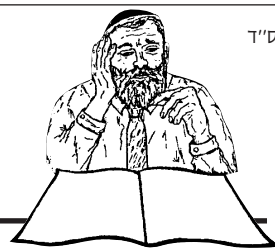




# THE Daf HaKASHRUS

A MONTHLY NEWSLETTER FOR THE  RABBINIC FIELD REPRESENTATIVE



AND



**DAF NOTES:** For over a year, on a weekly basis, the  has provided the popular Hamodia newspaper with a quality Kashruth article written by  Kashruth personnel. These articles appeared in a column entitled Kashrus Kaleidoscope. The responsibility of providing these excellent articles to Hamodia was superbly shouldered by Rabbi Avram Ossey. This responsibility has now been assumed by Rabbi Gad Buchbinder. He will be ably assisted by the editorial board consisting of Rabbis Luban, Cohen, Price, Gorelik and Scheiner who previously assisted Rabbi Ossey as well.

At a recent Kashruth staff meeting, Rabbi Genack announced the awarding of an honorarium of \$200 to any RC or RFR whose article is henceforth accepted by the OU to be included in this column, subject to certain conditions. He also

announced that these high quality articles will be collected and published by the OU as a book in the near future.

Anyone interested in contributing future articles should contact Rabbi Buchbinder by phone at 212-613-8344, fax 212-613-0720 or email buchbinder@ou.org.

The Daf HaKashrus is pleased to publish, with permission, the following pertinent article by Rabbi Dovid Bistricher which first appeared in Hamodia. It discusses leafy vegetables and insect infestation – an issue which has recently been widely discussed here in America.



## "IN THE BAG"

### Kosher Certification of Bagged Salads

BY RABBI DOVID BISTRICHER  
RC - Vegetables, Salad Dressings, Sauces, Bake, Fish

One of the great conveniences today enjoyed by the food consumer is bagged fresh salads. Washed, mixed, and nicely packaged, these products eliminate the annoy-

ance of salad preparation and are just waiting to grace one's table. However, nowadays even seemingly innocuous products must require kosher supervision. Bagged fresh salads are not immune to this phenomenon, as *Rabbanim Hamachshirim* and kashrus agencies face the challenge of certifying these products as insect-free.

There are a number of myths associated with bagged fresh salads. Many assume that farmers and companies are wary of insects in vegetables, and take proper precautionary measures to ensure that their inventory is clean from bugs. This assumption may seem reasonable but, in fact, farmers have not been able to consistently grow insect free produce. The FDA tolerance levels of insect infestation in produce are far more permissive than proper *halachic* standards. For example, the US government allows aver-

ages of up to 60 insects per 100 grams in frozen broccoli, and up to 50 insects per 100 grams of frozen spinach (See Food, Drug, and Cosmetics Act 402 (a)(3)). (There are no FDA action levels written specifically for fresh salad mixes, and typically the standard required throughout the industry for leafy vegetables is the frozen spinach FDA tolerance level). Although farmers generally use pesticides to limit insect infestation levels in produce, the effects are often limited. Powerful and highly effective insecticides previously used have been legally banned because of health risks. Some insects have also developed immunity to certain pesticides over time. Moreover, the popularity of organic produce has complicated matters. The term organic usually means grown without pesticides, herbicides, and synthetic fertilizers. Understandably, produce advertised as organic could be subject to higher levels of insect infestation. Farmers have struggled to create an insect-free environment. Some have been largely successful with greenhouses, since incidents of insect infestation in greenhouse grown products have been very rare.

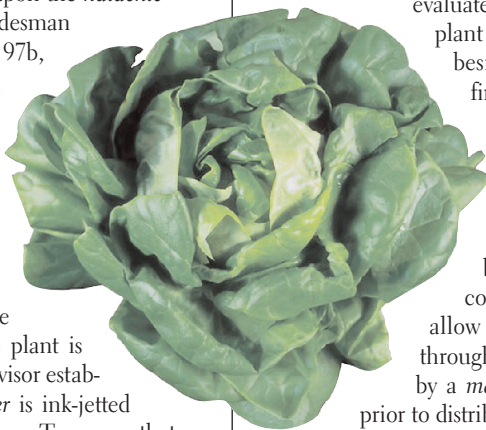
Another myth related to bagged salads is that a company's highly advanced washing system will certainly eliminate concerns of insects from the final product. Although it is true that many companies possess highly advanced washing systems, this assumption is false. The effectiveness of a washing system will depend upon the level of infestation present in the crop prior to washing. High levels of insect infestation will not be sufficiently reduced by an advanced washing system. This is comparable to washing a filthy garment in the laundry. Despite the detergent and expensive washing machine, sometimes it is necessary to wash very filthy clothes several times in order for the clothes to become clean. Insects are often very hard to remove. Aphids and thrips (these are small

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insects that are commonly found in vegetables) cling to vegetable surfaces, and their legs can become embedded into the leaves. If the presence of insects in a shipment is high, running product through the system once will be insufficient. Nonetheless, if the company's standards are met the salad mixes will be bagged, distributed, and sold to consumers on supermarket shelves.

The manufacturing procedure for bagged salads may vary slightly between one company and the next, but the primary aspects of the operation are typically similar. Produce is delivered to the processing site after undergoing a light pre-wash at the farm, or plant. The wash is intended to remove dirt, and does little if anything to remove insects. The produce is loaded onto a conveyor belt at the plant while the outer leaves and cores are removed. The outer leaves are detached since they are subject to the most mold and insect damage. The produce will continue to pass through a shredder and water flume. A flume is a chute-like wash tank that cleans the vegetable leaves. The vegetable leaves will undergo an additional wash prior to being dropped into a bin, and subsequently dried. The vegetable leaves are dried by a machine known as a spin-drier, which dries its contents through high-speed spinning. Once dry, the leaves are mixed into a salad and packed into bags, and are ready for the consumer to purchase and use.

How do kashrus agencies and *Rabbanim Hamachshirim* deal with the challenge of certifying pre-washed vegetables? There are three basic approaches. The first is based upon the *halachic* concept of *uman lo meira anafshei* (a tradesman will not taint his credibility) (See *Chullin* 97b, *Menachos* 43a). This principle endows a non-Jewish tradesman with some level of credibility with regards to his labor (See *Orach Chaim* MG"A 20:1, *Yoreh Deah* *Shach* 98:2). One method of kashrus supervision relies upon the company's Quality Control (QC) Supervisor to monitor infestation levels in salad mixes at a tolerance level of zero (as required by the *hechsher*) once the washing system at the plant is proven to be effective. Upon the QC Supervisor establishing a zero tolerance level, the *hechsher* is ink-jetted along with the product's date code on the bag. To ensure that the washing system remains effective and the company's QC Supervisor adheres to its requirements, the kashrus agency will independently check a certain amount of the washed product. Based upon its reliance of the company's non-Jewish QC Supervisor, coupled with its maintenance of a *chazakah* that the plant's washing system is working effectively, the *hechsher* is given. This method of supervision has been challenged based upon two considerations. The first concern is that the *halachic* concept of *uman lo meira anafshei* may depend upon industry standards, and not *halachic* considerations. FDA standards are far more permissive than what is allowed by Jewish law, and companies are legally permitted to sell product even when *halachic* tolerance levels are exceeded. Moreover, it is difficult to establish a *chazakah* that a washing system is cleaning produce properly when its effectiveness will depend upon infestation levels of the crop. Crop infestation levels vary from one field to the next and can be very inconsistent, even in the same general region. Large salad companies may receive inventory from more than one supplier, and even within one supplying source often more than one field is harvested.



Two alternate methods of supervision require checking salad mixes by a *mashgiach*, based upon several *halachic* considerations. The *Rashbah* requires that once it is determined that the vegetables are prone to insect infestation; they must be checked in their entirety (See *Shut Rashbah* 274, *Shulchan Aruch Yoreh Deah* *Rema* 84:8). Rav Shlomo Kluger writes that by checking three vegetables from the same field, and finding all to be clean, a *chazakah*<sup>1</sup> is established that the infestation level of that particular field falls within acceptable *halachic* parameters and further checking is not necessary (See *Tuv Ta'am VeDa'as* 1:123). According to Rav Kluger the establishment of a *chazakah* is a sufficient level of checking, even according to the *Rashbah*, when the prevalence of insect infestation in a type of vegetable does not exceed *miut hamatzui*. It has also been quoted that Rav Ahron Kotler zt'l allowed for this type of practice as well. One method of supervision followed by some *hechsherim* allow for *mashgichim* to check bags of final product from salad companies in order to establish a *chazakah* that a particular shipment is clean of insects, with the checking done at a distributor's warehouse. If the bag samples are found to be clean, the sticker of the *hechsher* is affixed to the salad bags and are sold by the distributor with the sticker of the *hechsher*. Another method of supervision followed by other *hechsherim* will require an on-site *mashgiach* present at the time of production. The function of an on-site *mashgiach temidi* is to monitor several safeguards, in addition to establishing the *chazakah*. The *mashgiach* will check shipments of produce prior to processing to assess that infestation does not exceed moderate levels, evaluate the washing and filtration system at the plant to ensure that it is functioning optimally, besides checking considerable samples of final product to ascertain that the batch is clean. The Orthodox Union has assessed both methods over a long period of time, and, based on its findings, has opted to only follow the latter practice. Individual shipments of produce received by a salad company on a specific day must come from the same source, which will allow for the establishment of a *chazakah* through checking various batches of salad mixes by a *mashgiach*, whether on-site or immediately prior to distribution.

It is very important to note that when a *hechsher* places its symbol on a bagged salad mix it is not guaranteeing that each bag bearing its symbol does not contain an insect, but that the product can be consumed with peace of mind without checking for insects. There are three levels of insect infestation recognized in *Halacha*. Foods typically infested with insects the majority of the time at an infestation level of 50% or higher are considered *muchzak betolaim*, and one must check for bugs *medeoraisa*, since the consumption of insects is prohibited *min haTorah*. Foods that do not have insects the majority of the time, but are still consistently infested must be examined nevertheless *miderabbanan* (See *Shach* *Yoreh Deah* 84: 28 and *Sifsei Daas* 84:28). The infestation level for what is termed *miut hamatzui* is often assumed at 10% or higher<sup>2</sup>. However, foods whose level of infestation is infrequent and inconsistent, typically below 10%, fall in the category of *miut sheino matzui* and are permitted without checking at all (See *Mishkanos Yaacov* *Yoreh Deah* 17). When a *hechsher* appears on a salad bag, the *chazakah* established by the kashrus agency allows one to assume the product is clean from insects. However, finding

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## BAG

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bugs in the final product is not automatically indicative of a problem. Unless insects are found with some level of consistency, the *chazakah* will remain intact with the assumption that the product falls within the parameters of *miut sheino matzui*. Were an insect to be consumed unknowingly, the *Beis Ephraim* (see *Shut Ha-Chadashos* 8) rules that absolutely no prohibitions were violated. If an insect is found in a bag of salad, the certifying agency should be notified, and a Rov consulted.

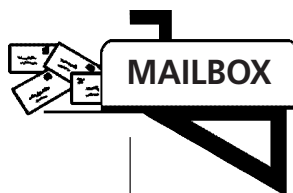
The great challenge that faces *Rabbanim Hamachshirim* today with fresh bagged salads is to ensure that products under their *hashgocho* are free from insect consumption. Fresh salads may be subject to high levels of insect infestation, and unknowing consumers could potentially transgress numerous Torah prohibitions with the consumption of one insect. It is crucial that *Rabbanim Hamachshirim* implement proper systems of supervision to protect the kosher consumer. A Rov must be consulted to assess whether a *hechsher* on a bagged salad is acceptable.

<sup>1</sup>According to the strictest definition, the proper establishment of a *chazakah* entails checking three units of a particular item (See *Erwin* 97a, and *Shulchan Aruch Orach Chaim* 39:8). How that number is applied, and whether additional checking is required in proportion to shipment size is a subject of discussion amongst *kashrus* agencies.

<sup>2</sup>There are varying opinions about how to calculate whether a vegetable type falls into the category of *miut hamatzui*, or *miut sheino matzui*, the detailed discussion of which is beyond the scope of this article.

## DAF NOTES:

The *Daf* is pleased to publish the following communication received from one of our devoted RFR's, Rabbi Yoseph Florans. It is an important alert concerning Raisin Juice concentrate. The *Daf* encourages more of its readers to communicate to one another through our Mailbox column.



Dear Rabbi Grossman,

*Sholom Aleichem*. Hope all is well.

I recently had an incident at a factory in Southeast Iowa that I think might be worthwhile to share with people in the field.

This facility was making dough products (cookies, crackers etc.) and one of their doughs required raisin paste for sweetening the dough. Raisin paste is a category one item and poses no *kashruth* concern. Someone at the company decided that since the raisin paste was just to sweeten the dough, the same would be accomplished by using Raisin Juice concentrate. Apparently it was more cost efficient and blends in easier.

Needless to say, I believe that OU policy regarding Raisin Juice concentrate is that it falls into the realm of *Stam Yainom* and consequently is a highly sensitive ingredient which created a big *kashruth* issue. The problem was resolved and the company removed the raisin juice and is back to using raisin paste.

Perhaps a word should be sent out to the RFR's to keep an extra eye out at any of their facilities that use raisin paste as a sweetener to make sure that they are cautioned not to substitute for anything else. If this company researched and found it to be a practical and economical switch, I feel that RFR's should be made aware of it.

Maybe you could put it in the next *Daf Hakashrus* or have the OU send it out as a memo.

*Kol Tuv*, Yoseph Florans, St. Louis, MO.

## KASHRUTH alert!

**DR. PRAEGER'S 1. PIZZA BAGELS 2. PIZZA VEGGIE BURGERS** produced by Ungar's Food Products, Elmwood Park, NJ contain dairy ingredients as listed on the ingredient panel, but the dairy designation has been inadvertently omitted. Some packages mistakenly bear an ©-Pareve statement. Corrective action is being taken.

**SANTA BARBARA BRUSCHETTA** produced by Santa Barbara Salsa Co., Oceanside, CA bears an unauthorized © symbol and is not certified as kosher by the Orthodox Union. Corrective action is being taken.

**TODD'S TREATS 1. MILK CHOCOLATE ALMONDS 2. TOFFEE ALMONDS AND PEANUTS** produced by Todd's Incorporated, Vernon, CA contain dairy ingredients as listed on the ingredient panels, but the labels mistakenly bear an ©-Pareve statement. Corrective action is being taken.

**BUNGE TABLE GRADE MARGARINE - NO PRESERVATIVES #69156** (a food service item) produced by Bunge Oils, Bradley, IL is an ©D certified product which contains dairy ingredients as listed on the ingredient panel, but the dairy designation has been inadvertently omitted. Packaging has been revised.

**JUICE BURST WHITE GRAPE 100% JUICE BLAST** (food service) produced by H&H Products Co., Orlando, FL bears an unauthorized © symbol and is not certified as kosher by the Orthodox Union. This product is being withdrawn from the marketplace.

## PAS YISROEL alert!

Effective January 1, 2006, all baked goods produced by **HANDMADE PRODUCTS**, Long Island City, NY are NOT Pas Yisroel.

## MAZAL TOV TO ...

our dedicated RFR in Brooklyn, NY **RABBI ELIA SOLOMON AND HIS WIFE** on the engagement of their daughter Chaya Rivka to Yisroel Shlomo Vegh of Brooklyn, NY.

our dedicated RC **RABBI AHARON BRUN-KESTLER AND HIS WIFE** on the birth of their daughter, Daniella Liora on Rosh Chodesh Tevet, 7th light of Chanuka, January 1, 2006.

our devoted RFR in Des Moines, IA **RABBI LEVI GOLDSTEIN AND HIS WIFE** on the birth, Bris and Pidyon Haben of their son Menachem Mendel.

## בואכם לשלום...

to **RABBI CHAIM ELIMELECH CRUPAR**, the Rabbi of the Kingsbridge Center of Israel Synagogue in Bronx, NY and a Musmach of RIETS who has joined OU Kashruth as an RC. We wish him much success in his new responsibilities. He can be reached at x38187 or at [cruparc@ou.org](mailto:cruparc@ou.org).





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