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TESTIMONY OF MENACHEM LUBINSKY AT  
PUBLIC HEARINGS ON KOSHER LAWS SPONSORED BY  
THE NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS  
NOVEMBER 10, 1988

I am Menachem Lubinsky, President of LUBICOM, a full service marketing, advertising and public relations agency which specializes in the Jewish and kosher markets. I appear here today with the distinct advantage of having been involved professionally with kashruth laws and kosher law enforcement for nearly two decades. Prior to the launching of my firm in 1984, I was the Director of Government and Public Affairs of Agudath Israel of America. In that capacity, I worked with the Legislature in drafting many of the kosher food laws and with the Department on enforcement issues.

These hearings are yet another example, if indeed any more were necessary, of the responsible role that the New York State Government has assumed on kosher law enforcement. This comes on the heels of last year's very successful Governor's Conference for the Kosher Food Industry. The New York State Department of Agriculture and Markets and its enforcement division have performed with distinction. Governor Mario Cuomo, Commissioner Donald Butcher, Rabbi Shulem Rubin, and Felice Gross are all to be complemented for a superb job.

The principles behind kashruth laws have not changed since they were first introduced. They are consistent with the government's obligation to protect the consumer in the spirit of



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truth in labeling, packaging and advertising. The steadily rising number of kosher consumers has in fact made these laws more relevant than ever before.

From my vantage point as a marketing professional helping bring dozens of kosher products to the market, there is still much that we can do to improve New York's kosher food laws and subsequent enforcement. Despite all of the laws on the books, a great deal of confusion still reigns in the marketplace. Although the number of kosher products has grown steadily to nearly 17,000, the once popular specially designated kosher food section is rapidly disappearing. The size of the market and the increasing number of kosher certified products has meant that kosher food products have become integrated into the general shelf. Gone are the days when Gefilte Fish, Grape Juice and Matzos represented the only corner kosher consumers could turn to at the supermarket.

The initial integration on the refrigerator level had prompted laws requiring establishments to clearly state that kosher and non-kosher foods are sold. While in one sense the proliferation and integration of kosher food products has been a blessing for kosher food consumers, for some it has meant even more confusion. Today, being a kosher consumer really means being an educated consumer. The increase in the number of kosher symbols has made consumers more aware of the need to be discerning between the symbols. Some consumers who are familiar

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with some well known symbols are nevertheless puzzled when new symbols appear.

A continued and growing problem is the use of the "K" which leaves consumers wondering who the supervision is and very often there is no indication whether or not the product is dairy. We must insist in the future that there be some way at the store level that consumers can deal with the "K" symbol. Perhaps, we might require manufacturers who use the "K" but who are reluctant to specify the supervision on their label to have on file with retailers the name of the Rabbi or certifying letter. Retailers would in effect keep a looseleaf of such supporting documents for interested consumers.

Another frequent problem is when supervisions are removed or ingredients are changed and so forth. Only a select few newspapers carry notices about such changes. Stores are not aware of the changes, leaving the vast majority of consumers in the dark. We might require manufacturers who have undergone some drastic change in the kosher nature of their products to prominently post them in their stores within five days of the change.

In the area of kosher law enforcement, despite the yeomen job that Rabbi Rubin and his staff have done, they in effect patrol such a vast territory that much falls between the cracks. Smaller stores, for example, continue to be violators. There are still occasional uses of "kosher style" without the products or



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menu being kosher and outfits that use kosher without supervision. This can only be addressed through additional enforcement personnel and larger fines. Misleading consumers can no longer be tolerated, and fines that are tantamount to a slap on the wrist must be significantly increased.

We also need to take a long and hard look at the role advertising plays in this entire picture. When a product is advertised on Passover as kosher, the consumer takes it to mean that the product is kosher for Passover. When a product is advertised on a meat dish it is expected that the product is not dairy and when a restaurant advertises kosher style, the consumer expects it to have some sort of kosher supervision. When "traditional Passover food" is sold on the eve of Passover, the consumer has a right to expect that it is also kosher in accordance with tradition. And then there is the manufacturer or outfit which uses some generic term usually associated with a kosher product to describe a non-kosher food. Such advertising is grossly misleading and needs to be addressed.

Perhaps when the fathers of the kosher food laws first began to deal with the subject, they did not realize that years later, the industry would be sophisticated enough to use mass marketing. Thus, as we approach the 1990's, it may in fact be appropriate to have the Governor enpanel a group of experts representing manufacturers, distributors, wholesalers, retailers and marketers to review the current laws and to update the concerns of kosher.



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Finally, I would be remiss if I did not allude to the opportunities of kosher. By now, most manufacturers realize the enormous potential of the kosher food market which is estimated at six million consumers and growing. There is every indication that kosher will continue to increase and that it will be a significant market. We need to develop a campaign to educate our manufacturers, distributors, wholesalers and retailers to use kosher in a positive way. We certainly need to change the attitude of those who abuse kosher and eventually encounter the wrath of kosher law enforcement authorities. Their energies would probably be better spent if they were to capitalize on the potential of the kosher market rather than trying to beat the system.

The Kosher Foods and Jewish Life Expos in the last two years have demonstrated the potency and the vibrancy of kosher. The recent state conference was further testimony of the opportunities and I submit that we have not even as yet begun. As we prepare for a new decade, we must realize the challenges of dealing with such a large market and at the same time we must come to grips with the opportunities that are inherent in the kosher market. The economy of the state as a whole will be better off if we do.