HALACHIC AND HASHKAFIC ISSUES IN
CONTEMPORARY SOCIETY

201 - BERACHOT ON CHOCOLATE
AND THE TRICKY CASE OF CHOCOLATE-COATED RAISINS

OU ISRAEL CENTER - WINTER 2020/21

• We looked in the previous two shiurim at issues relating to bircoat hashavchav and bircoat hamitzvot. In this shiur we will turn to one (of the many) halachic issues connected to bircoat hanenhen.
• Chocolate has become a big part of our lives! Both in pure form and also as a coating around other things we, especially in the Western world, consume very significant amounts of it:–
  - Worldwide consumption of chocolate every year is estimated to be at least 7.2 million metric tons.
  - Net sales of Mars Inc., a leading producer of chocolate productions, are over $17 billion every year.
  - The annual estimated sales of chocolate around the world contribute $83 billion to the global economy.
• As we shall see, not only is chocolate a major player in food consumption, it is also a fascinating case study in halacha too, in particular hilchot berachot.

A] THE HISTORY OF CHOCOLATE

• Chocolate is native to southern Mexico and Central America, where the Olmecs (as early as 1500 BCE) and later the Mayans and the Aztecs, cultivated the cacao (Europeans later switched around the vowels to spell it coca) tree for thousands of years. The word chocolate originates from the classical Nahua word Xocolatl, meaning ‘warm liquid’, since warm, unsweetened chocolate was drunk by Aztec royalty from golden goblets. Cocoa beans were also used as currency.
• The Spaniards transported cocoa trees to Europe. Later, industrialists developed vast plantations of cocoa trees in Africa, Indonesia, and other tropical areas.
• Although the Native Americans drank their chocolate unsweetened, the Spaniards added sugar to it. This created two industries - the cocoa industry and the sugar industry.
• 1580 - hot chocolate flavored with sugar and vanilla was a common Spanish drink, and from there it eventually spread to the rest of Europe.
• 1641 - Chocolate arrives in Florida
• 1682 - First American chocolate house opens in Boston.
• 1729 - The first mechanical cocoa grinder was invented in Bristol, UK. The patent for a chocolate refining process was later bought by J. S. Fry & Sons in 1761.
• 1847 - The first solid chocolate bar was produced by Fry’s of Bristol. Until then, chocolate had only been consumed as a drink.
• 1855 - Fry’s Chocolate Cream became the first mass-produced chocolate bar.
• 1876 - Swiss chocolatier, Daniel Peter, devised a method of adding milk to chocolate, creating milk chocolate. Prior to this invention, all chocolate was solid.
• 1879 - Swiss chocolatier, Rudolf Lindt, invented the conch machine which mixed and aerated chocolate giving it a smooth consistency that blends well with other ingredients.
• By the late 19th/early 20th century, family chocolate companies such as Cadbury, Mars, Nestle and Hershey were mass-producing a variety of chocolate confections to meet the growing demand.

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1. See https://brandongaille.com/26-incredible-chocolate-consumption-statistics/
3. In 1568, Bernal Díaz, who accompanied Cortés in the conquest of Mexico, wrote of this encounter which he witnessed: From time to time they served him [Montezuma] in cups of pure gold a certain drink made from cacao. It was said that it gave one power over women, but this I never saw. I did see them bring in more than fifty large pitchers of cacao with froth in it, and he drank some of it, the women serving with great reverence.
4. Christopher Columbus encountered the cacao bean on his fourth mission to the Americas on August 15, 1502, when he and his crew seized a large native canoe that proved to contain among other goods for trade, cacao beans. Spanish conquistador, Hernán Cortés, may have been the first European to encounter chocolate when he observed it in the court of Montezuma in 1519.
5. Some European manufacturers add animal fat to chocolate, making it non-kosher. This means that the production line must be kashered before kosher chocolate can be made on it. Kashering will also be needed where the plant is used to make milk chocolate and a run of parev chocolate is required. Due to the extreme sensitivity of the chocolate making process to water, chocolatiers are very reluctant to use any water into their machinery for kasheruing. This raises the question as to whether the plant can be kasherued with an alternative liquid ie the first run of chocolate! The Rema (OC 452) quotes the opinion of the Rashba that, bedieved, other liquids can be used for kasheruing and some hechsherim rely on this under exceptional circumstances. However, many poskim (including R. Moshe Feinstein, Igrot Moshe YD 1:60) rule that chocolate liquor is too viscous to be permitted as a kasheruing liquid, even bedieved. It is also solid at room temperature and many poskim do not class it as a liquid at all. As such, chocolate plants are typically kashed with oils which are liquid at room temperature (eg soybean, canola, and sunflower oil). Some authorities allow a ‘chocolate run kasheruing’ from milky to parev but not from treif to kosher.

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B] HOW IS CHOCOLATE MADE

- The cacao tree grows with large, colored fruits the size of melons or small pineapples that hang from the branches and trunk of the tree. Each huge fruit contains a sticky pulp that holds about 20-50 almond-shaped seeds, that are usually called cocoa beans.

- The beans are separated from the pulp, fermented for about a week, dried in the sun, and then shipped to a chocolatier.

- The chocolatier roasts the beans to bring out the flavor, and then winnows the beans to remove the shell from the meat of the bean, leaving the kernel (nib). The nib is ground and becomes a thick, viscous liquid called chocolate liquor. The bean turns into a liquid when it is ground, because it contains over 50% fat. This pure chocolate liquor is the bitter, unsweetened chocolate similar to that drunk by the Aztecs.

- The chocolatier separates the cocoa liquor using a hydraulic press into (i) fat, or cocoa butter; and (ii) cocoa bean solids. The solids are ground into cocoa powder.

- Our chocolate consists of a mix of chocolate liquor, cocoa butter, and cocoa powder, together with other ingredients: usually sugar, milk (powdered), lecithin and lactose.

- The product is ground fine in a conch machine where the ingredients are blended at a very high temperature and speed. This gives it a smooth consistency and taste.

- The chocolate is then tempered - heated slowly and then cooled slowly - to enable it to harden properly without the cocoa butter separating from the chocolate.

- Finally, the chocolate is flavored and shaped, ready for sale.

- White chocolate is made from cocoa butter, sugar, and often milk. It does not contain cocoa solids. Some fake ‘white chocolate’ products are actually made from vegetable oil and chocolate flavoring instead of cocoa butter.

C] THE BERACHA ON CHOCOLATE

C1] HALACHIC PRINCIPLES

1. The Mishna rules that on fruit growing from a tree, one makes ‘borei peri haetz’ and on vegetables one makes ‘borei peri ha’adamah’. If one made ‘shehakol nihyei bidvardo’ on any fruit or vegetable, that apparently also works.

2. Chocolate made from a tree fruit. The starting position should therefore be that its beracha is ‘borei peri haetz’.

3. However, the chocolate that we eat has been highly processed since it was on the tree! The seeds have been removed from the cacao fruit, and have then been fermented, dried, roasted, shelled, ground, liquefied, separated again, ground again, mixed with milk and/or cocoa butter, ground yet again in a conch, tempered, flavored and shaped.

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6. The press operates at temperature of around 200°F and the chocolate products will therefore be considered mevushal - cooked for the purposes of hilchot Shabbat and not simply roasted. This will impact on the way in which hot cacao is made on Shabbat.

7. Chocolatiers are reluctant to use liquid milk since its water content can damage the highly sensitive chocolate making process. Powdered milk raises the question of whether it is included in the gezeira of chalav akum. R. Tzvi Pesach Frank wrote a famous teshuva (Har Tzvi YD 103) where he rules that the prohibition of chalav akum only applies when the milk is in its original form, but does not apply if the milk changed form (eg into powder). This is similar to the leniency mentioned in Shulchan Aruch Yoreh Deah 115:3 regarding butter.

8. As to the issue of bishul akum, most poskim rules that chocolate is NOT prohibited due it being cooked by non-Jews. Although cocoa beans are not edible raw, and chocolate is served at high-class affairs (which should necessitate bishul Yisrael), R. Hershel Schachter permits the chocolate due to a combination of two heterim. One is that chocolate is not served to enhance bread. This opinion is expressed by many Rishonim, although is not generally relied upon alone. There is also a psak from Rav Moshe Feinstein (quoted by R. Nota Greenblatt) in which he rules that there is no prohibition of bishul akum on food made in commercial factories (see also Shu’t Minchat Yitzchak 3:26 and 10:67). While the OU does not rely on these heterim alone, it combines them to exempt chocolate from bishul Yisrael. Additionally bishul akum applies only to foods that play a primary function at a high-class meal. Chocolate is consumed only in small amounts and plays a minor role, even at a state dinner. Other poskim suggest that, since the heat from the conches is generated from the friction of the rollers, it is comparable to an unusual method of cooking, which is not subject to bishul akum.

9. The Shulchan Aruch (OC 202:18) rules that ‘shehakol’ may be made when in doubt, but the Mishna Berura (202:84) clarifies that this is only AFTER one has learned the halachot and done everything feasible to ascertain the beracha. If, at that stage, it is still not clear then ‘shehakol’ is permitted.

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The Gemara rules that date honey gets the beracha ‘shehakol’, like all juices processed from the fruit. What about pressed and processed dates? The Gemara concludes that, as long as they remain in their original states, just pressed, they will be ‘haetz’. Rashi explains that we are referring to something that was pressed but not pulped - merusak.

The Rambam rules that a vegetable broth remains ‘borei peri ha’adama’ even through one is drinking only the liquid. So too a date paste, even when made into a kind of dough, remains ‘haetz’.

The Beit Yosef understands this to be a machloket. According to Rashi and others, crushed fruits remain ‘haetz’ only if they have not be fully pulped into a paste. However, the Rambam rules that even fully pulped fruits are still ‘haetz’.

The Shulchan Aruch rules like the Rambam, that even puréed dates remain ‘haetz’. The Rema adds that, accordingly, powidla - a plum jam prepared from unsweetened cooked plums10 - will also be ‘haetz’. The Rema the brings a dissenting view that the correct beracha11 is in fact ‘shehakol’, and rules that one should be concerned for this opinion and make ‘shehakol’. However, if one made ‘haetz’, that will still work, since the first opinion is, even for the Rema, the main one.

The Mishna Berura rules that the date paste is ‘haetz’ since it still consists of puréed dates. But the plum jam is ‘shehakol’ since it is totally changed from the original plums. And, of course, ‘shehakol’ will always cover ‘haetz’ bedieved, so there is nothing lost in saying ‘shehakol’. However, for the beracha acharona, the position is trickier since borei nefashot does NOT cover al hanichiyah/perot/gafen, even bedieved12.

The Mishna Berura rules that jams made from pulped and juiced fruits mixed with sugar are ‘shehakol’ (but bedieved ‘haetz’ will work).

References:
11. There is a debate in the Acharonim as to whether the Rema is saying this only on the powidla or also on the date paste. See MB 202:42.
12. He suggests that, to avoid the halachic doubt, one should should also eat a proper shiur of food that is definitely ‘borei nefashot’ and another that is definitely ‘al haperot’. If one cannot do so, then one can say ‘al haperot’ since even the Rema rules that this is the main view.
The Mishna Berura then adds a very important point. If the NORMAL way of eating this fruit or vegetable is in the processed state, mixed with sugar, the beracha will remain ‘haetz/ha’adama’.

• In practice, most Sefardim follow the ruling of the Shulchan Aruch that the beracha on date butter is ‘haetz’. Ashkenazim follow the ruling of the Rema, that one should say ‘shehakol’, because of the doubt as to which opinion we should follow. In practice, Ashkenazim usually say ‘haetz’ when eating a product that has some of the consistency of the fruit, like jam containing recognizable fruit pieces, or “chunky” apple sauce, but say ‘shehakol’ before eating a completely smooth apple sauce, or a smooth jam, where the fruit has completely lost its consistency. This also applies to chunky mashed potato (ha’adama) as opposed to smooth potato puree (shehakol).

• Note that the ‘shehakol’ beracha on smooth apple sauce etc is a safe. That has important halachic implications. For example, someone eating a fruit and smooth apple sauce at the same time who recited ‘haetz’ on the fruit may not then make a beracha on the sauce in case it was covered. They should first recite ‘shehakol’ on the sauce and then ‘haetz’ on the fruit13. Alternatively, they should make the haetz on the fruit with specific intent to cover the sauce14.

C2] APPLICATIONS TO CHOCOLATE

• As we noted above, chocolate is heavily processed. Will this affect its beracha?

The Sha’arei Teshuva (1780-1820) writes that custom was for people to make ‘shehakol’ on chocolate. However, at that time, chocolate was ONLY a drink! Everyone agrees that the beracha on the liquid will be ‘shehakol’.

Rav Shlomo Zalman Auerbach rules that the beracha on solid chocolate should be ‘haetz’! Since this is the normal way we eat this fruit, and the chocolate is the actual substance of the fruit itself, the beracha remains ‘haetz’.

Rav Moshe Feinstein rules that the beracha on chocolate is shehakol. (We will examine below the full teshuva on the issue of the chocolate coating on the raisins). What is the basis of the machlokot?

13. Ben Ish Chai, Pinchas #16. Some poskim are stricter on this and consider it to be an unnecessary beracha - beracha she’eino tzricha. Even though this is not a beracha levatala (since both berachot are halachically necessary given the way one structured them), there is a debate in the poskim as to whether, and when, one may engineer the need for an extra beracha that could have been avoided.

14. This is less ideal since Ashkenazim rule that the lechaticha beracha on the source is ‘shehakol’ and ‘haetz’ is only bedieved.

15. As we will see below, in practice, Rav Shlomo Zalman advised people to follow the minhag and make ‘shehakol’.

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The Shulchan Aruch rules that the beracha on processed spices remains its original ‘haetz/ha’adama’ even though they have been processed and sugar has been added. The Mishna Berura stresses that, even though they have been totally processed and do not resemble their original form, since this is the normal way of eating them, the beracha remains.

• After the sugar beets ripen, they are harvested, washed, and sliced into thin chips. The beet chips are then soaked in hot water for about an hour, which extracts the sugar from them and creates a strong sugar solution. Chalk is added to the sugar solution, which causes the non-sugar parts of the solution to clump together, so that they can be filtered out. The sugar solution is then evaporated to concentrate the sugar. Eventually, the sugar concentration is great enough to form crystals, which are then removed from the solution.

• Critically, the case of both sugar cane and sugar beet, the sugar is extracted from the stem or root, rather than being simply processed in its raw form.

• Rav Shlomo Zalman compares chocolate to ginger or spices, which keep their original beracha even after processing. Rav Moshe may compare chocolate more to sugar, which gets the beracha of shehakol, even though it is derived from a sugar beet cane or root.

• Also, the chocolate that we eat is usually less than 50% actual chocolate, adding to the grounds to say ‘shehakol’. According to this reasoning, if the mixture were more than 50% chocolate it would be more likely to be ‘haetz’.

• The almost-universal custom is to say ‘shehakol’ on chocolate. In practice, this was the ruling of Rav Shlomo Zalman too.

• If, however, one ate cocoa powder, the beracha is ‘haetz’. Also, if one said ‘haetz’ or ‘ha’adama’ on other food, it is preferable to say the shehakol on the chocolate first so that there is no doubt as to whether it needs another beracha.

D] THE BERACHA RISHONA ON CHOCOLATE-COATED RAISINS

The Shulchan Aruch rules that the beracha on sugar is ‘shehakol’ since it is processed, boiled and is more akin to date honey which is shehakol.

The Mishna Berura rules that, even though sugar beet is made specifically to be eaten as sugar, and everyone knows this when they eat it, since the final product looks NOTHING like the original fruit, and no one would ever guess that it came from there, the beracha should be shehakol.
The general halachic rule is that where two distinct foods are eaten together, and one is coming to enhance the other, the beracha is made only on the main one (ikar) and this covers the enhancer (tofel). This applies whether they are presented separately (eg fries and ketchup) or as a mixture (eg apple pie).

- Hashkafically, this is also an important idea. The halacha is instructing us to assess before we eat what is primary and what is secondary. This skill - to see the important distinction between the big issues and the small - is essential in so many life scenarios!
- It also stresses the power of da’at - the human will - to fix a halachic reality.

What if both are ikarim and one is not clearly coming to enhance the other? The Mishna Berura rules that in this case there is only one beracha - on the majority food.

- Based on this, it would seem that should there be ONE beracha on chocolate raisins.
  - If one relates to them as chocolate, with the inside fruit as an enhancer, there will be one beracha of shehakol.
  - If one relates to it as a fruit/nut with a chocolate enhancer, eg a chocolate coated almond, it should be ‘haetz’.
- If both are genuinely the ikar, it should go by the majority (the chocolate).
- However, Rav Moshe Feinstein did not agree!

Rav Moshe rules that since one wishes to eat BOTH the chocolate AND the raisin and neither is really tafel to the other and there is no halachic ‘mixture’, one must make two berachot on chocolate-coated raisins - first ‘shehakol’ on the chocolate (with intent not to cover the raisin) and then ‘haetz’ on the raisin.

- In practice, Rav Moshe advised, where possible, to make a ‘haetz’ on another fruit with intent to exempt the raisin, and then to make a shehakol on the chocolate raisin.

Rav Moshe is based on the idea that two ikarim which are NOT baked or cooked together still get TWO berachot.

- Many poskim disagree with this and rule that there should only be one beracha, either on the preferred ingredient or on whichever is greater in quantity.20 If the chocolate is the majority and one said ‘shehakol’ with intent to cover the raisin, that will work. So too, if the raisin is the majority and one said ‘haetz’ with intent to cover the chocolate, that will work too21.
- The same will apply to other chocolate coated fruit.
- The beracha on a chocolate bar which includes nuts or fruit is shehakol, since the chocolate is the ikar.

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21. If there is a doubt about which is the majority, even Rav Shlomo Zalman ruled to say ‘shehakol’ as one would normally do in case where the majority was unclear. This is notwithstanding his in principle position to make ‘haetz’ on chocolate. In practice, he went along with with minhag to make ‘shehakol’.

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E) THE BERACHA ACHARONA ON CHOCOLATE-COATED RAISINS

- The normal rule is that one only makes a beracha acharona if one eats a kezayit of food within a k’di achilat pras (3-4 minutes).
- According to Rabbi Pinchos Bodner’s Halachos of K’zayis book this would be 30 chocolate raisins within 3-4 minutes.
- The beracha acharona would follow the beracha rishona. If one made shehakol it would be ‘borei nefashot’. If one made haetz it would be ‘al ha’epirion’.
- If one followed Rav Moshe’s psak and made 2 berachot at the start, the beracha acharona will be ‘borei nefashot’ (for the raisins and chocolate combined) unless a kezayit of actual raisins (around 92!) were eaten within 3-4 minutes, in which case the beracha would be ‘al ha’epirion’.

There is however a halachic position in the Rishonim that eating one whole piece of fruit (eg one grape or one olive) would always require a beracha acharona even if is less than a kezayit were eaten, on the basis that it has ‘chashivut’ as a ‘birya’.

- On that basis, would one need to make a beracha acharona even on ONE chocolate raisin? 24. Rav Shlomo Zalman said no, since he ruled that the din of birya did not apply to a raisins. 25. However, not all poskim agree.

F) CHOCOLATE-COATED ORANGE PEELS

- Peels of fruit which are normally eaten eg apple are ‘haetz’ since they are part of the fruit.

The beracha on a regular orange peel is (probably) shehakol, although there are poskim that supported haetz and ha’adamah.

- Where the inside is something which is not normally eaten on its own eg orange peels, the beracha for a chocolate coated version is ‘shehakol’.

22. Based on Rabbi Bodner’s kezayit pictures, he seems to be assuming that a chocolate coated raisin is approximately two-thirds chocolate and one-third raisin. 23. For the same reason one whole insect is not batel in a mixture even if less than 1/60. 24. Presumably since they had lost much of their original volume in the drying process.

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G] OTHER HALACHIC ISSUES REGARDING CHOCOLATE

There are many other potential halachic issues concerning chocolate. They include:

- Drinking hot chocolate before tefilla.
- Chocolate during a meal - does it get its own beracha?
- Beracha Acharona on a hot chocolate drink.
- Coloring food/drink with chocolate on Shabbat.
- Breaking chocolate letters on Shabbat.
- Kashering chocolate factories - see footnotes above.
- Bishul akum and chocolate - see footnotes above.
- The status of milk powder as chalav akum - see footnotes above.
- Eating chocolate money with ‘In God we Trust’ printed on it.

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27. Most of these also relate to other food - see https://www.theyeshivaworld.com/news/headlines-breaking-stories/362964/the-halachos-and-kashrus-of-chocolate.html for a long and source-based article dealing with many of these issues.

28. While some poskim rule that lechat'ila one should not not buy such chocolates, others say that there is no problem at all since is permitted to erase the name of God in a different language.

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