

2C:21-7.2 to 2C:21-7.4

LEGISLATIVE HISTORY CHECKLIST

**NJSA:** 2C:21-7.2 to 2C:21-7.4 (Kosher food law-- revision)

**LAWS OF:** 1988 **CHAPTER:** 154

**BILL NO:** A961

**SPONSOR(S):** Kern

**Date Introduced:** Pre-filed

**Committee:** **Assembly:** Government Efficiency and Oversight  
**Senate:** Labor, Industry and Professions

**Amended during passage:** Yes Amendments during passage denoted by asterisks.

**Date of Passage:** **Assembly:** February 8, 1988  
**Senate:** September 26, 1988

**Date of Approval:** November 14, 1988

**Following statements are attached if available:**

<b>Sponsor statement:</b>		Yes
<b>Committee statement:</b>	<b>Assembly</b>	Yes
	<b>Senate</b>	Yes
<b>Fiscal Note:</b>		No
<b>Veto Message:</b>		No
<b>Message on Signing:</b>		No
<b>Following were printed:</b>		
<b>Reports:</b>		No
<b>Hearings:</b>		No

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See newspaper clippings-- attached:

"Kean enacts new standards; second law updated provisions to protects Kosher labeling, 11-15-88 Star Ledger.

"Homing in on Kashrut," 4-8-88 Jewish Exponent.

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[CORRECTED COPY]

ASSEMBLY, No. 961

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblyman KERN

1 AN ACT to revise the kosher food law, supplementing chapter  
21 of Title 2C of the New Jersey Statutes and repealing  
3 section 23B of P.L. 1981, c. 290.

5 BE IT ENACTED *by the Senate and General Assembly of the  
State of New Jersey:*

7 1. As used in this act:

9 a. "Advertise" means engaging in promotional activities  
including, but not limited to, newspaper, radio and television  
advertising; the distribution of fliers and circulars; and the  
11 display of window and interior signs.

13 b. "Food," "food product," or "food commodity" means any  
food, food product or food preparation, whether raw or prepared  
for human consumption, and whether in a solid or liquid state,  
15 including, but not limited to, any meat, meat product or meat  
preparation; any milk, milk product or milk preparation; and any  
17 alcoholic or non-alcoholic beverage.

19 c. "Food commodity in package form" means a food  
commodity put up or packaged in any manner in advance of sale  
in units suitable for retail sale and which is not intended for  
21 consumption at the point of manufacture.

23 d. "Kosher" means prepared under and maintained in strict  
compliance with the laws and customs of the Orthodox Jewish  
religion and includes foods prepared for the festival of Passover  
and represented to be "kosher for Passover."  
25

27 2. a. A false representation prohibited by this act shall  
include any oral or written statement that directly or indirectly  
tends to deceive or otherwise lead a reasonable individual to  
29 believe that a non-kosher food or food product is kosher.

31 b. The presence of any non-kosher food or food product in  
any place of business that advertises or represents itself in any

1 manner as selling, offering for sale, preparing or serving kosher  
food or food products only, is presumptive evidence that the  
3 person in possession offers the same for sale in violation of this  
act.

5 c. It shall be a complete defense to a prosecution under this  
act that the defendant relied in good faith upon the  
7 representations of a slaughterhouse, manufacturer, processor,  
packer or distributor, or any person or organization which  
9 certifies or represents any food or food product at issue to be  
kosher, kosher for Passover, or as having been prepared under or  
11 sanctioned by Orthodox Jewish religious requirements.

13 3. A person commits a disorderly persons offense if in the  
course of business he:

15 a. (1) Falsely represents any food sold, prepared, served or  
offered for sale to be kosher or kosher for Passover;

17 (2) Removes or destroys, or causes to be removed or  
destroyed, the original means of identification affixed to food  
19 commodities to indicate that same are kosher or kosher for  
Passover, except that this paragraph shall not be construed to  
prevent the removal of the identification if the commodity is  
21 offered for sale as non-kosher; or

23 (3) Sells, disposes of or has in his possession for the purpose of  
resale as kosher any food commodity to which a slaughterhouse  
plumba, mark, stamp, tag, brand, label or other means of  
25 identification has been fraudulently attached.

27 b. (1) Labels or identifies a food commodity in package form  
to be kosher or kosher for Passover or possesses such labels or  
means of identification, unless he is the manufacturer or packer  
29 of the food commodity in package form;

31 (2) Labels or identifies an article of food not in package form  
to be kosher or kosher for Passover or possesses such labels or  
other means of identification, unless he is the manufacturer of  
33 the article of food;

35 (3) Falsely labels any food commodity in package form as  
kosher or kosher for Passover by having or permitting to be  
inscribed on it, in any language, the words "kosher" or "kosher

1 for Passover," "parve," "glatt," or any other words or symbols  
which would tend to deceive or otherwise lead a reasonable  
3 individual to believe that the commodity is kosher or kosher for  
Passover; or

5 (4) Labels any food commodity in package form by having or  
permitting to be inscribed on it the words "kosher-style,"  
7 "kosher-type," "Jewish," or "Jewish-style," unless the product  
label also displays the word "non-kosher" in letters at least as  
9 large and in close proximity.

c. (1) Sells, offers for sale, prepares, or serves in or from the  
11 same place of business both unpackaged non-kosher food and  
unpackaged food he represents to be kosher unless he posts a  
13 window sign at the entrance of his establishment which states in  
block letters at least four inches in height: "Kosher and  
15 Non-Kosher Foods Sold Here," or "Kosher and Non-Kosher  
Foods Served Here," or a statement of similar import; or

17 (2) Employs any Hebrew word or symbol in any advertising of  
any food offered for sale or place of business in which food is  
19 prepared, whether for on-premise or off-premise consumption,  
unless the advertisement also sets forth in conjunction therewith  
21 and in English, the words "We Sell Kosher Food Only," "We Sell  
Both Kosher and Non-Kosher Foods," or words of similar import,  
23 in letters of at least the same size as the characters used in  
Hebrew. For the purpose of this paragraph, "Hebrew symbol"  
25 means any Hebrew word, or letter, or any symbol, emblem, sign,  
insignia, or other mark that simulates a Hebrew word or letter.

27 d. (1) Displays for sale in the same show window or other  
location on or in his place of business, both unpackaged food  
29 represented to be kosher and unpackaged non-kosher food,  
unless he:

31 (a) displays over the kosher and non-kosher food signs that  
read, in clearly visible block letter, "kosher food" and  
33 "non-kosher food," respectively, or, as to the display of meat  
alone, "kosher meat" and "non-kosher meat," respectively;

35 (b) separates the kosher food products from the non-kosher  
food products by keeping the products in separate display  
37 cabinets, or by segregating kosher items from non-kosher items  
by use of clearly visible dividers; and

1 (c) slices or otherwise prepares the kosher food products for  
sale with utensils used solely for kosher food items;

3 (2) Prepares or serves any food as kosher whether for  
consumption in his place of business or elsewhere if in the same  
5 place of business he also prepares or serves non-kosher food,  
unless he:

7 (a) uses and maintains separate and distinctly labeled or  
marked dishes and utensils for each type of food; and

9 (b) includes in clearly visible block letters the statement  
"Kosher and Non-Kosher Food Prepared and Sold Here" in each  
11 menu or sign used or posted on the premise or distributed or  
advertised off the premise;

13 (3) Sells or has in his possession for the purpose of resale as  
kosher any food commodity not having affixed thereto the  
15 original slaughterhouse plumba, mark, stamp, tag, brand, label  
or other means of identification employed to indicate that the  
17 food commodity is kosher or kosher for Passover; or

(4) Sells or offers for sale, as kosher, any fresh meat or  
19 poultry that is identified as "soaked and salted," unless (a) the  
product has in fact been soaked and salted in a manner which  
21 makes it kosher; and (b) the product is marked "soaked and  
salted" on the package label or, if the product is not packaged,  
23 on a sign prominently displayed in conjunction with the product.  
For the purpose of this paragraph, "fresh meat or poultry" shall  
25 mean meat and poultry that has not been processed except for  
salting and soaking.

27 4. Section 23B of P.L. 1981, c. 290 (C. 2C:21-7.1) is repealed.

5. This act shall take effect on the 90th day after enactment.

29

31 COMMERCE AND INDUSTRY

Consumer Affairs

33

Revises the kosher food law.

1 (c) slices or otherwise prepares the kosher food products for  
sale with utensils used solely for kosher food items;

3 (2) Prepares or serves any food as kosher whether for  
consumption in his place of business or elsewhere if in the same  
5 place of business he also prepares or serves non-kosher food,  
unless he:

7 (a) uses and maintains separate and distinctly labeled or  
marked dishes and utensils for each type of food; and

9 (b) includes in clearly visible block letters the statement  
"Kosher and Non-Kosher Food Prepared and Sold Here" in each  
11 menu or sign used or posted on the premise or distributed or  
advertised off the premise;

13 (3) Sells or has in his possession for the purpose of resale as  
kosher any food commodity not having affixed thereto the  
15 original slaughterhouse plumba, mark, stamp, tag, brand, label  
or other means of identification employed to indicate that the  
17 food commodity is kosher or kosher for Passover; or

(4) Sells or offers for sale, as kosher, any fresh meat or  
19 poultry that is identified as "soaked and salted," unless (a) the  
product has in fact been soaked and salted in a manner which  
21 makes it kosher; and (b) the product is marked "soaked and  
salted" on the package on label or, if the product is not  
23 packaged, on a sign prominently displayed in conjunction with  
the product. For the purpose of this paragraph, "fresh meat or  
25 poultry" shall mean meat and poultry that has not been  
processed except for salting and soaking.

27 4. N.J.S. 2C:21-7.1 is repealed.

5. This act shall take effect on the 90th day after enactment.

29

31

#### STATEMENT

33 This bill supplements chapter 21 of Title 2C of the New  
Jersey Statutes to revise and clarify the provisions of the New  
35 Jersey Code of Criminal Justice dealing with the sale of kosher  
foods. In addition to clarifying language and terminology, the  
37 bill defines and delineates the responsibilities of those who sell,

1 prepare or package food represented to be kosher. Persons  
violating the rovisions of this bill would be subject to the  
3 penalties assessed for a disorderly person offense.

The bill also repeals N.J.S. 2C:21-7.1, the section of law  
5 currently governing the selling of foods represented to be  
kosher. A person violating the provisions of current law is  
7 subject to the penalties of a disorderly persons offense.

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## COMMERCE AND INDUSTRY

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### Consumer Affairs

13 Revises the kosher food law.

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ASSEMBLY GOVERNMENTAL EFFICIENCY AND OVERSIGHT  
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 961

STATE OF NEW JERSEY

DATED: January 25, 1988

The Assembly Governmental Efficiency and Oversight Committee reports favorably Assembly, No. 961.

This bill supplements chapter 21 of Title 2C of the New Jersey Statutes to revise and clarify the provisions of the New Jersey Code of Criminal Justice dealing with the sale of kosher foods. In addition to clarifying language and terminology, the bill defines and delineates the responsibilities of those who sell, prepare or package food represented to be kosher. Persons violating the provisions of this bill would be subject to the penalties assessed for a disorderly persons offense.

The bill also repeals section 23B of P.L.1981, c.290 (C.2C:21-7.1), the section of law currently governing the selling of foods represented to be kosher. A person violating the provisions of current law is subject to the penalties of a disorderly persons offense.

This bill was pre-filed for introduction in the 1988 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE LABOR, INDUSTRY AND PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 961

STATE OF NEW JERSEY

DATED: MARCH 21, 1988

This bill supplements chapter 21 of Title 2C of the New Jersey Statutes to revise and clarify the provisions of the "New Jersey Code of Criminal Justice" dealing with the sale of kosher foods. In addition to clarifying language and terminology, the bill defines and delineates the responsibilities of those who sell, prepare or package food represented to be kosher. Persons violating the provisions of this bill would be subject to the penalties assessed for a disorderly persons offense.

The bill also repeals section 23B of P.L. 1981, c. 290 (C. 2C:21-7.1), the section of law currently governing the selling of foods represented to be kosher. A person violating the provisions of current law is subject to the penalties of a disorderly persons offense.