

TRUTH IN MENU

Managing Hospitality Risk



WHAT'S AT RISK?

As a hospitality manager, you have a right to advertise your food and beverage products in a way that casts them in their best light. To misrepresent your products is a violation of what has come to be known as Truth in Menu laws. These laws are designed to protect consumers from fraudulent food and beverage claims. Inaccurate or incomplete menus can lead to injuries and illness affecting guests who have allergies to certain ingredients. It can also be cause for legal action by patrons who feel you have misrepresented your products or by governing agencies for failure to comply with their requirements.

WHAT ARE YOUR LEGAL OBLIGATIONS?

The various Truth in Menu laws are overseen by dozens of agencies and administrative entities, taking the labeling of food to much greater degrees of accuracy. These laws are constantly being revised. It is possible, however, for a foodservice operator to stay up to date and in compliance with Truth in Menu laws. The method is relatively straightforward, and the key is honesty in menu claims, both in regard to the price that is charged and the food that is served.

Menus should accurately reflect the price to be charged to the customer. If one dozen oysters are to be sold for a given price, one dozen oysters should be delivered on the plate and the price charged on the bill should match that on the menu. Likewise, if the menu price is to include a mandatory service charge or cover charge, these must be brought to the attention of the guest.

Accuracy in menus involve a great deal more than honestly and precisely stating a price. It also entails

being careful when describing many food attributes, including the preparation style, ingredients, origin, portion sizes, and health benefits. Because this area is so complex and because consumers increasingly demand more accurate information from restaurants, the National Restaurant Association (NRA) and many state associations have produced educational material designed to assist foodservice operators as they write and prepare menus. "A Practical Guide to the Nutrition Labeling Laws" is a publication written specifically for the restaurant industry and outlines everything you need to know about nutrition claims you can make for your menu items. You can secure a copy for a modest charge from the NRA. In addition, the Federal government issues food description standards that can be of great assistance.

HOW CAN YOU BETTER PROTECT YOUR ORGANIZATION?

For some suggestions designed to assist you in developing sound policies and procedures for your organization, please turn this document over and review the attached checklist.

For more information about this and other hospitality risk management topics, please contact:

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Checklist: Managing Truth In Menu Issues

- PREPARATION STYLE:** Under federal law certain food items and preparation techniques must be carried out in a very precise way, if that item or technique is to be included on a menu. The list is long, but as examples, items designated as GRILLED must be grilled, and not just mechanically produced with “grill marks” then steamed before service; if you call it HOMEMADE, the product must be prepared on premise, not commercially baked; if you describe it as FRESH, the product cannot be frozen, canned, dried, or processed... and so forth.
- INGREDIENTS:** Restaurants are not currently required to divulge their ingredient lists (recipes) to their guests, but there are specific situations when the ingredients listed on a menu must precisely match those used to make the item. For example, if the menu says maple syrup, then colored table syrup or maple-flavored syrup should not be served. If substitutions to the menu must be made, the guest should be informed of those substitutions before ordering.
- ORIGIN:** For many menu items, the origin of the product or its ingredients is very important. Many consumers prefer Colorado Lamb, Washington apples, and Bluepoint (Long Island) oysters to other varieties. It is deceptive and illegal to use these types of terms to describe similar menu items from other places.
- SIZE:** Double check the weights of items served to make sure you are not misrepresenting portions. For example, “Large” East Coast oysters must, by law, contain no more than 160-210 oysters per gallon, while “Large” Pacific Coast oysters, by law, may contain not more than 64 oysters per gallon.
- HEALTH BENEFITS:** The federal government issues very strict guidelines on what you can and cannot say about nutritional claims. The Food and Drug Administration (FDA) has issued regulations to insure that foodservice operators who make health benefit claims on their menus can indeed back them up. The list is too lengthy to publish in full, but as examples, if you claim an item has low sodium, fat, or cholesterol, the item must contain low amounts of these nutrients; if you list something as “light” or “lite” it must have fewer calories; to be considered “heart healthy,” a menu item must meet very specific criteria.
- PROVIDE SOURCE MATERIAL:** When printing health benefit claims on a menu, further information about the claim should be available somewhere on the menu, or be provided on request. The FDA permits restaurants to back up their menu claims with a “reasonable” base, such as cookbooks, databases, or other secondhand sources that provide nutrition information.
- If needed, provide a menu caution statement: If your menu contains items that routinely cause people problems (i.e., small bones in fish, sulfates in wine, MSG) then it may be wise to state in writing on your menu that these elements are present, and that the guest should alert the server to any food allergies prior to ordering.
- Check with local experts for assistance: The enforcement of “Truth in Menu” regulations is undertaken by state and local public health departments which have direct jurisdiction over restaurants by monitoring their food safety and sanitation practices. In today’s litigious society, a restaurant manager should have any menu containing nutritional or health claims reviewed by both an attorney and a dietician.
- Train your servers on how to discuss the menu with customers: In addition to carefully developing menus, Truth in Menu laws require that restaurants truthfully and accurately specify what their servers say about menu items and how their food products are promoted or shown in advertisements.
- If meat, fish, poultry, shellfish or eggs are served raw, undercooked, or cooked to order, a disclosure identifying the foods, plus a reminder in 11 pt type, must appear on the menu or in a written disclosure declaring that eating the specified types of animal products as raw or undercooked “may increase your risk of foodborne illness”.