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Kashruth Supervision

Part IV

By RABBI YACOV LIPSCHUTZ

The authenticity of *kashruth* guarantees depends not only on the strength of supervisory principals and mechanisms, but of equal status are the methods of enforcement department the *kashruth* agency. New York State and many other states maintain a *kashruth* enforcement department with its own staff of inspectors who have a right to enter and inspect the facilities of any producer or purveyor marketing products as kosher. Violators are ticketed, punished and exposed for their fraudulent behavior. The findings of these agencies are often reported in the press. There are, however, instances where the violations are of a minor and technical nature, wherein kosher products are insufficiently identified or improperly packed. These too are subject to warnings and violations.

Some may regard this as a sign of *kashruth* strength and legitimacy, however, it also bears with it the indication of internal weakness in the *kashruth* machinery. When these inspections uncover violations and fraudulent practices not

only within unsupervised facilities, but within the *kashruth* endorsed group of "trusted" operators it is time for alarm and serious afterthought. This external intervention into religious matters is a sign of obvious internal weakness posing the question of how these failures occurred, and the "eternal" problem of where were those whose responsibility it was to guarantee that such incidences do not take place.

Government enforcement rather than being a cure, is a painful reminder of the flaws that exist in the structure of the *kashruth* supervisory process, for it points out that only the government has the ability to swiftly punish violators. Herein lies a most serious weakness of special concern before Passover. In incidences of *kashruth* fraud the power of the state agencies does not extend to traditional *kashruth* guarantors, since the state can only act when its inspectors discover fraud.

However when a firm produces products in violation of a *kashruth* contract and is apprehended by an independent *kashruth*

agency they must rely on the courts and a long drawn out legal process. Added to this difficulty are the laws of evidence, and the threat of libel suits against the *kashruth* agency. While there may be questions of patent right violations and breach of contract the legal process for such suits must

of *kashruth* enforcement is the chink in the armor of the *kashruth* guarantee, and requires a remedy which would make available to *kashruth* agencies instant recourse upon discovery of fraud and adequate means to inform the community, who are the true victims of the fraud.

Solutions must be found for the problem of retroactive enforcement for products already in the marketplace, and the establishment of a professional code of honor whereby parties

The Butcher And The Dogs

Compiled By YEHUDA SCHWARTZ

The Talmud Yerushalmi in Truma tells the story of a certain butcher who fed *trefe* and unkosher meat to Jews. One Friday night after his wine, he went up onto the roof and died. The dogs began to lick his blood. They asked Rav Chanina if it was permissible to take him away from the dogs. Said he: "Leave him be. They (the dogs) are eating of theirs, as it is written: 'And *trefe* meat you shall not eat, you shall throw it to the dogs!' This man stole from them (the dogs) and fed the Jewish people with it."

The Torah Temima offers another comment. If one sells *trefe* meat to Jews as Kosher and dies before he is able to do *t'shuva*, one is forbidden to bury him. And if dogs eat his flesh and lick his blood, it is forbidden to chase them away.

How severe our Sages considered the sin of one who would allow *trefe* meat to be sold to Jewish people as Kosher. So militant were our Rabbis, against this practice, they seemed to even disregard the honor due to man, created in the image of G-d, by denying such an individual proper burial.

rely on regular court calendars and lengthy hearings that provide the producer with time to alter the situation. An even sadder comment in this dilemma is that the producer may be able to obtain endorsement from a competitive agency, and stay in production. Meanwhile, the company lawyers may argue in court that the product was nevertheless kosher, and forestall a complete recall from the store shelves.

This little known aspect discovered to have been guilty of a fraud would not be able to jump from one certification to another, thereby victimizing the community and demeaning the religious practice of *kashruth* authentication.

Armed with such powers together with government agencies *kashruth* violators would be few and far between, and the guarantees indicated on the product label would be as indicated.

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