

HALACHICALLY SPEAKING



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MARIS AYIN

The *halachos* of *maris ayin* arise quite frequently. For example, one may go into a *Kosher* supermarket and see *kosher* shrimp with excellent *hashgachas*.¹ It has become very common today for people to consume *surimi* products. Real shrimp is obviously not *Kosher* since it does not have the necessary *simonim*² for a *kosher* fish. Therefore, is there a problem of *maris ayin* since people may see one eating this product? Can one use *pareve* creamer with coffee? Is there a need to place the bottle next to the coffee? There is a restaurant which recently began making cheeseburgers using *pareve* cheese. Is there a concern of *maris ayin* while eating this, since people see that one is eating them? Can one walk into a non-*kosher* restaurant to use the bathroom? Is one allowed to walk into a non-*kosher* restaurant to meet with clients? Is there a concern of

1. Among them are the KOF-K and OK.
2. Shulchan Aruch Y.D. 83:1.



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maris ayin with a *mashgiach* walking into a non-kosher restaurant in order to do reverse certification (see footnote)?³ All these questions and others will be discussed below.

What is *Maris Ayin* ?

Some *poskim* say that if one is doing a permitted act but it appears that it is forbidden then there is *maris ayin*.⁴ Others say if one does something many times which may be forbidden and now one is doing it in the permitted manner, then there is *maris ayin*.⁵

*Harav Moshe Feinstein zt"l*⁶ says that *maris ayin* means “someone thinks that I violated something, and he thinks that someone inappropriately ate something non-kosher. However, it does not include doing something permitted that people may mistakenly think is forbidden due to the fact that they do not know the *halacha*.”

What is *Cheshad* ?

Some say *cheshad* is something that a person does and it could be translated into either permitted or forbidden.⁷

In Private

When something is not allowed because of *maris ayin*, then it is not permitted in one's room either (*chadrei chadurim* - privately).⁸ Some say this is only something which is perceived as an *issur d'oraisa*, and not something which is perceived as an *issur d'rabbanan*.⁹

Surimi

Surimi is a Japanese word which refers to a food product typically made from white fleshed fish that has been pulverized to a paste and has a rubbery consistency when cooked. Surimi is used to imitate crab legs, lobster, and shrimp.

Eating Imitation Food

The *Gemora* in *Chulin*¹⁰ says that Yalta the wife of Rav Nachmun said that for every non-Kosher food there exists a counterpart which is *Kosher*.¹¹ In response to this, her

3. Reverse certification is when a company gives a *hechsher* on a restaurant etc and the owner has a different store which is non-kosher. The *mashgiach* goes into the non-kosher store to make sure no non-kosher is going out with the *kashrus* label on the product.

4. *Minchas Shlomo* 2-3:53. Refer to *Hamesivta* 5742 pages 187-190, *Kovetz Bais Aron Veyisroel* 87:pages 31-34.

5. *Igros Moshe* O.C. 1:96. Refer to *Igros Moshe* O.C. 2:40 on the difference between *maris ayin* and *cheshad*.

6. *Igros Moshe* O.C. 1:96. See *Igros Moshe* O.C. 4:82.

7. Refer to *Minchas Shmuel* 1:page 190. See *Mesechtas Shekalim* 3:2.

8. *Mesechtas Shabbos* 64b.

9. *Tosfas Mesechtas Kesubos* 60a m'machein, *Bais Yosef* O.C. 336 (towards end), *Magen Avraham* 301:56. Refer to *Pischei Teshuva* Y.D. 330:2 who brings a disputing opinion.

10. *Mesechtas Chulin* 109b.

11. Refer to *Medrash Tanchuma Shemenei* 8, *Yalkut Shemonei Shemenei remez* 527.

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husband ordered that one of the foods be heated for her. The reason why *Hashem* did this is to give *Klal Yisroel* reward for watching the *mitzvahs*.¹²

*Rashi*¹³ says one should not say “I do not have a desire to eat pork.” Instead one should say “I want it but I do not eat it because *Hashem* said I can not eat it.”

Based on the above, one would be able to eat *kosher* products which are meant to serve as a replica of the real non-*kosher* food,¹⁴ such as surimi. Some were not so happy with the fact that it says “shrimp” on the bag,¹⁵ but the custom of many is to be lenient with this.¹⁶

Milk from Almonds

The *Rama*¹⁷ says one who drinks milk made from almonds (*pareve*) in the same meal as animal meat should place some of the almonds next to him so there will be no concern of *maris ayin*.¹⁸ Some say one should do so even when eating chicken.¹⁹

However, if this is not possible, one may still eat the meat (or chicken) and *pareve* milk together.²⁰ Some say the whole concern of *maris ayin* in this regard is by a big *seuda*, but if one is eating these foods at home there is no need to place the almonds on the table.²¹

Pareve Creamer

The custom is that using *pareve* milk is permitted for a number of reasons. Eating chicken with almond milk was not part of the *gezeirah*. Therefore we should not be adding concerns of *maris ayin* which are not mentioned in the *Gemorah*.²² Furthermore, *pareve* milk is so common²³ that no one would think one is using real milk for a coffee while eating a *fleshy* meal.²⁴ There is no need to place the bottle of creamer on the table in order to let people know that the milk used is *pareve*.²⁵

12. Medrash Tanchuma ibid.

13. Vayikra 20:26.

14. Opinion of Harav Chaim Kanievesky Shlita quoted in Journal of Halacha and Contemporary Society 50:page 107. Refer to an article by Harav Matisyahu Solomon Shlita in the Jewish Observer January 2004 page 8 who argues.

15. Refer to Journal of Halacha and Contemporary Society 50:pages 102, 103, 105.

16. Harav Yisroel Belsky Shlita.

17. Y.D. 87:3, Chochmas Adom 40:3, Aruch Hashulchan 16. Refer to Rashba 3:257.

18. See Mishpatei U'ziel 1:17.

19. Shach 6, Taz 4, Be'er Sheva 17, Rav Poalim O.C. 3:11, Aprakasisa Deyana 1:117, Aruch Hashulchan 16, Yechaveh Daas 3:59.

20. Taz Y.D. 87:4, Mishbetzes Zehav 4, see Shach 6, Sifsei Daas 6. Refer to Be'er Heitiv 6 who says one always has to put out the almonds (see Divrei Yatziv Lekutim 68).

21. Pischei Teshuva 87:10.

22. Refer to Devar Shmuel 92:page 40.

23. Refer to Machzik Beracha Y.D. 87:6, Yugel Yaakov 23.

24. Yechaveh Daas 3:59. See P'leasi Y.D. 87:8.

25. Harav Yisroel Belsky Shlita, see Yabea Omer Y.D. 6:8. The Be'er Moshe (Pischei Halacha- Kashrus page 113:7)



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Pareve ice cream

One is permitted to eat *pareve* ice cream after a meat meal without placing the package on the table.²⁶ Similarly, one is permitted to put margarine on meat,²⁷ or butter on a soy burger since it is known to all that there exists *pareve* meat etc. In the company of people who do not know that there are such *pareve* products one should let them know what he is eating in order for them not to think he is doing incorrectly.²⁸ One who wishes to drink *pareve* milk (which is not known to people) with meat should place the container on the table.²⁹

Based on the aforementioned, there is no *maris ayin* issue involved in eating surimi. Since people know that surimi shrimp etc exists, we do not have to worry that one will think he is eating a non-*kosher* product.

"Kosher Cheeseburger"

There is a store on the Upper West Side of Manhattan which recently started making a *kosher* cheeseburger by using *pareve* cheese. Is there a *maris ayin* issue by eating this burger? (We will not discuss whether eating this is permitted *hashkafically*).³⁰ *Harav Yisroel Belsky Shlita* said to avoid issues of *maris ayin*: The restaurant menu and receipts (for phone orders) must have on them the statement: "cheeseburger made with *pareve* cheese."³¹

Walking into a non-Kosher Restaurant

The opinion of *Harav Moshe Feinstein zt"l*³² is that it is forbidden to enter a non-*kosher* restaurant because of *maris ayin*. However, one who is famished, and has nowhere else to eat (in place of *tzar* and loss) is allowed to walk into a non-*kosher* restaurant and eat any *kosher* food which they may serve (coffee etc). The reason why entering is permitted is because one who suffers a great loss may override a rabbinic prohibition to remove his suffering.³³

holds that one has to place the bottle on the table. See *Badi Hashulchan* 87:48, *Biurim* "sh'keidim."

26. *Yabea Omer* *ibid*. See *Tzitz Eliezer* 5:12.

27. *Cheshev Ha'efod* 1:20:page 17, see *Yugel Yaakov* 23, *Badi Hashulchan* 87:48.

28. *Hechsheiros* 10:footnote 99. It is proper not to walk in the street eating a soy sandwich with a milk drink in your hand (*ibid*).

29. *Hechsheiros* 10:42.

30. Refer to *Kashrus Magazine* issue #138:pages 48-50.

31. This is expressed in OU document X-94 in depth. Refer to *Journal of Halacha and Contemporary Society* 53:pages 103-104. The *Badatz* in *Yerushalayim* did not agree to certify such a product (*Journal of Halacha and Contemporary Society* 50:page 105).

32. *Igros Moshe* O.C. 2:40.

33. *Igros Moshe* *ibid*. Refer to *Mesechtas Kesubos* 60a.

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Based on the above, one who does not have a different place in which to use the bathroom other than a non-*kosher* restaurant may enter the non-*kosher* restaurant to use their bathroom.

Others are lenient with walking into a non-*kosher* restaurant to use the bathroom even if there is another bathroom available.

Attending a meeting in a non-Kosher Restaurant

If one's boss asks him to meet a client in a non-*kosher* restaurant, one is permitted to do so if he will otherwise lose his job. However, if his job is not in jeopardy if he does not go to the non-*kosher* restaurant, then he should not go. In any case, one who finds himself in this situation should discuss it with a *Rav*.

Entering a Cafeteria

If a company cafeteria sells all types of items, including a few which happen to be certified as *kosher*, then one may buy food from the cafeteria and eat at the tables. This is because it is well known that cafeterias sell both *kosher* and non-*kosher* items and that people eat all types of food there.³⁴

Reverse Certification

It is permitted for a *mashgiach* to enter a non-*kosher* establishment for reverse certification. Since it is a requirement for the *hashgacha* organization it is permitted since *maris ayin* is permitted in the place of a loss.³⁵

Walking into a Coffee Shop

The question arises if there is a concern of *maris ayin* with walking into a coffee shop to get a coffee, which sells *kosher* and non-*kosher*. *Lemaseh*, since a coffee shop sells *kosher* items (coffee) as well as non-*kosher*, there is no *maris ayin* concern.³⁶ This is common when walking into a store at a rest stop.³⁷ Walking into a store which sells only non-*kosher* would be a problem.³⁸ Those who are *makpid* to only drink *cholov yisroel*, should be careful not to drink from an opened *cholov yisroel* bottle at a rest stop unless you see the person in the store opening it, since you can not verify that *cholov yisroel* milk is in there.

34. Opinion of Harav Shachter (OU) in a letter sent by Rabbi Eli Gersten from the OU.

35. Divrei Chaim O.C. 1:6, see Rav Poalim O.C. 3:21, Maharsham 1:66.

36. Harav Yisroel Belsky Shlita. Refer to Igros Moshe O.C. 1:96.

37. Harav Yisroel Belsky Shlita.

38. Igros Moshe O.C. 2:40. Refer to Kashrus Kurrents from the Star-K.



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OTHER CASES OF MARIS AYIN

Entering a Reform Temple

The opinion of *Harav Moshe Feinstein zt"l*³⁹ is that one is not permitted to enter a reform temple at the time of *davening* to *daven* in a room which is designated for Orthodox prayer. One who sees him may think that a *frum* person *davened* there or someone may learn from this and say “*davening* in a reform temple is permitted.”

Going in a Car after Candle Lighting

It is very common for a man to drive to *shul* (a short distance) after his wife has lit candles. This is permitted and not considered *maris ayin*, since it is well known that a man can do *melacha* until eighteen minutes after his wife has lit candles. Even if a few people might think he did something wrong, it is not *maris ayin* since those who think he did something wrong are ignorant.⁴⁰

Water Sprinkler - *Shabbos*

One who wishes to have his sprinkler running on *Shabbos* may do so by setting it to go on during *Shabbos*.⁴¹ However, the sprinkler may only run in the backyard where it will not be seen by the public.⁴² Others permit running a sprinkler on *Shabbos* even in front of ones house (if it was set before *Shabbos*).⁴³

Non - Leather Shoes on *Yom Kippur*

Some say non-leather shoes that look exactly like leather shoes may not be worn on *Yom Kippur* because of *maris ayin*.⁴⁴

Eating Human Blood

One is not allowed to eat human blood which separated from the body because of *maris ayin*, however, blood which is still in one's mouth (i.e. from brushing teeth) can be

39. As expressed in *Igros Moshe* O.C. 2:40. See *Igros Moshe* O.C. 3:25.

40. *Igros Moshe* O.C. 1:96. *Harav Moshe Feinstein zt"l* still avoided traveling in a car after candle lighting because of a *maris ayin* concern.

In regard to keeping an umbrella open before *Shabbos* see *Nodeh Beyehuda* 2:30.

41. Refer to *Mesechtas Shabbos* 18a, *Shulchan Aruch* 252:5, *Rama*, *Mishnah Berurah* 49, *Aruch Hashulchan* 8.

42. *Harav Yisroel Belsky Shlita*, see *Be'er Moshe* *kuntres electric* 7:71, *Chelkes Yaakov* 1:49, *Nishmas Shabbos* 221, *The Shabbos Home* page 243. *The Tzitz Eliezer* 4:31 and the *Shemiras Shabbos Kehilchoso* 26:8 are lenient.

43. *Tzitz Eliezer* 4:31, *Shemiras Shabbos Kehilchoso* 26:8.

44. *Halichos Shlomo Moadim* 5:16. For this reason *Harav Shlomo Zalman Aurbach zt"l* instructed people to buy white shoes not black ones (*Shalmei Moed* 20:footnote 45, see *Minchas Shlomo* 2:58:29, *Shemiras Shabbos Kehilchoso* 39:footnote 113). Refer to *Natei Gavriel Ben Hamitzurim* 2:74:11 who argues.

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swallowed,⁴⁵ but if it is not in the mouth it is not permitted because of *maris ayin*.⁴⁶ People may think it is blood from an animal etc which is forbidden *m'd'oriaisa* to eat.⁴⁷

According to some opinions, if one sucks a bloody wound and spits out the blood there is no concern.⁴⁸

Blood which is in one's mouth but came onto a piece of bread is forbidden to be eaten unless one removes the blood.⁴⁹

Sleeping and eating at a Widow's Home

*Harav Moshe Feinstein zt"l*⁵⁰ says that there is no concern of *maris ayin* if a man wants to stay at a widow's home when she is out of town. We are not concerned with the fact that some people may think that she was home and he is transgressing *yichud* since there are many ways in which one can avoid *yichud*, therefore, there is no *maris ayin*.

After note

We have discussed the *halachos* of *maris ayin* and how people may perceive one's actions. The *Gemorah* in *Yoma*⁵¹ says that one should act in a way that people will say "fortunate is his father and *rebbe* who taught him *Torah*." One should do things which will be a *kiddush Hashem* and people will say with admiration: "he is a *frum* Jew."

45. Mesechtas Kesubos 60a, Rambam Machalos Asuros 6:2, Tur Y.D. 66, Bais Yosef Y.D. 66, Chinuch 148, Shulchan Aruch Y.D. 66:10, Levush 66:10.

46. Others say it is an *issur d'rabbanan* (Aruch Hashulchan 66:35).

47. Shulchan Aruch 66:10, Levush 10. This is discussed in Vayikra 7:26, see Vayikra 3:17, 17, 14, Devarim 12,16, 12, 24. In regard to the reason for the *issur* see Chinuch *ibid*.

48. Refer to Darchei Teshuva Y.D. 86:68 in depth.

49. Mesechtas Kesubos *ibid*, Shulchan Aruch *ibid*, see Darchei Teshuva 69, Hechsheiros page 238.

50. Igros Moshe O.C. 1:96, E.H. 3:19, O.C. 4:82.

51. 86a.



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Rabbi Moishe Dovid Lebovits

Rabbinical Administrator KOF-K Kosher Supervision



Summer Kashrus Reminders

Summer time is travel time. Often we find ourselves in unfamiliar territory. The *kosher* consumer is faced with a number of potentially problematic *kashrus* situations: restaurants, concession stands in amusement parks, ice cream trucks, and rest stop food marts. Keep in mind what to watch for and verify that what you purchase meets the proper standards of *Kashrus*.

Beware! A *kosher* certificate posted in an establishment or on a food cart doesn't automatically mean that everything in that establishment or food cart is certified *kosher*.

Kosher consumers must take the following steps:

1. Check for a *kosher* certificate.

This is usually on the wall or behind the counter. Just because you know people who eat there or because the owner looks "right", does not mean the place has a good *hechsher*.

2. Read the *kosher* certificate carefully.

Check what the certificate is certifying. Sometimes, a store will post a certificate for items that they sell. But that does not mean that the whole store is *kosher*. If the certificate is only for some of the items in the store and not the whole store, you can not assume that everything in that store is *kosher*. It may not be! Only those items that are on the certificate are *kosher*. For example, a pre mix is an item that comes partially prepared, like a soft ice-cream mix or a cake mix. The store owner will put the mix into his own machinery and finish preparing it. The premix might have a proper certification but the equipment used to for the preparation also needs certification. The certificate might state that the premix for a muffin is *kosher* but once the mix is poured into the machinery and baked, the certifying agency does not take responsibility for the *kashrus* of the finished product. The store itself needs *Rabbinic* supervision. If you see a food establishment which claims to use only ingredients certified by reliable *kashrus* agencies and have *kosher* certificates posted attesting to the *kashrus* of the products being sold or used in producing the food sold in the store, but does not have supervision on the entire store, beware!!!! It probably does not meet *kosher* standards.

The KOF-K and most other *kashrus* agencies certify companies which have retail stores in multiple locations. The main facility and individual stores that request certification are inspected on a regular basis to insure that all the products meet our *kosher* standards. However, when a store is not under certification but claims to be using “*kosher*” ingredients, one can not be certain that their products are indeed *kosher*.

3. Be sure that the certifying agency or *Rabbi* is reliable.

Investigate *hechsherim* properly before relying on them. Consult a *Rav* who is familiar with the various agencies and their standards.

4. Once you know that a certificate is only for certain products, make sure which products are actually listed as *kosher*.

It's important to know exactly what is *kosher* in the store. For example, in a bagel store, the certificate might only apply to bagels and not the spreads and salads. Again, it's important to read the certificate! If the certificate only lists some products, those are the only products in that store that are certified. Be sure that the *kosher* certificate lists the specific item you want to buy.

5. If a food that you want to buy is in an open bin and not in a package with a *hechsher* on it, then you can only buy that food if the entire store has good *kashrus* supervision.

If the certificate is only for some of the products in the store and not the entire store, unpackaged food in that store should be assumed to be uncertified. Sometimes, a store will buy a product in bulk and repack it in smaller containers to sell. Bulk repacked items should only be purchased from a store with a reliable *hechsher* supervising the repacking. The *hechsher* verifies that the re-packed product is from a reliable approved source. Sometimes a store prints their own label stating the original certification. It is necessary to have a reliable *hechsher* overseeing what has been packed in the container. Consumers should only purchase loose products from stores which are properly certified by a reliable *kosher* agency. With such certification, the *kosher* status of all products sold can be assured.

6. Food carts and ice-cream trucks sometimes advertise that they sell a “kosher brand” product. “Kosher brand” does not mean that it’s kosher.

Check the individual label of the products or verify if the truck has a *mashgiach* and a reliable *kosher* certificate. The vendor claiming that a food is *kosher*, or posting a picture of the food you want to buy, is not enough! Remember: A seller’s non-*kosher* equipment renders *kosher* items non-*kosher*. That means that *kosher* franks boiled in a non-*kosher* pot are not *kosher* and neither are sandwiches from such a seller, even though they may say *kosher* style like pastrami on rye.

7. Do not try to judge the *kashrus* of a product by reading the list of ingredients.

It’s easy to look at the list of ingredients on a candy or a bag of chips, for example and think that you recognize all of the products and know them to be *kosher*. But there are many ingredients that we can’t even pronounce such as additives, coloring and flavorings that may not be *kosher*. Even if you do recognize *all* the ingredients, the product could be made on the same equipment that is used for non-*kosher* food, rendering it not *kosher*.

8. Look for the *hechsher* each time you shop.

Sometimes we pick up a product like a candy bar and feel sure that it’s *kosher* because we’ve seen the *kosher* symbol on this product before. But it’s important to check each time before you buy! The product could change certifications, the *hechsher* may have expired and the product may no longer be under supervision, or you recognize a similar company and think the product that you have picked up is *kosher*. Not all products made by a company are *kosher*. (For example, a chocolate company can begin making ice-cream. Just because the chocolate has a *hechsher* doesn’t mean the ice-cream will too.)

Remember! When you go into a new store, rest stop, or food concession, keep these rules in mind. Check for a certificate, and carefully read it. And when you buy a product in a store, always check for the *kosher* label. Know what you’re putting in your mouth!

Have a Great Summer!!

Any comments regarding this document should be addressed to Rabbi Moishe Dovid Lebovits – Rabbinical Administrator for the KOF-K at 1-201-837-0500 ext 127, or at mlebovits@kof-k.org.



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► Each issue reviews a different area of contemporary *halacha* with an emphasis on practical applications of the principles discussed. Significant time is spent ensuring the inclusion of all relevant *shittos* on each topic, as well as the *psak* of *Harav Yisroel Belsky, shlita* on current issues.

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