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**By:** ~~Senator Hoffman~~ Senators Hoffman, Bromwell, Dorman, Astle, Della, Derr, Hafer, Madden, Roesser, Teitelbaum, Trotter, and Young

Introduced and read first time: January 31, 1997

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 11, 1997

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CHAPTER \_\_\_\_\_

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; altering a certain  
 13 definition; and generally relating to the sale, serving, display, and preparation of  
 14 food and certain items 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)

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

3 **Article - Commercial Law**

4 14-901.

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

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

8 (C) "DIVISION" MEANS THE DIVISION OF CONSUMER PROTECTION OF THE  
9 OFFICE OF THE ATTORNEY GENERAL.

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

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

17 (i) Raw, solid or liquid; or

18 (ii) Prepared for human consumption.

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

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

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

22 (III) ANY POULTRY OR POULTRY PRODUCT; AND

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

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

26 ~~(2)~~ "Kosher" includes foods prepared for the festival of Passover and  
27 termed as "kosher for Passover".

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

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

31 (2) "Mezuzah" includes:

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

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

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

4 (J) "POULTRY" INCLUDES ANY POULTRY PRODUCT OR POULTRY  
5 PREPARATION.

6 (K) (1) "REPRESENTS TO THE PUBLIC" MEANS ANY DIRECT OR INDIRECT  
7 STATEMENT, ORALLY OR WRITTEN, AND ANY LETTER, WORD, SIGN, EMBLEM,  
8 INSIGNIA, OR MARK WHICH COULD REASONABLY LEAD A CONSUMER TO BELIEVE  
9 THAT A ~~PRESENTATION~~ REPRESENTATION IS BEING MADE THAT ~~FOOD~~ THE FINAL  
10 FOOD PRODUCT SOLD TO THE CONSUMER IS KOSHER, KOSHER FOR PASSOVER, OR  
11 PREPARED OR MAINTAINED UNDER RABBINICAL OR OTHER KOSHER SUPERVISION.

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

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

16 (2) "Tefillin" includes:

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

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

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

22 (iv) The straps attached to the capsules.

23 [14-902.

24 A false representation prohibited by this subtitle includes:

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

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

30 [14-903.

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

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

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

37 (i) Any Hebrew word or letter; or

4

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

3 (2) In connection with any place of business that sells or offers for sale any  
4 food, a person may not display, whether in a window, door, or other location on or in the  
5 place of business, in any handbill or other printed matter distributed in or outside of the  
6 place of business, or otherwise in any advertisement, any Hebrew symbol unless he also  
7 displays in conjunction with the Hebrew symbol, in English letters of at least the same  
8 size as the characters used in the Hebrew symbol, the words "we sell kosher meat and  
9 food only", "we sell nonkosher meat and food only", or "we sell both kosher and  
10 nonkosher meat and food", as the appropriate case may be.

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

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

16 (i) On the package label; or

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

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

22 [14-904.] 14-902.

23 (A) (1) A PERSON THAT REPRESENTS TO THE PUBLIC THAT ANY  
24 UNPACKAGED FOOD THAT IS SOLD OR SERVED IS KOSHER, KOSHER FOR PASSOVER,  
25 OR UNDER RABBINICAL OR OTHER KOSHER SUPERVISION SHALL PROMINENTLY  
26 AND CONSPICUOUSLY DISPLAY ON THE PREMISES ON WHICH THE FOOD IS SOLD OR  
27 SERVED A COMPLETE DISCLOSURE STATEMENT.

28 (2) THE DIVISION SHALL DEVELOP A FORM FOR DISCLOSURE  
29 STATEMENTS AND SHALL MAKE THE FORM AVAILABLE TO ANY PERSON UPON  
30 REQUEST.

31 (3) THE DISCLOSURE STATEMENT SHALL:

32 (I) BE UNDERSTANDABLE AND WRITTEN IN SIMPLE AND  
33 READABLE PLAIN LANGUAGE;

34 (II) DISCLOSE TO THE PUBLIC THE BASIS FOR A REPRESENTATION  
35 THAT ANY UNPACKAGED FOOD SOLD OR SERVED IS KOSHER, KOSHER FOR  
36 PASSOVER, OR UNDER RABBINICAL OR OTHER SUPERVISION, INCLUDING A  
37 SPECIFICATION OF PRACTICES RELATING TO THE PREPARATION, HANDLING, AND  
38 SALE OF THE FOOD; AND

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

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

7 1. 3 YEARS AFTER THE DATE OF THE INITIAL DISPLAY OF  
 8 THE DISCLOSURE STATEMENT; OR

9 2. 3 YEARS AFTER THE DATE OF ANY AMENDMENT TO THE  
 10 DISCLOSURE, WHICHEVER IS LONGER.

11 (II) A PERSON THAT DISPLAYS A DISCLOSURE STATEMENT IN  
 12 ACCORDANCE WITH THIS SECTION SHALL PROVIDE A COPY OF THE STATEMENT TO  
 13 THE DIVISION WITHIN ~~48 HOURS~~ 2 BUSINESS DAYS OF THE PERSON'S RECEIPT FROM  
 14 THE DIVISION OF A REQUEST FOR A COPY OF THE DISCLOSURE STATEMENT.

15 (5) A PERSON SHALL CONFORM ITS PRACTICES WITH RESPECT TO THE  
 16 SALE OR SERVING OF UNPACKAGED FOOD THAT IS REPRESENTED TO THE PUBLIC  
 17 AS KOSHER, KOSHER FOR PASSOVER, OR UNDER RABBINICAL OR OTHER KOSHER  
 18 SUPERVISION.

19 [(a)] (B) A person may not sell or offer for sale[, as kosher,] any unpackaged  
 20 food REPRESENTED TO THE PUBLIC AS KOSHER, whether for consumption in [his]  
 21 THE PERSON'S place of business or elsewhere, if, in the same place of business, [he]  
 22 THE PERSON also offers for sale any unpackaged [nonkosher] food, NOT  
 23 REPRESENTED TO THE PUBLIC AS KOSHER, unless [he] THE PERSON includes on each  
 24 window sign and each display advertisement in block letters at least 4 inches high the  
 25 words "kosher and nonkosher food sold here" or, as to the sale of meat alone, "kosher  
 26 and nonkosher meat AND POULTRY sold here".

27 [(b)] (C) A person may not display for sale[, as kosher,] any [unpackaged] food  
 28 REPRESENTED TO THE PUBLIC AS KOSHER, whether for consumption in [his] THE  
 29 PERSON'S place of business or elsewhere, if, in the same show window or other location  
 30 on or in [his] THE place of business, [he] THE PERSON also displays any unpackaged  
 31 [nonkosher]food NOT REPRESENTED TO THE PUBLIC AS KOSHER, unless [he] THE  
 32 PERSON displays over the kosher and nonkosher food signs that read, in block letters at  
 33 least 4 inches high, "kosher food" and "nonkosher food", respectively, or, as to the display  
 34 of meat alone, "kosher meat" and "nonkosher meat", OR "KOSHER POULTRY" OR  
 35 "NONKOSHER POULTRY", respectively.

36 (D) A PERSON MAY NOT PREPARE OR SERVE ANY FOOD REPRESENTED TO  
 37 THE PUBLIC AS KOSHER, WHETHER FOR CONSUMPTION IN THE PERSON'S PLACE OF  
 38 BUSINESS OR ELSEWHERE, IF, IN THE SAME PLACE OF BUSINESS, THE PERSON ALSO  
 39 PREPARES OR SERVES FOOD NOT REPRESENTED TO THE PUBLIC AS KOSHER,  
 40 UNLESS THE PERSON INCLUDES ON EACH SIGN AND DISPLAY ADVERTISEMENT IN  
 41 OR ABOUT THE ~~DEALER'S~~ PERSON'S PREMISES IN BLOCK LETTERS AT LEAST 4  
 42 INCHES HIGH THE WORDS "KOSHER AND NONKOSHER FOOD PREPARED AND SOLD  
 43 HERE".

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1 (E) (1) IN THIS SUBSECTION, "HEBREW" SYMBOL MEANS:

2 (I) ANY HEBREW WORD OR LETTER; OR

3 (II) ANY SYMBOL, EMBLEM, SIGN, INSIGNIA, OR OTHER MARK  
4 THAT SIMULATES A HEBREW WORD OR LETTER.

5 (2) IN CONNECTION WITH ANY PLACE OF BUSINESS THAT SELLS OR  
6 OFFERS FOR SALE ANY FOOD, A PERSON MAY NOT DISPLAY, WHETHER IN A  
7 WINDOW, DOOR, OR OTHER LOCATION ON OR IN THE PLACE OF BUSINESS, IN ANY  
8 HANDBILL OR OTHER PRINTED MATTER DISTRIBUTED IN OR OUTSIDE OF THE  
9 PLACE OF BUSINESS, OR OTHERWISE IN ANY ADVERTISEMENT, ANY HEBREW  
10 SYMBOL, OR ANY OTHER REPRESENTATION TO THE PUBLIC THAT THE PLACE OF  
11 BUSINESS IS KOSHER, KOSHER FOR PASSOVER, OR UNDER RABBINICAL OR OTHER  
12 KOSHER SUPERVISION, UNLESS THE PERSON ALSO DISPLAYS IN CONJUNCTION WITH  
13 THE HEBREW SYMBOL OR SUCH OTHER REPRESENTATION, IN ENGLISH LETTERS OF  
14 AT LEAST THE SAME SIZE AS THE CHARACTERS USED IN THE HEBREW SYMBOL, THE  
15 WORDS "WE SELL KOSHER MEAT AND FOOD ONLY", "WE SELL NONKOSHER MEAT  
16 AND FOOD ONLY", OR "WE SELL BOTH KOSHER AND NONKOSHER MEAT AND FOOD",  
17 AS THE APPROPRIATE REPRESENTATION MAY BE.

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

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

23 (I) ON THE PACKAGE LABEL; OR

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

26 [14-905.

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

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

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

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

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

4 [14-906.] 14-903.

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

9 [14-907.] 14-904.

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

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

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

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

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

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

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

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

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

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

30 [14-908.

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

33 [14-909.] 14-905.

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

8

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

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

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

8 [14-910.] 14-906.

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

11 [14-911.] 14-907.

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

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