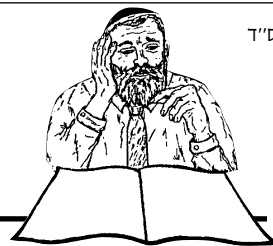


# THE Daf HaKASHRUS



A MONTHLY NEWSLETTER FOR THE  RABBINIC FIELD REPRESENTATIVE

## FOOD INGREDIENTS LABELS: A PRIMER ON REGULATIONS (PART II)

BY RABBI GAVRIEL PRICE

*Ingredients Approval Registry*

### II. COMPLIANCE

Besides illustrating how strict the regulations can be, the case of the farmed salmon mentioned in Part I in last month's issue, brings up another question. If the letter of the law says that farmed salmon, raised on feed that artificially keeps their skin pink, should be labeled as containing "color additives", why is it that packages of farmed salmon do not actually bear that declaration? That is the basis of the Seattle lawsuit. Now, without getting into the details of that particular case – the supermarkets that sell farmed salmon without such a declaration may have a compelling counterargument – the question does arise: how much of a relationship is there between the regulations and reality? A very brief history of the regulations may help to answer the question.

In 1990 Congress enacted a law called the Nutritional Labeling Education Act (NLEA). The NLEA is best known for introducing the Nutrition Facts box that we see on our products. But it was also responsible for re-writing many of the regulations governing the food ingredients label.

While the FDA is responsible for writing the regulations, it does not generally police food manufacturers *vis a vis* adherence to food ingredients labels. That responsibility falls to state agencies. However, according to a specialist from the State of Utah Department of Agriculture and Food, Congress, while it enacted the NLEA in 1990, did not supply funding to the states to guarantee compliance with what had become more stringent rules (this is a version of the pharonic decree: produce more bricks without supplying additional straw).

*Indeed, according to the Utah specialist, only a small percentage of products on the supermarket shelves adhere to the regulations.*

As a result, many states have no means of guaranteeing compliance. At least one state has a program educating manufacturers, but few states have inspectors. One exception is California, which apparently funds its own policing by fining companies found in violation of ingredients label laws.

Government, however, is not the only entity monitoring compliance. "Self-regulation" is the way many industries claim to police themselves. A representative of the FDA readily acknowledged that self-regulation of industries is the principal form in which the FDA assumes that labeling regulations are being obeyed. Similarly, states may rely on the efforts of competitors to whistle blow if a competitor is violating a regulation. But that type of policing is more likely to take place when a product makes a declaration that is not true - if a product calls itself low in fat, for example, when it is actually quite high in fat. Crimes of omission are more difficult to identify. Indeed, according to the Utah specialist, only a small percentage of products on the supermarket shelves adhere to the regulations.

So even though an enzyme may have to be identified, it is a good bet that if the enzyme is a trade secret, or if a company is not aware of the niceties of the regulations, or for some other good or not so good reason, there is basis for doubting whether a company really would declare it.

Certainly, labels can be helpful and informative. The Federal Government, by requiring food labels and in particular by enacting a set of intelligent and thorough regulations, provides a great benefit to American consumers. But the regulations were not written with the Jewish consumer in mind. Areas of interest in *halacha* are not the areas that are covered by the regulations. And where the regulations do tend to provide helpful information, it is not a guarantee that the regulations are being followed. Kosher consumers and kashrus professionals should keep these considerations in mind when looking at food ingredients labels. Remember - don't judge a product (solely) by its label!



### BRIGHT IDEAS

BY RABBI GAVRIEL PRICE

Dear Bright Ideas,

In order to encourage inventors to make public their inventions the government grants something called a patent. A patent confers on an inventor the exclusive right to make, sell, use, or import a given invention. In exchange, the inventor has to describe, in detail, the

invention. By making this information public the government promotes science and industry.

Patents present a wealth of information – that's the point behind them – and can benefit those who work in kashrus. For example, a patent on a new spray dryer technology may describe how a conventional spray dryer works. A *mashgiach* who visits a company that uses a spray dryer can do his homework about the technology by reading a spray dryer patent (many exist).

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## BRIGHT IDEAS

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Food production methods can also be patented. One patent we saw describes in detail how to incorporate a sweetener into chewing gum. As a background to the invention, industrial chewing gum production is described. Or, in another patent, you can read all about how to make an effervescent candy bar. A third patent is called "Process for Making Canned Ground Meat".

Reading patents can help a *mashgiach* formulate questions about the product he is helping to certify. But patents should *not* be relied upon as windows into an actual process or a given piece of equipment. An engineer told "Bright Ideas" that a patent permits the owner of the invention to remain confidential about parts of the invention. For example, a patent for a candy bar may describe a candy bar that includes ingredients a, b, and c, — all or some of which may be genuinely new, and worthy of a patent. But the candy bar manufacturer may produce a candy bar that also contains ingredient "d", also noteworthy, but absent from the patent (in order that its use remains proprietary). Conversely, a patent may describe some aspects of an invention that are not necessarily incorporated in a given production. A broadly worded patent will give the owner of an invention the ability to recover royalties for a broad range of possibilities.

Reading patents is a bright idea. But it is also a bright idea to keep their worth in perspective.

Patents can be reviewed on the U.S. Patent office website <http://patft.uspto.gov/netahtml/search-bool.html>.

## KASHRUTH alert!

**RACQUET VARIOUS FLAVORS OF CHIPS** produced by Ultra Snacks Industries, Inc. Boca Raton, FL is certified as  $\text{O.D.}$ . The dairy designation was mistakenly omitted. New packaging will be revised.

A number of **GLORIA JEAN'S COFFEE SHOPS** were incorrectly displaying a sign indicating that they were  $\text{O}$  certified. These unauthorized signs are being removed.

## KASHRUTH advisory

**ROLD GOLD CLASSIC PRETZEL STICKS** (15 oz.) produced by Frito Lay, Plano, TX is certified by the OU and is kosher and pareve. Package contains the following erroneous statement: "contains dairy and wheat ingredients". In fact, product does not contain any dairy ingredients and is certified pareve. Frito Lay is correcting future packaging.

**KIX CEREAL** produced by General Mills, Inc., Golden Valley, MN has been switched to Dairy status and the  $\text{O}$  symbol has been removed from the boxes. Boxes of Kix lacking the  $\text{O}$  symbol should be regarded as  $\text{O.D.}$ . Consumers are always urged to carefully check products for changes.

A posted Letter of Certification for ice cream mix should not be construed as Kashruth certification for a retail ice cream store. There is **no assurance** that Kosher ice cream mix, toppings, or cones are being used. Additionally, there is a concern that non-Kosher food may come into contact with equipment or utensils. Only **on-site** supervision (indicated by a Letter of Certification specifying the retail store) ensures the Kashruth of the ice cream.

We wish to inform the public that **BEACHCOMBER** located on Route 52 in Loch Sheldrake, NY is not, and has never been, under the Orthodox Union supervision, despite their posting a Letter of Certification referring to the ice cream being served.

## MAZAL TOV TO ...

our devoted RFR in Utrecht, Netherlands **RABBI ARYEH LEIB HEINTZ AND HIS WIFE** on the engagement of their daughter Chaya Musia to Menachem Mendel Chelomo Barouk of Yerres, France.

our dedicated RFR in Cleveland, OH **RABBI MORDECHAI TEREK AND HIS WIFE** on the engagement of their son Yitzchok Meir to Rivki Erlich of Monsey, NY.

our devoted secretary **SARRA LERNER** on her engagement to Adam Lorbert of Mill Basin, NY.

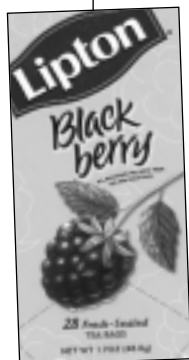
our dedicated data entry coordinator **CHAYA FRAYDA HOROWITZ** and her husband on the birth of their daughter Yocheved Miriam.

our devoted RC **RABBI MENACHEM ADLER AND HIS WIFE** on the birth of their daughter, Leah.

## NEW PRODUCTS

### Lipton Specialty Teas

Unilever Bestfoods N.A. has recently received  $\text{O}$  certification for their Lipton Specialty Teas. The following is a current listing of these  $\text{O}$  certified herbal and flavored teas.



#### BRAND: LIPTON (Consumer)

Decaffeinated Green Tea  
Orange Passionfruit 100% Green Tea  
Mint Green Tea  
Mixed Berry Green Tea  
Honey Green Tea  
Green Tea Variety Pack  
Chamomile 100% Pure Herbal Tea  
Peach Herbal Tea  
Raspberry Herbal Tea  
Honey Lemon Herbal Tea  
Peppermint Herbal Tea  
Orange Herbal Tea

Lemon Herbal Tea  
Mango Herbal Tea  
Cinnamon Apple Herbal Tea  
Lemon Ginseng Green Tea  
Jasmine Flavored Green Tea  
Quietly Chamomile Herbal Tea  
Ginger Twist Herbal Tea  
Herbal Tea Variety Pack  
Spiced Chai Flavored Tea  
French Vanilla Flavored Tea  
Raspberry Flavored Tea

Honey and Lemon Flavored Tea  
Orange and Spice Flavored Tea  
Blackberry Flavored Tea  
Mint Flavored Tea  
Flavored Tea Variety Pack

#### BRAND: LIPTON YELLOW PLUS (Foodservice)

Orange Passionfruit & Jasmine Green Tea  
Lemon Ginseng Green Tea  
Raspberry Herbal Tea  
Orange Gardens Herbal Tea  
Cinnamon Apple Herbal Tea  
Chamomile Court Herbal Tea  
Lemon Lane Herbal Tea  
Mint Soother Herbal Tea  
Spiced Chai Flavored Tea  
Orange & Spice Flavored Tea  
Blackberry Flavored Tea  
Earl Grey Tea  
English Breakfast Tea  
Premium Blend Tea  
Decaffeinated Premium Blend Tea  
Darjeeling Blend Tea

דף השנה י"א - A YEAR OF THE DAF - תושלב"ע