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TESTIMONY OF IRVING I. SILVERMAN
Hearings of the New York State Agriculture Department
November 10, 1988

I am Irving I. Silverman, President of Nancy Neale Enterprises, Inc., sponsors of the International Kosher Foods & Jewish Life Expos, the shows, which in the media vernacular, have "taken kosher out of the closet." In our first three shows, in New York City and Miami Beach, we have attracted over 120,000 visitors, both trade and consumers. In addition, we have stimulated the publication of over 600 newspaper and magazine articles and the airing of many radio and television news and feature spots.

I appear both as a promoter of kosher food products and as a Jewish community leader who is deeply concerned about the expansion of the kosher marketplace and the protection of the interests of the kosher consumer. In addition, my concern also extends to encouraging the law abiding kosher manufacturer, wholesaler and retailer to maintain the highest standards of kashruth and adherence to the laws of the State of New York.

Four years of exhaustive research preceded the creation of our Expo concept. During this time, we interviewed over 200 kosher and non kosher food manufacturers, rabbis, kosher supervision agencies, retailers, kosher observant, kosher conscious and kosher curious consumers, food writers and marketing authorities. We learned that there were over 16,000 (now over 17,000) kosher

products on the market...that an estimated 1,500,000 Jews were either totally kosher observant, kosher conscious or kosher curious...that over 4,500,000 additional persons preferred to buy and use kosher products, either for other religious or health conscious reasons...and that the sales volume of ethnic kosher products was in excess of \$1 1/2 billion ... and that over \$30 billion of packaged products in supermarkets carried some sort of kosher certification. (The latter figures provided by Ron Morrow of the investment firm of Smith Barney.

Although our research was undertaken nationally, much of what we gleaned came from New York sources and therefore has great relevance toward the subject of this hearing. We learned, for instance, that there was great confusion in the minds of many regarding the symbol "K" to designate kosher products. Our company receives innumerable questions and complaints about this generic symbol. Consumers tell us, for instance, that they have been unable to learn the source for such kosher identification, that their requests to the food suppliers for such information have been often unanswered, ignored and sometimes dishonestly responded to. In a state which has the largest kosher consuming population in America, our kosher enforcement laws must rectify the problem of "K" identification as well as other problems affecting kashruth

marketing.

I propose the following measures to achieve improved clarification and enforcement of kosher certification labeling:

- 1) All products being sold as kosher must have either the symbol of a recognized and registered kosher supervision agency or if the letter "K" is used, an ordained rabbinical authority must certify the kashruth of such product and the name of such authority be registered with the New York State Department of Agriculture.
- 2) Further, that the manufacturer, distributor or packer of such product must have a complete address printed on the product's label and be required to respond to any inquiry for the kashruth source within a 20 day period.
- 3) In the event, such response is either denied or not forthcoming, upon complaint of a consumer, reatailer or other party, the manufacturer, distributor or packer would be subject to a fine of \$100 for the first offense, \$200 for the second offense and an additional \$100 for each offense thereafter.
- 4) All kosher products, in addition to carrying a registered kosher certification symbol or "K" must also carry the designation "D" or "Dairy" if the product contains any dairy substances or is produced on dairy equipment or "Paerve" if the product may be used with either meat or dairy products. This is to cleary identify the product's status for persons who may not be able to undearstand the

ingredients of the product.

5) All products bearing any Hebrew lettering must be certified kosher to avoid any possible inference on the part of a consumer that such product is kosher when in actuality it may not be kosher.

6) When the words "Kosher Style" or any other similar pairing of the words "Kosher" with any other words appear on labels, advertising, menus, in store signage or promotional material of any type, the product or establishment using such nomenclature must be under kosher supervision.

7) In the event that a company whose products previously were certified kosher no longer has such certification, or if the source of kosher certification is changed, said company must register such non kosher status or changed certification with the Department of Agriculture and also remove or change any Kosher certification symbols on product labels, advertising, promotion materials.

Failure to do so within a reasonable period of time, not exceeding 60 days, shall result in a fine to be levied of \$1000 for the first 30 days, \$2000 for the next 30 days and \$1000 additional for each succeeding 30 days.

There may be many additional ways to strengthen our New York State Kashruth laws. Honest, law abiding businessmen will not encounter difficulties in adhering to the changes proposed. Others who may wish to flaunt the law will undoubtedly find reasons to

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object to the suggested provisions. Their voices and objections should be heard, but related to the essential goals of the Department, namely the enactment of fair and equitable laws to protect the consumer against flagrant violations of kashruth standards.

In closing, may I commend the Kashruth Advisory Board for convening these hearings, as well as Governor Cuomo, Commissioner Butcher, Rabbi Rubin and Felice Gross for recognizing the importance of the Kashruth concerns of millions of our citizens. New York State deserves the best Kosher Enforcement Law in the United States and we all look forward to such enactment.

Thank you.