

FILED

JUN 16 2010

Division of Consumer Affairs

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

**IN THE MATTER OF AN INVESTIGATION
BY THE NEW JERSEY DIVISION OF
CONSUMER AFFAIRS**

of

Dart, Star Dart, Apple Dart,
Balloon Dart dba/ Bust One Balloon

Respondent.

Administrative Action
No. Z 0800224 rtf

**FINAL ORDER
AFTER REVIEW
OF SUBMISSION**

THIS MATTER was opened by the New Jersey Division of Consumer Affairs, Office of Consumer Protection ("Consumer Affairs" or "Division") as an investigation to determine whether the sales practices of Dart, Star Dart, Apple Dart, Balloon Dart dba/ Bust One Balloon ("Respondent") violated the New Jersey Consumer Fraud Act ("CFA"), N.J.S.A. 56:8-1 et seq., the Regulations promulgated pursuant thereto, N.J.A.C. 13:45A-1 et seq. ("CFA Regulations") and N.J.S.A. 2A:65B-1 et seq. That investigation disclosed that:

On June 18, 2008, Respondent attempted to sell and/or offered for sale Yo-Yo Waterballs in the State of New Jersey.

This conduct constitutes a violation of N.J.S.A. 2A:65B-1 et seq. As such, pursuant to N.J.S.A. 56:8-3.1, the Director may: 1) assess penalties against the Respondent pursuant to N.J.S.A. 56:8-13; 2) direct Respondent to pay costs to the State pursuant to N.J.S.A. 56:8-11; and 3) order the Respondent to cease and desist from engaging in unlawful activity pursuant to N.J.S.A. 56:8-18.

A Notice of Violation ("NOV") was served upon Respondent on December 15, 2008, setting forth the findings of fact and conclusions of law above. Respondent was offered the opportunity to be heard on these charges. Respondent expressly declined to contest the charges and waived any right to a hearing in this matter. Respondent, however, did request that the Division consider mitigating circumstances before rendering its final decision. On December 30, 2008, the Division received Respondent's Answering Certification asking the Division to consider certain mitigating circumstances before rendering a final decision. The Division has reviewed the circumstances and is persuaded that a reduction in the amounts set forth in the NOV is not warranted.

Accordingly, IT IS on this 16th day of June, 2010 ORDERED:

1. Respondent shall not sell, attempt to sell or offer for sale any Yo-Yo Waterballs.
2. Respondent shall pay the Division of Consumer Affairs the sum of \$750.00 as a civil penalty pursuant to N.J.S.A 56:8-13. The amount due and owing totals \$750.00. This payment shall be made by means of a certified check or money order made payable to the "New Jersey Division of Consumer Affairs" and forwarded to the following address:

New Jersey Department of Law and Public Safety
Division of Consumer Affairs
124 Halsey Street
P.O. Box 45025
Newark, NJ 07101
Case Management Tracking
ATT: Van Mallet

3. Payments shall be made within fifteen (15) days of issuance of this Final Order.

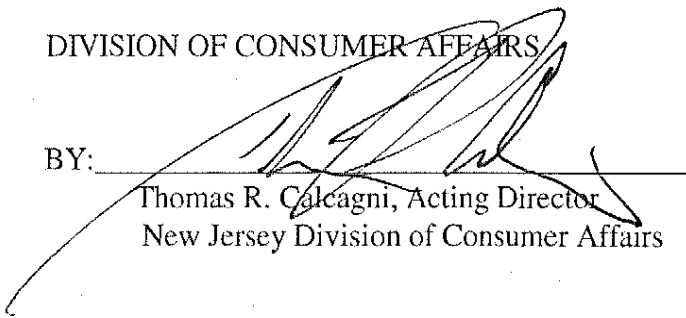
4. Failure of Respondent to make the \$750.00 payment within the time set forth above will result in the filing of a Certificate of Debt, pursuant to N.J.S.A. 56:8-17. Any subsequent violation of this Order may subject Respondent to additional penalties of up to \$25,000, pursuant to N.J.S.A. 56:8-18.

5. Service of this Final Order will be deemed effective if sent by mail to the last known mailing address of Respondent's business.

6. This Order constitutes a final agency action and shall be effective upon filing and is a public document subject to the New Jersey Open Records Act.

DIVISION OF CONSUMER AFFAIRS

BY: _____


Thomas R. Calcagni, Acting Director
New Jersey Division of Consumer Affairs