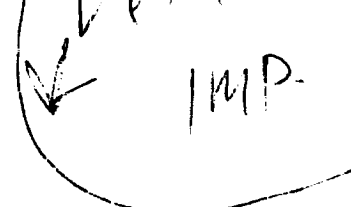


# Kosher Violations

by Rabbi Yosef Wikler  
and Avraham Gelbwachs



State kosher laws provide that if a company's product is kosher, that product must contain only kosher ingredients. Violators are subject

to various types of fines: administrative fines that the New York State Department of Agriculture and Markets and criminal law violations imposed by the courts. Administrative fines can be levied up to \$70,000, while criminal law carries a \$500 limit per violation. Presently the law and the procedure required to close down a company is too slow.

*Halacha* there are two types of *kashrus*

*sh'viti* is a qualified *mashgiach* who is constantly, continuously supervising the production of a product. By today's definition, a *sh'viti* may not be able to monitor all aspects of production as long as he is present at the plant at the time

*Nichnas* is a qualified *mashgiach* who supervises constantly but arbitrarily enters the manufacturing plant or restaurant. *Mashgiach yotzeh v'nichnas* was always used to describe a supervisor who sometimes went just outside the plant but sometimes went just outside the plant. However, the term is often used to describe a supervisor who makes periodic inspections monthly, or even more sporadically.

of fear. It is thought that a company is not removing non-kosher ingredients out of fear of

government intervention, a possible fine, and losing kosher supervision. This *halachic* principle is used by some to justify minimal supervisory presence.

The *Kashrus Newsletter* (Vol. 3, No. 1, p. 4) reports Rabbi Dr. Moshe Tendler as saying that the rule of *chazaka* (assurance) that no man would lie before someone to whom he owes money no longer exists. "Today the *chazaka* of fear of endangering one's business reputation is nonsense," claims Rabbi Tendler, "though much of the organized *kashrus* supervision is based upon this one *halacha*."

*Mirsas* on the part of company employees is, to our way of thinking, an unreliable guarantee of *kashrus*, for, as Rabbi Tendler put it, "What does it mean to a company that grosses \$500,000,000 to be fined \$200?"

In the next few weeks the Department of Agriculture and Markets will review the entire New York State Law on kosher law violations to see whether present fines and whether current enforcement procedures are sufficient. The *Kashrus Newsletter* recommends that readers write to Mr. Joseph Gerace of the Department of Agriculture and Markets to express their desire for stricter fines and more power given to the Department of Agriculture to immediately close establishments that openly violate *kashrus* standards. Address your letters to:

Hon. Joseph Gerace, Commissioner  
State of New York  
Department of Agriculture and Markets  
Building 8 - State Campus  
Albany, NY 12235