S T A T E O F N E W Y O R K

450

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. JACOBS -- Multi-Sponsored by -- M. of A. HOOPER -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to requiring consumer products to be labelled or contain the name of the manufacturer and importer

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general business law is amended by adding a new section 349-d to read as follows:

S 349-D. NOTICE CONCERNING MANUFACTURERS AND IMPORTERS OF CONSUMER PRODUCTS. 1. FOR PURPOSES OF THIS SECTION:

(A) "MANUFACTURER" MEANS A PERSON, FIRM OR CORPORATION ENGAGED IN MAKING, CONVERTING, PROCESSING, ALTERING, REPAIRING, FINISHING OR PREPARING ANY CONSUMER PRODUCT FOR SALE TO A CONSUMER.

(B) "IMPORTER" MEANS A PERSON, FIRM OR CORPORATION ENGAGED IN THE DISTRIBUTION OF ANY CONSUMER PRODUCT FOR SALE OR LEASE TO A CONSUMER IN THIS STATE.

(C) "CONSUMER PRODUCT" MEANS ANY TOY OR OTHER ARTICLE INTENDED FOR USE BY CHILDREN OR ANY ELECTRICAL PRODUCT INCLUDING ANY EXTENSION CORD THAT IS USED TO CONNECT SUCH PRODUCT TO ITS SOURCE OF POWER THAT IS INTENDED FOR A CONSUMER'S PERSONAL, FAMILY, RECREATIONAL OR HOUSEHOLD PURPOSES.

(D) "MERCHANT" MEANS A PERSON, FIRM OR CORPORATION ENGAGED IN THE SALE, DISPLAY OR OFFERING FOR SALE CONSUMER PRODUCTS OR MERCHANDISE AT RETAIL TO A CONSUMER.

2. NO MERCHANT, MANUFACTURER, FIRM, CORPORATION, ASSOCIATION OR AGENT OR EMPLOYEE THEREOF SHALL IMPORT, MANUFACTURE, SELL, OFFER FOR SALE OR DISTRIBUTE IN THIS STATE ANY CONSUMER PRODUCT TO A CONSUMER WHICH FAILS TO CONSPICUOUSLY DISCLOSE THE NAME OF THE MANUFACTURER OF THE CONSUMER PRODUCT AND THE PRIMARY ADDRESS OF SUCH MANUFACTURER.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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3. A MANUFACTURER SHALL CONSPICUOUSLY DISCLOSE ITS NAME AND ADDRESS ON THE CONTAINER OR PACKAGE CONTAINING ANY CONSUMER PRODUCT OR, WHERE A CONSUMER PRODUCT IS UNPACKAGED OR IS NOT PACKAGED IN A CONTAINER INTENDED OR SUITABLE FOR DELIVERY TO THE CONSUMER, SUCH INFORMATION SHALL BE CONTAINED ON A TAG OR LABEL AFFIXED TO THE CONSUMER PRODUCT.

4. WHERE AN IMPORTER DISTRIBUTES A CONSUMER PRODUCT FOR SALE OR LEASE, THE IMPORTER SHALL CONSPICUOUSLY DISCLOSE ITS NAME AND ADDRESS ON THE CONTAINER OR PACKAGE CONTAINING ANY CONSUMER PRODUCT OR, WHERE A CONSUMER PRODUCT IS UNPACKAGED OR IS NOT PACKAGED IN A CONTAINER INTENDED OR SUITABLE FOR DELIVERY TO THE CONSUMER, SUCH INFORMATION SHALL BE CONTAINED ON A TAG OR LABEL AFFIXED TO THE CONSUMER PRODUCT.

5. THE PROVISIONS OF THIS SECTION SHALL NOT BE DEEMED TO ALTER OR OTHERWISE SUPERSEDE ANY OTHER LABELING OR DISCLOSURE REQUIREMENT IMPOSED BY STATE OR FEDERAL LAW.

6. A VIOLATION OF THIS SECTION SHALL BE DEEMED TO BE BOTH A DECEPTIVE ACT AND FALSE ADVERTISING AND SHALL BE SUBJECT TO THE PENALTIES OTHERWISE PRESCRIBED IN THIS ARTICLE.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law.