

By Mr. Ciccarelli of Watertown, petition of Salvatore Ciccarelli, Leo R. Corazzini, Michael J. Rea, Jr., Michael J. McGlynn and William R. Keating 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-Three.

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 amend-  
2 ed by adding the following 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 or  
13 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 e) serve a beverage unless menu sets forth the serving size in  
30 ounces and metric measure.

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

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-seven inclusive.

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