Hebrew National Suit Dismissed

ST. PAUL, Minn. (AP) — A federal judge threw out a lawsuit Thursday that claimed Hebrew National's hot dogs and other meat products weren't entirely kosher, saying such a standard was "intrinsically religious in nature" and outside the court's purview.

U.S. District Judge Donovan Frank ruled that the First Amendment's protection of religious freedom bars the court from examining claims about whether the products completely meet Jewish dietary laws.

A group of 11 consumers had sued ConAgra Foods Inc., maker of Hebrew National, claiming the Omaha, Neb.-based company charges premium prices for meats that aren't really 100 percent kosher. The lawsuit alleged that employees at a third-party kosher certifier for ConAgra complained of witnessing non-kosher procedures at meat plants, but that the certifier, AER Services Inc., did nothing to correct the problems and instead fired the employees or threatened to have them transferred.

However, the judge ruled that whether ConAgra's products were indeed "100 percent kosher" was a religious question outside the court's review.

ConAgra released a statement saying it was pleased by the ruling and has "always stood by" its kosher status.

"We know how important kosher quality is to our consumers, and we look forward to continuing to make Hebrew National 100 percent pure kosher beef franks and other kosher offerings," ConAgra said.

The plaintiffs' attorneys did not immediately respond to requests for comment Thursday evening.

The lawsuit, which sought class-action status, was filed in U.S. District Court in Minnesota. It alleged that the fraudulent mislabeling of food as kosher has been a problem for years. The suit alleged ConAgra was aware of the value consumers put in seals and standards, such as the "Triangle K" on Hebrew National meats to represent that they are kosher.

In order for meat to be considered kosher, the animal the meat came from must be healthy and clean, meaning it can't have dirty hides covered in mud, sand or stones, the suit said. The lawsuit alleged the animals used to make Hebrew National products did not meet those standards, and that unclean and unhealthy animals were often selected to be slaughtered for kosher meats.

In his ruling, Frank noted that Triangle K and its Orthodox rabbis determine whether food is kosher.

"Naturally, therefore, this Court cannot determine whether Defendant's Hebrew National products are in fact kosher without delving into questions of religious doctrine," the judge wrote.

Shares of ConAgra fell 3 cents to close at $32.69 Thursday.

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