
By: Senator Hoffman

Introduced and read first time: January 31, 1997

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Kosher Products Law - Revision**

3 FOR the purpose of requiring any individual or business entity that represents to the
4 public that any unpackaged food that is sold or served is kosher, kosher for
5 Passover, or under rabbinical or other supervision to display in a certain manner on
6 the premises on which the food is sold or served a certain disclosure statement;
7 requiring the Consumer Protection Division of the Attorney General's Office to
8 develop a form for the disclosure statements required by this Act; clarifying
9 provisions of law relating to the sale, display, and preparation of packaged and
10 unpackaged food and certain items represented as kosher and nonkosher; repealing
11 certain provisions relating to the false or misleading representation of certain food,
12 items, or business establishments as being kosher; defining terms; and generally
13 relating to the sale, serving, display, and preparation of food and certain items
14 under the Kosher Products Law.

15 BY repealing and reenacting, with amendments,
16 Article - Commercial Law
17 Section 14-901, 14-904, 14-906, 14-907, 14-909, 14-910, and 14-911
18 Annotated Code of Maryland
19 (1990 Replacement Volume and 1996 Supplement)

20 BY repealing
21 Article - Commercial Law
22 Section 14-902, 14-903, 14-905, and 14-908
23 Annotated Code of Maryland
24 (1990 Replacement Volume and 1996 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That the Laws of Maryland read as follows:

27 **Article - Commercial Law**

28 14-901.

29 (a) In this subtitle the following words have the meanings indicated.

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1 (B) "ADVERTISEMENT" HAS THE MEANING STATED IN § 13-101(B) OF THIS
2 ARTICLE.

3 (C) "DIVISION" MEANS THE DIVISION OF CONSUMER PROTECTION OF THE
4 OFFICE OF THE ATTORNEY GENERAL.

5 (D) "DISCLOSURE STATEMENT" MEANS THE FORM PROVIDED BY THE
6 ATTORNEY GENERAL FOR THE PURPOSE OF DISCLOSING TO CONSUMERS
7 PRACTICES RELATING TO THE PREPARATION, HANDLING, AND SALE OF ANY
8 UNPACKAGED FOOD REPRESENTED TO BE KOSHER, KOSHER FOR PASSOVER, OR
9 PREPARED OR MAINTAINED UNDER RABBINICAL OR OTHER KOSHER SUPERVISION.

10 [(b)] (E) (1) "Food" or "food product" means any food, food product, or food
11 preparation, whether:

12 (i) Raw, solid or liquid; or

13 (ii) Prepared for human consumption.

14 (2) "Food" or "food product" includes:

15 (i) Any meat, meat product, or meat preparation;

16 (ii) Any milk, milk product, or milk preparation; [and]

17 (III) ANY POULTRY OR POULTRY PRODUCT; AND

18 [(iii)] (IV) Any alcoholic or nonalcoholic beverage.

19 [(c)] (F) (1) "Kosher" means prepared under and consisting of products
20 sanctioned by the Code of Jewish Laws, namely in the Shulchan Aruch.

21 (2) "Kosher" includes foods prepared for the festival of Passover and
22 termed as "kosher for Passover".

23 [(d)] (G) "Meat" includes any meat product or meat preparation.

24 [(e)] (H) (1) "Mezuzah" means the JEWISH religious article that, according to
25 Jewish law, is designed to be attached to the doorpost of a room in a home.

26 (2) "Mezuzah" includes:

27 (i) The parchment or other material on which passages from the Bible
28 are to be written; and

29 (ii) The writing on that parchment or other material.

30 [(f)] (I) "Person" includes an individual, corporation, business trust, estate,
31 trust, partnership, association, two or more persons having a joint or common interest, or
32 any other legal or commercial entity.

33 (J) "POULTRY" INCLUDES ANY POULTRY PRODUCT OR POULTRY
34 PREPARATION.

35 (K) (1) "REPRESENTS TO THE PUBLIC" MEANS ANY DIRECT OR INDIRECT
36 STATEMENT, ORALLY OR WRITTEN, AND ANY LETTER, WORD, SIGN, EMBLEM,

3
1 INSIGNIA, OR MARK WHICH COULD REASONABLY LEAD A CONSUMER TO BELIEVE
2 THAT A PRESENTATION IS BEING MADE THAT FOOD IS KOSHER, KOSHER FOR
3 PASSOVER, OR PREPARED OR MAINTAINED UNDER RABBINICAL OR OTHER KOSHER
4 SUPERVISION.

5 (2) "REPRESENTS TO THE PUBLIC" INCLUDES ANY ADVERTISEMENT.

6 [(g)] (L) (1) "Tefillin" means the JEWISH religious article, also known as
7 "phylacteries", that, according to Jewish law, is designed to be worn on the upper arm and
8 head during morning prayers.

9 (2) "Tefillin" includes:

10 (i) The parchment or other material on which passages from the Bible
11 are to be written;

12 (ii) The writing on that parchment or other material;

13 (iii) The capsules in which the parchment or other material is
14 contained; and

15 (iv) The straps attached to the capsules.

16 [14-902.

17 A false representation prohibited by this subtitle includes:

18 (1) Any oral or written statement that directly or indirectly tends to deceive
19 or otherwise lead a reasonable individual to believe that a nonkosher product is kosher;
20 and

21 (2) The possession for sale of any nonkosher product in a place of business
22 that advertises the sale of only kosher products.]

23 [14-903.

24 (a) A person may not sell or offer for sale any food that he falsely represents to be
25 kosher or kosher for Passover.

26 (b) A person may not falsely represent any food or the contents of any package or
27 container to be kosher or kosher for Passover by having or permitting to be inscribed on
28 it, in any language, the words "kosher", "parve", or "glatt".

29 (c) (1) In this subsection, "Hebrew symbol" means:

30 (i) Any Hebrew word or letter; or

31 (ii) Any symbol, emblem, sign, insignia, or other mark that simulates a
32 Hebrew word or letter.

33 (2) In connection with any place of business that sells or offers for sale any
34 food, a person may not display, whether in a window, door, or other location on or in the
35 place of business, in any handbill or other printed matter distributed in or outside of the
36 place of business, or otherwise in any advertisement, any Hebrew symbol unless he also
37 displays in conjunction with the Hebrew symbol, in English letters of at least the same

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1 size as the characters used in the Hebrew symbol, the words "we sell kosher meat and
2 food only", "we sell nonkosher meat and food only", or "we sell both kosher and
3 nonkosher meat and food", as the appropriate case may be.

4 (d) (1) In this subsection, "fresh" means unprocessed other than by salting or
5 soaking.

6 (2) A person may not sell or offer for sale, as kosher, any fresh meat or
7 poultry unless the words "soaked and salted" or "not soaked and salted", as the
8 appropriate case may be, is marked:

9 (i) On the package label; or

10 (ii) If the product is not packaged, on a sign prominently displayed in
11 conjunction with the product.

12 (3) A person may not sell or offer for sale, as kosher, any fresh meat or
13 poultry that is identified as "soaked and salted" unless the product has been soaked and
14 salted in a manner which makes it kosher.]

15 [14-904.] 14-902.

16 (A) (1) A PERSON THAT REPRESENTS TO THE PUBLIC THAT ANY
17 UNPACKAGED FOOD THAT IS SOLD OR SERVED IS KOSHER, KOSHER FOR PASSOVER,
18 OR UNDER RABBINICAL OR OTHER KOSHER SUPERVISION SHALL PROMINENTLY
19 AND CONSPICUOUSLY DISPLAY ON THE PREMISES ON WHICH THE FOOD IS SOLD OR
20 SERVED A COMPLETE DISCLOSURE STATEMENT.

21 (2) THE DIVISION SHALL DEVELOP A FORM FOR DISCLOSURE
22 STATEMENTS AND SHALL MAKE THE FORM AVAILABLE TO ANY PERSON UPON
23 REQUEST.

24 (3) THE DISCLOSURE STATEMENT SHALL:

25 (I) BE UNDERSTANDABLE AND WRITTEN IN SIMPLE AND
26 READABLE PLAIN LANGUAGE;

27 (II) DISCLOSE TO THE PUBLIC THE BASIS FOR A REPRESENTATION
28 THAT ANY UNPACKAGED FOOD SOLD OR SERVED IS KOSHER, KOSHER FOR
29 PASSOVER, OR UNDER RABBINICAL OR OTHER SUPERVISION, INCLUDING A
30 SPECIFICATION OF PRACTICES RELATING TO THE PREPARATION, HANDLING, AND
31 SALE OF THE FOOD; AND

32 (III) CONTAIN ANY ADDITIONAL INFORMATION OR CONFORM TO
33 ANY ADDITIONAL REQUIREMENTS THAT THE DIVISION CONSIDERS REASONABLE
34 AND NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

35 (4) (I) A PERSON THAT DISPLAYS A DISCLOSURE STATEMENT IN
36 ACCORDANCE WITH THIS SECTION SHALL RETAIN A COPY OF THE STATEMENT FOR
37 AT LEAST:

38 1. 3 YEARS AFTER THE DATE OF THE INITIAL DISPLAY OF
39 THE DISCLOSURE STATEMENT; OR

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1 SYMBOL, OR ANY OTHER REPRESENTATION TO THE PUBLIC THAT THE PLACE OF
2 BUSINESS IS KOSHER, KOSHER FOR PASSOVER, OR UNDER RABBINICAL OR OTHER
3 KOSHER SUPERVISION, UNLESS THE PERSON ALSO DISPLAYS IN CONJUNCTION WITH
4 THE HEBREW SYMBOL OR SUCH OTHER REPRESENTATION, IN ENGLISH LETTERS OF
5 AT LEAST THE SAME SIZE AS THE CHARACTERS USED IN THE HEBREW SYMBOL, THE
6 WORDS "WE SELL KOSHER MEAT AND FOOD ONLY", "WE SELL NONKOSHER MEAT
7 AND FOOD ONLY", OR "WE SELL BOTH KOSHER AND NONKOSHER MEAT AND FOOD",
8 AS THE APPROPRIATE REPRESENTATION MAY BE.

9 (F) (1) IN THIS SUBSECTION, "FRESH" MEANS UNPROCESSED OTHER THAN
10 BY SALTING OR SOAKING.

11 (2) A PERSON MAY NOT SELL OR OFFER FOR SALE, AS KOSHER, ANY
12 FRESH MEAT OR POULTRY UNLESS THE WORDS "SOAKED AND SALTED" OR "NOT
13 SOAKED AND SALTED", AS THE APPROPRIATE CASE MAY BE, IS MARKED:

14 (I) ON THE PACKAGE LABEL; OR

15 (II) IF THE PRODUCT IS NOT PACKAGED, ON A SIGN PROMINENTLY
16 DISPLAYED IN CONJUNCTION WITH THE PRODUCT.

17 [14-905.

18 (a) A person may not prepare for sale, whether for consumption in his place of
19 business or elsewhere, any food that he falsely represents to be kosher or kosher for
20 Passover.

21 (b) A person may not falsely represent to the public that any food sold or offered
22 for sale, whether for consumption in his place of business or elsewhere, is or will be
23 prepared and served as kosher or otherwise in accordance with orthodox Jewish religious
24 rules and requirements.

25 (c) A person may not prepare or serve, as kosher, any food, whether for
26 consumption in his place of business or elsewhere, if, in the same place of business, he
27 also prepares or serves nonkosher food, unless he:

28 (1) Keeps and uses separate and distinctly labeled or marked dishes and
29 utensils for each type of food; and

30 (2) Includes on each sign and display advertisement in or about his premises
31 in block letters at least 4 inches high the words "kosher and nonkosher food prepared and
32 sold here".]

33 [14-906.] 14-903.

34 A person may not advertise any food for sale or any place of business as being under
35 rabbinical or other kosher supervision unless the advertisement identifies the name of the
36 rabbi or other person that supervises or otherwise certifies the product or place of
37 business as kosher.

38 [14-907.] 14-904.

39 (a) In this section, "packaged food product" means a food product that:

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1 (1) In advance of sale, is put up or packaged, in any manner, in units
2 suitable for retail sale; and

3 (2) Is not intended for consumption at its point of manufacture.

4 (b) A person may not sell or offer for sale, as kosher [or], kosher for Passover,
5 OR AS BEING UNDER RABBINICAL OR OTHER KOSHER SUPERVISION any packaged
6 food product unless:

7 (1) It has a kosher identification securely attached to the outside of the
8 package; and

9 (2) This identification was attached to the package by the producer or
10 packer of the product at his place of business.

11 (c) Subsection (b) OF THIS SECTION applies to any packaged food product that is
12 marked or identified with:

13 (1) In any language, the words "kosher", "parve", "glatt", or "rabbinical
14 supervision";

15 (2) Any other word or symbol [identifying] REPRESENTING TO THE
16 PUBLIC THAT the product as kosher [or], kosher for Passover, OR UNDER RABBINICAL
17 OR OTHER KOSHER SUPERVISION; or

18 (3) The English letters "K", "KP", "KD", "KM", "KF", "KOS", or "RS",
19 except as part of a registered trademark.

20 [14-908.

21 A person may not sell or offer for sale any mezuzah or tefillin that he falsely
22 represents to be kosher.]

23 [14-909.] 14-905.

24 (a) The manufacturer or importer of any mezuzah or tefillin REPRESENTED AS
25 KOSHER OR AS PRODUCED UNDER RABBINICAL OR OTHER SUPERVISION may not
26 sell the product or offer it for sale unless the following information is printed legibly on
27 the package of the product or on a label securely attached to the product:

28 (1) The name and address of the manufacturer or importer; and

29 (2) If the mezuzah or tefillin, in the form reasonably expected to be sold at
30 retail, is not INTENDED TO BE REPRESENTED AS kosher, the word "nonkosher".

31 (b) A person may not sell or offer for sale at retail any mezuzah or tefillin
32 REPRESENTED TO THE PUBLIC AS KOSHER OR AS PRODUCED UNDER RABBINICAL
33 SUPERVISION that does not have on or attached to it the information required by
34 subsection (a) of this section.

35 [14-910.] 14-906.

36 A violation of any provision of this subtitle is an unfair or deceptive trade practice
37 within the meaning of Title 13 of this article.

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1 [14-911.] 14-907.

2 Any person who violates any provision of this subtitle is guilty of a misdemeanor and
3 is subject to the enforcement and penalty provisions set forth in Title 13 of this article.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 1997.