

TESTIMONY BY MURRAY KATZ, PRESIDENT OF EMPIRE KOSHER FOODS, INC.

BEFORE

THE NEW YORK STATE ADVISORY BOARD FOR KOSHER LAW ENFORCEMENT
NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS

NOVEMBER 17, 1988

Mr. Chairman:

My name is Murray Katz, President of Empire Kosher Poultry, Inc.

First, I want to thank you Mr. Chairman and the Commissioner of Agriculture and Markets for the State of New York for the opportunity given to me to testify before this body to present the point of view of a substantial supplier of Kosher poultry, poultry products and other Kosher Foods, not only in the State of New York but throughout the United States.

My late father, Joseph Katz, was the founder of this company, a pioneer in the large scale processing of Kosher poultry, in form suitable for interstate shipment and marketing of our fresh and frozen poultry including chicken, turkey, duck, etc., all with an absolute adherence to traditional orthodox standards of Kashruth and the relevent authority of Halacha. My sainted father permanently stamped Empire Kosher Poultry Inc. with the obligation to solely guaranty that the Empire Kosher label on

any poultry or other product is, without any shadow of doubt, an absolute assurance of the Kashruth of that product as well as its first-class quality. My job is to assure absolute and unvarying adherence to that tradition. My Dad had the vision to understand that with American Jewry dispersing throughout the United States, this form of processing, packaging and marketing would be necessary to permit access to Kosher poultry and poultry products by large numbers of observant Jews in disparate communities the United States; Jews who opted for Kosher poultry, but would otherwise be deprived of them. He understood, too, that these products, this packaging, this absolute guaranty by label of Kashruth as well as quality, had to be accomplished at fair competitive pricing, in order to give the consumer a real choice in a very dollar conscious world. Finally, Joe Katz anticipated that the supermarket was the wave of the future, that without being able to create and maintain this form of packaging and guaranty by label suitable for supermarket distribution at fair, competitive prices, real access to and by the consumer, would ultimately be denied. That

was Joe Katz's dream - - and it has been realized to an extent which exceeds even his imagination. Today, substantially more non-Jews than Jews demand and purchase Empire Kosher poultry, notwithstanding the vast segment of observant Jews who are customers. It is a great honor for me to be able to be here to remind everyone how what is, came to be, and of the economics involved in producing and marketing this broad scope marketing of Kosher poultry, poultry parts and other products.

Mr. Chairman, I wish to compliment you, the Commissioner of Agriculture of Markets and your committee on its concern for the integrity of the Kosher labels. I fully support you in that quest. To that end I wish to endorse publicly some ideas presented at last week's hearing, including: 1) the establishment of a uniform labeling system; 2) the removal of the requirement of proof of intent or willfullness in civil suits; 3) increased injunction powers for the Commissioner of Agriculture and Markets; and 4) the establishment of a statutory private right of action. After all, someone who sells as

Kosher, that which is not Kosher, is guilty of the worst kind of fraud, the violation of religious belief.

Mr. Chairman, while we discuss these regulatory suggestions, we must bear in mind their economic impact. If what we do causes the products to price themselves out of the market, everyone, particularly those who wish to be observant, ultimately will suffer. Whatever we do here will have to be done throughout the State of New York, not just the City of New York. Many supermarkets in the State do not have the economic ability to follow some of the suggestions requiring separate shelf space or separate sections for Kosher and non-Kosher products. The supermarket's natural reaction to some of these proposals on co-mingling, if adopted, would be either to raise the price of Kosher food considerably or not to carry Kosher products at all. Wouldn't we then be defeating the very thing we want to accomplish? We cannot afford to force the supermarket to stop carrying Kosher foods. These products should be available to all

people, not only Jewish consumers who are willing to walk into a Kosher butcher shop.

The ability of the consumer to go in and choose between a kosher product and a non-kosher product should be up to that individual and it is very possible that putting all kosher products in one particular area would restrict the sale to those people that are looking for a kosher product. From past experience this would definitely lead to a lower volume of sales to the supermarkets and in time it is very possible that the product would be discontinued by the supermarkets due to slow sales.

Moreover, it is not necessary to restrict kosher products to one particular area in any supermarket since all these products are sealed and have definite rabbinical seals of approval either by symbol or rabbinical supervision. It is also evident that it is important that supermarkets, not only Kosher/butcher shops carry Kosher products. Many Jewish consumers do buy products on

the Sabbath in the supermarkets and will continue to do so. It is important for the kosher industry to give the consumer a choice and in most cases if the kosher product is available in the same area as non-kosher products, the consumer will definitely chose the kosher product.

It is the responsibility of not only the processor, distributor and retailer to make available to the Jewish consumer a product which has a fair value, but it is also the responsibility of rabbinical and state and federal organizations.

I hope that I can persuade all those persons involved that co-mingling of product is a necessary evil that our industry must live with.

Once again I compliment the Chairman, the Commissioner of Agriculture and Markets and the members of this Committee for giving me this opportunity to present my viewpoint.