



## THE DAF

The Gemoroh in Yevomos (121A) tells us in the name of Reb Gamliel, "Once I was travelling in a boat and I saw a ship that lay capsized in the water. I had much anguish concerning the Talmid Chochom Reb Akiva who was in the boat (in mortal danger). When I reached dry land, Reb Akiva came and discussed Torah before me. I said to him, "My son, what saved you?" He replied, "I found a DAF (plank) of the ship and I was able with it to navigate all the waves that approached me."

The famous Lubliner Rav, Reb Meir Shapiro זצ"ל saw in this story a source for the power and strength of the Daf Yomi. He explained the above Chazal in an allegorical manner. Reb Akiva lived at the times of the Romans who persecuted our people. The ship of Klal Yisroel and its leaders, personified by Reb Akiva, lay broken and in danger of drowning. Reb Akiva explained to Reb Gamliel that only the study of the DAF Gemoroh will save Klal Yisroel in times of mortal danger.

It is hoped that the seasonal publication of The Daf HaKashrus Consumer Edition, which B"SD will be published before the Yomim Noraim, Chanukah, Purim and Shavuos, will be informative for consumers. We hope to create a lifeline to assist them in smooth sailing through the sometimes choppy waters of the field of kashrus.

*This editorial was adapted from the first issue of The Daf HaKashrus – A Monthly Newsletter for the Mashgiach, written by Rabbi Yosef Grossman, Editor. It appeared in Sivan 5752-June 1992.*

## SHERRY CASKS

Rabbi Eli Gersten, RC Recorder of OU Psak and Policy

## לא באתי אלא לעורר

Many whiskeys advertise on their labels that they have been "sherry cask matured", or "sherry cask finished", or will just print the words "sherry cask". Simply put, this means that the whiskey was kavush in a sherry cask. Unless the whiskey has a hechsher, the sherry cask they are referring to was a barrel of stam yaynam. Some Rabbonim are *maikel* and allow drinking these whiskies, while other Rabbonim say that one should stay away. Why are there different opinions? What are some of the halachic questions involved with whiskey that was stored in such barrels, and why does the OU not permit serving these whiskeys at their establishments?

*Shulchan Aruch* (Y.D. 135:13) says that only a *k'dei klipa* (thin layer) of a wine barrel becomes assur. Since the volume of whiskey stored in these barrels is much more than 60 times the *k'dei klipa* of the barrel, the bliyos of wine are batel in the whiskey.

Another *sevara* why Rabbonim are *maikel* with whiskey aged in sherry casks is because *Shulchan Aruch* (137:4) says that one may place water, beer or *sha'ar mashkim* into a clean wine barrel. The bliyos of wine that are absorbed in the barrel are *nosain ta'am lifgam* into these *mashkim*. Although *Rema* (Y.D. 137:1)



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# PLAYING WITH FIRE - Part I

Rabbi Yaakov Luban, Executive Rabbinic Coordinator, OU Kosher

Daf Notes: The excellent article by Rabbi Luban entitled "Playing with Fire" was originally published in The Daf HaKashrus Vol. 3, No. 6, P. 24. It is reprinted here with slight modifications.

Here is a short quiz of ten questions to test your knowledge of some of the finer points of kashruth: All the questions have one answer alluded to by the title of this article.

1. What kashruth problem may be obviated by using a touch tone phone?
2. Contemporary Rabbonim dispute the use of a light bulb to solve which kashruth concern?
3. Of what particular interest is it to the Jewish community what the Queen or King of England serves at royal dinners?
4. Why is MTBY printed on some cans of OU tuna fish?
5. What situation became exacerbated by the introduction of stoves with electronic ignitions?
6. How can kosher food be rendered non-kosher without adding a single ingredient?
7. What law of kashruth was instituted to prevent intermarriage?
8. What halachah of kashruth is often of greater concern when husband and wife both work?
9. Sephardim and Ashkenazim disagree whether a wood chip can be used to resolve what issue?
10. What relevant law of kashruth is unknown to many people?

If you knew that the answer to these questions was *bishul akum*, congratulations! You have just won first prize in the OU kashruth bee, and you are eligible to win the grand prize (an extended stay in *olam haba*, after 120 years). If you did not know the answer, you may wish to read on, to help secure your share of the grand prize as well.

Thousands of years ago, Chazal recognized that Jewish identity is the key to the survival of Klal Yisrael. To this end, Chazal enacted three sets of food laws to limit socialization: *bishul akum*, *pas akum* and *stam yainom* (cooked food, bread and wine prepared by gentiles). This was based on the realization that bonds of friendship are established by eating together, and breaking bread with a stranger is the first step to developing a closer relationship. For thousands of years of *golus*, the biblical and rabbinic laws of kashruth have formed a natural fortress that prevented the assimilation of the Jewish people into many different cultures of the world. Today, with spiraling assimilation wreaking havoc at a frightening rate, the prophetic vision of Chazal is all the more apparent. It is significant that even for secularized Jews, a kosher kitchen often remains the last bastion against intermarriage and assimilation.

More than 2,000 years ago, Chazal<sup>1</sup> prohibited eating certain foods cooked<sup>2</sup> by non-Jews in order to limit socialization which might lead to intermarriage between Jews and gentiles.<sup>3</sup> This prohibition is known as *bishul akum*. Food which has a *bishul akum* status is no more kosher than a sandwich of cold roast beef and cheese,<sup>4</sup> even though the ingredients used to prepare the food were

initially kosher in and of themselves. In recent years, with many women entering the work force, it has become increasingly more prevalent for non-Jewish<sup>5</sup> help to prepare meals while a couple is away from home. Unfortunately, many people are completely unaware that food prepared by a non-Jewish live-in maid or baby-sitter may not be kosher, and even their utensils, pots and pans may require kosherization.<sup>6</sup> The typical family dinner consists of meat, poultry, fish, and other items which are definitely restricted when cooked by a gentile. This problem has been exacerbated by the introduction of stoves with electronic ignition, rather than standing pilot lights. Why electronic ignition is a factor in *bishul akum* reflects an important aspect of this area of halachah.

*to be continued.*

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<sup>1</sup> Mishna Avoda Zora 2:6 Tosofth, Avoda Zora, 37b, writes that the laws of *bishul akum* were enacted at an early period, even before Hillel and Shammai.

<sup>2</sup> In the laws of *bishul akum*, *bishul* (cooking) is used generically and includes baking (Yoreh Daya 113:3), frying (Chochmas Adam 66:6) and broiling (Gilyon Maharsha 113:1) as well.

<sup>3</sup> Intermarriage is the reason cited by Taz, Yoreh Daya, 113:1, based on Tosofth, Avoda Zora, 38a. Rashi in Avoda Zora (ibid), maintains that the Rabbis restricted socialization to prevent the inadvertent consumption of non-kosher food. The Pischai Teshuva, Yoreh Daya 113:1, notes that according to Rashi, the prohibition would include food prepared by non-observant Jews as well. See the responsa of Minchas Yitzchok, Vol. 3, 73, who takes a stringent view of this matter. Kaf HaChayim,

Yoreh Daya, 113:1 rules that *bidieved* (after the fact) one can be lenient, since we are dealing with a *sofek dirabonon* (uncertainty about a rabbinic question). Yabia Omer, Vol. 5, 10, also agrees that it is preferable to have a religious Jew prepare food, while Tzitz Eliezer, Vol. 9, 41, rules in favor of the lenient view.

<sup>4</sup> I chose this example because milk and meat, when eaten (but not cooked) together, are prohibited on a rabbinic (and not Biblical) level, as in *bishul akum*.

<sup>5</sup> According to the majority of opinions quoted in Footnote 3, it is also preferable not to allow a non-religious Jewish housekeeper to prepare food.

<sup>6</sup> Yoreh Daya 113:16.

## SHERRY

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paskens that wine barrels always have the status of a *ben yomo*, even if they have not been used for many months, however wine barrels are only mashbiach other wines. Since whiskey is not wine, it too should be included in this heter of *sha'ar mashkim*. This sevara would only apply to ordinary sherry casks, where the intent is to mellow the barrels, and they are not interested in the sherry taste. But this sevara would not apply to refurbished casks, which are loaded up with sherry, and the intent is to leach sherry into the whiskey. In this case, it is clearly intended as *ta'am lishvach*.

In those whiskeys where the intention is for the taste of sherry, it is possible that bitul would not help since it is *ikro l'kach*. *Shulchan Aruch* (Y.D. 134:13) paskens like the Rashba that any drink which it is the *derech* to mix in wine is forbidden, even if the wine is less than *shishim*. Rav Moshe Feinstein zt"l (*Igeros Moshe* Y.D. 1:63) explains that *Shulchan Aruch* paskens that *issurei hana'ah*, such as *stam yaynam*, that are *ikro l'kach* are not *batel*. However, Rema writes that *b'zman ha'zeh b'makom hefsed* we do not consider *stam yaynam issurei han'ah*. Furthermore, the Mishna (*Avoda Zara* 29b) says that kosher wine placed in a *stam yaynam* barrel does not become *assur b'hanah* (only *assur b'shetiya*). So the *chumra* of *ikro l'kach* would seem not to apply here. Although placing whiskey into these barrels would still be a form of *bitul issur*, however if a non-Jew is *mivatel issur*, especially if his intention is to sell to other non-Jews, then according to many Achronim, it is permissible for a Jew to purchase this product.

One more consideration is the age of the barrel. *Shulchan Aruch* (Y.D. 135:15) says that a wine barrel that was not used for 12 months is permitted. Although these wine barrels have a *chezkas issur*, this is a *chazaka ha'assuya l'hishtanos*. However, this heter is not so clear, since whiskey manufacturers are interested in moist barrels, and will even transport the barrels with some sherry still in them to keep them from drying out.

Although sherry casks add color to the whiskey, and in certain cases we say that *chazusa* is not *batel*, nevertheless in this case the *chazusa* is *batel*. This is because we pasken like the *Pri Chadash* (Y.D. 102:5) that *chazusah* of *issurei d'rabbanan* are *batel*.

However, there are compelling *sevaros* to be *machmir* as well. Sherry is the name of a Spanish wine that is fortified with grape alcohol. Alcohol content of an average wine will range about 12-13%, but alcohol content of Sherry will range from 15 to 22%. Is sherry still considered just a wine, or due to the added alcohol is it considered a *davar charif* like *yayin saraf*? Noda B'Yehuda (Tinyana Y.D. 67) says that although wine will only *assur* a *kdei klipa* of the barrel, wine alcohol will be absorbed throughout the entire thickness of the barrel. The volume of whiskey to the thickness of the barrel is not even six to one. So if sherry is viewed as a *davar charif*, the *bliyos* would not be *batel*. Furthermore, *Noda B'yehuda* (Tinyana Y.D. 58) writes that wine alcohol is *nosain ta'am lishvach* into whiskey. So if indeed sherry is considered a *davar charif*, the whiskey would be *assur*.

Even if we were to accept that the alcohol content in sherry is not high enough to consider it a *davar charif*, there are still reasons to be *machmir* not to drink these whiskeys. Shach (Y.D. 135:33) says that if we know that wine was *kavush* in a barrel for more than 24 hours then wine is absorbed in the entire thickness of the barrel, and not just the *k'dei klipa*. Although most Achronim do not follow this opinion, *Chachmas Adam* (Klal 81:6) writes that unless it is a *tzorech gadol*, one should be *machmir* to follow Shach. Therefore, one should avoid these whiskeys, since the volume of whiskey is not enough to be *mivatel* the entire barrel. It is difficult to apply *nosain ta'am lifgam* to whiskey, since whiskey is a *davar charif*. Ordinarily we assume that all *bliyos*, even *ta'am pagum*, are *lishvach* in a *davar charif*, especially here where we see that the sherry is *mashbiach*.

Rav Belsky has also said that in some instances, such as when they use refurbished sherry casks, the intention of storing the whiskey in these barrels is to draw out the flavor. Perhaps this should be compared to *cheres Hadreini* and not to regular barrels. *Cheres Hadreini* was pottery that was allowed to absorb much wine, so that the flavor could be extracted later. The Mishna (*Avoda Zara* 29b) says that wine absorbed in *cheres Hadreini* remains *assur*

*b'hanah*. If these *bliyos* remain *assur b'hanah*, they can *assur* the whiskey, even if they are *batel b'shishim*, since it is *ikro l'kach*. Although, we mentioned above that Rema does not consider *stam yaynam b'zman ha'zeh*

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## PUBLICATIONS



### SEFER BIRKAS YITZCHAK,

Chidushim U-be'urim al HaTorah, by Rabbi Menachem Genack, CEO of OU Kosher, has recently been released by OU Press. Covering all of Chamisha Chumshei Torah, the sefer contains Rabbi Genack's chidushim on parshas hashavuah. With his wealth and depth of Torah knowledge, Rabbi Genack provides us with illuminating and creative insights.

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<b>VODKA</b>	Absolut, Stanislv, Stoli, Stolichnaya, Stravinsky, Stropkov, Three Olives, Zing, Zvezda
<b>WHISKEY</b>	Glenmorangie (non-Sherried), Hamashkeh, Tomintoul, Speyside Glenlivet

Drink responsibly and always look for the OU symbol on these labels indicating adherence to the highest standards of Kashrus.

## SHERRY

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to be *issurei hana'ah*, this is only when there is a *makom hefesed*.

Another reason to avoid these whiskeys is because of *bitul issur lichatchila*. Radvaz (III:547) writes that lichatchila one should not purchase from a non-Jew a product that they know contains issur, even though the issur is batel. He was concerned that if one was permitted to purchase this item, this would lead to eventually asking the non-Jew to prepare it for them. There is large machlokes Achronim whether we follow this Radvaz (See *Yebiah Omer Y.D. VII:7*). Although *Igeros Moshe* (Y.D. I:62) seemingly was not machmir for Radvaz, nevertheless he frowned on purchasing whiskey that relied on bitul: ו"ל ראוי למהדרין ליזהר מדברים שצריך הוראת חכם כהא דחולין דף ל"ז ודף מ"ד ואיפסק ברמ"א ס"ס קט"ז וכ"ש בזה שיש גם אוסרין. It should be noted that Rav Moshe zt"l was not discussing whiskey stored in sherry casks, which have additional considerations *l'kula u'lichumra* (as outlined above), but whiskey to which small amounts of wine were added. But it would seem that his caution is applicable here as well.

Because of all of these concerns, the OU does not permit "sherry cask" whiskeys to be served by their caterers or at their restaurants. However, unflavored whiskey that is not labeled sherry cask and there is no reason to assume it was kavush in a sherry cask is permitted, as per *Rema* (Y.D. 114:10). Rema says if it is not necessary to add wine to a certain food, unless one knows for sure that the non-Jew added wine, it is permitted. The same rationale can be applied to a blend of many whiskeys. Since each individual whiskey might not have been stored in a sherry cask, the blend is permitted as well.

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