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State of New York  
Department of  
AGRICULTURE AND MARKETS  
Albany, NY 12235

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## **CIRCULAR 811**

**Provisions of  
Agriculture and Market Law  
Relating to  
SALE OF KOSHER MEAT AND FOODS  
With Rules and Regulations**

**Revised January 1988  
(Includes amendments through the 1987 legislative session)**

**PROVISIONS OF AGRICULTURE AND MARKETS LAW IN  
RELATION TO KOSHER LAW ENFORCEMENT**

**Article 2**

**Section 16. General powers and duties of department.**

The department through the commissioner shall have power to: Investigate, inspect and supervise the sale and exposure for sale of meat and meat preparations and enforce the provisions of sections two hundred one-a, two hundred one-b and two hundred one-c of this chapter relating thereto, designate an employee of the department as "director of kosher law enforcement" and to make such rules and regulations imposing such additional requirements and restrictions upon such sale and exposure for sale as may be deemed necessary in connection with or in aid of the proper administration and enforcement of such provisions and of any other applicable laws.

**26-a Advisory board on kosher law enforcement.**

1. There is hereby established in the department an advisory board on kosher law enforcement which shall consist of nine members, to be appointed by the commissioner of the department of agriculture and markets. Of the members first appointed, three shall be appointed for terms of one year, three for terms of two years and three for terms of three years. Their successors shall be appointed for terms of three years. The commissioner shall designate one of such appointees to be chairman of the advisory board. The advisory board may elect from its membership, a vice-chairman and a secretary. Vacancies in the membership of the advisory board occurring from any cause, shall be filled by the commissioner for the unexpired term.

2. The commissioner may detail from time to time to the assistance of the advisory board such employees of the department as may be required, and shall provide suitable space in the office of the department for the meetings and records of the advisory board.

3. The advisory board shall meet at the call of the commissioner and at such other times as it may deem necessary and at such places as may be convenient.

4. It shall be the duty of the advisory board hereby established to advise, counsel and confer with the commissioner on matters of policy in connection with the administration and enforcement of laws and rules relating to kosher meats, meat preparations, and food products to consider all matters submitted to it by the commissioner, and on its own initiative to recommend to the commissioner such changes in the laws or rules relating to the possession, sale and exposure for sale of kosher meats, meat preparations, and food products, as may be deemed advisable to secure the effective administration and enforcement of such laws and rules and, with the consent of the commissioner, to submit for enactment by the legislature such draft or drafts of legislation imposing such further restrictions on the possession, sale and exposure for sale of kosher meats, meat preparations and food products, as may be deemed necessary.

5. The advisory board shall adopt rules and regulations to govern its own proceedings. The secretary shall keep a complete record of all its proceedings which shall show the names of the members present at each meeting and any action taken by the advisory board. The record shall be filed in the office of the department. All records and other documents of the department relating to matters within the jurisdiction of the advisory board shall be subject to inspection by members of the advisory board.

6. The members of the advisory board shall receive no compensation for their services hereunder, but they shall be entitled to reimbursement for their actual and necessary traveling and other expenses heretofore or hereafter incurred by them in connection with the performance of their duties under this section.

**Article 17**

**201-a. Sale of kosher meat and meat preparations, kosher articles of food and food products.**

1. A person who, with intent to defraud, sells or exposes for sale any meat or meat preparations, article of food or food products, and falsely represents the same to be kosher or kosher for Passover, whether such meat or meat preparations, article of food or food products, be raw or prepared for human consumption, or as having been prepared under, and of a product or products sanctioned by, the orthodox Hebrew religious requirements, either by direct statement orally, or in writing, which might reasonably be calculated to deceive or lead a reasonable man to believe that a representation is being made that such food is kosher or prepared in accordance with the orthodox Hebrew religious requirements, or falsely represents any food

products or the contents of any package or container to be so constituted and prepared, by having or permitting to be inscribed thereon the word "kosher" or "kosher-style" in any language; or sells or exposes for sale a non-kosher meat or meat preparation, or food or food product, which is labeled or advertised with the words "Jewish" or "Hebrew", either alone or in conjunction with the words "style" or "type" or any similar expression, unless the word "non-kosher" is displayed in English letters, of at least the same size as the words "Jewish" or "Hebrew", either alone or in conjunction with the words "style" or "type" or any similar expression; or sells or exposes for sale in the same place of business both kosher and non-kosher meat or meat preparations, or both kosher and non-kosher food or food products, either raw or prepared for human consumption, and who fails to indicate on his window signs and all display advertising, in block letters at least four inches in height, "kosher and non-kosher meat sold here", or "kosher and non-kosher food sold here", or who exposes for sale in any show window or place of business both kosher and non-kosher meat or meat preparations, or kosher and non-kosher food or food products, either raw or prepared for human consumption, and who fails to display over each kind of meat or meat preparation so exposed a sign in block letters at least four inches in height reading "kosher meat", or "non-kosher meat", as the case may be, or "kosher food" or "non-kosher food", as the case may be, or who displays on his window, door, or in his place of business, or in hand-bills or other printed matter distributed in or outside of his place of business, words or letters in Hebraic characters other than the word "kosher", or any sign, emblem, insignia, six-pointed star, symbol, or mark in simulation of same, without displaying in conjunction therewith in English letters of at least the same size as such characters, signs, emblems, insignia, symbols, or marks, the words "we sell kosher meat and food only", or "we sell non-kosher meat and food only", or "we sell both kosher and non-kosher meat and food", as the case may be, is guilty of a class A misdemeanor, except that a person who with intent to defraud sells or exposes for sale on premises any meat or meat preparations and falsely represents the same to be kosher or kosher for Passover, provided said meat or meat preparations in violation has a retail value in excess of five thousand dollars, whether such meat or meat preparations be raw or prepared for human consumption, is guilty of a class E felon. Possession of non-kosher meat and food, in any place of business advertising the sale of kosher meat and food only, is presumptive evidence that the person in possession exposes the same for sale with intent to defraud, in violation of the provisions of this section

2. All fresh meats and poultry offered for sale at retail as kosher shall be marked on the label when packaged or by a sign when not packaged, with the words "soaked and salted" or "not soaked and salted" as the case may be. Such words when marked on the label or by a sign shall be in letters at least as large as the letters of the words on the label or sign designating such meat and poultry as kosher.

3. Fresh meat and poultry shall be defined as meat that has not been processed except for salting and soaking.

#### **201-b. Sale of kosher meat and food in hotels and restaurants**

1. A person who, with intent to defraud, sells or exposes for sale in any hotel, restaurant, or other place where food products are sold for consumption on or off the premises, any meat or meat preparations, article of food or food products, and falsely represents the same to be kosher or kosher for Passover, whether such meat or meat preparations, article of food or food products be raw or prepared for human consumption, or as having been prepared under, and of a product or products sanctioned by, the orthodox Hebrew religious requirements, either by direct statement orally, or in writing, which might reasonably be calculated to deceive or lead a reasonable man to believe that a representation is being made that such food is kosher or prepared in accordance with the orthodox Hebrew religious requirements, or falsely represents any food product or the contents of any package or container to be so constituted and prepared, by having or permitting to be inscribed thereon the word "kosher" or "kosher-style" in any language; or sells or exposes for sale a non-kosher meat or meat preparation, or food or food product, which is labeled or advertised with the words "Jewish" or "Hebrew", either alone or in conjunction with the words "style" or "type" or any similar expression, unless the word "non-kosher" is displayed in English letters, of at least the same size as the words "Jewish" or "Hebrew", either alone or in conjunction with the words "style" or "type" or any similar expression; or sells or exposes for sale in the same place of business both kosher and non-kosher meat or meat preparations, or both kosher and non-kosher food or food products, either raw or prepared for human consumption, and who fails to indicate on his window signs and all display advertising, in block letters at least four inches in height, "kosher and non-kosher food sold here", or who exposes for sale in any show window or place of business both kosher and non-kosher food or food products, either raw or prepared for human consumption, and who fails to display over each kind of food or food preparation so exposed a sign in block letters at least four inches in height reading "kosher food" or "non-kosher food", as the case may be, or who displays on his window, door, or in his place of business, or in handbills or other printed matter distributed in or outside of his place of business, words or letters in Hebraic characters other than the word "kosher", or any sign, emblem, insignia, six-pointed star, symbol, or mark in simulation of same, without displaying in conjunction therewith in English letters of at least the same size as such characters, signs, emblems, insignia, symbols, or marks the words "We sell kosher food only," or "We sell non-kosher food only," or "We sell both kosher and non-kosher food", as the case may be, is guilty of a misdemeanor, except that a person who with intent to defraud sells or exposes for sale on premises any meat or meat preparations and falsely represents the same to be kosher or kosher for Passover, provided said meat or meat preparations in violation has a retail value

in excess of five thousand dollars, whether such meat or meat preparations be raw or prepared for human consumption, is guilty of a class E felony. Possession of non-kosher food, in any place of business advertising the sale of kosher food only, is presumptive evidence that the person in possession exposes the same for sale with intent to defraud, in violation of the provisions of this section.

2. Any food establishment or caterer that offers for sale, food prepared on the premises which is represented as kosher, shall file with the department the name and address of the supervising Rabbi or certifying organization or the name and address of the person under whose supervision said food products have been prepared as kosher. Food establishments that fail to file with the department the name and address of the supervising Rabbi or certifying organization or the name and address of the person under whose supervision said food products have been prepared as kosher shall be liable to a civil fine not to exceed one hundred dollars.

**201-c. Fraudulent identification of food and food products. No person shall:**

1. Wilfully mark, stamp, tag, brand, label or in any other way or by any other means of identification, represent or cause to be marked, stamped, tagged, branded, labeled or represented as kosher or kosher style or as having been prepared in accordance with the Hebrew orthodox religious requirements food or food products not kosher or not so prepared, or

2. Wilfully remove, deface, obliterate, cover, alter, or destroy or cause to be removed, defaced, obliterated, covered, altered or destroyed the original slaughter-house plumba or any other mark, stamp, tag, brand, label or any other means of identification affixed to foods or food products to indicate that such foods or food products are kosher or have been prepared in accordance with the Hebrew orthodox religious requirements, or

3. Knowingly sell, dispose of or have in his possession, for the purpose of resale to any person as kosher, any food or food products not having affixed thereto the original slaughter-house plumba or any other mark, stamp, tag, brand, label or other means of identification employed to indicate that such food or food products are kosher or have been prepared in accordance with the Hebrew orthodox religious requirements or any food or food products to which such plumba, mark, stamp, tag, brand, label or other means of identification has or have been fraudulently affixed.

**201-d. Violations and penalties.**

Any violation of any of the provisions of section two hundred one-a, two hundred one-b, two hundred one-c or two hundred one-e of this chapter shall be a class A misdemeanor, except that a person who with intent to defraud sells or exposes for sale on premises any meat or meat preparations and falsely represents the same to be kosher or kosher for Passover, provided said meat or meat preparations in violation has a retail value in excess of five thousand dollars, whether such meat or meat preparations be raw or prepared for human consumption, is guilty of a class E felony. Where any person has previously been convicted of a violation of section two hundred one-a, two hundred one-b, or two hundred one-c of this chapter within the preceding ten years, upon conviction for a second or subsequent violation such person may be fined up to ten thousand dollars in addition to any other penalties provided by law.

**201-e. Kosher and kosher for Passover identification.**

1. All articles of food or food products, both liquid and solid, sold as kosher or kosher for Passover in any container shall have a kosher or kosher for Passover identification securely affixed on the outside of such container only by the manufacturer or packer at his premises. No person other than such manufacturer or packer shall possess or affix such marks of identification.

2. All articles of food or food products, which are not packaged in a container and are sold as kosher or kosher for Passover shall have a kosher or kosher for Passover identification securely affixed thereto by the manufacturer at his premises. No person other than such manufacturer or packer shall possess or affix such marks of identification.

2-a. In the event that non-prepackaged fresh meat or poultry is sold and delivered off-premises as Kosher the meat or poultry and the bill of sale, if any, rendered at the time of delivery shall have affixed to them a label or the printed words "not soaked and salted" or "soaked and salted" as the case may be.

3. Any food commodity in package form which is certified by an organization, identified by any symbol or is marked as being kosher for Passover shall not be offered for sale by the producer or distributor of such food commodity until thirty days after such certifying organization, producer or distributor shall have registered the name, current address and telephone number of the supervising rabbi with the department.

3-a. Any food commodity in package form which is marked "rabbinical supervision" or marked with a "k", "km", "kos" or "kp" except a registered trademark shall not be offered for sale by the producer or distributor of such food commodity until thirty days after such producer or distributor shall have registered the name, current address and telephone number of the supervising rabbi or certifying organization who certifies the product as kosher with the department.

3-b. Any food commodity in package form which is marked as being certified by an organization, identified on the package by any symbol or is marked as being Kosher shall not be offered for sale by the producer or distributor of such food commodity until thirty days after such producer or distributor shall have registered the name, current address and telephone numbers of the certifying organization or the supervising rabbi with the department.

4. For the purposes of this section the term "food commodity in package form" shall be construed to mean a food commodity put up or packaged in any manner in advance of sale in units suitable for retail sale and which is not intended for consumption at point of manufacture.

5. All advertisements for food or food products sold as kosher under Rabbinical supervision must identify the name of the rabbi or organization, if any, certifying such food or food product as being kosher.

6. Where a producer or distributor is required to register the identity of a supervising rabbi or certifying organization pursuant to the provisions of this section, such producer or distributor and the registered supervising rabbi or certifying organization shall immediately notify the department of any change in the identity of such registered supervising rabbi or certifying organization.

#### **201-f. Kosher meat or poultry.**

1. All meat or poultry which is sold, offered or exposed for sale and is represented as having been prepared in accordance with orthodox Hebrew religious requirements and which has not been soaked and salted immediately after slaughter on the premises where slaughtered:

(a) shall have affixed to it a tag or plumba stating the date and time of day (a.m. or p.m.) of slaughter; and

(b) shall be washed in accordance with orthodox Hebrew religious requirements within seventy-two hours after slaughter, and within each subsequent seventy-two hour period, by a duly ordained orthodox rabbi or by a person authorized by him. The date and time of day (a.m. or p.m.) of each washing and the name of the person performing such duty shall be legibly indicated on the tag or plumba attached to the said meat or poultry.

2. No person shall sell, offer or expose for sale any meat or poultry which is represented as having been prepared in accordance with orthodox Hebrew religious requirements, unless such meat or poultry is in compliance with subdivision one of this section.

3. For purposes of this section:

(a) "Meat" means all primal and sub-primal parts of steers, cows, bulls, heifers, veal, lamb, and mutton, as defined by the commissioner in regulations.

(b) Liver shall be exempted from the requirements of paragraph (b) of subdivision one of this section.

4. The commissioner shall promulgate rules and regulations as are necessary to implement the provisions of this section, including but not limited to, the type of kosher identification to be affixed to each of the parts of such meat and poultry.

#### **201-g. Listing of persons certifying as kosher.**

No person, firm, association or corporation shall within this state manufacture, compound, brew, distill, produce, process, pack, sell, offer or expose for sale any non-prepackaged meat or meat preparations which is represented as or branded as kosher unless such person, firm, association or corporation has, in accordance with regulations set by the commissioner, filed with the department the name and address of the supervising person or organization certifying such product as kosher and the name and address of each person under whose supervision such product has been prepared, slaughtered, represented, branded or certified as kosher.

#### **201-h. Parve or pareve.**

It shall be unlawful to label food or food products with the words parve or pareve or in any way to indicate that the food or food product may be used or consumed indiscriminately with meat, poultry or dairy products according to Orthodox-Hebrew requirements when such food or food products are impermissible for such use or consumption.

# **RULES AND REGULATIONS**

## **Kosher Identifications on Meat and Food Products (Except from Title 1 of Official Compilation of Codes, Rules and Regulations of the State of New York)**

### **PART 255 KOSHER IDENTIFICATIONS ON MEAT AND FOOD PRODUCTS**

#### **Section**

##### **255.1 Definitions.**

##### **255.2 Identification of kosher meat and meat products.**

##### **255.3 Kosher and kosher for Passover identification on containers.**

#### **Section 255.1 Definitions.**

As used in this Part, the following terms shall mean:

- (a) Plumba. The seal commonly used in the kosher industry, capable of being securely affixed, with the following indicia clearly and permanently displayed thereon:
  - (1) the word "kosher" either in English or in Hebraic characters;
  - (2) certain letters, figures, or emblems which will positively identify such plumba with the particular slaughterhouse where the animal was slaughtered or processed.
- (b) Tag. A tag, of whatever form, bearing the following information:
  - (1) name and address of the slaughterhouse where the animal was slaughtered;
  - (2) name of rabbi who sanctioned the kosher slaughtering of meat at the slaughterhouse named; and
  - (3) date of slaughter.
- (c) Kosher brand. Brand of a type approved by the United States Department of Agriculture.
- (d) Washing. The use of unsalted, naturally cool water in such manner that the water reaches all parts of the interior and exterior surfaces of the meat.

#### **255.2 Identification of kosher meat and meat products.**

- (a) All forequarters of steers, cows, bulls, heifers, and yearling calves sold or offered for sale by or in the possession of a kosher food dealer shall have securely affixed the following kosher identification to each of the following parts:
  - (1) Breast, rib, plate (outside), plate pieces (inside), chuck, shoulder, heart, lung, oxtail, tripe, milt (spleen), tender loin (hanger)-plumba and tag.
  - (2) Liver-two kosher brands and two plumbas, one of each to opposite ends of liver, so that if liver is cut in half through the vein each half will bear one plumba and one kosher brand.
  - (3) Feet-plumba and tag to each foot.
  - (4) Breads-plumba and tag to each pair.
  - (5) Brains-plumba to each brain, when sold separately from the head.
  - (6) Tongue-plumba and tag at the tip, and a kosher brand at the tip on smooth surface.
  - (7) Breastbone-incision made at the time of slaughter, in form of Hebrew characters, showing day of slaughter.
  - (8) Plate (inside)-two incisions made at the time of slaughter, in the form of Hebrew characters, showing day of slaughter.
- (b) All foresaddles of veal sold or offered for sale by or in the possession of a kosher food dealer shall have securely affixed the following kosher identifications to each of the following parts:
  - (1) Breast-incision made at the time of slaughter, on each in the form of Hebrew characters, showing day of slaughter.
  - (2) Rack-two incisions made at the time of slaughter, on the inside, one of them on each side of the spine, in the form of Hebrew characters, showing the day of slaughter.
  - (3) Shoulder, but only when separated from the foresaddle at the time of slaughter-plumba and tag.
  - (4) Liver-plumba affixed to center of liver at the vein, and a kosher brand on the upper surface of liver.
  - (5) Haslett-plumba and tag through the heart and milt.

- (6) Lung-plumba and tag.
  - (7) Feet-plumba and tag to each foot.
  - (8) Breads-one tag, and one plumba drawn through three pairs.
  - (9) Brains-plumba to each brain, when sold separately from the head.
  - (10) Tongue-plumba and tag at the tip, and a kosher brand at the tip on the smooth surface.
- (c) All foresaddles of lamb and mutton sold or offered for sale by or in the possession of a kosher food dealer shall have securely affixed the following kosher identification of the following parts:
- (1) Breast-incision made at the time of slaughter, on each in the form of Hebrew characters showing day of slaughter.
  - (2) Rack-two plumbas and two tags, one of each to either side of spine.
  - (3) Shoulder, but only if separated from foresaddle at time of slaughter-plumba and tag.
  - (4) Haslett-plumba and tag through the liver and milt.
  - (5) Tongue-one tag, and one plumba drawn through each group of six.
  - (6) Brains-plumba to each brain, when sold separately from the head.
  - (7) Liver-plumba and tag at center of liver, when sold separately from the haslett.
- (d) Whenever any portion of meat from the animals referred to in subdivisions (a),(b) and (c) of this section is sold by a slaughterer as "kosher," a plumba and tag shall be securely attached to it at the time of slaughter.
- (e) Washing of meats.
- (1) All meats, except liver, shall be washed within 72 hours after slaughter, and within each subsequent 72-hour period, by a duly ordained Orthodox rabbi or by a person certified by him. The date and time of the day (a.m. or p.m.) of each washing and the name of the person performing such duty shall be legibly indicated on all tags attached to the said meat.
  - (2) Meats to be washed enroute shall be governed by the following additional rules:
    - (i) The meat must be packed in such a manner as to allow said duly ordained Orthodox rabbi or his representative access to all the meats being washed as prescribed above.
    - (ii) The date and time of day of the washing shall be indicated on all tags or by means of a written statement securely attached inside the vehicle, signed by the rabbi supervising the washing, containing the date, place and time (a.m. or p.m.) of washing.
    - (iii) Upon receipt of the meat so washed enroute, the information contained in the written statement shall be legibly transferred on all the tags attached to the meat by the rabbi or his representative receiving said meat.
  - (3) When tongues, offal and other parts of meat that are packed in containers and are not deveined, soaked, salted and rinsed in accordance with the Jewish laws of koshering meat prior to shipping, they must be packed in containers that are sufficiently perforated to permit the free flow of water to reach all sides of said tongues, offal and other parts of meat packed therein and to enable the water to freely flow out again.
  - (4) When calves are shipped unflayed and part of the skin is detached from the meat, the water shall also reach every portion of the meat under the detached skin.
  - (5) All marks of kosher identification shall be removed by the owner or consignee from meat which has not been properly washed immediately after the time for washing has expired; provided, however, that liver shall be excepted from the requirements of this paragraph. All marks of kosher identification shall be removed by the owner or consignee from meat on which the date and time of day (a.m. or p.m.) of each washing have not been properly indicated on all tags attached thereto. Stamps, inscriptions and incisions of kosher marks of identification impressed on the meat shall be removed by the owner or consignee by blotting out and/or obliterating such marks of identification.

### **255.3. Kosher and kosher for Passover identification on containers.**

All articles of food or food products, both liquid and solid, sold as kosher or kosher for Passover, in any container, as such word container is defined in section 192 of the Agriculture and Markets Law, bearing in any language a kosher or kosher for Passover identification by means of a brand, sticker, stamp, label, disc, cap, design or legend which might lead a reasonable person to believe that such articles of food or food products are kosher or kosher for Passover, shall have such kosher or kosher for Passover identification securely affixed on the outside of such container only by the manufacturer or packer at his premises. No person, other than such manufacturer or packer, shall possess or affix such marks of identification.