

Kosher Violations

by Rabbi Yosef Wikler
and Avraham Gelwachs

State kosher laws provide that if a com-
product is kosher, that product must
her ingredients. Violators are subject
types of fines: administrative fines that
the New York State Department of
Markets and criminal law violations
imposed by the courts. Administrative
levied up to \$70,000, while criminal law
a \$500 limit per violation. Presently the
w and the procedure required to close
g company is too slow.

halacha there are two types of *kashrus*

h t'midi is a qualified *mashgiach* who
es constantly, continuously supervising
e of a product. By today's definition, a
ti may not be able to monitor all aspects
at he is present at the plant at the time

nichnas is a qualified *mashgiach* who
mises contantly but arbitrarily enters
manufacturing plant or restaurant.
mashgiach yotzeh v'nichnas was always
but sometimes went just outside the
rever, the term is often used to describe
the supervisor makes periodic inspec-
nently, or even more sporadically.

fear. It is thought that a company is
non-kosher ingredients out of fear of

government intervention, a possible fine, and losing
kosher supervision. This *halachic* principle is used by
some to justify minimal supervisory presence.

The *Kashrus Newsletter* (Vol. 3, No. 1, p. 4) reports
Rabbi Dr. Moshe Tendler as saying that the rule of
chazaka (assurance) that no man would lie before some-
one to whom he owes money no longer exists. "Today
the *chazaka* of fear of endangering one's business
reputation is nonsense," claims Rabbi Tendler, "though
much of the organized *kashrus* supervision is based upon
this one *halacha*."

Mirsas on the part of company employees is, to our way
of thinking, an unreliable guarantee of *kashrus*, for, as
Rabbi Tendler put it, "What does it mean to a company
that grosses \$500,000,000 to be fined \$200?"

In the next few weeks the Department of Agriculture
and Markets will review the entire New York State Law
on kosher law violations to see whether present fines
and whether current enforcement procedures are suffi-
cient. The *Kashrus Newsletter* recommends that
readers write to Mr. Joseph Gerace of the Department
of Agriculture and Markets to express their desire for
stricter fines and more power given to the Department
of Agriculture to immediately close establishments that
openly violate *kashrus* standards. Address your letters
to:

Hon. Joseph Gerace, Commissioner
State of New York
Department of Agriculture and Markets
Building 8 - State Campus
Albany, NY 12235

