



KOF - K KOSHER SUPERVISION

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May 3, 1988

KASHRUS LEGISLATION

AN ABSTRACT OF A PRESENTATION
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It is my understanding that in New York State it is illegal for a company to print the word KOSHER, or any symbol that stands for Kosher (e.g., K, OK, KOF-K, CU, etc.) on the packaging of any product that is flat-out not Kosher (e.g., bread baked with lard). In such a case, the New York State Kosher Law Enforcement Agency can force the company to cease and desist, and impose a substantial fine for past use of the Kosher designation. However, at this time, a company can put the word KOSHER on its label, or the letter K, even though it has no Rabbinic inspection service -- no one visiting its plant to verify the veracity of its claim of being Kosher.

I feel that this is very unfortunate because the vast majority of consumers who see a Kosher designation on a product label assume that there are Rabbinic inspections -- that someone is looking over the company's shoulder to make sure that they comply with Kosher regulations. In addition, an unscrupulous company may use a registered trademark of Kosher certification without any authorization from the organization to whom the trademark belongs, such as CU, KOF-K or OK, without any penalty from The New York State Kosher Law Enforcement Agency. In fact, currently The Kosher Law Enforcement Agency cannot even force the unscrupulous perpetrator of this deception to discontinue its practice. Unless the Agency can prove Kosher violations, no action can be taken.

This is unfortunate, since many consumers who have faith in the integrity in the standards and the diligent supervision of the organization behind a particular Kosher trademark will buy the product with the erroneous conviction that this supervision is being conducted. Indeed, the Kashrus organization involved could bring legal suit against the company for unauthorized use of its trademark. However, this is most often a long and drawn out procedure during which time the concerned Kosher consumer will continue to be deceived while the company continues to use the trademark, albeit without authorization.

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A comparison of the NY and NJ State Kosher law enforcement agencies is in order here.

The NJ State Kosher Law Enforcement Agency is an arm of the State Attorney General, operating under the division of Consumer Affairs. As a state regulatory agency, any violations found by the Kosher Law Enforcement Agency are treated as criminal violations and are considered a violation of the consumer fraud act passed by the NJ State Legislature. They have the power to issue subpoenas to companies and to the supervising Rabbis. They also have the power to close down a company or a store which is selling non-Kosher as Kosher.

The NY State Kosher Law Enforcement Bureau is under the NY State Department of Agriculture. As such, they do not have the legal powers of the NJ Agency cited above. They cannot prevent a company from using an unauthorized Kashrus symbol. They can only stop the sale and distribution of the product if it is found to be in obvious violation of Kosher law, i.e., using lard or other blatantly non-Kosher ingredients. They have no subpoena power nor do they have the power to require the company to allow them to inspect. If a NY inspector is refused entrance to a company or a store, he must get a warrant for entry. There is no fine imposed. In the State of NJ, refusal to admit a Kosher Law Enforcement Agent is an automatic violation which may carry a fine of about \$500.

The NJ Agency, under the Consumer Fraud Act, is empowered to make and enforce regulations without the time consuming procedure of going to the State legislature. The NJ Agency (as an arm of the Department of Agriculture) does not have this power.

The NJ Agency has much more stringent fines for violations of Kosher law. For example: In NY, a kosher butcher caught for the first time with five pieces of non-Kosher meat would be fined \$1,200. In NJ for the identical violations, he would be fined \$10,000 and if it were a second violation, he would be fined \$25,000. If a company would violate a signed Kashrus agreement, they would be subject to a fine of \$25,000.

We commend the NJ State Attorney General, Mr. Cary Edwards, and his Kosher Law Enforcement Agency, headed by Rabbi Mendel Dombroff, for the diligent and effective manner in which they protect the Kosher consumer. The sincere interests of the concerned Kosher consumer would be much better served if the New York State Kosher Law Enforcement Agency were vested with the authority to impose fines on the perpetrators of such deceptions and to effect an immediate cessation.

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The sincere interests of the concerned Kosher consumer would be much better served if The New York State Kosher Law Enforcement Agency were vested with the authority to impose fines on the perpetrators of such deceptions and to effect an immediate cessation.

I appeal to Commissioner Butcher to use his influence to obtain legislation that would grant such authority to The New York State Kosher Law Enforcement Agency.

Chaim M. Leibowitz