13:45A-22.1 Purpose and scope

(a) The rules in this subchapter implement the provisions of P.L. 2000, c.60 (N.J.S.A. 56:8-98 et seq.), which created the "Halal Food Consumer Protection Act" under the Division of Consumer Affairs.

(b) This subchapter shall apply to all dealers, as defined in N.J.A.C. 13:45A-22.2, who prepare, distribute, sell or expose for sale any food represented to be halal.

13:45A-22.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Advertises, represents or holds itself out" means engaging, directly or indirectly, in promotional activities including, but not limited to, oral representations, newspaper, radio and television advertising, Internet and electronic media, telephone book listings, distribution of fliers and menus and any in-store signs or announcements.

"Dealer" means any establishment that advertises, represents or holds itself out as selling, preparing or maintaining food as halal, including, but not limited to, persons, manufacturers, slaughterhouses, processors, wholesalers, stores, restaurants, hotels, caterers, catering facilities, butcher shops, summer camps, bakeries, delicatessens, supermarkets, grocery stores, nursing homes, freezer dealers and food plan companies. Such establishments may also deal in food not represented as halal.

"Director" means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety or the Director's designee.

"Disclosure" means the form(s) provided by the Division and executed by a dealer for the purpose of disclosing to consumers and to the Division practices relating to the slaughter of animals, preparation, handling and sale of food represented to be halal.

"Division" means the Division of Consumer Affairs in the Department of Law and Public Safety.

"Food" means a food, food product, food ingredient, dietary supplement or beverage.

"Meat" means animal and/or poultry meat, meat products or meat byproducts.

"Person" means an individual, corporation, business trust, trust, estate, partnership, association, two or more persons having a joint or common interest or any other legal or commercial entity. When used in this subchapter, "person" shall include, but not be limited to, all retail establishments, all dealers as defined above, and all others along the chain of commerce from the time a food is produced or, in the case of meat or poultry, from the time of slaughter to the time of its sale.

"Properly sealed packages" means those packages which bear a halal symbol sealed by the manufacturer, processor or wholesaler at its premises.

"Sell" means to offer for sale, expose for sale, serve or sell, directly or indirectly.

"Wholesaler" means any person selling food to another person where that food is intended for resale.

13:45A-22.3 Disclosure statement; posting of disclosure

(a) A dealer selling food represented as halal shall request in writing from the Division the halal disclosure form(s) and halal disclosure statement(s) applicable to its business. When making a request, the dealer shall identify its business type as a (or a combination of the following):

1. Slaughterhouse;

2. Retail establishment; or

3. Restaurant, nursing home, summer camp, caterer or other dealer who serves prepared food pursuant to a contract.

(b) A dealer shall complete and return to the Division within 14 calendar days of receipt the halal disclosure form(s) provided by the Division. A dealer who completes a halal disclosure form shall conform its sales practices to those it set forth on the halal disclosure form that it returns to the Division.

(c) A dealer selling food represented as halal shall complete and post, in a location on its premises readily visible to the consumer, the applicable halal disclosure statement provided by the Division as follows:

1. Slaughterhouses selling cattle, goats, sheep, and lambs represented as halal shall post the halal disclosure statement found at the end of this subchapter as Appendix A, which is incorporated into the rule by reference;

2. Slaughterhouses selling poultry represented as halal shall post the halal disclosure statement found at the end of this subchapter as Appendix B, which is incorporated into the rule by reference;

3. Retail establishments selling food represented as halal shall post the halal disclosure statement found at the end of this subchapter as Appendix C, which is incorporated into the rule by reference; and

4. Restaurants, nursing homes, summer camps, caterers or other dealers who serve prepared food pursuant to a contract that are serving food represented as halal shall post the halal disclosure statement found at the end of this subchapter as Appendix D, which is incorporated into the rule by reference.

(d) In the event of any change in the practices reported to the Division on the halal disclosure form and posted on the halal disclosure statement, a dealer shall immediately manually amend its posted halal disclosure statement to reflect the change in the posted practices and shall inform the Director in writing, and if applicable, any party to a contract, within 14 calendar days of any change in the stated information. The Division shall provide the dealer with a new halal disclosure

form and a new halal disclosure statement. The dealer shall complete and return the new halal disclosure form to the Division within 14 calendar days and shall complete and post the new halal disclosure statement.

(e) A person may sell both food represented as halal and food not represented as halal as long as the food is properly identified and the fact is noted on the halal disclosure statement.

(f) A person whose sole representation of halal food is limited to the contents of food which is in properly sealed packages prepared by others who labeled the package halal shall be exempt from the requirements of this section.

(g) In addition to the posted halal disclosure statement required by this section, nursing homes, summer camps, caterers or other dealers who serve prepared food pursuant to a contract shall furnish to the consumer or his or her legal representative a copy of the halal disclosure statement prior to the signing of the contract.

13:45A-22.4 Oral disclosure

In establishments such as hospitals or other places where representations that food is halal are not made until after the consumer has made a request for halal food, the disclosure may be orally provided to the consumer either prior to serving the food or together with the food when served.

13:45A-22.5 Reliance on representation; good faith; defense

(a) A person subject to the requirements of N.J.A.C. 13:45A-22.3 and 22.4 shall not have committed an unlawful practice if it can be shown, by a preponderance of the evidence, that the person relied in good faith upon the representations that the food is halal made by the following:

1. A slaughterhouse;
2. A manufacturer;
3. A processor;
4. A packer; or
5. A distributor.

13:45A-22.6 Recordkeeping requirements

(a) Dealers shall keep complete and accurate records of all food purchased as halal including:

1. The name and address of the slaughterhouse, wholesaler or other source from which the food is purchased;
2. The dates of purchase;
3. The quantities of food purchased;

4. The identity or nature of food; and

5. Copies of all invoices and bills of sale.

(b) In addition to the requirements of (a) above, dealers who are slaughterhouses shall maintain a record of:

1. The source of the animals;

2. The name(s) of the person who slaughters the animals;

3. The name(s) of the responsible supervisor, if any; and

4. The method of slaughter.

(c) A dealer shall retain such records on its premises for a two-year period following the date of purchase.

(d) A dealer shall turn over all the records required in (c) above upon the sale of the dealer's business to the purchaser of the business. The dealer may provide legible certified true copies of the records in lieu of originals.

13:45A-22.7 Presumptions

Possession by a dealer of any food which does not conform with the disclosure statement required by N.J.A.C. 13:45A-22.3 is presumptive evidence that the dealer possesses that food with the intent to sell it in nonconformance with the disclosure.

13:45A-22.8 Inspection of dealers

(a) Inspections of dealers and dealers' premises shall be conducted by authorized inspectors of the Division.

(b) For purposes of conducting an inspection, an inspector shall have the right of entry to, upon and through the business premises of any dealer which represents food as halal.

13:45A-22.10 Unlawful practices

(a) In addition to any violation of any other statutes or regulations, the following shall constitute an unlawful practice by a dealer under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq.:

1. Failure to comply with the disclosure requirements of N.J.A.C. 13:45A-22.3;

2. Failure to request a halal disclosure statement form from the Division;

3. Failure to return the completed disclosure statement within 14 calendar days of receipt;

4. Failure to conform sales practices with the posted disclosures;

5. Failure to conform posted disclosures with the disclosure filed with the Division;

6. Failure to comply with the recordkeeping requirements of N.J.A.C. 13:45A-22.6;

7. Use by any person of a recognized halal food symbol without first obtaining written authorization by the person or agency representing that symbol;

8. Failure to permit an inspector entry upon the business premises of a dealer or to interfere in any way with an inspection;

9. Failure to respond in a timely fashion to an inquiry conducted by the Division;

10. Failure to attend any scheduled proceeding as directed by the Division. In the event that a person elects to retain counsel for the purpose of representation in any such proceeding, it shall be the person's responsibility to do so in a timely fashion. The failure of a person to retain counsel, absent a showing of good cause for such failure, shall not require an adjournment of the proceeding;

11. Failure to answer any question pertinent to an inquiry made pursuant to N.J.S.A. 56:8-3, or other applicable law, unless the response is subject to a bona fide claim of privilege; or

12. Failure to make a proper and timely response by way of appearance and/or production of documents to any subpoena issued pursuant to N.J.S.A. 56:8-3 or as otherwise may be provided by law.

APPENDIX A

Slaughterhouse Disclosure Statement
(Cattle, goats, sheep, and lambs)
Please check all that apply (A checked box means "yes."):

A. Raising of Animals

[ ] This establishment slaughters only cattle, goats, sheep, and lambs that have been fed only 100% vegetarian feed, organic feed, or Amish feed, none of which contain any animal by-products.

[ ] The cattle, goats, sheep, and lambs slaughtered here were not treated with hormones.

B. Origin of Animals Slaughtered

[ ] Animals are raised on the premises.

Animals are purchased from the following farms:
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Animals are purchased from the following auctions:
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.....
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.....
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C. Slaughter

The U.S.D.A. Plant Number of this slaughterhouse is .....

The slaughter of animals is performed in the following manner:

[ ] The animal is alive at the time of slaughter.

[ ] The animal is not stunned before slaughter.

[ ] The animal is hand-slaughtered with a sharp knife.

[ ] The knife used during the slaughter is sharpened/cleaned after each use.

[ ] The animal is facing Mecca when slaughtered.

[ ] The animal is slaughtered by a person who represents him/herself as a Muslim.

[ ] The slaughterer pronounces an Islamic benediction while performing the slaughter.

[ ] The animal is slaughtered with a swift, deep incision on the neck which cuts the jug-lar veins and carotid arteries on both sides and also the trachea and esophagus.

[ ] The spinal cord is not severed at the time of slaughter.

[ ] If any additional steps or procedures are performed, they are:

.....
.....
.....
.....

[ ] Pigs are slaughtered in this slaughterhouse.

If the box above is checked, answer the following:

[ ] Pigs are slaughtered on separate equipment.

[ ] Pigs are slaughtered on the same day as animals that are slaughtered to be sold as halal.

D. Post-Slaughter

[ ] Only non-animal derived/non-alcohol based cleansers and sanitizers are used to wash/clean the equipment

[ ] The animal is drained of blood following slaughter.

[ ] The animal slaughtered to be sold as halal is stored in a cooler or freezer which contains only meat or poultry to be sold as halal.

[ ] Animals are labeled as halal or zabiha halal consistent with the Food Standards and Labeling Policy Book of the U.S.D.A.

[ ] If the slaughterhouse fabricates meat to be sold as halal, food packaging materials have been certified as halal by a halal certifying agency.

[ ] If the slaughterhouse fabricates meat to be sold as halal, the meat has not been co-mingled with any food or food product not represented to be halal.

APPENDIX B

Slaughterhouse Disclosure Statement (Poultry)
Please check all that apply (A checked box means "yes."):

A. Raising of Poultry

[ ] This establishment slaughters only poultry that have been fed only 100% vegetarian feed, organic feed, or Amish feed, none of which contain any animal by-products.

[ ] The poultry slaughtered here were not treated with hormones.

B. Origin of Poultry Slaughtered

[ ] Poultry is raised on the premises.

Poultry is purchased from the following farms:
.....
.....
.....
.....
Poultry is purchased from the following auctions:
.....
.....
.....
.....

C. Slaughter

The U.S.D.A. Plant Number of this slaughterhouse is .....
The slaughter of poultry is performed in the following manner:

[ ] The poultry is alive at the time of slaughter.

[ ] The poultry is not stunned before slaughter.

[ ] The poultry is slaughtered by mechanical means.

[ ] The poultry is hand-slaughtered with a sharp knife.

[ ] The knife used during the slaughter is sharpened/cleaned after each use.

[ ] The poultry is facing Mecca when slaughtered.

[ ] The poultry is slaughtered by a person who represents him/herself as a Muslim.

[ ] The slaughterer pronounces an Islamic benediction while performing the slaughter.

[ ] The poultry is slaughtered with a swift, deep incision on the neck which cuts the jugular veins and carotid arteries on both sides and also the trachea and esophagus.

[ ] The spinal cord is not severed at the time of slaughter.

[ ] If any additional steps or procedures are performed, they are:

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..

[ ] Pigs are slaughtered in this slaughterhouse.

If the box above is checked, answer the following:

[ ] Pigs are slaughtered on separate equipment.

[ ] Pigs are slaughtered on the same day as animals that are slaughtered to be sold as halal.

D. Post-Slaughter

[ ] Only non-animal derived/non-alcohol based cleansers and sanitizers are used to wash/clean the equipment.

[ ] The poultry is drained of blood following slaughter.

[ ] The poultry slaughtered to be sold as halal is stored in a cooler or freezer which contains only meat or poultry to be sold as halal
.

[ ] Poultry is labeled as halal or zabiha halal consistent with the Food Standards and Labeling Policy Book of the U.S.D.A.

[ ] If the slaughterhouse fabricates poultry to be sold as halal, food packaging materials

have been certified as halal by a halal certifying agency.

[ ] If the slaughterhouse fabricates poultry to be sold as halal, the poultry has not been co-mingled with any food or food product not represented to be halal.

APPENDIX C

Retail Disclosure Statement

Please check all that apply (A checked box means "yes."):

A. General Disclosure

For purposes of this disclosure, non-halal means food that this establishment does not represent to be halal.

[ ] This establishment sells only halal foods.

[ ] This establishment sells both halal and non-halal foods.

[ ] This establishment sells only meat and poultry as halal.

[ ] This establishment sells dairy goods as halal.

[ ] This establishment sells bakery products as halal.

[ ] This establishment makes no representation as to the halal status of its foods other than that which appears on the package label of prepackaged food.

[ ] Meat sold at this establishment is under the supervision of a halal certifying agency. This name, address and telephone number of the halal certifying agency is:

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[ ] Dairy products sold at this establishment are under the supervision of a halal certifying agency. The name, address and telephone number of the halal certifying agency is:

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[ ] Bakery goods sold at this establishment are under the supervision of a halal certifying agency. The name, address and telephone number of the halal certifying agency is:
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.....

[ ] This establishment uses separate utensils, cutting boards, machine slicers, meat grinders, knives and other equipment for halal and non-halal foods which are identified as such.

[ ] This establishment uses separate refrigerators, freezers, and storage areas for halal and non-halal food.

[ ] Non-halal food products are not mixed with halal food products.

B. Meat and Poultry

Meat offered for sale at this establishment has been purchased from the vendor(s) listed below who made the following representations:

[ ] The animal was fed only 100% vegetarian feed, organic feed, or Amish feed, none of which contain any animal by-products.

[ ] The animal was not treated with hormones.

[ ] The animal was alive at the time of slaughter.

[ ] The animal was not stunned before slaughter.

[ ] The animal was hand-slaughtered with a sharp knife.

[ ] The knife used during the slaughter was sharpened/cleaned after each use.

[ ] The animal was facing Mecca when slaughtered.

[ ] The animal was slaughtered by a person who represents him/herself as a Muslim.

[ ] The slaughterer pronounced an Islamic benediction while performing the slaughter.

[ ] The animal was slaughtered with a swift, deep incision on the neck which cuts the jugular veins and carotid arteries on both sides and also the trachea and esophagus.

[ ] The spinal cord was not severed at the time of slaughter.

[ ] Only non-animal derived/non-alcohol based cleansers and sanitizers were used to wash/clean the equipment.

[ ] The animal was drained of blood following slaughter.

[ ] The animal slaughtered to be sold as halal was stored in a cooler or freezer which contains only meat or poultry to be sold as halal.

[ ] If any additional steps or procedures were performed, they were:
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.....
.....

The name, address and telephone number of the vendor(s) from whom the meat referred to above was purchased:

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.....
.....

The poultry offered for sale at this establishment has been purchased from the vendor(s) listed below who made the following representations:

[ ] The poultry was fed only 100% vegetarian feed, organic feed, or Amish feed, none of which contain any animal by-products.

[ ] The poultry was not treated with hormones
.

[ ] The poultry was alive at the time of slaughter.

[ ] The poultry was not stunned before slaughter.

[ ] The poultry was slaughtered by mechanical means.

[ ] The poultry was hand-slaughtered with a sharp knife.

[ ] The knife used during the slaughter was sharpened/cleaned after each use.

[ ] The poultry was facing Mecca when slaughtered.

[ ] The poultry was slaughtered by a person who represents him/herself as a Muslim.

[ ] The slaughterer pronounced an Islamic benediction while performing the slaughter.

[ ] The poultry was slaughtered with a swift, deep incision on the neck which cuts the jugular veins and carotid arteries on both sides and also the trachea and esophagus.

[ ] The spinal cord was not severed at the time of slaughter.

[ ] Only non-animal derived/non-alcohol based cleansers and sanitizers were used to wash/clean the equipment.

[ ] The poultry was drained of blood following slaughter.

[ ] The poultry slaughtered to be sold as halal was stored in a cooler or freezer which contains only meat or poultry to be sold as halal.

[ ] If any additional steps or procedures were performed, they were:
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.....
The name, address and telephone number of the vendor(s) from whom the poultry referred to above was purchased:

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..

[ ] This establishment purchases only meat or poultry labeled halal or zabiha halal from a federally inspected meat packaging plant.

[ ] This establishment sells meat or poultry which has not been identified as halal or zabiha halal by the slaughterhouse.

[ ] Pork or pork products are not sold at this establishment.

C. Bakery Products

[ ] Bakery products sold here do not contain any alcohol.

[ ] Bakery products sold here do not contain any pork, animal fat or lard.

[ ] Bakery products sold here do not contain any non-halal beef gelatin.

[ ] Bakery products sold here contain only gelatin derived from plants.

[ ] Bakery products sold here contain only gum derived from plants.

D. Milk and Dairy Products

[ ] All cheese sold here is certified as halal.

If the box above is checked, the name, address and telephone number of the halal certifying agency is:
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.....
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[ ] All milk sold here is certified as halal.

If the box above is checked, the name, address and telephone number of the halal certifying agency is:

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.....
..

E. Food Products Prepared On Site

[ ] Prepared food labeled or represented as halal does not contain or use any ingredients from an animal not represented as halal by the slaughterhouse.

[ ] Prepared food labeled or represented as halal does not contain any product containing pork.

[ ] Prepared food labeled or represented as halal does not contain any alcohol.

[ ] No alcohol is used in the preparation of any prepared food represented as halal.

F. Food Packaging

[ ] Food packaging materials have been certified as halal by a halal certifying agency. The name, address and telephone number of the halal certifying agency is:
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.....
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G. Cleaners and Sanitizers

[ ] Only non-animal derived/non-alcohol based cleansers and sanitizers are used to wash/clean the equipment.

APPENDIX D

Restaurant, nursing home, summer camp, caterer or other dealer who serves prepared food Disclosure Statement
Please check all that apply (A checked box means "yes."):

A. General Disclosures

[ ] This establishment sells only food represented as halal as described in this notice.

[ ] This establishment sells both food represented as halal and food not represented as halal.

[ ] This establishment is under the supervision of a halal certifying agency. The name, address and telephone number of the halal certifying agency is:
.....
.....
.....

[ ] All food sold does not contain pork or pork products.

[ ] All food sold does not contain blood as an ingredient.

[ ] All food sold does not contain alcohol.

[ ] All cheese used is certified as halal.

[ ] All milk used is certified as halal.

[ ] This establishment uses separate utensils, cutting boards, cooking utensils, ovens, microwaves and knives for halal and non-halal foods which are identified as such.

[ ] This establishment uses separate refrigerators, freezers and storage areas for food represented as halal and food not represented as halal.

[ ] All food served as halal is not mixed with any non-halal food.

[ ] Alcohol is not used in the preparation of food.

B. Meat and Poultry

Meat offered for sale at this establishment has been purchased from the vendor(s) listed below who made the following representations:

[ ] The animal was fed only 100% vegetarian feed, organic feed, or Amish feed, none of which contain any animal by-products.

[ ] The animal was not treated with hormones.

[ ] The animal was alive at the time of slaughter.

[ ] The animal was not stunned before slaughter.

[ ] The animal was hand-slaughtered with a sharp knife.

[ ] The knife used during the slaughter was sharpened/cleaned after each use.

[ ] The animal was facing Mecca when slaughtered.

[ ] The animal was slaughtered by a person who represents him/herself as a Muslim.

[ ] The slaughterer pronounced an Islamic benediction while performing the slaughter.

[ ] The animal was slaughtered with a swift, deep incision on the neck which cuts the jugular veins and carotid arteries on both sides and also the trachea and esophagus.

[ ] The spinal cord was not severed at the time of slaughter.

[ ] Only non-animal derived/non-alcohol based cleansers and sanitizers were used to wash/clean the equipment.

[ ] The animal was drained of blood following slaughter.

[ ] The animal slaughtered to be sold as halal was stored in a cooler or freezer which contains only meat or poultry to be sold as halal.

[ ] If any additional steps or procedures were performed, they were:
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The name, address and telephone number of the vendor(s) from whom the meat referred to above was purchased:
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The poultry offered for sale at this establishment has been purchased from the vendor(s) listed below who made the following representations:

[ ] The poultry was fed only 100% vegetarian feed, organic feed, or Amish feed, none of which contain any animal by-products.

[ ] The poultry was not treated with hormones.

[ ] The poultry was alive at the time of slaughter.

[ ] The poultry was not stunned before slaughter.

[ ] The poultry was slaughtered by mechanical means.

[ ] The poultry was hand-slaughtered with a sharp knife.

[ ] The knife used during the slaughter was sharpened/cleaned after each use.

[ ] The poultry was facing Mecca when slaughtered.

[ ] The poultry was slaughtered by a person who represents him/herself as a Muslim.

[ ] The slaughterer pronounced an Islamic benediction while performing the slaughter.

[ ] The poultry was slaughtered with a swift, deep incision on the neck which cuts the jugular veins and carotid arteries on both sides and also the trachea and esophagus.

[ ] The spinal cord was not severed at the time of slaughter.

[ ] Only non-animal derived/non-alcohol based cleansers and sanitizers were used to wash/clean the equipment.

[ ] The poultry was drained of blood following slaughter.

[ ] The poultry slaughtered to be sold as halal was stored in a cooler or freezer which contains only meat or poultry to be sold as halal.

[ ] If any additional steps or procedures were performed, they were:
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The name, address and telephone number of the vendor(s) from whom the poultry referred to above was purchased:
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..

[ ] Meat and poultry offered for sale have been slaughtered as halal or zabiha halal and identified as such at the slaughterhouse consistent with Federal labeling guidelines.

[ ] This establishment purchases only meat or poultry labeled halal or zabiha halal from a federally inspected meat packing plant.

[ ] Pork or pork products are not sold at this establishment.

[ ] This establishment sells meat or poultry which has not been identified as halal or zabiha halal by the slaughterhouse.

C. Food Packaging

[ ] Food packaging materials have been certified as halal by a halal certifying agency. The name, address and telephone number of the halal certifying agency is:

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.....
..

D. Cleaners and Sanitizers

[ ] Only non-animal derived/non-alcohol based cleansers and sanitizers are used to wash/clean the equipment.