

Alert | Marketing, Advertising, Sweepstakes & Promotions Law



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S3587: New Jersey Regulates Sale and Display of Physical Gift Cards, Both In-Person and Online

When selling a physical gift card¹ in a New Jersey store, or online to consumers in New Jersey, **S3587**² now requires the following:

- display a warning notice to caution consumers about potential scams,
- comply with specific packaging requirements to prevent tampering and warn about potential scams, and
- provide instruction to employees engaged in the sale of cards.

The law took effect on Oct. 1, 2025, but **enforcement by the state is delayed** until Feb. 1, 2026.

The New Jersey law is similar to Maryland's SB 760 (addressed in a **previous GT Alert**), which passed earlier this year. The key differences are:

1. New Jersey's law applies only to physical gift cards;

¹ The statute defines gift cards as "tangible" devices sold with value embedded or encoded, whether sold in person or online. Purely digital gift cards or codes fall outside this definition.

² Codified at N.J.S.A. 56:8-110.1 and 110.3

2. The warning notice to be posted at the point of sale must be used in exactly the **form** the state provides;³ and
3. New Jersey draws no distinction between its regulation of “closed loop” gift cards (redeemable only with a single merchant) and “open loop” gift cards (redeemable with multiple merchants).

Risks and Penalties of Non-Compliance

Each violation of New Jersey’s statute may result in civil penalties of up to \$1,000; however, violations do not constitute unlawful practices under New Jersey’s Consumer Fraud Act, meaning New Jersey consumers cannot bring private actions alleging violation of that statute, which is otherwise a common way for consumer class action cases to be brought in New Jersey.

Takeaways

Companies offering physical gift cards for sale in New Jersey should review their packaging and marketing materials in order to conform with the requirements outlined in the law. Companies offering gift cards for sale in Maryland as well as New Jersey should take note that each state imposes different warning notice requirements and should ensure the appropriate model warning for each respective state is displayed “at or near” the point of sale (or on a webpage before the sale is finalized), where required by each state’s law.

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³ In contrast, **Maryland’s** law only requires display of a notice that is “substantially the same” as the state-provided **form**.

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