

NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS

NEW YORK CITY OFFICE

MEMORANDUM

TO: Stephen Harausz, First Deputy Commissioner
FROM: Anthony M. Papa, Asst. Commissioner *AMP*
DATE: November 7, 1988
SUBJECT: Kosher Public Hearing, 11/10/88

Enclosed are 13 hearing reply forms for those individuals to date who have indicated that they wish to testify on November 10th.

Also, is a tentative time frame of their scheduled appearances during the day. On Wednesday, November 9th, we will contact them by telephone and advise them of the hour scheduled for their appearances and testimony.

Kosher Public Hearing - November 10th:

10 A.M. - 10:30 - Welcome
Introduction, Chairman Feldhamer

10:30 - 10:50 - Richard Kessel, Dir. State Consumer
Protection

10:50 - 11:10 - ~~Rabbi Benjamin Wolfish~~ *Rabbi MAY SCHEFER*

11:10 - 11:30 - Harold Jacobs

11:30 - 11:50 - Michael Rosen

11:50 - 12:10 - Rabbi Ephraim Buchwald

~~12:10 - 12:30 - Ms. Micheline Ratzesdorfer~~

12:30 - 1:30PM - Lunch Break

1:30 - 1:50 - Rabbi Abraham Marmorstein

1:50 - 2:10 - Rabbi Yosef Winkler

2:10 - 2:30 - Rabbi Israel Belsky

2:30 - 2:50 - Rabbi Hersehel Schechter

2:50 - 3:10 - Rabbi Chaim Wachslax

3:10 - 3:30 - Mr. Israel Finman

3:30 - 3:50 - Rabbi Moshe Heisler

I have been advised that State Attorney General Abrams may appear and wish to testify on November 10th. If that occurs, he probably, in view of his office, will be the first witness to testify before the Board.

AMP/lwn
Enclosures

1

1 I wish to thank ~~the~~ ^{Commissioners, advisory board & K'Robin} ~~for~~ for the opportunity to share my experiences for the benefit of the Kosher consumer.

2 I have gained a wealth of experience in the Kosher Meat Industry, & I have ~~found~~ gained an in-depth & intimate knowledge of the systems used by many of the major providers of ostensibly Kosher meat. ~~I have seen many~~ ^{I have seen many} Halachic applications that ~~are~~ unfortunately create ~~many~~ substantive deficiencies & therefore raise profound questions about the actual Kashrus of product that is made available to the Kosher Consumer.

3 ~~It is not my purpose ^{in coming here} ~~to~~ to incriminate a specific indiv. or Co. for these deficiencies, rather to describe my experiences, ^{to share} and what I know to be true, and to make any recommendations that I can about ~~possible~~ future remedies. My experiences will clearly show the need for ^{stricter} ~~government~~ ^{government} regulation in ~~an~~ an industry which is~~

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4 ~~extremely stressful & high speed (automated) and where there are enormous pressures brought to bear against the Halachic principles, by the great duty known as product.~~ To begin with... I have seen dozens of different shipments of meat that were sent w/ ~~incomplete~~ ^{and seals} Kosher markings, as prescribed by Halacha, and in many instances w/ no kosher markings ^{or seals} at all !!

[3] It is clearly not my purpose in coming here today to incriminate a specific Company or individual for these deficiencies, rather to describe my experiences and to share what I know to be true, and to ^{humbly} make whatever recommendations that I can about possible future remedies. My experiences will clearly show the need for further governmental regulation to protect consumers from the perils that they face in their ~~relig~~ pursuit of bona-fide Kosher product. The meat industry is no longer a case of one woman bringing one live chicken to one Rabbi, rather it has become one of extreme stress, automated at high speed, where enormous pressures ~~are~~ are brought to bear against our sacred Halachic principles by the great deity known as "production".

(4) the questionable Kashrus of meat that has been reworked w/o a n'edon present. The ^{respon}, having been apprised of the problem, decided that if the 2 shipping employees were to write a letter affirming that they had done the rewash & have their signatures notarized then their work would be acceptable in lieu of a n'edon. Information has recently come to light that both employees knew fully well, ~~at that time~~ that the time on the letter was falsified and made earlier, for the purpose of meeting the time of expiration. They signed the letter at the behest of the Plant Manager, and it is my firm belief that this was also done w/ the knowledge of the executive mgmt. & ownership of the company.

On a humorous note I was once informed by a company executive that if a driver ever found himself far from a Rabbi, but very close to a rewash time of expiration, that in those circumstances it was fully permissible for the driver to proceed to the nearest Fire station and have the Fire Chief write a letter affirming that the meat had been reworked at a certain time.

(17) - that a machine used in the Koshering process was deemed by all Halachic authorities involved to be completely inappropriate for such use. This occurred some 6 months ago and to my knowledge, that machine is still in operation.
and belief

IT is my belief that

(5) All of these instances of abuse of the Halachic system, by the meat industry clearly illustrate the necessity for legislative intervention to provide a check & balance system that will encourage and enforce the strict observance of Jewish law as pertains to Kashrus.

I believe that a ~~model~~ good working model for this intervention are the methods currently employed by the USDA in their meat inspection ~~procedures~~ procedures.

- That a file containing the credentials and references for each kosher supervision employee be maintained on site available at any time for ~~for~~ inspection by the Dept. This should include a listing of the # of ~~person~~ / shift, # of shifts/day & the strategic positioning of each ~~person~~.

- a complete list of all acceptable suppliers ~~and~~ and the type and cuts of meat that are supplied should also be available for on-site inspection.

- Each Co. should have an exhaustive policy & procedure ~~of~~ manual on file for inspection, ^{of halachic practices and machinery used} and updated quarterly as new incidents that require new policies and procedures occur.

- That an incident report should be filed after each occurrence detailing the event that deviated from the accepted policies and procedures, the Halachic ruling and the remedy formulated to insure that it does not ~~happen~~ happen again under reasonable circumstances.

- that the systematic use of combos as a method of shipment of ~~the~~ meat be outlawed for any other type of meat than that which has been soaked & salted, because of the numerous opportunities for ~~the~~ disastrous loss of kosher product that result from this procedure.

⑥ → that some kind of employment protection be afforded to the on-site ^{nissar} who, fearful for his job and subsistence, or other forms of reprisal, tends to refrain from coming forward to make public the wrongs that he full well knows are violations of Halacha, that cannot be tolerated.

— that a system for acquiring the latest up to date information ^{on Kosher products,} perhaps an 800 toll free Hotline, be made available to the Kosher consumer & widely publicized. It is my hope that this Wats line would extend to all 50 states.

— that legislation be enacted to give ^{out-of-state} inspection authority to the Dept. so that any ~~a~~ & all meat products can be inspected from slaughterhouse to grocery store shelf.

* Another case is where a non-ore nigel Mashgiach was appointed to wash, seal & identify the meat because the regular nigel had to ^{possibly} interview ^{and} leave early that day to see his Dr. And another nigel who had been ^{and} hired by a Rav Mamachshiv ~~on~~ was dismissed and returned to the airport not two hours after his arrival. Another case I ~~was~~ ~~of~~ ~~is~~ ~~a~~ *

* Nigel w/ just 3 weeks experience in the industry who was promoted to the position of Head mech. Later when this individual complained of Halachic deficiencies and irregularities, he was characterized by his ~~employer~~ as having been "inexperienced." Almost ~~the~~ same and unsavory excuse for the ~~company~~ that ~~he~~ ~~had~~ ~~been~~ ~~promoted~~ ~~to~~ ~~the~~ ~~position~~ ~~of~~ ~~Head~~ ~~mech.~~ ~~later~~ ~~when~~ ~~this~~ ~~individual~~ ~~complained~~ ~~of~~ ~~Halachic~~ ~~deficiencies~~ ~~and~~ ~~irregularities~~, ~~he~~ ~~was~~ ~~characterized~~ ~~by~~ ~~his~~ ~~employer~~ ~~as~~ ~~having~~ ~~been~~ ~~"inexperienced."~~ ~~I~~ ~~would~~ ~~think~~.

5 I have had ~~the~~ a close-up view of the ~~so-called~~ process of selection of a nigel ^{for employment} and the inspection of his credentials and suitability for this sacred job, and I can say that it is often haphazard, and sometimes so irresponsibly done that allegations ~~have~~ ~~been~~ ~~made~~ that nigel who were not ore nigel, or were not at all suitable ^{indeed} were hired. ^{As a case in pt.} One nigel that ~~had~~ ~~been~~ ~~found~~ from my staff ~~immediately~~ ~~abandoned~~ his facade of religiosity immediately after his dismissal. *

6 Deboned meat ^{that has not be koshered w/ salt} is being shipped in 2000 LB. crates known as "combos" ~~as~~ ~~a~~ ~~widespread~~ ~~industry~~ ~~practice~~. The meat is densely packed into these combos and this system does not allow for the drainage of blood, tissue fluids known as "purge" and the rinse waters from the mech. 1170. ~~Indeed~~ I have personally spent hundreds of hours verifying these physical facts and I have photographs ~~of~~ ~~the~~ ~~meat~~ which clearly demonstrate that what I am saying is true. This problem does not exist w/ meat that is shipped as hanging forequarters or w/ meat that has already been soaked, salted and rinsed.

7 Another problem that arises out of this system of shipping meat in combos is that it ~~is~~ ~~is~~ impossible to properly rinse all surfaces of the meat as prescribed by the Halacha & Circular 811, due to

(2)

the fact that the meat is so densely packed. Incidentally my conclusions of fact regarding these physical properties of a combo have been affirmed to me by 4 different USDA inspectors w/ some 100 years of collective experience in meat inspection.

[8] I have ~~personally~~ seen ~~thousands~~ blood clots in the various cuts of meat which should have been systematically removed as part of the koshering process, ~~but that~~ ^{any of the steps in the} because they cannot be eliminated or removed by ^{any of the steps in the} soaking, salting and rinsing processes. Instead they have been ground up and become invisible as frankfurters, bologna or salami ^{available} for the unwitting kosher consumer to purchase.

[9] Then there are the ~~many months~~ ^{many months} where mass production was in progress with the impossibility of appropriate supervision by a neder for the 2 following reasons:

1) because the product was in either the cooking ~~and~~ ^{or} packaging stages, and no neder was present because the entire ~~neder~~ staff were ~~at~~ in their homes enjoying the nre. This brings to bear the serious question of how much product was actually cooked on nre.

2) and the 2nd instance was where for ~~the~~ 6 hours a day ~~there~~ ^{during the week} there was absolutely no niger scheduled for duty while these cooking & pka phases were ~~going on~~. This violates the law of ~~the~~ ¹⁸⁷⁷ ~~in~~ ^{פרסום} ~~of~~ ^{המזון}, or unsupervised, unidentified meat, and the question of if perhaps unkosher product was packaged as kosher - something that ~~the~~ Halacha requires a niger ^{be able} to verify that it did not happen!

10) Then there is the time that a special test order of briskets, ^{scheduled} were to be trimmed at the slaughterhouse on Saturday so that this trial would not interfere w/ smoothly running production routines.

11) Concerning Treibering or Leveining there is a forbidden fat in the cut of meat known as the "plate" that was not removed and again ground up into the product and sold to the unsuspecting consumer as "KOSHER". Similar blood veins that were trimmed from Briskets and plates were thrown in ~~to~~ w/ the trimmings to be ground up. ~~Case~~ I was extremely dismayed to receive a phone call from a niger responsible for a major ~~part~~ ^{percentage} of our supply who asked me to teach him how to treiber over the phone.

3

~~It is acutely painful for me to report that 2~~
~~young shoetim, uniquely committed and showing inspirational~~
~~integrity, complained to their D'ES N'UT that the other~~
~~shoetim were not checking their knives, and were not doing~~
~~the other mandatory inspections of lungs and other organs.~~

12 It is acutely painful for me to ~~report that~~ ^{tell the story of} 2 young shoetim, uniquely committed and showing inspirational integrity, complained to their D'ES N'UT that the other shoetim were not checking their knives, and were not doing the other mandatory inspections of ^{the} lungs and other organs. After having their complaints rebuffed for quite some time one of these brave men made a videotape recording using a hidden camera to support his allegations. * Rather than being upheld for their integrity both were "laid-off" indefinitely. The shoet who made the videotape ~~is~~ has not since worked as a shoet.

* The tape clearly shows the "bodek" failing to make the appropriate inspections and, in fact, looking the other way as he ~~burned~~ ^{burned} a Kosher brand into the meat.

13 My heart aches for a brilliant young shoet who took a ^{in a slaughterhouse} job as a n'iden ~~to~~ ^{over} ~~the~~ ~~tribering~~ ~~loading~~ of combos to be shipped ~~out~~ ~~to~~ out. He found improprieties in the tribering, and felt that he could not ^{exercise} control to insure that only the Kosher meat went into the combos that he subsequently would label as kosher. He quietly resigned his position and to my knowledge has not worked since.

testimony 12/17 to 11:37

questions to 12:32

Luks

to this point in time

① I have ^{never} made no public charges against R' Stern ^{shared w/ other Rabbis} or HON. I have merely ~~shared with~~ ^{the} information that I have learned in my experience as a Head Niden.

② Never have I attempted to make Halachic decisions, or to institute policy or procedures in ~~defiance~~ ^{any particular} Rav Hamachshir for whom I was employed.

~~I do not speak as a Rabbi~~

③ I have never alleged that any Kosher Co. ^{manufacturing} has sought to blaze new trails in Kosher codification, rather ^{my concern is} that old ^{familiar} trails accepted for thousands of years by our people have been sullied & muddied, sometimes w/ abandon. This is indeed a disgrace in the eyes of G-d. ~~if we act with that we humans govern each other & act in a spirit of love for one another~~ ~~for~~ ^{Torah} raises.

④ Q: for Mr. LUKS - Has he ever pondered the possibility that just as a supervising niden can be guilty of failing to heed his Rav Hamachshir's direction, that indeed even a Rav Hamachshir can fail to heed his master's directions.