

SENATE BILL No. 1081

March 8, 2000, Introduced by Senator LELAND and referred to the Committee on Government Operations.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 297e (MCL 750.297e).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 297e. (1) As used in this section, "kosher" means pre-
2 pared or processed in accordance with orthodox Hebrew religious
3 requirements sanctioned by a recognized orthodox rabbinical
4 council.

5 (2) A person who, with intent to defraud, sells or exposes
6 for sale any meat, ~~or~~ meat ~~preparations~~ PREPARATION, article
7 of food, or food ~~products~~ PRODUCT, and falsely represents ~~the~~
8 ~~same~~ IT to be kosher, whether ~~such~~ THE meat, or meat
9 ~~preparations~~ PREPARATION, article of food, or food ~~products~~
10 ~~are~~ PRODUCT IS raw or prepared for human consumption, either by
11 direct statement orally, or in writing, which ~~might~~ IS

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1 reasonably ~~be~~ calculated to deceive or lead a reasonable ~~man~~
2 PERSON to believe that a representation is being made that ~~such~~
3 THAT food is kosher; ~~or~~ WHO falsely represents any food
4 ~~products~~ PRODUCT or the contents of any package or container to
5 be so constituted and prepared, by having or permitting to be
6 inscribed ~~thereon~~ ON THE PACKAGE OR CONTAINER the word "kosher"
7 in any language; ~~or~~ WHO sells or exposes for sale in the same
8 place of business both kosher and nonkosher meat or meat prepara-
9 tions, or both kosher and nonkosher food or food products, either
10 raw or prepared for human consumption, and who fails to indicate
11 on his OR HER window signs and all display advertising, in block
12 letters at least 4 inches in height, "kosher and nonkosher meat
13 sold here" or "kosher and nonkosher food sold here"; ~~or~~ who
14 exposes for sale in any show window or place of business both
15 kosher and nonkosher meat or meat preparations, or kosher and
16 nonkosher food or food products, either raw or prepared for human
17 consumption, and who fails to display over each kind of meat or
18 meat preparation so exposed a sign in block letters at least 4
19 inches in height reading "kosher meat" or "nonkosher meat", or
20 "kosher food" or "nonkosher food"; ~~or~~ or who displays on his OR
21 HER window, door, or in his OR HER place of business, or in hand-
22 bills or other printed matter distributed in or outside of his OR
23 HER place of business, words or letters in Hebraic characters
24 other than the word "kosher", or any sign, emblem, insignia,
25 6-pointed star, symbol, or mark in simulation of same, without
26 ALSO displaying ~~in conjunction therewith~~ in English letters of
27 at least the same size as such characters, signs, emblems,

1 insignia, symbols or marks, the words "we sell kosher meat and
2 food only" or "we sell nonkosher meat and food only", or "we sell
3 both kosher and nonkosher meat and food" is guilty of a
4 misdemeanor. Possession of nonkosher meat and food, in any place
5 of business advertising the sale of kosher meat and food only, is
6 presumptive evidence that the person in possession exposes the
7 ~~same~~ NONKOSHER MEAT AND FOOD for sale with intent to defraud,
8 in violation ~~of the provisions~~ of this section.

9 (3) A person who, with intent to defraud, sells or exposes
10 for sale in any hotel, restaurant or other place where food pro-
11 ducts are sold for consumption on or off the premises, any meat,
12 ~~or~~ meat ~~preparations~~ PREPARATION, article of food, or food
13 ~~products~~ PRODUCT, and falsely represents ~~the same~~ IT to be
14 kosher, whether ~~such~~ THAT meat, or meat ~~preparations~~
15 PREPARATION, article of food, or food ~~products~~ PRODUCT be raw
16 or prepared for human consumption, either by direct statement
17 orally, or in writing, which ~~might~~ IS reasonably ~~be~~ calcu-
18 lated to deceive or lead a reasonable ~~man~~ PERSON to believe
19 that a representation is being made that ~~such~~ THAT food is
20 kosher; ~~or~~ WHO falsely represents any food product or the con-
21 tents of any package or container to be so constituted and pre-
22 pared, by having or permitting to be inscribed ~~thereon~~ ON THE
23 PACKAGE OR CONTAINER the word "kosher" in any language; ~~or~~ WHO
24 sells or exposes for sale in the same place of business both
25 kosher and nonkosher meat or meat preparations, or both kosher
26 and nonkosher food or food products, either raw or prepared for
27 human consumption, and who fails to indicate on his OR HER window

1 signs and all display advertising, in block letters at least 4
2 inches in height, "kosher and nonkosher food sold here", ~~or~~ who
3 exposes for sale in any show window or place of business both
4 kosher and nonkosher food or food products, either raw or pre-
5 pared for human consumption, and who fails to display over each
6 kind of food or food preparation so exposed a sign in block let-
7 ters at least 4 inches in height reading "kosher food" or
8 "nonkosher food"; ~~or~~ or who displays on his OR HER window, door,
9 or in his OR HER place of business, or in handbills or other
10 printed matter distributed in or outside of his OR HER place of
11 business, words or letters in Hebraic characters other than the
12 word "kosher", or any sign, emblem, insignia, 6-pointed star,
13 symbol, or mark in simulation of same, without ALSO displaying
14 ~~in conjunction therewith~~ in English letters of at least the
15 same size as such characters, signs, emblems, insignia, symbols
16 or marks the words "we sell kosher food only" or "we sell nonko-
17 sher food only", or "we sell both kosher and nonkosher food", is
18 guilty of a misdemeanor. Possession of nonkosher food, in any
19 place of business advertising the sale of kosher food only, is
20 presumptive evidence that the person in possession exposes the
21 ~~same~~ NONKOSHER MEAT AND FOOD for sale with intent to defraud,
22 in violation ~~of the provisions~~ of this section.

23 (4) ~~No~~ A person shall NOT DO ANY OF THE FOLLOWING:

24 (a) ~~Wilfully~~ WILLFULLY mark, stamp, tag, brand, label, or
25 in any other way or by any other means of identification repre-
26 sent or cause to be marked, stamped, tagged, branded, labeled, or

1 represented as kosher food or food products not kosher or not so
2 prepared.

3 (b) ~~Wilfully~~ WILLFULLY remove, deface, obliterate, cover,
4 alter, or destroy, or cause to be removed, defaced, obliterated,
5 covered, altered, or destroyed the original slaughterhouse plumba
6 or any other mark, stamp, tag, brand, label, or any other means
7 of identification affixed to foods or food products to indicate
8 that ~~such~~ THOSE foods or food products are kosher.

9 (c) Knowingly sell, dispose of, or have in his OR HER pos-
10 session, for the purpose of resale to any person as kosher, any
11 food or food products not having affixed thereto the original
12 slaughterhouse plumba or any other mark, stamp, tag, brand,
13 label, or other means of identification employed to indicate that
14 ~~such~~ THAT food or food ~~products are~~ PRODUCT IS kosher or any
15 food or food products to which such plumba, mark, stamp, tag,
16 brand, label, or other means of identification has or have been
17 fraudulently affixed.

18 (5) The department of agriculture shall investigate,
19 inspect, and supervise the sale of KOSHER meat and meat prepara-
20 tions and SHALL enforce the provisions of this act. ~~The depart-~~
21 ~~ment may promulgate rules and regulations for the enforcement and~~
22 ~~administration of this act in accordance with the provisions of~~
23 ~~Act No. 88 of the Public Acts of 1943, as amended, being sec-~~
24 ~~tions 24.71 to 24.80 of the Compiled Laws of 1948, and subject to~~
25 ~~Act No. 197 of the Public Acts of 1952, as amended, being sec-~~
26 ~~tions 24.101 to 24.110 of the Compiled Laws of 1948.~~

1 (6) ~~Any~~ A person who violates ~~the provisions of~~ this
2 section is guilty of a misdemeanor.