

56:8-61

LEGISLATIVE HISTORY CHECKLIST
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("Kosher Food--Sale")

NJSA: 56:8-61

LAWS OF: 1994 CHAPTER: 138

BILL NO: A687

SPONSOR(S): Derman and Solomon

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Commerce

SENATE: ---

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: September 12, 1994

SENATE: September 19, 1994

DATE OF APPROVAL: November 1, 1994

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clipping--attached:

"State enacts bill clarifying Kosher," 11-2-94. Star Ledger.

"Whitman signs bill to require stores..." 11-2-94. Asbury Park Press.

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P.L.1994, CHAPTER 138, approved November 1, 1994
1994 Assembly No. 687

1 AN ACT preventing consumer fraud in the preparation,
2 distribution and sale of food as kosher and supplementing
3 P.L.1960, c.39 (C.56:8-1 et seq.).
4

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

7 1. This act shall be known and may be cited as the "Kosher
8 Food Consumer Protection Act."

9 2. As used in this act:

10 "Dealer" means any establishment that advertises, represents
11 or holds itself out as selling, preparing or maintaining food as
12 kosher. This shall include, but not be limited to, manufacturers,
13 slaughterhouses, wholesalers, stores, restaurants, hotels, catering
14 facilities, butcher shops, summer camps, bakeries, delicatessens,
15 supermarkets, grocery stores, nursing homes, freezer dealers and
16 food plan companies. These establishments may also sell, prepare
17 or maintain food not represented as kosher.

18 "Director" means the Director of the Division of Consumer
19 Affairs in the Department of Law and Public Safety or the
20 director's designee.

21 "Food" means a food, food product, food ingredient, dietary
22 supplement or beverage.

23 3. a. Any dealer who prepares, distributes, sells or exposes for
24 sale any food represented to be kosher or kosher for Passover,
25 shall disclose the basis upon which that representation is made by
26 posting the information required by the director, pursuant to
27 regulations adopted pursuant to the authority provided in section
28 4 of P.L.1960, c.39 (C.56:8-4), on a sign of a type and size
29 specified by the director in a conspicuous place upon the premises
30 at which the food is sold or exposed for sale as required by the
31 director.

32 b. It shall be an unlawful practice for any person to violate
33 the requirements of subsection a. of this section.

34 4. Any person subject to the requirements of section 3 of this
35 act shall not be deemed to have committed an unlawful practice
36 if it can be shown by a preponderance of the evidence that the
37 person relied in good faith upon the representations of a
38 slaughterhouse, manufacturer, processor, packer or distributor of
39 any food represented to be kosher or kosher for Passover.

40 5. Possession by a dealer of any food not in conformance with
41 its disclosure is presumptive evidence that the person is in
42 possession of that food with the intent to sell.

43 6. Any dealer who prepares, distributes, sells or exposes for
44 sale any food represented to be kosher or kosher for Passover
45 shall comply with all requirements of the director, including, but

1 not limited to, recordkeeping, labeling and filing, pursuant to
2 regulations adopted pursuant to the authority provided in section
3 4 of P.L. 1960, c. 36 (C. 56:8-4).

4 7. This act shall take effect immediately.

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9 Prevents consumer fraud in the preparation, distribution and sale
10 of food represented as kosher.

1 not limited to, recordkeeping, labeling and filing, pursuant to
2 regulations adopted pursuant to the authority provided in section
3 4 of P.L.1960, c.39 (C.56:8-4).

4 7. This act shall take effect immediately.

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STATEMENT

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9 This bill requires any dealer who prepares, distributes, sells or
10 exposes for sale any food represented to be kosher or kosher for
11 Passover, to disclose the basis upon which that representation is
12 made. This is to be accomplished by the dealer through the
13 posting of information as required by the Director of the Division
14 of Consumer Affairs on a sign of a type and size specified by the
15 director in a conspicuous place upon the premises at which the
16 food is sold or exposed for sale as required by the director. The
17 bill makes it an unlawful practice under the consumer fraud act
18 to violate these disclosure requirements.

19 As defined in this bill, "dealer" means any establishment that
20 advertises, represents or holds itself out as selling, preparing or
21 maintaining food as kosher. It includes, but is not limited to,
22 manufacturers, slaughterhouses, wholesalers, stores, restaurants,
23 hotels, catering facilities, butcher shops, summer camps,
24 bakeries, delicatessens, supermarkets, grocery stores, nursing
25 homes, freezer dealers and food plan companies. Such
26 establishments may also sell, prepare or maintain food not
27 represented as kosher.

28 The bill provides that any person subject to its disclosure
29 provisions shall not be deemed to have committed an unlawful
30 practice if it can be shown by a preponderance of the evidence
31 that the person relied in good faith upon the representations of a
32 slaughterhouse, manufacturer, processor, packer or distributor of
33 any food represented to be kosher or kosher for Passover. It also
34 provides that possession by a dealer of any food not in
35 conformance with its disclosure is presumptive evidence that the
36 person is in possession of that food with the intent to sell.

37 In addition, the bill stipulates that any dealer who prepares,
38 distributes, sells or exposes for sale any food represented to be
39 kosher or kosher for Passover, shall comply with all requirements
40 of the director, including, but not limited to, recordkeeping,
41 labeling and filing, pursuant to regulations adopted pursuant to
42 the authority provided in section 4 of P.L.1960, c.39 (C.56:8-4).

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47 Prevents consumer fraud in the preparation, distribution and sale
48 of food represented as kosher.

ASSEMBLY COMMERCE AND REGULATED
PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 687

STATE OF NEW JERSEY

DATED: MARCH 7, 1994

The Assembly Commerce and Regulated Professions Committee reports favorably Assembly Bill No. 687.

The bill requires any dealer who prepares, distributes, sells or exposes for sale any food represented to be kosher or kosher for Passover, to disclose the basis upon which that representation is made. This is to be accomplished by the dealer through the posting of information as required by the Director of the Division of Consumer Affairs on a sign of a type and size specified by the director in a conspicuous place upon the premises at which the food is sold or exposed for sale as required by the director. The bill makes it an unlawful practice under the consumer fraud act to violate these disclosure requirements.

As defined in this bill, "dealer" means any establishment that advertises, represents or holds itself out as selling, preparing or maintaining food as kosher. It includes, but is not limited to, manufacturers, slaughterhouses, wholesalers, stores, restaurants, hotels, catering facilities, butcher shops, summer camps, bakeries, delicatessens, supermarkets, grocery stores, nursing homes, freezer dealers and food plan companies. Such establishments may also sell, prepare or maintain food not represented as kosher.

The bill provides that any person subject to its disclosure provisions shall not be deemed to have committed an unlawful practice if it can be shown by a preponderance of the evidence that the person relied in good faith upon the representations of a slaughterhouse, manufacturer, processor, packer or distributor of any food represented to be kosher or kosher for Passover. It also provides that possession by a dealer of any food not in conformance with its disclosure is presumptive evidence that the person is in possession of that food with the intent to sell.

In addition, the bill stipulates that any dealer who prepares, distributes, sells or exposes for sale any food represented to be kosher or kosher for Passover, shall comply with all requirements of the director, including, but not limited to, recordkeeping, labeling and filing, pursuant to regulations adopted pursuant to the authority provided in section 4 of P.L.1960, c.39 (C.56:8-4).

This bill was pre-filed for introduction in the 1994 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.