

ORDINANCE O.2015-2018

EXPLANATION: An Ordinance requiring local restaurants to identify on their menu foods that contain or are prepared with common ingredients that trigger food allergies.

WHEREAS, the Township of Edison (the “**Township**”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Township Code of General Ordinances (the “**Code**”) currently regulates certain operations of local food establishments as related to the health and safety of patrons, pursuant to Chapter 12 of the Code; and

WHEREAS, the Township desires to amend Chapter 12 of the Code, entitled “Health Regulations and Licensing,” to create subsection 12-29, which would require local restaurants to identify on their menu foods that contains or are prepared with common food allergens; and

WHEREAS, the Municipal Council of the Township (“**Municipal Council**”) has determined to amend Chapter 12 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

12-29 FOOD ALLERGY INFORMATION REQUIRED TO BE POSTED

12-29.1 Definitions.

In this section:

“Allergen” is defined as “any of the eight (8) foods required by the Food and Drug Administration (the “FDA”) to be listed by food manufacturers as common ingredients that trigger food allergies, as well as monosodium glutamate (“MSG”) and commercial sulfites used as a food preservative or additive. The eight (8) foods are: milk, eggs, peanuts, tree nuts, fish, shellfish, soy and wheat.”

“Nut” is defined as “tree nuts, including, but not limited to, almonds, brazil nuts, cashews, hazelnuts, filberts, macadamia nuts, pecans, pistachios, and walnuts.”

“Peanut” is defined as “the oval seed of a tropical South American plant in the legume family, often roasted and salted and eaten as a snack or used to make oil or animal feed.”

“Shellfish” is defined as “an aquatic shelled mollusk, such as an oyster or clam, or crustacean, such as a crab or shrimp.”

“Restaurant” is defined as “an establishment in which the principal business is the sale of food or beverages for consumption on the premises, and for the purposes of this section, includes any commercial establishments that cook, prepare, or serve food or beverages intended for immediate consumption either on or off the premises.”

“Contract Caterer” is defined as “a caterer that delivers prepared food to a customer, whether at a fixed location or at an off-site function.”

12-29.2 Identification of Foods Containing or Prepared with Nuts

a. The local health officer, or her designee, shall furnish to all Restaurants at the time of inspection a fact sheet, prepared by the state Commissioner of Health, designed to explain food allergies and the health-related consequences to persons with food allergies who are exposed to food items that contain or are prepared with Allergens.

b. All Restaurants operating within the Township as of October 1, 2018 must identify on their menus all food items that contain or are prepared with specified Allergens, and must indicate on their public display menu sign no later than February 1, 2019 that such menus are available.

c. All Contract Caterers operating at a fixed location within the Township as of October 1, 2018 must identify on their menus and/or food display signs all food items that contain or are prepared with Allergens. Contract Caterers must specify the Allergen on the display sign or menu, and all Contract Caterers delivering food to an off-site function within the Township as of October 1, 2018 must provide menus indicating all food items that contain or are prepared with Allergens at the location of the function.

d. All establishments operating with a plenary retail consumption license, as defined pursuant to Chapter VI herein, are required to post a display sign no smaller than 8 ½ x 11 inches for the purpose of indicating any food or beverage item that contain or are prepared with Allergens.

e. Any Restaurant or Contract Caterer found in to be in violation of any provision of this section shall be subject to penalty as set forth in Section 12-3 of this Chapter 12.

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Edison, Middlesex County, State of New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. The Municipal Council hereby amends Chapter 12 of the Code, entitled "Health Regulations and Licensing" to read as follows:

12-29 FOOD ALLERGY INFORMATION REQUIRED TO BE POSTED

12-29.1 Definitions.

In this section:

"*Allergen*" is defined as "any of the eight (8) foods required by the Food and Drug Administration (the "FDA") to be listed by food manufacturers as common ingredients that trigger food allergies, as well as monosodium glutamate ("MSG") and commercial sulfites used as a food preservative or additive. The eight (8) foods are: milk, eggs, peanuts, tree nuts, fish, shellfish, soy and wheat."

"*Nut*" is defined as "tree nuts, including, but not limited to, almonds, brazil nuts, cashews, hazelnuts, filberts, macadamia nuts, pecans, pistachios, and walnuts."

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d. All establishments operating with a plenary retail consumption license, as defined pursuant to Chapter VI herein, are required to post a display sign no smaller than 8 ½ x 11 inches for the purpose of indicating any food or beverage item that contain or are prepared with Allergens.

e. Any Restaurant or Contract Caterer found in to be in violation of any provision of this section shall be subject to penalty as set forth in Section 12-3 of this Chapter 12.

3. It is the intent of the Municipal Council to incorporate the additions and supplements contained in this Ordinance into the Code. All of the remaining provisions in Chapter 12 of the Code shall remain unchanged and have full force and legal effect.

4. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

5. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

6. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.