

## BUSINESS GUIDANCE: THIRD-PARTY RESTAURANT DELIVERY SERVICES



The COVID-19 pandemic has resulted in more and more consumers using online delivery apps for restaurant take out. While these services have provided consumers with access to a wide variety of restaurants, delivery services should be aware of potential unlawful business practices.

Under Washington's Consumer Protection Act, it is unlawful to engage in any unfair or deceptive business practices. Whether a delivery service company's conduct violates the Consumer Protection Act depends on individual facts. However, the following conduct likely violates the Consumer Protection Act:

- Charging consumers any fee without clearly and conspicuously disclosing the fee before the consumer places an order.
- Charging any fee in excess of fee limits set by state or local governments.
- Listing a restaurant or business on your platform without their permission.
- Placing a restaurant's or business's brand, logo, or menu on your platform without their permission.
- Misrepresenting any partnership, contract, or arrangement with any restaurant or business.
- Establishing or listing false phone numbers, websites, or other contact information for a restaurant or business.
- Misrepresenting the nature of any fee charged to consumers, restaurants, or businesses.
- Misrepresenting to consumers the source of the food or products delivered.
- Misrepresenting safety precautions.