

SUBMITTED BY
AMERICAN FEDERATION OF RETAIL KOSHER BUTCHERS INC.

TO

THE NEW YORK STATE ADVISORY BOARD
ON KOSHER LAW ENFORCEMENT

AND

NEW YORK STATE DEPARTMENT OF
AGRICULTURE AND MARKETS

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We express our appreciation to Governor Cuomo, Commissioner Butcher and the Advisory Board for holding this series of hearings. We hope that the Board will continue to hold itself open to meet with representatives of the kosher food industry and the consumer.

The American Federation of Retail Kosher Butchers is an Association of retail kosher butchers in the Metropolitan New York area. We are the stronghold of KASHRUTH. We believe in strict enforcement of KASHRUTH. However, we do have many problems with the laws, regulations and enforcement which we believe should be clarified and be made workable.

To express our views would take more than the allocated ten minutes. Therefore, we have only indexed some of the issues, and hope that the Board will grant us a meeting at a near future date and all the time that will be required to amplify our issues.

INDEX OF TOPICS

INTRODUCTION

There should be scheduled periodic meetings between the Department of Agriculture, the Advisory Board and the Kosher Meat and Poultry Industry to consider any new legislation, any new Department rules, regulations and procedures, and kosher problems affecting the industry and consumer.

GENERAL

1) Appointment of a qualified member of the American Federation of Retail Kosher Butchers to the Advisory Board.

2) Recodification of the laws, rules and regulations to permit a clarification and better understanding of the requirements and to make them workable, such as more realistic labeling, tagging, identification and incision requirements.

3) The Department and the Board should oppose any proposed legislation, rule and regulations that are not workable.

4) Kosher law enforcement should apply to products produced and shipped as kosher from a jurisdiction outside New York State and which come to rest in New York State.

5) Kosher and non-kosher products should not be permitted to be sold in the same retail establishment.

ALLEGED VIOLATIONS

1. All enforcement of KASHRUTH should be based on Hebrew Orthodox Religious Requirements and not by standards set by government in violation of the constitutional guarantee of separation of state and religion. An example would be government standards of percentages of salt in soaking and salting. Government regulations should only apply to prevention of fraud.
2. The Department should establish machinery for a conference to be held upon the request of a retailer accused of a violation before guilt is determined by the Department and before a settlement penalty is assessed.
3. There should be no newspaper or media publication of an alleged violation unless and until a retailer is found guilty of a violation. The business of a retailer can be destroyed without due process of law while waiting for a trial or hearing to determine his innocence or guilt.
4. There should be no imposition of arbitrary and excessive penalties.
5. Intent and mistake should not be treated the same. Mistake is not done to mislead the public.
6. Super markets and other establishments that sell kosher products should be treated and fined the same as kosher butcher stores for violations.
7. Product that is not offered for sale does not have to be soaked and salted.
8. When a sample of meat is taken by an inspector for testing by the State Laboratory, a portion of the sample should be given to the retailer under seal of the inspector for testing by an independent laboratory.

DEPARTMENT OF AGRICULTURE PROCEDURES

1. Inspectors should be instructed as to what is permitted deveining in accordance with Orthodox Hebrew Religious Requirements.
2. Inspectors to be instructed not to disrupt business of retailer while inspecting.
3. Inspector to present copy of Inspection Report to retailer at time of inspection and not to require signature of retailer.
4. If inspector alleges improper labeling, tagging and identification on any product he should also report any and all labeling, tags and identification that is proper on said product.
5. Retailer should not be given violation for failure of supplier to properly label, tag or identify kosher product or for failure to make incisions now required by the regulations.

These are a list of some of the issues we feel that should be addressed by the Department and by the Board and which we would like to go into greater detail at a future meeting, which we hereby request, at a time and place convenient to the Department and to the Board.

We thank you for your courtesy.