

By Mr. Ciccarelli of Watertown, petition of Salvatore Ciccarelli and Michael C. Creedon relative to requiring restaurant menus to contain certain information. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

AN ACT REQUIRING RESTAURANT MENUS TO CONTAIN CERTAIN INFORMATION.

Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, as follows:

1 SECTION 1. Chapter 93 of the General Laws is hereby
2 amended by adding the following six sections: —

3 *Section 76.* As used in sections seventy-seven to eighty-one,
4 inclusive, the following words shall have the following meaning: —

5 “Restaurant”, any firm whose primary business is the retail sale
6 of prepared food and beverages for consumption.

7 “Menu”, any written listing of items, including prices, for sale in
8 a restaurant. All items shall include prices except that if the price
9 varies with size, as with lobster, a basic unit of pricing shall be
10 listed, including advertisements.

11 “Misbrand”, an item shall be deemed to be misbranded if its
12 name, description omits information so that the omission is false
13 or misleading in any sense. This shall include, but not be limited to
14 labeling an item fresh if it is frozen or canned; misrepresenting a cut
15 of meat or substituting one type of meat for another using canned
16 or processed meat without so stating; offering a meat item, when
17 actually it is made of chopped particles shaped by the batter into
18 the item; misrepresenting any milk, cream or butter ingredient that
19 is actually a variation or imitation of these products; and offering
20 an imitation as the real product.

21 *Section 77.* No restaurant shall: —

22 a) misbrand any item on its menu.

23 b) offer a substitution for any item on a menu without indicat-
24 ing the substitution on the menu or notifying the customer.

25 c) serve a hamburger or other meat product which does not
26 meet the standards required by federal or state law.

27 d) serve a mechanically formed or reconstituted meat unless it is
28 so identified on the menu.

29 f) serve an item on a menu which has been prepared largely off
30 the premises of such restaurant unless such item is identified as
31 prepared largely off premises.

32 e) serve a beverage unless menu sets forth the serving size in
33 ounces and metric measure.

34 g) list on a menu as homestyle, homemade, house specialty or
35 specialite de la maison unless the main ingredients of such item
36 were combined on the premises prior to cooking or baking of such
37 item.

38 h) identify on its menu fruit juice, fruit cups or fruit salad as
39 fresh unless such fruit was cut, or squeezed and processed on the
40 premises without the addition of any food addition, coloring or
41 preservative.

42 i) use monosodium glutamate in preparation of any item unless
43 such use is identified on the menu.

44 *Section 78.* Every restaurant shall either provide individual
45 menus or post a menu visible to all diners and shall also post a copy
46 of such menus with prices of items so that such copy is visible
47 outside the restaurant.

48 *Section 79.* Every restaurant which charges customers an
49 amount over or above the charge for the ordered items or charges a
50 minimum amount regardless of the order, shall state that policy
51 and amount in clear and distinct language on the menus in a type
52 size not smaller than that used for the headings of food categories
53 listed.

54 *Section 80.* The commission of public health may make rules
55 and regulations to provide reasonable administration of sections
56 seventy-six to seventy-nine inclusive.

1 SECTION 2. This act will take effect on January first, nineteen
2 hundred and eighty-one.