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## **City Attorney Recovers \$34,500 in Hidden Surcharge Case**

*Barefoot Bar & Grill will pay after failing to clearly and conspicuously disclose fees*

A Mission Bay restaurant that was charging customers a hidden 3 percent surcharge has agreed to pay \$34,500 to settle a lawsuit filed by City Attorney Mara W. Elliott.

Barefoot Bar & Grill was one of more than eleven restaurants to receive a letter from the City Attorney's Office alleging violations of California's False Advertising and Unfair Competition Law by concealing the surcharge on the menu. While other restaurants heeded the warning and changed their practices, Barefoot Bar & Grill continued to mislead customers by disclosing the fee only in fine print on some of its menus.

Under the California Business and Professions Code, it is illegal to make false or misleading statements in advertising. Failure to disclose a surcharge on the cost of menu items is a violation of the law.

**“When you order a meal, you trust the menu to clearly state the price,”** City Attorney Mara W. Elliott said. **“It is dishonest, unfair, and illegal to dupe customers into paying a hidden charge after they get the bill. Protecting consumers is one of my priorities, and our office will continue to prosecute businesses that think they are above the law.”**

After receiving consumer complaints in 2017, the City Attorney's Office discovered that some San Diego restaurants were including surreptitious surcharges on customers' bills and announced a crackdown on these establishments. Most of the businesses who were warned about the surcharge noticing requirements complied and began appropriately disclosing the fees or stopped the surcharge practice altogether.

Most of the \$34,500 settlement will go toward a public restitution fund that will be used for consumer education and minimum wage and surcharge investigations.

If you suspect you have been the victim of false advertising, please call (619)533-5800.

Deputy City Attorney Kristine A. Lorenz, Deputy City Attorney Catherine L. Turner, and Chief Deputy City Attorney Mark Ankcorn represented the People of the State of California in this case.