cannot be fixed.
- As the name implies, a limited warranty affords less coverage than a full warranty in the event that a product is defective. For example, a limited warranty may cover parts but not labor, or it may apply to only the original purchaser. You should read a limited warranty carefully to see what it includes and excludes.

- When comparing warranties, compare the duration of the warranty and the purchaser's responsibilities, such as paying any repair costs, transporting the product for servicing, and maintaining the product.

When you need to have repaired a product that is covered by a warranty, don't hesitate to assert your legal rights. Contact the manufacturer at the address given in the warranty and state your problem clearly and firmly. Remember that you paid for the warranty and therefore are fully entitled to its protection.

Also, be aware that unless clearly indicated otherwise, products are sold with an implied warranty of merchantability (fitness for the ordinary purposes). If a manufacturer refuses to honor an implied warranty, you may want to file suit to enforce your rights.



Sale of Cats and Dogs

New Jersey's regulation governing the sale of cats and dogs requires a pet dealer to give you information when you buy a pet, and protects you if your pet was ill when you bought it.

When you buy a cat or dog from a pet dealer, the dealer must give you a signed animal history certificate which lists the animal's breed, sex, age, color, and birth date, the animal's original owner, the medical history (including a statement of all vaccinations) and certain other facts.

You should bring your cat or dog to a licensed veterinarian within 14 days of the date you purchased the pet (Preferably within the first 48 hours for your protection). If he certifies that your pet should not have been sold due to illness, a congenital defect, symptoms of a contagious disease, or any other veterinary problem, you should give the veterinary certification to the pet dealer within three days of its issuance. If you do so, **YOU MAY CHOOSE** one of the following options:

- Return the animal and receive a full refund of the purchase price (including sales tax) and a reimbursement for the veterinary examination and diagnostic fees.

OR

- Keep the animal and receive reimbursement for the veterinary examination and diagnostic fees, and any future veterinary fees to cure or attempt to cure the animal. However, the pet dealer is only required to reimburse you for veterinary fees up to the amount of the original purchase price (including sales tax) of the animal.
-

OR

- Exchange the animal for one of your choice that is of equivalent value, and receive reimbursement for any veterinary examination and diagnostic fees.

NOTE: The pet dealer must make the refunds and reimbursements within 10 business days after he receives the signed veterinary certification. However, the dealer has the right to contest the diagnosis of your veterinarian and request a hearing before the Division of Consumer Affairs. If this occurs, no refunds or reimbursements need be made until the Division has decided the case.

The regulation also requires a pet dealer, within 90 days of the date of a sale, to supply to the purchaser the papers necessary to register an animal capable of being registered. If a dealer fails to do so, **YOU MAY:**

- Return the animal and obtain a full refund plus sales tax.

OR

- Keep the animal and obtain a refund of 75% plus sales tax.
-



Small Claims Court

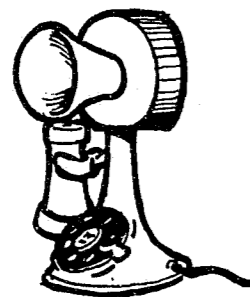
If you have not been able to resolve a dispute through other means (such as through Consumer Affairs offices), and you wish to sue another person or business for \$500 or less, you may be able to bring the suit in the county small claims court, which is a part of the county district court. Each county has a small claims court, except Union and Warren Counties where claims for small amounts may be brought in the county district court. You do not need a lawyer to sue in such a court, and the rules of the court have been kept simple so that you can adequately represent yourself.

The small claims court can hear your case if it is a claim for \$500 or less and the claim is based upon one of the following:

- A contract or agreement. The agreement need not be written and may be implied.
- Damage to property which was caused by someone's negligent driving of a motor vehicle.
- A landlord-tenant dispute regarding the return of all or part of a security deposit.

You cannot bring suit for personal injury claims in a small claims court. Such cases, and all others not within the jurisdiction of the small claims court, must be brought in the county district court or Superior Court, where the assistance of a lawyer may be advisable.

For more information on how to file or defend a suit in a small claims court, you can order, for \$1, a booklet on this subject prepared by the New Jersey Division of Community Affairs, 363 West State Street, Trenton, New Jersey 08625.



New Jersey Hotlines

The telephone numbers listed below should help any citizen resolve a problem, register a legitimate complaint or report an emergency which should be investigated by a State or Federal agency. All 800 numbers are **TOLL FREE**. Calls are taken during normal business hours, unless otherwise noted.

ACTION LINE
201-648-3295

A service for consumers who have questions on particular contractors, businesses, merchants, companies, etc. Information available on complaints which have been registered against specific firms.

AUTO SAFETY
800-424-9393

Call Washington, D.C. to report safety problems with new autos.

MORTGAGE HOTLINE
609-292-0050

This Trenton number is answered by the Department of Banking to help consumers protect their rights under banking and lending laws.

CHILD ABUSE
800-792-8610

In service 24 hours, this number is manned by the Department of Human Services to take reports on child abuse for **IMMEDIATE INVESTIGATION**.

CITIZEN COMPLAINTS
800-792-8600

This number is answered by the Public Advocate's Office for citizen complaints about state agencies.

CONSUMER COMPLAINTS
201-648-3622

This number is answered by the Office of Consumer Protection to advise citizens of their rights in consumer problems and to receive complaints.

ENERGY INFORMATION
800-492-4242

The Department of Energy will attempt to answer all questions on energy matters.

ENVIRONMENTAL ACTION
609-292-7172

This number is manned 24 hours a day, 7 days a week for receipt of air and water pollution complaints.

FEDERAL INFORMATION
201-645-3600 or
609-396-4400

These numbers provide a referral service for citizens trying to locate the correct federal agency.

FOOD STAMPS
800-792-9773

The Department of Human Services provides information on the food stamp program and other welfare programs.

HEALTH COMPLAINTS
800-792-9770

The Department of Health receives complaints about health care and health care facilities.

HOUSING DISCRIMINATION
800-424-8590

This Washington, D.C. number is answered by the Department of Housing and Urban Development which may refer the caller to a regional H.U.D. office for immediate action on a complaint.

INCOME TAXES
609-292-7580

The Bureau of Taxation will attempt to answer all questions about the **STATE INCOME TAX**. For federal income tax information—800-242-6750.

LEGISLATION
800-792-8630

This number is manned during special legislative sessions by the Bureau of Legislative Affairs to answer questions on state laws and bills pending in the Legislature.

MOVING
800-424-9312

This number is answered by the Interstate Commerce Commission for anyone having difficulties with moving their homes and luggage interstate.

N.J. BAR ASSOCIATION
800-792-8315

This number is answered by the Bar Association to refer citizens for legal services and to take complaints against members of the Association.

PHARMACEUTICAL AID
800-792-9745

This number is answered by the Department of Human Services for information on the senior pharmaceutical aid plan.

PUBLIC UTILITIES
201-648-2350

A 24 hour number answered by the Public Utilities Commission. The number accepts only **EMERGENCY** complaints after normal business hours.

SENIOR CITIZENS
800-792-8820

This number is answered by the State Office on Aging. The caller can obtain information on senior services and can be referred to specific agencies.

WOMEN
800-322-8092

This number is answered by the State Division on Women for information on women's programs and help.

TEL-CONSUMER

(201) 643-6400

NOW CONSUMER INFORMATION IS AVAILABLE TO YOU—AND IT'S JUST A PHONE CALL AWAY! CALL FOR TAPED MESSAGES ON 23 TOPICS, 9 AM TO 4:30 PM MONDAY THROUGH FRIDAY. ASK THE TEL-CONSUMER OPERATOR FOR TAPE YOU WANT TO HEAR:

NUMBER	TOPIC	NUMBER	TOPIC
111	Advertising claims	177	Your rights to a fair credit report
114	Rainchecks	207	Grocery complaints
121	How to select an appliance	209	Unit pricing
122	Before you get your appliance repaired	241	How to select a contractor
132	What to do when your car needs fixing	242	Home improvement contracts
139	Buying a used car	308	Small claims court
149	Buying a new car	310	What to do about "lemons"
161	Consumer complaining	322	Mail order merchandise
163	Cancellation of a contract	326	Merchandise return
171	Errors and questions about credit card bills	330	Pricing
174	Credit collection agencies	347	Product safety
		466	Warranty rights

Dear Reader:

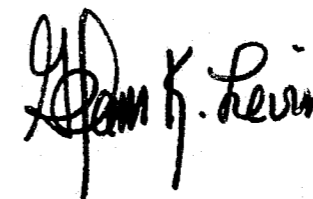
The Division of Consumer Affairs will be updating *Justice in the Marketplace* periodically. As the Division develops new regulations and revises existing ones, we will add and replace insertions in this booklet to keep you informed of the current consumer protection laws.

If you would like to receive these updates, or other publications we will be developing in the near future, please complete and return the attached form.

We also want you to know that our office is always interested in hearing from you when you have problems in the marketplace, as well as when you have suggestions or ideas on consumer issues.

Don't hesitate to contact the Division any time you need assistance or want to assist us in our efforts.

Sincerely,



Adam K. Levin
Director

**Send to: Adam K. Levin, Director
New Jersey Division of Consumer Affairs
Room 504
1100 Raymond Boulevard
Newark, New Jersey 07102**

Name _____

Address _____

City _____ State _____ Zip _____

**I am interested in receiving future publications
and updates on *Justice in the Marketplace* as they
become available.**

END