

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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HOUSE BILL 599  
Committee Substitute Favorable 5/1/23

Short Title: Unfair Advertising/Food Delivery Platforms.

(Public)

Sponsors:

Referred to:

April 17, 2023

1 A BILL TO BE ENTITLED  
2 AN ACT PROHIBITING UNFAIR AND DECEPTIVE ADVERTISING BY FOOD  
3 DELIVERY PLATFORMS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 1 of Chapter 75 of the General Statutes is amended by adding  
6 a new section to read:

7 "**§ 75-44. Unfair and deceptive trade practices by food delivery platforms.**

8 (a) The following definitions apply in this section:

9 (1) Food delivery platform. – An online business that acts as an intermediary  
10 between consumers and multiple restaurants by submitting food orders to the  
11 restaurant and arranging for the delivery of the order from the restaurant to  
12 consumers.

13 (2) Restaurant. – A business primarily engaged in the preparation and sale of food  
14 and beverages for consumption on or off the premises.

15 (b) A food delivery platform must obtain express written authorization from a restaurant,  
16 or the restaurant's agent, before doing any of the following:

17 (1) Advertising, directly or indirectly, any statement or image that implies a  
18 restaurant has partnered with the food delivery platform.

19 (2) Using a likeness, trademark, or other intellectual property belonging to a  
20 restaurant.

21 (3) Arranging for the delivery of a food order from a restaurant.

22 A restaurant, or the restaurant's agent, may revoke authorization under this section by  
23 notifying the food delivery platform in writing.

24 (c) If a food delivery platform violates this section, the restaurant whose express written  
25 authorization was required may bring any of the following actions in civil court:

26 (1) An action to enjoin further violations of this section by the food delivery  
27 platform.

28 (2) An action to recover treble damages pursuant to G.S. 75-16. The damages  
29 trebled in a civil action brought pursuant to this subdivision shall equal the  
30 greater of the following:

31 a. The restaurant's actual damages arising from the violation.

32 b. The food delivery platform's profits arising from the violation.

33 (d) A violation of this section is a violation of G.S. 75-1.1."

34 **SECTION 2.** This act becomes effective October 1, 2023.

