BOOK REVIEW


“Kosher food is big business” writes Timothy D. Lytton in Kosher: Private Regulation in the Age of Industrial Food (p. 7). The kosher food market generates about $12 billion a year in retail sales, but only about 8 percent of kosher food consumers are religiously observant Jews that follow the dietary laws. For a host of reasons, whether based on fact, myth or faith, many other Americans purposely buy kosher foods because they are kosher. But, alas, in this age of industrial food production where the canned, boxed, bottled, wrapped processed food is prepared out of the consumers’ sight, how does one know if the food or drink is kosher or treif (non-kosher)?

Lytton acknowledges the greater challenges and higher costs of the supervision of kashrut (kosher dietary regulations) in the slaughtering and food service industries. He focuses, however, on the evolution in the United States of modern private kosher certification agencies in industrial food production. He writes that they “transformed kosher supervision in America from a tool of fraud and corruption into a model of nongovernmental industrial regulation” (p. 3).

The kosher certifying agencies serve an important function by mitigating a potential “market failure” due to asymmetric information. While food producing companies know the ingredients and production process of their product, and hence can know whether it is kosher, it is too costly for any individual consumer to obtain independently the correct information. The certifying agencies bridge this asymmetric information gap.

The largest certifying agency by far is the Orthodox Union, recognized by its OU symbol (Û). It and the next four largest are referred to as the Big Five. Together they are responsible for about 80 percent of the kosher certification in the U.S.

In an earlier era, before the development over the past century of industrial food production, most Jews lived in the Jewish communities that were largely self-governing. Each community would employ the local shochet (ritual slaughterer) for poultry and beef (fish, fruits and vegetables did not require special treatment). The community would supervise his
training and the exacting specifications as to the slaughtering and selling of meat from permissible animals. Corruption and fraud might arise because profits would be greater if treif meat (e.g., meat that did not satisfy the exacting slaughtering requirements) could be sold as kosher. Regulations were introduced and enforced by the community.

With the growth of larger Jewish communities, and the anonymity that followed, especially in America, this system broke down. Moreover, food production and consumption patterns changed with the development of industrial food production and the growth of the food service industry (i.e., restaurants and caterers).

There are three primary actors in this story: consumers who want to purchase kosher food, producers who want to increase their profits through greater sales, and the kosher certifying agencies. Given the large production runs, the mechanization of production, recipes strictly followed to assure uniformity of the product, and modern record-keeping, the cost of kosher supervision in industrial production is relatively low in absolute terms, and extremely low on a per unit basis. Many companies have found that the per unit extra cost (price increase to consumer) is small compared to the additional sales to the market for kosher food. And, for some products, the shift from treif to kosher ingredients (e.g., from lard to vegetable shortening) made it possible to obtain certification (e.g., Oreo cookies).

The certification process is not simple. In modern industrial food production there is a “supply chain”, where many ingredients from different suppliers, including food products, coloring, preservatives, emulsifiers, other additives, packaging and production processes are all brought together in the final product. Yet, each of these items, at each stage in the production process, must pass muster for the final product to be kosher. Producers of the intermediate products can differ in their certifying agency. If an agency is found to have erred in its certification, all of the products down the supply chain are tainted. This gives certifying agencies, if not also the food producers, an incentive to know what is happening at earlier stages in the supply chain.

Certifying agencies need to maintain a reputation for exacting and reliable standards to obtain and keep clients. If their standards are too low other agencies would not accept their heckscher (certification) further down the supply chain. If their standards are too high, or the fees they charge are too high, the food company can change certifying agencies. These factors tend to keep the Big Five major agencies, and numerous smaller ones, at a roughly similar standard of Orthodox interpretation of kashrut, and their charges competitive.
As a result of supply chain production, downstream certifiers depend on the reputation for integrity and efficacy of the upstream certifiers. Upstream certifiers of necessity depend on the acceptance of their *hecksher* by those downstream. And, the value of an agency *hecksher* ultimately depends on the acceptance by consumers.

Consumers play an active role. Many follow the newsletters and other media about supervising agencies and kosher products. They share this information with others with similar concerns. The rapid spread of information among consumers has beneficial disciplinary effects in the kosher marketplace. Reputational effects are therefore essential in the kosher certification market.

Lytton emphasizes that these various competitive pressures reduce fraud and corruption. He also emphasizes that the participants in the kosher certification industry typically have a strong sense of religious obligation and that this too tends to promote honesty. Presumably the kosher certifiers earlier in the 20th century also had a strong sense of religious obligation, even though fraud and corruption were rife. This suggests that the change in institutional arrangements, rather than a change in moral fervor, changed behavior.

It is curious that several short appendices were not included in the body of the text. One is on the Orthodox Union (OU) domination of the certification of kosher meat. Lytton claims that OU maintains the dominant position by refusing to certify food service operations and retail stores that carry meat that is not OU certified. It is surprising that this dominance has not attracted anti-trust attention.

The OU has also adopted what it calls a “higher” standard of *kashrut* for beef, referred to as “glatt kosher”. This pertains to the presence of lesions on a cow’s lungs. In spite of his attempts at providing explanations, Lytton is not convincing as to why this more costly standard has come to dominate in the kosher beef market, or why the “glatt kosher” designation has spread beyond beef.

“Kosher” is well-written and very informative about kosher certification in the U.S., and the comparison with alternative mechanisms for certifying food products. He discusses the pros and cons of the private kosher certification industry as a model for private certification of food safety, and of ethical food business practices. Yet, especially given that it is a short book, I was disappointed that it lacked a discussion of kosher supervision in Israel where there is not the separation of religion and government as in the U.S. Moreover, is the US unique among diaspora countries? How is kosher certification handled elsewhere, or have other countries followed the U.S. model?
After reading “Kosher” I now find that I not only check for a *hecksher*, but also whose *hecksher* – is it OU, OK, Star-K, Kol-K, CRC, or one of the smaller certifiers?

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