

July 14, 2026

New Jersey Governor Mikie Sherrill
Office of the Governor
PO Box 001
Trenton, NJ 08625-0001

RE: Request for Action to Assembly Bill A4085 – Fair Price Protection Act

Dear Governor Sherrill,

On behalf of the National Grocers Association (NGA), which represents independent community grocers across New Jersey and the nation, we urge you to take action and amend Assembly Bill A4085, the Fair Price Protection Act, to protect independent grocers from the significant economic harm these provisions would impose.

The NGA represents more than 21,500 independent retail grocery stores and wholesalers nationwide, generating over \$350 billion in sales and \$4.7 billion in federal tax revenue annually and employing nearly 1.5 million American workers. Our members include family-owned, privately held, or employee-owned full-service supermarkets, as well as the wholesale distribution companies that serve them. While our membership spans the entire country, it is important to note that over half of our members are single store operators. The success of Main Street supermarkets is directly linked to the economic health of the communities they serve.

NGA supports policies that promote transparency and fairness in grocery pricing. However, as currently drafted, A4085 would impose significant unintended consequences on independent grocery retailers and harm their customers by increasing grocery prices.

The legislation aims to address concerns about surveillance-based or algorithmic pricing models that are not used by independent grocers. Independent retailers set prices using traditional business practices based on wholesale costs, operating expenses, competition, and promotions. They do not engage in surge pricing or dynamic pricing models that fluctuate based on individual consumer data.

Instead, the bill would unintentionally restrict widely used tools that help grocery stores operate more efficiently and provide greater value to customers. Technologies such as electronic shelf labels are modern replacements for paper price tags that improve pricing accuracy for shoppers while eliminating repetitive, low-value manual tasks for store employees. By reducing time spent changing thousands of paper tags, these tools allow workers to focus on higher-skilled, customer-facing, and analytical responsibilities that make better use of their expertise and create opportunities for career growth and advancement. Likewise, loyalty programs and personalized discounts help families stretch their grocery budgets and help independent grocers stretch their limited sales budget to compete with larger chains.

At a time when food affordability remains a top concern for New Jersey residents, policies that limit discounts, increase operating costs, or reduce efficiencies will ultimately make it harder not easier for independent grocers to keep prices affordable. Smaller, locally owned grocery stores are particularly vulnerable to new regulatory burdens, as they often lack the financial and administrative resources available to larger national chains.

We are particularly concerned that several provisions of A4085 would have consequences far beyond the bill's intended purpose. We respectfully request that you make changes to address the following provisions:

1. Separate personalized discounts from the definition of price.
 - Rational: Independent grocers base their prices on their cost to purchase each item. Then they provide targeted discounts from their sales budget. By including the discounted price in the definition of price, you unintentionally outlaw discounts. By removing discounts and leaving hypothetical discounts, you get at the issue of increasing prices for the purpose of discounting while still allowing traditional discounts.
2. Separate related fees and costs from the definition of price.
 - Rational: Independent grocers do not have the ability to include the costs of delivery, packing, and holding items in the price during an online order. Without this change, independent grocers will be forced to increase prices on all of their items or cover the cost of delivery, which is not possible on a 1-2% margin.
3. Allow the variation in sales price to allow for discounts.
 - Rational: See bullet #1.
4. Do not require disclosure of all pricing benefits and discounts.
 - Rational: Requiring the sharing of specific pricing benefits and discounts would require the sharing of trade secrets that could be used to put independent grocers out of business by larger chains. It is critical that these trade secrets are allowed to remain secret.
5. Study electronic shelf labels without putting a moratorium on them.
 - Rational: Electronic shelf labels are used to improve customer experience and allow workers to focus on higher-skilled tasks leading to professional growth. They are not used to secretly increase prices on customers. Their impact can be studied without a moratorium.

Targeted changes would preserve the goal of preventing unfair pricing practices while avoiding unnecessary burdens on community grocery stores and the consumers they serve.

Independent grocers are essential employers, taxpayers, and providers of food access throughout New Jersey. We respectfully ask that you protect their ability to continue serving their communities by ensuring this legislation targets harmful conduct without restricting legitimate retail operations or limiting the discounts and technologies that help keep groceries affordable.

Thank you for your consideration and for your continued support of New Jersey's independent grocery industry.

Sincerely,



Macy Lemon
Vice President, State Government Affairs
National Grocers Association