

Buying Kosher Foods

consumer *brief*

It is a fact that kosher food products are frequently more expensive than other foods because of the special handling requirements involved in producing them. This, in turn, increases the opportunity for misrepresentation or outright fraud in the sale of kosher foods. To deal with these potential problems, a special section was established within the Division of Consumer Affairs (Division). The Kosher Enforcement Bureau is dedicated to the protection of consumers who buy kosher foods.

Regulations Governing the Sale of Food Represented as Kosher (*N.J.A.C. 13:45A-21.1 et seq.*)

The regulations for the Kosher Enforcement Bureau are considered to be the most comprehensive and broad-based in the nation. These regulations were developed under and derive their authority from the state's Consumer Fraud Act (*N.J.S.A. 56:8-1 et seq.*). The Act prohibits misrepresentation in the advertisement or sale of consumer goods. This statutory protection is at the heart of the kosher food regulations which were established to ensure that purchasers of kosher food which has been represented as such by the purveyor, get the product for which they are paying.

Retailers are permitted to set their own standard of what is identified as kosher. They are required to post a sign, provided by the Division, which details their understanding of the term "kosher." The sign must be visible to all consumers. Additionally, if the retailer has rabbinical certification, a second sign must be posted which identifies the supervising rabbi and the number of visits that have been made. The Bureau investigates and enforces only the claims made by the retailer.

This approach to kosher enforcement, which has been

duplicated in various states, offers consumers a new level of assurance when shopping for kosher food.

The information provided by the retailer enables consumers to make informed decisions when buying foods represented as kosher. Please keep in mind that although the Kosher Enforcement Bureau works to enforce representations made, you are the one to decide if those claims meet your standards.

FREQUENTLY ASKED QUESTIONS

Q. May a store advertise "kosher-style" food and serve nonkosher?

A. No. Any advertisement stating kosher-style, Jewish, Hebrew, Holiday (Jewish) or other similar terms must contain a clear and conspicuous disclaimer stating that the advertised items are not kosher.

Q. Can a retailer circumvent the state's kosher rules by stating orally, but not in writing, that the food offered for sale is kosher?

A. No. The regulations clearly state that statements made orally are as binding as those made in writing. However, remember that in regard to oral statements, it might be your word against the store's. Therefore, whenever possible, try to get some form of written statement which would support your claim.

Q. Is a market allowed to mix kosher and nonkosher pre-packaged foods together?

A. Yes. If the foods were sent to the store packaged and they are sold in their original wrapping and

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not otherwise handled, kosher and nonkosher foods may be kept together in the same display. However, if there is a sign that specifically identifies a section as being for kosher foods, all food in that section must be kosher.

Q. Is an establishment selling food as kosher always required to post disclosures?

A. Any place selling food that is handled, that is not in a package, must place the necessary disclosures in a clear and conspicuous place. If all of the food sold as kosher is in its original package, disclosures are not needed.

Q. Do caterers have to post disclosures?

A. Yes. Caterers serving food at any location, except a private home, must post the disclosures required by the regulations.

The full text of New Jersey's regulations governing the sale of food represented as kosher is available upon request. Please write to the Kosher Enforcement Bureau at: 153 Halsey Street, P.O. Box 45023, Newark, NJ 07101 or call 973-504-6100.

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