

RABBI GERSON'S KOSHER MEAT ADVISORY IN THE WAKE OF RECENT NEWS EVENTS – JUNE 2008

Many of us are concerned – if not outraged – by the headlines in the Jewish and general press about unethical practices that have been discovered in a major, kosher slaughterhouse and meat packing plant. This paper is an effort to both educate and advise Colorado's kosher consumer.

A Bit of History

The story of the Kosher meat industry in America harks back to the late 19th century.

On May 23rd of 1887 a meeting was called in New York to form an association of Orthodox Congregations and appoint a Chief Rabbi, for purpose of setting order to Jewish communal life in America, by implementing standards for Kashrus, Shabbos and marriage/divorce proceedings. Over 18 congregations soon united to form “the Association of American Orthodox Hebrew Congregations”, and set about on their first task in search of a “Rav Hakollel”, a Chief Rabbi. By Succos of 1887 they chose the renowned Moreh Tzedek and illustrious preacher of Vilna, Rabbi Yacov Yoseph (known in America as Rabbi Jacob Joseph) to serve as the first Chief Rabbi of New York.

The first program that Rabbi Joseph undertook was to organize New York's kosher meat business. He felt this was essential, first and foremost in enabling a Torah true Jewish community to exist and flourish in America. Implementing new standards and tightening the supervision of the meat industry entailed a minimal cost; Mashgichim had to be paid. One cent was added to the cost of every bird slaughtered in the slaughterhouses under the supervision of the Chief Rabbi. To these poultry a plumba (lead seal) was affixed which stated in Hebrew “Harav Hakollel R' Yacov Yoseph”.

In mid-May, 1902, the retail price of kosher meat on the Lower East Side of New York jumped from 12 to 18 cents per pound. In the Gilded Age, such dramatic price fluctuations were common as great "Trusts" -- oligopolies controlled by industrial barons -- cornered the market on commodities such as beef, steel and oil. In response to the rise in beef prices, for a week the small retail kosher butchers of New York refused to sell meat, their way of protesting the Beef Trust's arrogance. However, the butchers' boycott failed to bring wholesale prices down. Consumers had no choice but to pay the increase at the meat counter, or do without beef.

Influenced by the emerging labor and women's suffrage movements, Jewish homemakers on the Lower East Side began to agitate for a strike against kosher meat. Fanny Levy, whose husband was a unionized cloakmaker, and Sarah Edelson, who owned a small restaurant, mobilized the neighborhood women by going door-to-door to persuade them not to buy kosher beef, and to urge their neighbors to do the same.

The boycott spread to the Jewish communities of Brooklyn, Harlem, Newark, Boston and Philadelphia. It also spread to the synagogues, where women asked for rabbinic endorsement of their tactics. They even ascended bimahs, sometimes uninvited, to address men gathered in prayer. Under pressure from their customers, on May 22nd the Retail Butchers Association once more aligned itself with the boycotters and refused to sell kosher beef in member shops. Five days later, Orthodox religious leaders, who had mostly remained on the sidelines, formally endorsed the boycott. By June 9th, the retail price of kosher beef had dropped back to 14 cents and the boycott began to lose steam. The retail shops did a thriving business once again.

The subsequent century has witnessed a rising demand for Kosher meat products, and the industry has spread to all corners of the land, with production plants in Jewish hubs such as Chicago, St. Louis, and Los Angeles. According to a study in 2004 by Kosher Today, a trade publication, there is \$130 billion worth of certified kosher food produced in the United States, and an estimated 11 million people in this country who make kosher a factor when buying food. Less than 25% of kosher consumers in America are observant Jews. 55% of America's kosher food consumers buy kosher products because they believe kosher food is healthier. Some 80% of all kosher food sales are made outside of the traditional Jewish market. Non-Jewish kosher consumers include health conscience, vegetarians, lactose intolerant, Muslims, Seventh Day Adventists and other Christian sects with dietary restrictions. There are more than 100,000 kosher certified products today. Approximately 3,000 new products are introduced into the kosher market each year. Hebrew National sausages made of 100% beef are the top selling kosher brand in America today.

A Kosher Meat Company Called “Agriprocessors”

Agriprocessors is the corporate identity of a slaughterhouse and meat-packaging factory that is in an incorporated area of Postville, Iowa best known as a facility for the glatt kosher processing of cattle, as well as chicken, turkey, duck, lamb and veal. It is the largest kosher meatpacking plant in the United States. It was founded by Aaron Rubashkin. Rubashkin is regarded as an innovator in the kosher meat industry, bringing modern industrial methods to what has historically been a small, almost boutique craft. Two-thirds of its output, however, is non-kosher and is marketed under the brand Iowa Best Beef. Its kosher products are marketed under the brand names Aaron's Best and Rubashkins. Rubashkin opened the Postville plant in 1987, and represented a major breakthrough in mass-production of kosher meat.

Rubashkin, a Brooklyn butcher, made plans to take advantage of economic structural changes to bring mass-production and economies of scale to the kosher meat production business. Postville, a town undergoing a major employment crisis would eventually become the site of his plant. In the 20 years since its construction AgriProcessors has had a major impact on the town - with new jobs, and an influx of Jews. The impact of the plant has often been controversial, including frequent citations for illegal practices, including the knowing recruitment of illegal immigrants and inducing them to work in often dangerous conditions at illegal wages. The plant and the cultural and legal problems surrounding it were the subject of the book *Postville: A Clash of Cultures in Heartland America*. The author, Stephen Bloom has been heavily criticized as having anti religious bias. In fact a local religious Jew was elected to the Postville City Council proving that his assertions of hostility from the local community were exaggerated.

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A Series of Criminal and Ethical Charges Against Agriprocessors

In 2004, Agriprocessors was subjected to charges of using inhumane methods of slaughter, propelled by a secret video released by the organization Persons for the Ethical Treatment of Animals. PETA ineffectively picketed the Allamakee County District Attorney to start an investigation, something that received more coverage elsewhere than locally.

After the initial controversy, however, audits by competent private firms as well as governmental agencies passed favorably on Agriprocessors' practices. In particular, Dr. Temple Grandin, a noted activist on behalf of humane treatment of animals, toured the facility on June 27, 2006, and by Agriprocessors own statement, she is stated to have approved of everything she saw.

On May 12, 2008 U.S. Immigration and Customs Enforcement ("ICE") staged a raid on the plant which was described as the largest in the history of the United States. Federal authorities arrested hundreds of illegal immigrant workers during the raid. ICE spokesman Tim Counts said that "The raid was aimed at seeking evidence of identity theft, stolen Social Security numbers and for people who are in the country illegally". According to the U.S. attorney's office for the Northern District of Iowa, those arrested "include 290 Guatemalans, 93 Mexicans, 2 Israelis and 4 Ukrainians". Sources quoted in the affidavit and application for search warrant alleged the existence of a methamphetamine laboratory at the slaughterhouse, and that employees carried weapons to work. Much was made of these charges in the press. Others noted that the document contained many inconsistencies and self-contradictions, casting doubt on the allegations. Among the many inaccuracies in the document is the identification by the sources of an area to the south of the plant as a production area, which it is not. The plant was operating the day following the raid, lending support to the belief that no drugs or weapons were found in the plant.

The Rubashkin family was reported in the Cedar Rapids Gazette on June 5, 2008, to have denied any criminal activity; Aaron Rubashkin was quoted as saying the he had no idea that "his workers were illegal and that they had produced what appeared to be legitimate work documents". The ICE raid left the company lacking employees. They hired *Labor Ready* to supply them "with about 150 workers", but these workers stopped working because of alleged safety issues. The immigration raid led to a shortage of kosher beef nation-wide, with the expected rise in price; there was a similar price rise in kosher poultry.

The Organized Jewish Community Responds to the Charges

The developments of 2004 inspired a group of Conservative rabbis and lay leaders to create a new mechanism for kosher supervision that would ensure holistic Jewish standards. *Hekhsher Tzedek* is a shared effort between the Rabbinical Assembly and the United Synagogue of Conservative Judaism to display a seal on already designated kosher foods that reflects production benchmarks consistent with Jewish ethical standards, including how companies treat their employees. According to its website, *Hekhsher Tzedek* (or, *HT*, for short) will serve as a supplement to – and not a replacement for traditional certification of kosher products. The creation of the accompanying seal will ensure that not only are kosher products rooted in the proper Jewish methods of inspecting and slaughtering animals, but that the food is produced in a way that demonstrates concern for those human beings who are involved in its production. Learn more about the ongoing work of Rabbi Morris Allen and the halachic sources for its mission at <http://hekhshertzedek.org>.

Subsequent to the developments in May of 2008, the Conservative movement issued an "advisory" about purchasing products from this company. Here is a quotation from the press release:

"The leadership of the U.S. Conservative movement is urging Jews to consider not patronizing AgriProcessors, the nation's largest kosher slaughterhouse. In a joint statement released Thursday evening, the movement's Rabbinical Association and the United Synagogue of Conservative Judaism declared themselves "shocked and appalled" at working conditions at AgriProcessors, which is under federal investigation for employing illegal aliens. The groups asked their members "to evaluate whether it is appropriate to consume Rubashkin products until this situation is addressed." The advisory extends not only to products bought retail but also to meat and poultry bought at restaurants and for private functions such as weddings and bar mitzvahs. The statement falls short of the boycott hoped for by the more activist wing of the Conservative rabbinate, and leaves the decision in the hands of the individual consumer."

Meanwhile, *Uri l'tzedek*, a group established to serve and inspire the American Orthodox Jewish community towards enacting social justice, is asking the estimated one million Americans who observe kosher restrictions to consider whether a company can meet religious standards if it violates ethical ones. Uri l'tzedek's conclusion is clear by its petition drive calling on Agriprocessors to pay its workers the minimum wage of the land, to recommit to abide by all federal, state and local laws including those pertaining worker safety, sexual harassment, physical abuse, and the rights of your employees to collective bargaining and to treat its workers according to the standards that Torah and halakha places on protecting workers--standards which include the spirit of *lifnim meshurat hadin*, going well beyond the bare minimum requirements of the law. In fact, the group approved a boycott of the company's products, effective June 15, until such time as Agriprocessors agrees to display both transparency and compliance with the ethical

demands. You can follow the progress of this group's efforts by visiting their special webpage at: <http://uriltzedek.webnode.com/information-on-the-agriprocessor-effort/>

What We Can and Should Be Doing

In the spirit of sharing and in fairness to all sides of the story, I have done some research into the local reactions, and the kosher options in our area.

East Side Kosher Deli is the largest purveyor of kosher meats in our region. I sat down with owners Michael and Marci Schreiber to elicit their perspective. From the start of our conversion, the Schreibers were emphatic that kosher consumers not rush to convict and hang Agriprocessors/Rubashkin on the basis of the ICE raid. First of all, they argue, there is no business in America that has not been caught at some time with undocumented immigrant workers. Furthermore, the federal government's attention to the Postville facility stemmed from the earlier allegations of PETA, and the kosher industry has become a whipping boy of sorts for the animal rights lobby and its supporters in the media. "While Agriprocessors is hardly a 'lily-white' company, the accusations of abuse and unsafe conditions have not been proven in a court of law." What's more, a wholesale boycott of the company will ensure a volatile market for the kosher industry, that will mean not only shortages and higher prices, but also great compromises in the quality of the meat itself. That having been said, *East Side* carries a variety (while mostly frozen) of beef and poultry that are not exclusive to the Rubashkin label, including **Empire Poultry, Alle Packaging, Meal Mart, Vineland, and Abeles & Heymann**. They are readily available and you need only ask if you require guidance. The Deli's website, for your reference, is www.eastsidekosherdeli.com.

A second, formidable supplier to Colorado kosher consumers is *Auerbach's Kosher Meats*, or *Colorado Kosher*, which supplies the meat for our Congregation's Kosher Co-op. Jeff Auerbach had graciously agreed to share his reflections at the end of the first week after the ICE raid in Postville. He, too, cautioned that we not rush to bring down a company that has been so prolific and beneficial to the local market. But, there are other options that Auerbach's had already been pursuing for a couple of years:

In Jeff's words, "We are already processing cattle slaughtered (glatt) in Colorado Springs and I can have that product available in the community should there be enough demand. This is an alternative to Agri."

Further: "I am still working on involving a Rabbi (Rav Hamachshir) that will certify the cattle that do not go glatt but are acceptable for regular or "Staam Kosher". (Rabbi) Laibel Crystal is helping me find a "bodek" that can search the lungs and determine those lungs that while not glatt are still kosher. In addition, I have spoken to one Rabbi back east who does this work and is willing to help us. I have a good demand for regular kosher on both the west and east coast, so I am enthusiastic that we will be able to have an alternative to Agri-both in the "glatt" arena as

well as "regular or staam" arena." Beyond his "Colorado Kosher" meat label, which may eventually assume a different name, he tells me, Auerbach's carries meat and poultry products from Wise Organic Foods, a Brooklyn-base company that is a reputable alternative to Rubashkin products. Visit <http://www.coloradokosher.com> to view all of the options and to learn more about the "non-glatt" options (which are acceptable, in my opinion). And, since the expression of interest in these endeavors of Jeff helps his cause, you are encouraged to contact him (jeffa@auerbachmeats.com) with your questions and comments.

In addition to the options provided by East Side and Auerbach's, kosher customers will be pleased to find at the **Bagel Deli** (on the corner of Hampden and Monaco) a modest, reasonably priced selection of frozen beef products from Simon Kohn Kosher Meats, based in St. Louis, as well as Empire chickens and turkeys. The ownership would gladly carrier a more plentiful and diverse selection with busier traffic and supportive comments (Joe & Rhoda Kaplan: 303-756-6667). Empire products may also be found at **Target** stores and **King Soopers** (which also carry Rubashkins as well as MealMart products), and Costco.

Our family has made a personal decision not to purchase Agriprocessors/Rubashkin products until this situation is resolved and we can be assured that workers at this plant are being treated in accordance with at least minimum standards of law and decency. As I conveyed to the congregation in my sermon of May 19, *Kashrut* is a reminder that a life of sanctification is expressed not by removing ourselves from the world but by living in it and finding ways to sanctify the every day and common place. It's not what we do when we are in synagogue that makes us holy but how we acknowledge the blessings of life at the dinner table, in our work place or in our neighborhood. To cut corners while meticulously observing the ritual minutia of Jewish law demeans and cheapens our way of life; worst of all, it is a *Hillul Hashem*, a desecration of God's name.

In accordance with the statement of the Conservative movement, it is your personal decision whether or not to buy these products. I encourage you to reflect on all that you have learned in this presentation, and to utilize your resources to the best of your ability, with both integrity and a sense of peace.

Rabbi Bernard Gerson

