

Testimony
of Rabbi Avrohom Marmorstein
before the New York State Department of Agriculture
Kosher Law Division

I serve as a Rabbi to the Jewish community on the upper West Side of Manhattan. Among my roles is that of kashrus supervisor of several local establishments and consultant to major kashrus supervision organizations. May I draw attention to several aspects of kosher law enforcement which have come up in my experience.

1) The overwhelming majority of summonses issued are for non-kosher products in kosher sections of supermarkets. These cases are almost always subject to differing opinions as to whether the misplacement was accidental or deliberate, furthermore such a misplacement will not harm a consumer who knows what they are looking for, and without knowing what kosher symbols to look for the consumer is anyway lost beyond hope. These "misplacement" violations therefore use considerable resources of the kosher law enforcement staff, without yielding significant benefit. In addition there is reason to assume that many retailers with moderate numbers of Jewish customers will take the attitude – selling kosher products could cause me headaches, fines and legal troubles, offset by very modest profits, and avoid selling kosher products. Thus causing harm to the kosher consumer rather than benefit.

2) Patients in hospitals frequently order kosher food, which is provided with frozen packaged meals produced by kosher caterers and held in stock in the hospital freezers. There are frequent complaints that although the main course of the two main meals is a satisfactory kosher meal, the condiments, bread, desert, and breakfast are non-kosher and nevertheless the accompanying paper slip from the hospital dietary staff says "KOSHER", not indicating that only the packaged meal is kosher. It is important that the dietary departments of hospitals should be informed that the provisions of the New York State kosher law apply to them too, and that they must clearly indicate to patients which foods are kosher and which are not. The kosher patient does not deserve to have the trauma of a hospital stay compounded by being served foods which violate his/her religious scruples.

3) I recently started to supervise a local bakery, which had previously been under Jewish ownership, and had serviced the needs of many local kosher caterers without having any formal kashrus certification. During this period of time before supervision commenced, the owner claimed that all products used were kosher. It was certainly true to the best of his knowledge, but I know now that many products used were not kosher, and that all products produced in the bakery were dairy or baked in dairy utensils. Nevertheless at no time did the kosher caterers express any hesitation about purchasing bread and cakes for meat banquets from this bakery. I believe that there are still many bakeries claiming to use only kosher ingredients although not operated under supervision, or by

managements who can realistically claim to offer in-house supervision. I have never seen a summons issued to a kosher caterer or restaurant for using dairy or non-kosher baked goods, although it is definitely quite a common occurrence.

4) There is an urgent need for more complete and accessible listings of kosher supervisions on products. When I call the Kosher Law office to ask for the registered supervisor of a product marked as kosher, I am invariably answered with courtesy by helpful staff members. However, more often than not they cannot find the information readily and have to call me back hours or days later. Funding must be allocated for an up-to-date computerized system so that all information is available in minutes. Today's computer technology could facilitate a bulletin board with listings of all products and establishments with the names of supervisors, accessible to any authorized user with a personal computer and a modem at any hour of the day or night. This would be a tremendous service.

5) May I suggest a mailing to all food manufacturers, distributors, and purveyors in the State describing the requirements the kosher law makes of them, with regard to registration, marking of kosher sections, signs, etc. and a parallel mailing to all Jewish synagogues, religious organizations and rabbis describing exactly what the provisions of the kosher law are and what they can do to be of assistance.

I would like to thank Rabbi Rubin for the wonderful work he has done over the past years as Director of Kosher Law Division, and to Mr. Gerald Feldhammer who has already displayed his determination to add light to the lustre of New York State's kosher law.

Thank you for the opportunity to share these ideas with you today.