

FILED

APR 07 2009

Division of Consumer Affairs

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

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

of

Novelette Industries, Inc.
d/b/a Nationwide Imports,

Respondent(s)

Administrative Action
No. I08100146

**FINAL ORDER
AFTER REVIEW OF SUBMISSION**

This matter was opened by the Division of Consumer Affairs, Office of Consumer Protection ("Consumer Affairs" or "Division"), as an investigation of whether the advertising of Novelette Industries, Inc. d/b/a Nationwide Imports (the "Respondent") with a mailing address of P. O. Box # 225 in Allenhurst, NJ 07711 violated the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et seq. (the "CFA") and Act Prohibiting Sale of Yo-Yo Waterballs, N.J.S.A. 2A:65B-1 et seq.

Pursuant to N.J.S.A. 2A:65B-1, the sale or offer to sell Yo-Yo Waterballs is prohibited in the State of New Jersey. The investigation disclosed that Respondent offered Yo-Yo Waterballs for sale, in violation of N.J.S.A. 2A:65B-1 and the CFA.

A Notice of Violation was served upon Respondent on March 20, 2009, 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 March 24, 2009 by way of written submission Respondent asked the Division to consider certain mitigation circumstances before rendering a final decision. Specifically, the Division has reviewed the Respondent's letter and, finding that Yo-Yo Waterballs were still offered for sale through the Novelette catalog, is not persuaded that any reduction in the amounts set forth above in the Notice is warranted or that any of the other terms or conditions should be modified.

Accordingly, IT IS on this 2th day of April, 2009 ORDERED:

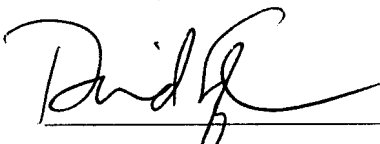
1. Respondent shall not sell or offer to sell Yo-Yo Waterballs, in violation of N.J.S.A. 2A:65B-1 and N.J.S.A. 56:8-1.
2. Respondent shall pay a penalty in the amount of \$2,000.00.

Payment shall be made by certified check, attorney trust account check or other guaranteed funds made payable to the "New Jersey Division of Consumer Affairs" and shall be mailed or delivered to the following address:

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

3. Payment shall be made within fifteen (15) days of issuance of this Final Order. Service of this Final Order will be deemed effective if sent by certified mail to the last known mailing address of Respondent's business.
4. Failure to pay any penalties within the time allowed will result in the filing of a Certificate of Debt. Any subsequent violation of this Order may subject Respondent to additional penalties of up to \$25,000.00, pursuant to N.J.S.A. 56:8-18.
5. This Order constitutes a final agency action and shall be effective upon filing and is a public document subject to the New Jersey Open Public Records Act.

DIVISION OF CONSUMER AFFAIRS

BY: 

David Szuchman, Director
New Jersey Division of Consumer Affairs