

56:8-2.9 to 56:8-2.13

LEGISLATIVE HISTORY CHECKLIST

HJSA 56:8-2.9 to 56:8-2.13 (Restaurants--Menus and advertisements--  
Misrepresentation--"Truth in Menu")

LAWS OF 1979 CHAPTER 347

Bill No. S1408

Sponsor(s) Graves and others

Date Introduced Oct. 23, 1978

Committee: Assembly Commerce, Industry and Professions

Senate Law, Public Safety and Defense

Amended during passage Yes according to Governor's recommendations ~~xx~~ Amendments denoted by asterisk:

Date of Passage: Assembly June 21, 1979 Re-enacted Jan. 3, 1980

Senate Feb. 20, 1979 Re-enacted Dec. 17, 1979

Date of approval Jan. 24, 1980

Following statements are attached if available:

|                               |                |               |  |
|-------------------------------|----------------|---------------|--|
| Sponsor statement             | Yes            | <del>No</del> | (Below)-Also attached: Senate amendments adopted 1-30-79 & 2-13-79 (with statements) |
| Committee Statement: Assembly | Yes            | <del>No</del> |  |
|                               | Senate         | Yes           | <del>No</del>  |
| Fiscal Note                   | <del>Yes</del> | No            |  |
| Veto message                  | Yes            | <del>No</del> |  |
| Message on signing            | Yes            | <del>No</del> |  |

Following were printed:

|          |                |    |
|----------|----------------|----|
| Reports  | <del>Yes</del> | No |
| Hearings | <del>Yes</del> | No |

Sponsor's statement:

This bill would prohibit restaurants, hotels, cafes, lunch counters or other eating establishments from misrepresenting food or food products on their menus or in their advertising.

8/1/78

1980

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CHAPTER 347 LAWS OF N. J. 1979  
APPROVED 1-24-80

[FIFTH OFFICIAL COPY REPRINT]

SENATE, No. 1408

# STATE OF NEW JERSEY

INTRODUCED OCTOBER 23, 1978

By Senators GRAVES, MERLINO, HIRKALA, GREENBERG, ZANE, SCARDINO, MUSTO, SKEVIN, HAMILTON, DWYER, WEISS, YATES, GREGORIO, LIPMAN, HERBERT, FRIEDLAND, ORECHIO, SHEIL, RODGERS, FELDMAN, A. RUSSO, PERSKIE, BEDELI, MARESSA, J. RUSSO, DORSEY and FORAN

Referred to Committee on Law, Public Safety and Defense

A SUPPLEMENT to "An act concerning consumer fraud, its prevention, and providing penalties therefor," approved June 9, 1960 (P. L. 1960, c. 39, C. 56:8-1 et seq.).

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. It shall be an unlawful practice for any person to misrepre-  
2 sent *\*on \*\*\*\*[a]\*\*\*\* \*\*\*\*any\*\*\*\* menu\* \*\*\*\*or other posted in-*  
3 *formation, including advertisements,\*\*\*\* the indenty of any food*  
4 *or food products to any of the patrons or customers of eating es-*  
5 *tablishments including but not limited to restaurants, hotels, cafes,*  
6 *lunch counters or other places where food is regularly prepared*  
7 *and sold for consumption on or off the premises. \*This section*  
8 *shall not apply to any section or sections of a retail food or grocery*  
9 *store which do not provide facilities for on the premises consump-*  
10 *tion of food or food products.\**

1 2. The identity of said food or food products shall be deemed  
2 misrepresented if:

- 3 a. Its description is false or misleading in any particular;
- 4 b. Its description omits information which by its omission
- 5 renders the description false or misleading in any particular;
- 6 c. It is served, sold, or distributed under the name of another
- 7 food or food product;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

8 d. It purports to be or is represented as a food or food product  
 9 for which a definition of identity and standard of quality has been  
 10 established by custom and usage unless it conforms to such defini-  
 11 tion and standard.

1 \*\*\*\*\*3. Any person violating the provisions of the within act shall  
 2 be liable for a refund of all moneys acquired by means of any  
 3 practice declared herein to be unlawful.

1 4. The refund of moneys herein provided for may be recovered in  
 2 a private action or by such persons authorized to initiate actions  
 3 pursuant to P. L. 1975, c. 376 (C. 40:23-6.47 et seq.).\*\*\*\*\*

1 \*\*\*\*[3. On all menus of said eating establishments there shall be  
 2 a notation next to all items which are \*[not largely prepared]\*  
 3 \*\*not\*\* \*\*[\*entirely cooked\*]\*\* \*\*largely prepared\*\* on the  
 4 premises where the food or food products are sold, served, or  
 5 distributed informing the patron or customer that such items were  
 6 prepared off the premises.]\*\*\*\*\*

1 \*\*\*\*\*[\*\*\*\*\*3.]\*\*\*\*\* \*\*\*\*\*5.\*\*\*\*\* The rights, remedies and prohi-  
 2 bitions accorded by the provisions of this act are hereby declared  
 3 to be in addition to and cumulative of any other right, remedy or  
 4 prohibition accorded by the common law or statutes of this State,  
 5 and nothing contained herein shall be construed to deny, abrogate  
 6 or impair any such common law or statutory right, remedy or  
 7 prohibition.\*\*\*\*\*

1 \*\*\*\*\*[4.]\*\*\*\*\* \*\*\*\*\*6.\*\*\*\*\* This act shall take effect 90 days  
 2 after enactment.

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SENATE, No. 1408

STATE OF NEW JERSEY

INTRODUCED OCTOBER 23, 1978

By Senators GRAVES, MERLINO, HIRKALA, GREENBERG, ZANE, SCARDINO, MUSTO, SKEVIN, HAMILTON, DWYER, WEISS, YATES, GREGORIO, LIPMAN, HERBERT, FRIEDLAND, ORECHIO, SHEIL, RODGERS, FELDMAN, A. RUSSO, PERSKIE, BEDELL, MARESSA, J. RUSSO, DORSEY and FORAN

Referred to Committee on Law, Public Safety and Defense

A SUPPLEMENT to "An act concerning consumer fraud, its prevention, and providing penalties therefor," approved June 9, 1960 (P. L. 1960, c. 39, C. 56:8-1 et seq.).

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. It shall be an unlawful practice for any person to misrepresent  
2 sent the identity of any food or food products to any of the patrons  
3 or customers of eating establishments including but not limited  
4 to restaurants, hotels, cafes, lunch counters or other places where  
5 food is regularly prepared and sold for consumption on or off the  
6 premises.

1 2. The identity of said food or food products shall be deemed  
2 misrepresented if:

3 a. Its description is false or misleading in any particular;

4 b. Its description omits information which by its omission  
5 renders the description false or misleading in any particular;

6 c. It is served, sold, or distributed under the name of another  
7 food or food product;

8 d. It purports to be or is represented as a food or food product  
9 for which a definition of identity and standard of quality has been  
10 established by custom and usage unless it conforms to such defini-  
11 tion and standard.

1 3. On all menus of said eating establishments there shall be a  
2 notation next to all items which are not largely prepared on the  
3 premises where the food or food products are sold, served, or

- 4 distributed informing the patron or customer that such items were  
5 prepared off the premises.  
1 4. This act shall take effect 90 days after enactment.

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STATEMENT

This bill would prohibit restaurants, hotels, cafes, lunch counters  
or other eating establishments from misrepresenting food or food  
products on their menus or in their advertising.

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SENATE LAW, PUBLIC SAFETY AND DEFENSE  
COMMITTEE

STATEMENT TO  
SENATE, No. 1408

STATE OF NEW JERSEY

DATED: JANUARY 25, 1979

This measure is a supplement to the Consumer Fraud Act. It would make it unlawful for anyone to misrepresent the identity of food to customers of eating establishments. The bill was amended in committee to provide that the misrepresentation applies to the menu. It was also amended to provide that the bill did not apply to nonrestaurant sections of grocery stores.

Misrepresentation is specifically delineated in section 2 of the bill to make clear what constitutes an offense.

Section 3 of the bill, as amended, would require a notation on a menu next to all items that are not entirely cooked on the premises. This section is intended to give consumers notice of where foods are cooked. Many restaurants cook foods in other locations and reheat or complete cooking on the premises.

The penalty sections of the Consumer Fraud Act would apply to this bill.

SENATE COMMITTEE AMENDMENTS TO  
**SENATE, No. 1408**

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**STATE OF NEW JERSEY**

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ADOPTED JANUARY 25, 1979

Amend page 1, section 1, line 2, after "sent", insert "on a menu".

Amend page 1, section 1, line 6, after "premises.", insert "This section shall not apply to any section or sections of a retail food or grocery store which do not provide facilities for on the premises consumption of food or food products.".

Amend page 1, section 3, line 2, omit "not largely prepared", insert "entirely cooked".

[OFFICIAL COPY REPRINT]  
SENATE, No. 1408

STATE OF NEW JERSEY

INTRODUCED OCTOBER 23, 1978

By Senators GRAVES, MERLINO, HIRKALA, GREENBERG, ZANE, SCARDINO, MUSTO, SKEVIN, HAMILTON, DWYER, WEISS, YATES, GREGORIO, LIPMAN, HERBERT, FRIEDLAND, ORECHIO, SHEIL, RODGERS, FELDMAN, A. RUSSO, PERSKIE, BEDELL, MARESSA, J. RUSSO, DORSEY and FORAN

Referred to Committee on Law, Public Safety and Defense

A SUPPLEMENT to "An act concerning consumer fraud, its prevention, and providing penalties therefor," approved June 9, 1960 (P. L. 1960, c. 39, C. 56:8-1 et seq.).

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. It shall be an unlawful practice for any person to misrepre-  
2 sent *\*on a menu\** the identity of any food or food products to any  
3 of the patrons or customers of eating establishments including but  
4 not limited to restaurants, hotels, cafes, lunch counters or other  
5 places where food is regularly prepared and sold for consumption  
6 on or off the premises. *\*This section shall not apply to any section*  
7 *or sections of a retail food or grocery store which do not provide*  
8 *facilities for on the premises consumption of food or food products.\**

1 2. The identity of said food or food products shall be deemed  
2 misrepresented if:

- 3 a. Its description is false or misleading in any particular;  
4 b. Its description omits information which by its omission  
5 renders the description false or misleading in any particular;  
6 c. It is served, sold, or distributed under the name of another  
7 food or food product;  
8 d. It purports to be or is represented as a food or food product  
9 for which a definition of identity and standard of quality has been  
10 established by custom and usage unless it conforms to such defini-  
11 tion and standard.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.



1 3. On all menus of said eating establishments there shall be a  
2 notation next to all items which are \***[not largely prepared]**\* \*en-  
3 *tirely cooked*\* on the premises where the food or food products are  
4 sold, served, or distributed informing the patron or customer that  
5 such items were prepared off the premises.

1 4. This act shall take effect 90 days after enactment.

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SENATE AMENDMENT TO  
**SENATE, No. 1408**  
[OFFICIAL COPY REPRINT]

**STATE OF NEW JERSEY**

ADOPTED JANUARY 30, 1979

Amend page 2, section 3, line 2, before "entirely cooked", insert "not".

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STATEMENT

This bill corrects a technical error in the Senate committee amendments.

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 1408

# STATE OF NEW JERSEY

INTRODUCED OCTOBER 23, 1978

By Senators GRAVES, MERLINO, HIRKALA, GREENBERG, ZANE, SCARDINO, MUSTO, SKEVIN, HAMILTON, DWYER, WEISS, YATES, GREGORIO, LIPMAN, HERBERT, FRIEDLAND, ORECHIO, SHEIL, RODGERS, FELDMAN, A. RUSSO, PERSKIE, BEDELL, MARESSA, J. RUSSO, DORSEY and FORAN

Referred to Committee on Law, Public Safety and Defense

A SUPPLEMENT to "An act concerning consumer fraud, its prevention, and providing penalties therefor," approved June 9, 1960 (P. L. 1960, c. 39, C. 56:8-1 et seq.).

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. It shall be an unlawful practice for any person to misrepresent  
2 *\*on a menu\** the identity of any food or food products to any  
3 of the patrons or customers of eating establishments including but  
4 not limited to restaurants, hotels, cafes, lunch counters or other  
5 places where food is regularly prepared and sold for consumption  
6 on or off the premises. *\*This section shall not apply to any section*  
7 *or sections of a retail food or grocery store which do not provide*  
8 *facilities for on the premises consumption of food or food products.\**

1 2. The identity of said food or food products shall be deemed  
2 misrepresented if:

3 a. Its description is false or misleading in any particular;

4 b. Its description omits information which by its omission  
5 renders the description false or misleading in any particular;

6 c. It is served, sold, or distributed under the name of another  
7 food or food product;

8 d. It purports to be or is represented as a food or food product  
9 for which a definition of identity and standard of quality has been  
10 established by custom and usage unless it conforms to such defini-  
11 tion and standard.

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

1 3. On all menus of said eating establishments there shall be a  
2 notation next to all items which are \***[not largely prepared]**\*  
3 **\*\*not\*\*** *entirely cooked* on the premises where the food or food  
4 products are sold, served, or distributed informing the patron or  
5 customer that such items were prepared off the premises.

1 4. This act shall take effect 90 days after enactment.

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SENATE AMENDMENT TO  
**SENATE, No. 1408**  
[SECOND OFFICIAL COPY REPRINT]

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**STATE OF NEW JERSEY**

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ADOPTED FEBRUARY 13, 1979

Amend page 2, section 3, line 3, omit "entirely cooked", insert "largely prepared".

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STATEMENT

This amendment deletes the committee amendment "entirely cooked" and inserts the original language "largely prepared." It refers to the notation required on menus which would designate the origin of the food served.

[THIRD OFFICIAL COPY REPRINT]

SENATE, No. 1408

STATE OF NEW JERSEY

INTRODUCED OCTOBER 23, 1978

By Senators GRAVES, MERLINO, HIRKALA, GREENBERG, ZANE, SCARDINO, MUSTO, SKEVIN, HAMILTON, DWYER, WEISS, YATES, GREGORIO, LIPMAN, HERBERT, FRIEDLAND, ORECHIO, SHEIL, RODGERS, FELDMAN, A. RUSSO, PERSKIE, BEDELL, MARESSA, J. RUSSO, DORSEY and FORAN

Referred to Committee on Law, Public Safety and Defense

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3 of the patrons or customers of eating establishments including but  
4 not limited to restaurants, hotels, cafes, lunch counters or other  
5 places where food is regularly prepared and sold for consumption  
6 on or off the premises. *\*This section shall not apply to any section*  
7 *or sections of a retail food or grocery store which do not provide*  
8 *facilities for on the premises consumption of food or food products.\**

1 2. The identity of said food or food products shall be deemed  
2 misrepresented if:

3 a. Its description is false or misleading in any particular;

4 b. Its description omits information which by its omission  
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6 c. It is served, sold, or distributed under the name of another  
7 food or food product;

8 d. It purports to be or is represented as a food or food product  
9 for which a definition of identity and standard of quality has been  
10 established by custom and usage unless it conforms to such defini-  
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EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

1 3. On all menus of said eating establishments there shall be a  
2 notation next to all items which are \***[not largely prepared]**\*  
3 *\*\*not\*\* \*\*\*[entirely cooked]\*\*\* **largely prepared**\*\** on the  
4 premises where the food or food products are sold, served, or  
5 distributed informing the patron or customer that such items were  
6 prepared off the premises.

1 4. This act shall take effect 90 days after enactment.

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ASSEMBLY COMMERCE, INDUSTRY AND PROFESSIONS  
COMMITTEE

STATEMENT TO

**SENATE, No. 1408**

[THIRD OFFICIAL COPY REPRINT]

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 11, 1979

This measure is a supplement to the "Consumer Fraud Act." It would make it unlawful for anyone to misrepresent the identity of food to customers of eating establishments. The bill was amended by the committee to provide that the misrepresentation applies not only to a menu but to other posted information, including advertisements. The nonrestaurant sections of grocery stores would be exempt from the provisions of the bill.

Misrepresentation is specifically delineated in section 2 of the bill to make clear what constitutes an offense.

Section 3 of the bill which required a notation next to all items which are not largely prepared on the premises was deleted by amendment. The committee felt that such a notation might lead the consumer to draw the erroneous inference that such food must, in some way, be inferior to food prepared on the premises. Also, most foods or food products served in a restaurant are, to some extent, prepared off the premises and it would be difficult to determine what percentage of preparation occurred on and what percentage off the premises.

A new section 3 was added to provide that the rights, remedies and prohibitions accorded by the bill are in addition to and cumulative of any other right, remedy or prohibition accorded by common law or statutes. This legislation is very specific and the committee does not want to abrogate other rights, remedies or prohibitions accorded by common law or more general statutes.

The penalty sections of the "Consumer Fraud Act" would apply to anyone who violates the provisions of this bill.



ASSEMBLY COMMITTEE AMENDMENTS TO  
**SENATE, No. 1408**  
[THIRD OFFICIAL COPY REPRINT]

**STATE OF NEW JERSEY**

ADOPTED JUNE 11, 1979

Amend page 1, section 1, line 2, omit "a", insert "any"; after "menu", insert "or other posted information, including advertisements,".

Amend page 2, section 3, lines 1-6, omit in entirety and insert new section 3. as follows:

"3. The rights, remedies and prohibitions accorded by the provisions of this act are hereby declared to be in addition to and cumulative of any other right, remedy or prohibition accorded by the common law or statutes of this State, and nothing contained herein shall be construed to deny, abrogate or impair any such common law or statutory right, remedy or prohibition."

[ASSEMBLY REPRINT]  
**SENATE, No. 1408**  
[THIRD OFFICIAL COPY REPRINT]

with Assembly committee amendments adopted June 11, 1979

**STATE OF NEW JERSEY**

INTRODUCED OCTOBER 23, 1978

By Senators GRAVES, MERLINO, HIRKALA, GREENBERG, ZANE, SCARDINO, MUSTO, SKEVIN, HAMILTON, DWYER, WEISS, YATES, GREGORIO, LIPMAN, HERBERT, FRIEDLAND, ORECHIO, SHEIL, RODGERS, FELDMAN, A. RUSSO, PERSKIE, BEDELL, MARESSA, J. RUSSO, DORSEY and FORAN

Referred to Committee on Law, Public Safety and Defense

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1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. It shall be an unlawful practice for any person to misrepresent  
2 sent *\*on \*\*\*\*[a]\*\*\*\* \*\*\*\*any\*\*\*\* menu\* \*\*\*\*or other posted in-*  
3 *formation, including advertisements,\*\*\*\* the identity of any food*  
4 *or food products to any of the patrons or customers of eating es-*  
5 *tablishments including but not limited to restaurants, hotels, cafes,*  
6 *lunch counters or other places where food is regularly prepared*  
7 *and sold for consumption on or off the premises. \*This section*  
8 *shall not apply to any section or sections of a retail food or grocery*  
9 *store which do not provide facilities for on the premises consump-*  
10 *tion of food or food products.\**

1 2. The identity of said food or food products shall be deemed  
2 misrepresented if:

- 3 a. Its description is false or misleading in any particular;
- 4 b. Its description omits information which by its omission
- 5 renders the description false or misleading in any particular;
- 6 c. It is served, sold, or distributed under the name of another
- 7 food or food product;

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

8 d. It purports to be or is represented as a food or food product  
9 for which a definition of identity and standard of quality has been  
10 established by custom and usage unless it conforms to such defini-  
11 tion and standard.

1 \*\*\*\*[3. On all menus of said eating establishments there shall be  
2 a notation next to all items which are \***[not largely prepared]**\*  
3 **\*\*not\*\*** \*\*\***[\*entirely cooked\*]**\*\*\* **\*\*largely prepared\*\***\*\*\* on the  
4 premises where the food or food products are sold, served, or  
5 distributed informing the patron or customer that such items were  
6 prepared off the premises.]\*\*\*\*

1 *\*\*\*\*3. The rights, remedies and prohibitions accorded by the*  
2 *provisions of this act are hereby declared to be in addition to and*  
3 *cumulative of any other right, remedy or prohibition accorded by*  
4 *the common law or statutes of this State, and nothing contained*  
5 *herein shall be construed to deny, abrogate or impair any such*  
6 *common law or statutory right, remedy or prohibition.\*\*\*\**

1 4. This act shall take effect 90 days after enactment.

---

[FOURTH OFFICIAL COPY REPRINT]

SENATE, No. 1408

STATE OF NEW JERSEY

INTRODUCED OCTOBER 23, 1978

By Senators GRAVES, MERLINO, HIRKALA, GREENBERG, ZANE, SCARDINO, MUSTO, SKEVIN, HAMILTON, DWYER, WEISS, YATES, GREGORIO, LIPMAN, HERBERT, FRIEDLAND, ORECHIO, SHEIL, RODGERS, FELDMAN, A. RUSSO, PERSKIE, BEDELL, MARESSA, J. RUSSO, DORSEY and FORAN

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2 sent *\*on \*\*\*\*[a]\*\*\*\* \*\*\*\*any\*\*\*\* menu\* \*\*\*\*or other posted in-*  
3 *formation, including advertisements,\*\*\*\* the indentivity of any food*  
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5 *tablishments including but not limited to restaurants, hotels, cafes,*  
6 *lunch counters or other places where food is regularly prepared*  
7 *and sold for consumption on or off the premises. \*This section*  
8 *shall not apply to any section or sections of a retail food or grocery*  
9 *store which do not provide facilities for on the premises consump-*  
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7 food or food product;

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9 for which a definition of identity and standard of quality has been  
10 established by custom and usage unless it conforms to such defini-  
11 tion and standard.

1 \*\*\*\*[3. On all menus of said eating establishments there shall be  
2 a notation next to all items which are \*[not largely prepared]\*  
3 \*\*not\*\* \*\*[\*entirely cooked\*]\*\* \*\*largely prepared\*\* on the  
4 premises where the food or food products are sold, served, or  
5 distributed informing the patron or customer that such items were  
6 prepared off the premises.]\*\*\*\*

1 \*\*\*\*3. *The rights, remedies and prohibitions accorded by the*  
2 *provisions of this act are hereby declared to be in addition to and*  
3 *cumulative of any other right, remedy or prohibition accorded by*  
4 *the common law or statutes of this State, and nothing contained*  
5 *herein shall be construed to deny, abrogate or impair any such*  
6 *common law or statutory right, remedy or prohibition.*\*\*\*\*

1 4. This act shall take effect 90 days after enactment.

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SENATE AMENDMENTS TO  
**SENATE, No. 1408**  
[FOURTH OFFICIAL COPY REPORT]

**STATE OF NEW JERSEY**

ADOPTED DECEMBER 17, 1979

Amend page 2, section 2, after line 11, insert new sections 3 and 4 as follows:

“3. Any person violating the provisions of the within act shall be liable for a refund of all moneys acquired by means of any practice declared herein to be unlawful.

4. The refund of moneys herein provided for may be recovered in a private action or by such persons authorized to initiate actions pursuant to P. L. 1975, c. 376 (C. 40:23-6.47 et seq.).”

Amend page 2, section 3, line 1, omit “3”, insert “5”.

Amend page 2, section 4, line 1, omit “4”, insert “6”.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

December 10, 1979

SENATE BILL NO. 1408 (4th OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 1408 (4th OCR), with my objections for reconsideration.

This measure proposes to supplement the Consumer Fraud Act by adding a "truth-in-menu" provision. This bill would prohibit restaurants, hotels, cafes, lunch counters or other eating establishments from misrepresenting food or food products on their menus or other posted information, including advertising.

The sponsor's desire to help consumers is certainly laudable, however, I am troubled by the need for state governmental agents to inspect menus and commercial kitchens or to taste test products at a time when other budgetary priorities exist.

I would recommend a different approach i.e. a self help remedy which would provide restitution to the defrauded customer or patron, as well as local enforcement by certified county and municipal consumer protection personnel.

Accordingly, I respectfully recommend the following changes in Senate Bill No. 1408:

Page 2, Section 2, after line 11 insert new sections 3 and 4 as follows:

"3. Any person violating the provisions of the within act shall be liable for a refund of all monies acquired by means of any practice declared herein to be unlawful."

"4. The refund of monies herein provided for may be recovered in a private action or by such persons authorized to initiate actions pursuant to P.L. 1975, c. 376 (c.40:23-6.47 et. seq.)."

Page 2, Section 3, Line 1, omit "3" insert "5"

Page 2, Section 4, Line 1, omit "4" insert "6"

Respectfully,

/s/ Brendan Byrne

GOVERNOR

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE  
JANUARY 24, 1980

FOR FURTHER INFORMATION  
KATHRYN FORSYTH

Governor Brendan Byrne today signed the following bills in a public ceremony in his office.

S-3036, sponsored by Senator William Hamilton (D-Middlesex), which appropriates \$12,297,000 from the 1977 Medical Education Facilities Fund to construct a clinical teaching facility adjacent to Middlesex General Hospital in New Brunswick.

The building will enable the College of Medicine and Dentistry of New Jersey, Rutgers Medical School, to use Middlesex General as its primary teaching facility for its clinical education program rather than building a separate teaching hospital.

The five-and-one-half story building will contain faculty and administrative offices, classrooms, research laboratories and a library. It will be built on top of a multi-level parking garage which has been financed by Middlesex General Hospital.

Construction is scheduled to begin in February and the projected completion date is August, 1981.

S-1408, sponsored by Senator Frank X. Graves, Jr. (D-Passaic), the Truth in Menu law, which is a supplement to the Consumer Fraud Act.

The bill prohibits restaurants, hotels, cafes, lunch counters and other eating establishments from misrepresenting food or food products on the menus or in the advertising.

Under the measure, for example, a menu could not list "Idaho potatoes" unless the potatoes were, in fact, from Idaho, nor could it read "fresh fruit cup" if any of the ingredients were canned or frozen.

Governor Byrne conditionally vetoed the measure on December 10, saying that although the desire to aid consumers was laudable, he was troubled by the need for state governmental agents to inspect menus and commercial kitchens or to taste-test products at a time when other budget priorities exist."

Byrne instead recommended that defrauded consumers be entitled to a refund if the eating establishment is found to be in violation of the act and that local enforcement be carried out by certified county or municipal consumer protection personnel.

The Legislature concurred with the Governor's recommendations.

The bill is effective in 90 days.

the conduct of an infant is not liable for any willful, malicious or unlawful injury or destruction of the infant. Also, the liability of a parent or guardian under the current law is limited to \$250.00.

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.