

ASSEMBLY DEMOCRATS NEWS RELEASE



www.assemblydems.com

FOR RELEASE:

Feb. 5, 2009

Assemblywoman Greenstein

(609) 395-9911

Press Office

(609) 292-7065

CONTACT:

Assemblywoman Love

(856) 401-3073

Assemblywoman Cruz-Perez

(856) 541-1251

Assemblyman Moriarty

(856) 232-6700

ASSEMBLY OK'S LOVE/GREENSTEIN/CRUZ- PEREZ/MORIARTY BILL TARGETING UNSAFE JEWELRY

Measure Comes After Minnesota Boy Died After Swallowing Lead-Tainted Bracelet

(TRENTON) – The Assembly today approved legislation sponsored by Assemblywomen Sandi Love, Nilsa Cruz-Perez and Linda Greenstein and Assemblyman Paul Moriarty targeting unsafe jewelry.

Under the bill, no one may sell, distribute, import or manufacture jewelry in New Jersey that contains materials classified as unsafe. The bill also includes stricter restrictions on materials used in children's jewelry and body piercing jewelry.

Love crafted the legislation (A-2877) after a 4-year-old Minneapolis boy died of lead poisoning from swallowing a tainted charm bracelet.

"Buying a necklace or a charm bracelet shouldn't bring about fears of lead and mercury poisoning, yet the health and safety of New Jerseyans are at risk," said Love (D-Gloucester). "It's time these harmful products are taken down from store shelves for good."

"Jewelry is often a symbol of love, caring and devotion, and this bill ensures it stays that way," said Cruz-Perez (D-Camden). "A bracelet shouldn't prompt fears of lead and mercury poisoning, and any jewelry that contains such products should be immediately recalled."

Under the bill, the Director of Consumer Affairs or manufacturers, distributors or importers of jewelry who discover it contains any material or substance in violation of the bill's restrictions must issue an immediate recall for that product.

Within 48 hours of receiving notice of the recall, retailers would be required to remove the jewelry from displays and make it unavailable for purchase.

Within 14 business days, retailers would be required to return all the jewelry to the manufacturer, distributor or importer from which it was obtained, at the cost of the manufacturer, distributor or importer.

(MORE)

--2--

Within 14 business days, retailers would be required to return all the jewelry to the manufacturer, distributor or importer from which it was obtained, at the cost of the manufacturer, distributor or importer.

The manufacturer, distributor or importer would then have 60 business days to destroy the jewelry and to dispose of the remnants to remove them from access by the general public.

“This is a responsible proposal that protects consumers against the potential serious illnesses and long-lasting harmful affects,” said Greenstein (D-Middlesex/Mercer). “In this day and age there’s no reason to be making jewelry with lead and mercury and there’s no reason for New Jerseyans to be exposed to such toxic materials.”

The bill specifies the following penalties:

- Knowingly selling, offering for sale, distributing, importing or manufacturing jewelry that contains any material in violation of the bill’s restrictions is an unlawful practice;
- Failing to remove the recalled jewelry from displays, make it unavailable for purchase or return it to the manufacturer, distributor or importer within the required timeframe is an unlawful practice; and
- A manufacturer, distributor, or importer failing to issue an immediate recall or destroy and dispose of jewelry returned to them as a result of a recall is a crime of the fourth degree for a first offense, third degree for a second offense and second degree for subsequent offenses.

An unlawful practice under the Consumer Fraud Act is punishable by a fine of not more than \$10,000 for a first offense and not more than \$20,000 for subsequent offenses. A violation can also result in cease and desist orders issued by the Attorney General, punitive damages and the awarding of treble damages and costs to the injured.

A fourth degree crime is punishable by up to 18 months imprisonment, a fine of \$10,000, or both. A third degree crime is punishable by three to five years imprisonment, a fine of \$15,000, or both, and a second degree crime is punishable by five to 10 years imprisonment, a fine of \$150,000, or both.

“We’re just doing what we can to ensure New Jersey consumers are protected from the dangers of lead and mercury poisoning,” said Moriarty (D-Gloucester). “These are dangerous toxins that have nothing to do with how beautiful a necklace or bracelet looks.”

The bill was approved 78-0 and now heads to the Senate for further consideration.

On the Net:

www.assemblydems.com

www.youtube.com/user/njassemblydems

[New Jersey Assembly Democrats on Facebook](#)