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NEW JERSEY ADMINISTRATIVE CODE  
TITLE 13  
LAW AND PUBLIC SAFETY  
CHAPTER 45A  
SUBCHAPTER 21 KOSHER FOOD

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**SUBCHAPTER 21.  
REGULATIONS CONCERNING THE SALE OF FOOD REPRESENTED AS  
KOSHER**

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**13:45A-21.1 DEFINITIONS**

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context indicates otherwise:

“Advertises, represents or holds itself out” means engaging, directly or indirectly, in promotional activities including, but not limited to, oral representations, newspaper, radio and television advertising, telephone book listings, distribution of fliers and menus and any in-store signs or announcements.

“Dairy” means a food that is or contains any milk or milk derivative.

“Dealer” means any establishment that advertises, represents or holds itself out as selling, preparing or maintaining food as kosher. This shall include, but not be limited to, manufacturers, slaughterhouses, wholesalers, stores, restaurants, hotels, caterers, catering facilities, butcher shops, summer camps, bakeries, delicatessens, supermarkets, grocery stores, nursing homes, freezer dealers and food plan companies. Such establishments may also deal in food not represented as kosher.

“Director” means the Director of the Division or his or her designee.

“Disclosure” means the form(s) provided by the Division and executed by a dealer for the purpose of disclosing to consumers and to the Division practices relating to the preparation, handling and sale of food represented to be kosher.

“Division” means the Division of Consumer Affairs in the Department of Law and Public Safety.

“Food” means a food, food product, ingredient, dietary supplement or beverage.

“Meat” means animal and/or poultry meat, meat products and/or meat by-products.

“Pareve” means a food which contains neither meat nor dairy products and unless otherwise disclosed by the merchant is represented to be kosher.

“Person” means an individual, corporation, business trust, trust, estate, partnership, association, two or more persons having a joint or common interest or any other legal or commercial entity. When used in this subchapter, “person” shall include, but not be limited to, all retail establishments, all dealers as defined above, manufacturers, wholesalers, processors, slaughterhouses and all others along the chain of commerce from the time the product is produced or, in the case of meat or poultry, from the time of slaughter to the time of its sale.

“Properly sealed packages” means those packages which bear a kosher symbol insignia and are sealed by the manufacturer, processor or wholesaler at its premises.

“Sell” means to offer for sale, expose for sale, serve or sell, directly or indirectly.

“Tag” means an identification of whatever form bearing the name and address of the slaughterhouse where the animal was slaughtered, the name of the person who sanctioned the slaughtering of meat at the slaughterhouse named and the date of the slaughter. All requisite information must be included in English with Arabic numerals. It may also contain the information in other languages. When information presented in English with Arabic numerals conflicts with information presented in other languages, the information presented in English with Arabic numerals shall be considered definitive.

“Wash letter” means a document stating the date of the slaughter and the times and dates the meat/poultry was soaked in water. Information must be in English with Arabic numerals. It may also contain information in other languages. The document must accompany the meat/poultry until the meat/poultry is fully fabricated. When information presented in English with Arabic numerals conflicts with the information presented in other languages, the information presented in English with Arabic numerals shall be considered definitive.

“Wholesaler” means any person selling food to another person where that food is intended for resale.

**13:45A-21.2 DISCLOSURE REQUIREMENTS**

- a) A dealer shall post on premises where food is sold, in a location readily visible to the consumer, a completed disclosure statement provided by the Division for that purpose.
  - 1) In establishments such as hospitals or other places where representations that food is kosher are not made until after the consumer has made a request for kosher food, the disclosure shall be provided to the consumer either prior to serving the food or together with the food served.
  - 2) Nursing homes, summer camps, caterers or other places providing food pursuant to a contract shall provide the consumer or his or her legal representative with a copy of the disclosure prior to the signing of the contract. This requirement is in addition to the posted disclosure stated in (a) above.
  
- b) A dealer representing itself as having kosher supervision shall post in a location on its premises, readily visible to the consumer, the completed kosher supervision disclosure statement provided by the Division.
  
- c) A dealer selling food represented as kosher for Pass-over shall post on its premises, in a location readily visible to the consumer, a completed Passover disclosure provided by the Division for that purpose. The disclosure must be posted at least 30 days before Passover and stay posted until the conclusion of Passover.
  - 1) Where a dealer assumes a facility to be used exclusively for the Passover holiday and it is not its regular facility, that dealer is not required to post the Passover disclosure until such time as it takes residence in that facility.
  - 2) Nursing homes, camps, caterers or other places providing food during Passover pursuant to a contract shall provide the consumer or his or her legal representative with a copy of the disclosure prior to the signing of the contract. This requirement is in addition to the posted disclosure stated in (c) above.
  
- d) A dealer shall complete and return to the Division within 14 calendar days of receipt:
  - 1) The copy of the disclosure form provided by the Division for that purpose; and
  - 2) If representing to be under kosher supervision, the copy of the disclosure form provided by the Division for that purpose; and

- 3) If representing the sale of food as kosher for Pass-over, the copy of the disclosure form as provided in (c) above.
- e) A dealer completing the disclosures as stated in (a), (b), and/or (d) above is required to conform sales practices to those disclosures.
- f) Dealers shall immediately amend disclosures to reflect any change in the posted practices and shall inform the Director, in writing, and if applicable, any party to a contract, within 14 calendar days of any change in the stated information.
- g) A dealer representing itself as being under kosher supervision shall maintain a permanently bound logbook that shall include for each inspection visit of the person or organization providing supervision, the signature and printed name of the person performing the inspection, date and time of arrival at the establishment. The logbook shall be maintained for a period of not less than two years after the final entry.
- h) Persons advertising the sale of both food represented as kosher and food not represented as kosher shall display in a prominent place in its front window or front entrance the following sign which shall be printed in block letters at least four inches in height: "KOSHER AND NONKOSHER FOOD SOLD HERE."
  - 1) In the case of a restaurant, hotel, caterer or other place where food is served the word "SERVED" may be submitted for "SOLD."
  - 2) Any dealer posting the disclosure required in (a) above and identifying itself on that form as selling kosher and nonkosher food is not required to post the disclosure stated in this subsection.
- i) Any person whose sole representation of kosher is limited to properly sealed packages prepared by others shall be exempt from the requirements of this section.

### **13:45A-21.3 LABELING REQUIREMENTS**

- a) All meat/poultry slaughtered to be sold as kosher shall be so identified at the slaughterhouse and, if applicable, by the wholesaler. The identification must include, at a minimum, the name of the person or organization sanctioning the slaughter and whether the meat/poultry was soaked and salted. Meat/poultry identified as not being soaked and salted must be accompanied by a wash letter. The wash letter must accompany the meat/poultry up to the time of final fabrication of the meat/poultry.

- b) Portions of meat/poultry, that have been fabricated by a wholesaler, must have kosher identification affixed to it. The identification shall bear the name and address of the wholesaler, the name of the person or organization that sanctioned the kosher slaughter, the date of the fabrication of the meat and whether the meat has been soaked and salted. If the meat/poultry was not soaked and salted the wholesaler must provide a copy of the wash letter. All identification must be affixed to portions or packages prior to release from the wholesaler's premises.
- c) All excised fats, veins or meat trimmings which will be sent to a renderer or discarded shall be put into receptacles marked DISCARD. Such fats, veins and trimmings shall not then be sold or used as kosher.
- d) A dealer shall not remove kosher identification of any food until immediately prior to the sale or use of the product.
- e) A dealer who represents in its disclosure that it does not soak and salt its meat/poultry but washes it within every 72-hour period, shall disclose legibly on the wash letter provided by the slaughterhouse or wholesaler, the date and time of day, A.M. or P.M., of each washing, and the name of the person performing the washing. This applies to all meat/ poultry sent from slaughterhouses, wholesalers, butcher shops or any other place until the meat/poultry has been fully fabricated.
- f) A dealer shall indicate the date of packaging on the label of meat/poultry that has not been soaked and salted.
- g) A dealer shall ensure that packaged raw meat/poultry shall bear one of the following disclosures: "soaked and salted," "not soaked and salted" or "soaked and salted upon request." The requirement of this subsection may also be fulfilled by placing a sign with that information in direct proximity of the meat/poultry.

#### **13:45A-21.4 RECORDKEEPING REQUIREMENTS**

Complete and accurate records of all meat and/or poultry purchased as kosher shall be kept by dealers. This shall include the name and address of the slaughterhouse, wholesaler or other source from which such purchases are made, the dates, quantities and identity or nature of meat and/or poultry, and copies of all invoices and bills of sale. A dealer shall retain such records on its premises for a two year period following the purchase of properly identified kosher meat and/or poultry. Wash letters as referred to in N.J.A.C. 13:45A-21.1 shall be kept as long as the meat is in possession of the dealer and shall be kept attached to its appropriate invoice.



**13:45A-21.5 FILING REQUIREMENTS**

- a) Every dealer shall file with the Director:
  - 1) If the dealer is under kosher supervision, a letter, in English, from a supervising individual or organization that the dealer is supervised. The letter shall include the name and address of the person providing the certification, the date the letter was issued, the date it becomes effective, the date it expires, the name and address of the dealer receiving certification and the type of establishment certified;
  - 2) In the case of products produced on behalf of another person, a letter, in English, from the individual or organization that states the name and address of the person providing the certification, the date the letter was issued, the date it becomes effective, the date it expires, the name and address of the manufacturer receiving certification, the type of establishment certified and, where applicable, the specific products and brands certified; or
  - 3) If the establishment is not under kosher supervision, a letter so stating.
- b) Any individual or organization giving kosher supervision to any dealer located in New Jersey shall file annually with the director a document listing the name, address and type of each establishment that is supervised.
- c) Dealers required to file pursuant to this section shall provide written notification to the Director of any change related to kosher supervision, represented status, address or ownership status within 14 calendar days of such change.
- d) Any person whose sole representation of kosher products is limited to properly sealed packages prepared by others shall be exempt from the requirements of this section.

**13:45A-21.6 INSPECTIONS OF DEALERS**

- a) Inspections are to be conducted by authorized inspectors of the Division.
- b) For the purpose of making any inspection an inspector shall have a right of entry to, upon and through the business premises of persons making any representation of kosher.

**13:45A-21.7 UNLAWFUL PRACTICES**

- a) In addition to a violation of any other laws, the following shall constitute an unlawful practice under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq.:

- 1) Failure to comply with the disclosure requirements of N.J.A.C. 13:45A-21.2;
- 2) Failure to comply with the filing requirements of N.J.A.C. 13:45A-21.5;
- 3) Failure to conform sales practices with the posted disclosures;
- 4) Failure to conform posted disclosures with the disclosure filed with the Division;
- 5) Use of any of the following in the advertisement or sale of any food by a dealer that fails to post or file the required disclosure or by a person not representing itself as selling kosher food:
  - i) By direct statements, orally or in writing, that the food sold is kosher or pareve;
  - ii) By display or by inscription on any food or its package, container or contents, the word "kosher", "pareve", "Glatt" or "rabbinical supervision" or similar expression, in any language, or by any sign, emblem, insignia, six-pointed star, Menorah, symbol or mark in simulation of the word kosher unless such inscription is on a properly sealed package; or
  - iii) By display on any interior or exterior sign, menu or otherwise, or by advertisement, either oral or in writing, the words "kosher-style", "kosher-type", "Jewish", "Hebrew", "holiday (Jewish) foods", "traditional (Jewish)", "Bar Mitzvah", "Bat Mitzvah" or other similar words, either alone or in conjunction with the word "type", "style" or other similar expression, unless there is clearly and conspicuously stated a disclaimer in the same size type or letters in some prominent place or location on the sign or menu or in the case of an advertisement in type no smaller than the smallest type in the advertisement, and in no event less than 10-point type, that the product or products offered for sale are not represented as kosher.
    - (1) The disclaimer shall appear in a box within the advertisement and shall be preceded with the word "NOTICE" or other similar word, in not smaller than bold 14-point type.
    - (2) An advertisement that utilizes any kosher symbol that also promotes the sale of non-kosher food is in violation of this section unless there is clearly and conspicuously stated in the advertisement a disclaimer in accordance with the requirement of this section, that some of the food offered for sale is not represented to be kosher;

- 6) By advertising an establishment as being under kosher supervision without including in the advertisement the name of the supervising individual or agency;
- 7) By representing a food and/or an establishment as being under kosher supervision when that food and/or establishment is not in conformance with the requirements of that supervision;
- 8) Use by any person of a recognized kosher food symbol, including but not limited to OU, OK, Kof-K, Triangle-K, Star-K, without first obtaining written authorization from the person or agency represented by that symbol;
- 9) Use of the word(s) "kosher" or "pareve" or a kosher symbol insignia or the letter(s) "K," "KM," "KP" or "KD," on properly sealed packages that are not produced under kosher supervision, shall bear the statement "not under kosher supervision" in bold type on the label;
- 10) Use of the letter "P" as part of a kosher symbol on any product when that product is not represented as kosher for Passover;
- 11) Possession by any person, other than the manufacturer or packer at its premises, of kosher or kosher for Passover identification bearing a kosher symbol, unless the certifying entity of that symbol authorizes application of that symbol to that product on that premise;
- 12) Possession by any person of meat and/or poultry represented as having been slaughtered to be sold as kosher, when that meat and/or poultry is not properly identified with the slaughterhouse tag and/or plumba or the wholesaler's tag;
- 13) Failure to comply with the labeling requirements of N.J.A.C. 13:45A-21.3;
- 14) Failure to comply with the recordkeeping requirements of N.J.A.C. 13:45A-21.4;
- 15) Failure to allow an inspector entry upon the business premises of a dealer or to interfere in any way with an inspection;
- 16) Failure to respond in a timely fashion to an inquiry conducted by the Division;
- 17) Failure to attend any scheduled proceeding as directed by the Division. In the event that a person elects to retain counsel for the purpose of representation in any such proceeding, it shall be the person's responsibility to do so in a timely fashion. The failure

of a person to retain counsel, absent a showing of good cause for such failure, shall not require an adjournment of the proceeding;

- 18) Failure to answer any question pertinent to an inquiry made pursuant to N.J.S.A. 56:8-3, or other applicable law, unless the response is subject to a bona fide claim of privilege;  
or
- 19) Failure to make a proper and timely response by way of appearance and/or production of documents to any subpoena issued pursuant to N.J.S.A. 56:8-3 or as otherwise may be provided by law.

### **13:45A-21.8 PRESUMPTIONS**

Possession by a dealer of any product not in conformance with its disclosure is presumptive evidence that the dealer is in possession of that food with the intent to sell.