

BOOK REVIEWS

Barry M. Levenson, *Habeas Codfish: Reflections on Food and the Law* (Madison: The University of Wisconsin Press, 2001), 263 pp. Illus.

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My first reaction was “ouch!” This is probably the worst title of any book I’ve ever read, or even heard of. If you think the title is bad, the chapter headings do not get any better, viz. “Assault with a Breadly Weapon,” “Bones of Contention,” and “Just Desserts.” The author, Barry M. Levenson, is a former assistant attorney general for the State of Wisconsin. He is also the curator and CMO (Chief Mustard Officer) of the Mt. Horeb Mustard Museum in Mt. Horeb, Wisconsin, where he claims to have amassed the world’s largest collection of mustards. As the subtitle suggests, this is a book about food and law, those times when food and the legal system have intersected. Levenson traces the intimate connections between the U.S. legal system and the foods Americans eat. As he writes: “Food was money, big money, and when millions of dollars were at stake, litigation reared its ugly head.” (xiv)

At the outset, I have to confess a certain sympathy for the author’s tastes and, as he does, admit to a strong bias. “When it comes to butter versus margarine, it’s no contest. I adore the taste of sweet butter on a hard-crust baguette or a slice of toasted rye. There is no way I would tolerate margarine on my bread.” (168) Like Levenson, to paraphrase an episode of *Seinfeld*, I am an anti-margarinite. Hence, I should go and live in Wisconsin where, I learned from Levenson, it is a crime to serve margarine at a public eatery as a substitute for butter, unless so ordered by the customer. Furthermore, it is prohibited to serve margarine to students, patients, and inmates at state institutions unless directed to do so by a doctor.

The book covers an array of occasions when food and the law have overlapped. Levenson recounts the times when food has made people ill, when foreign objects (glass, nails, worms, toenails with toes attached) have been discovered in food, when misleading nutritional information has been printed, and so on. Of chief interest here, though, is the chapter about *kashrut* and the law, titled “Not So Strictly Kosher.” After a brief introduction to the laws of *kashrut* (“Kosher

American Jewish Archives Journal

101”), Levenson discusses the worldwide kosher food industry, which is certainly big business, estimated at approximately \$135 billion in early 2001. For example, there are some three hundred and sixty-six separate global *kashrut* symbols alone, each one a protected trademark. Since the kosher food industry is so large and profitable, inevitably there have been attempts to defraud consumers in the unauthorized uses of certification marks. For example, one company put an “O-U” (symbol of the Orthodox Union, the most prominent certifying agency in the United States) on a package of dried shrimp, and thought it could get away with it. The temptation and opportunity to defraud increases in the kosher meat sector because of the higher prices it fetches in the marketplace. The earliest attempt at such unscrupulousness occurred in 1796, when there was only a single Jewish *shochet* in all of what was then New York City. A non-Jewish butcher, ironically called Smart, put the distinctive *hechsher* on his unkosher meat. Smart was hauled before the New York Council, which suspended his butcher’s license as punishment for his fraudulent behavior. Repetitions of this fraud over the years prompted the State of New York to pass the nation’s (and probably the world’s) first statewide kosher fraud law in 1922, prohibiting the selling, with intent to defraud, of any food or meat which is falsely represented to be kosher. Unsurprisingly, this very law has been the subject of multiple litigations ever since, some of which Levenson outlines in the remainder of the chapter.

Although the ingredients are all assembled for a potentially tasty meal, the chef’s style leaves much to desire. The book is marred by its conversational tone, which attempts at humor that does not always work. There are far too many exclamation marks for my taste as well. The title is also somewhat misleading, as Levenson does not really “reflect” on food and the law at all. Indeed, that is the overriding problem of this book. It is a string of cases about food and the law, grouped into chapters, but without any overarching thesis or larger argument. This is summed up by one line in the book: “All these cases, interesting as they are, have little to do with real food. But they are fun to read, aren’t they?” (141) This is the extent of much of the commentary and Levenson is wrong: in the way they are presented here, they are not “fun to read” at all. Some chapters are better than others and by far the most interesting were those about reviewing

Book Reviews

("Ladle and Slander") and prison food ("Cruel and Unusual Condiments") but, overall, I found this book rather irritating. I was looking forward to reading it, as it is a potentially appealing subject, but, unfortunately, Levenson does not do it justice (no pun intended). Although he treads some of the same ground as Eric Schlosser's *Fast Food Nation: What the All-American Meal is Doing to the World* (New York: Houghton Mifflin, 2001), unlike Schlosser, Levenson is merely content to present the evidence, often in the form of large swathes of undigested legal ruling. He does not delve into any in-depth analysis at all (he swallows without chewing perhaps?) and leaves the reader to judge. Although he does provide a summary/final verdict at the end, this was not adequate to pull together the interesting items laid out in his book.

Nathan Abrams lectures in American History at the University of London. He is currently writing a book about the history and impact of Commentary magazine. He is interested in food writing and is a keen cook.