ARA

Grocery Prices and Your Personal Data

What New Jersey's Fair Price Protection Act means for shoppers and stores



Agard Research Associates Inc.

Based on ARA's September 2026 policy analysis, updated November 2026.
Information current as of November 9, 2026.

The law in one minute

Starting August 1, 2027, sellers in New Jersey may not set or change grocery prices based on your personal data.

The Fair Price Protection Act was approved on July 23, 2026. It is not in effect yet.

01 **What counts as personal data?** Any information that can be linked to you, including guesses made from other data.

02 **What goods does it cover?** Food and everyday household items, such as paper products, cleaning supplies, and pet food. Restaurant meals are not covered.

03 **Who must follow it?** Any person or business that sells groceries, no matter how small.

What is still allowed

01 **Cost differences.** A price can differ when it truly costs more or less to serve some customers. Prices can change no more than once in 24 hours.

02 **Group discounts.** Discounts for broad groups, such as teachers or veterans, are allowed if the rules are public and the same for everyone.

03 **Loyalty programs.** Store rewards programs are allowed if you choose to join, all members get the same terms, and the program tells you its discounts and how it uses your data.

04 **Limits on your data.** Data used for an allowed discount cannot be used for anything else without your consent.

Key dates

01

July 23, 2026: the law is approved

The requirement for a state study of electronic shelf labels, the digital price tags on store shelves, takes effect right away.

02

February 1, 2027: a pause on new shelf labels

For one year, stores may not start new use of electronic shelf labels. They may still repair or replace the ones they already have.

03

August 1, 2027: the ban begins

Grocery prices may no longer be based on personal data. The shelf label study report is also due by this date.

Dates after July 23, 2026 are ARA's count from the law's timing rules. The shelf label pause ends February 1, 2028.

What the law does not do

What the law leaves out

No notice

Stores do not have to tell you when a price was set just for you.

1. No notice when a price is based on your data.
2. No duty for stores to keep pricing records.
3. No rules on how grocery and delivery workers are paid.

New York takes a different approach: it requires a notice on prices set by an algorithm using personal data.

New Jersey bans the practice instead of requiring a notice.

Who enforces the law

What is settled

The state Attorney General can go to court to stop violations and recover damages.

The Division of Consumer Affairs may write rules, but it does not have to.

ARA found no proposed rule as of November 9, 2026.

What is still open

The law does not say whether shoppers can sue on their own.

Another state law, the Consumer Fraud Act, lets people sue for money they lost because of an unlawful practice. Whether it covers this law is undecided.

No court has answered this question yet.

The numbers behind the law

51 to 20

Assembly vote

Final vote in the General Assembly, June 30, 2026. The Senate passed it 22 to 14 the same day.

0 of 16

Studies cited

None of the 16 documents in the law's official record cites a study, survey, or price comparison on this practice.

3 in 4

Prices that differed

About 3 in 4 products showed different prices to different shoppers in a 2025 test on Instacart. It was not shown that personal data set those prices.

Sources for every figure are cited in full in ARA's report.

Who is affected

Shoppers

Everyone who buys groceries

Prices cannot be based on your personal data. Discounts can continue if they follow the rules.

Families on tight budgets

739,593 people on SNAP

That was New Jersey’s SNAP count for June 2026. No study measures the prices these shoppers pay, and the law names no group.

Stores and sellers

Of any size

They must follow the ban and its conditions from August 1, 2027, and pause new shelf labels from February 1, 2027.

About 1.5 million people (2020 count) live in New Jersey’s 50 designated food desert areas.

Both sides of the debate

01

Supporters

The Governor, the Attorney General, and a grocery workers' union say the law keeps grocery prices from being set on shoppers' personal data. A social justice group warned such pricing could hurt low-income communities and communities of color.

02

Critics

Grocery and business groups warned of fewer discounts, higher prices, lost loyalty programs, and unclear rules. None gave a cost figure, and some described parts of the bill that were later removed.

03

What research shows

Economists find this kind of pricing can help or hurt shoppers, depending on the market. No study has measured whether New Jersey grocery prices are personalized at all.

ARA presents both sides on equal terms and does not take a position.

Where things stand

01

Nothing is enforced yet

As of November 9, 2026, ARA found no enforcement action, lawsuit, rule, or study report under the law.

02

No court has ruled on a law like this

A federal judge dismissed a free speech challenge to New York's law, which requires a notice on prices set by an algorithm using personal data. The appeals court heard arguments on October 19, 2026, but has not ruled.

03

No federal rule applies

No federal law reviewed by ARA covers prices set with personal data. A nonbinding Federal Trade Commission proposal from August 2026 has no final version yet. In October 2026, the Commission began studying whether nine companies, including Instacart, Target, and Walmart, use personal data to set prices and, at ride-share and food-delivery firms, worker pay. Three bills in Congress have not moved.

Maryland's law on this topic took effect October 1, 2026, and Connecticut's takes effect July 1, 2027. Both bar private lawsuits. Seattle's new ordinance, whose rules take effect September 1, 2027, will let shoppers harmed by a violation sue large grocers and delivery services.

What you can do

01 **Keep records.** Save receipts and dated screenshots of grocery prices you see online.

02 **Read the fine print.** Check your store loyalty program’s terms on discounts and data use.

03 **Businesses: check your pricing.** Compare your prices and discounts with the law’s three exceptions before August 1, 2027.

04 **Find the law.** Read it on the Legislature’s website, njleg.state.nj.us, under bill A4085/4523.



Why records matter: the law does not require stores to tell you about personalized prices or to keep pricing records.

Starting August 1, 2027, grocery prices in New Jersey may not be based on your personal data, with limited exceptions.

Until then, the law is not in effect, and big questions, like whether shoppers can sue, are still open.

Agard Research Associates Inc. is a nonpartisan, nonprofit research institute in New Jersey.
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