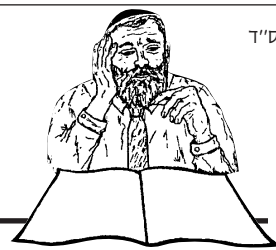


# THE Daf HaKASHRUS

A MONTHLY NEWSLETTER FOR THE  RABBINIC FIELD REPRESENTATIVE



## KO\$HER EXPENSE\$

The following hypothetical questions were presented to Rav Schachter, Shlita, whose answers, in Hebrew, follow each question.

(rather than take the subway) and planned on billing the OU or plant for the expense of parking and tolls. Upon arriving at the OU office he realized that, much to his chagrin, he had driven in to the office on the wrong day! May he bill the OU for his error (from which he had no tangible benefit)?

לענין נראה דבגמרא נחלקו התנאים אי נתקל פושע או נתקל אונס, אבל באי דייקנות בלוח, על פי פשוטו לכויי הוי פשיעה ואסור לו לבקש מהמפעל (או מחברת - OUN) שישלמו עבור חניית האוטו או עבור מכס הגשרים וכדומה.

2. An RFR who lives in Denver receives a *hashgachah* ticket to visit a plant in New Jersey. The RFR is 99% sure that the *hashgachah* ticket was sent to him in error because he has never visited that plant beforehand, doesn't visit any sister companies, has no special expertise that would be useful in that plant, there are no shortage of qualified RFRs in New Jersey etc. Nonetheless, he dutifully follows orders and flies in to New Jersey, makes his inspection and files a report which includes a request for reimbursement for his expenses. Should the OU pay for the error in sending out the *hashgachah* ticket to the wrong person? Or should the RFR absorb the expenses because it was irresponsible of him to not call the OU and clarify if the *hashgachah* ticket was sent to him by mistake?

בגמרא ערובין מבואר דבדרבנן עבדינן עובדא והדר מותבינן תיובתא, אכן בדאב רייתא מותבינן תיובתא תחילה, וכאן - בנוגע להוצאת ממון מחברו (מהOU או מהמפעל) הוא ענין דאורייתא ופשיטא שהי לו לשאול תחילה, ופשע במה שלא שאל, ואין להם לשלם לו אלא הסכום שהיו צריכים לשלם אילו הי' נוסע לשם איזה משגיח מקומי.

3. A company paid the OU the \$500-a-day flat-fee (plus expenses) for an initial inspection. The assigned RFR estimates that the initial inspection will take him 3-5 hours plus approximately an hour of travel time to and from the plant. May he schedule other plant visits (in the same area) for that day? On the one hand, that will save both plants on his expenses and will allow him to see more plants. On the other hand, the company paid for a full day's work and if he's rushed to finish the initial inspection, he may miss points - which could delay the company's certification (as he clarifies the details) and/or affect the setting up of proper kashrus procedures.

אם במפעל המדובר מכניסים מים טהורים לבבוקים, או כיוצא בזה, ואין המשגיח חולם אפילו שתהי שמה שום בעיה בכלל, מדוע שלא יקבע מראש שיבקר גם במפעלים אחרים הנמצאים בקירוב מקום. אכן אם יש על כל פנים לידת הספק שאולי תתעורר שם איזו בעיה במפעל, אז הורינו רז"ל - הווי מתונים בדן, ובגמ' ברכות (כ). איתא מתון מתון ד' מאה זוזי שויה, ואל לו לקבוע ביקורים בעוד מקומות באותו היום, נאלץ ישאר שמה במלון באותו הלילה, ויבקר במפעלים האחרים שבקרב מקום ביום המחרת, ויחסוך לכה"פ על דמי הנסיעות.]

4. In the following questions, the person is faced with a choice between their comfort and a company's costs.

A. An RC has plants to visit in Pittsburgh and Cleveland and he'll have to spend about a whole day in each city. The RC has two choices (a) for \$800 he can fly to Pittsburgh on Monday, fly home on Monday night and fly to and from Cleveland on

*continued on page 8*

**DAF NOTES:** The following first-person account of surviving Hurricane Katrina in Metairie, a suburb of New Orleans, was written by Rabbi Yosef Nemes. Rabbi Nemes serves as the OU's RFR covering the state of Louisiana. Rabbi and Mrs. Nemes' heroic efforts during the hurricane have been reported in the press. The following excerpts are taken with permission from a newsletter of Chabad Texas.

## SURVIVING THE STORM

BY RABBI YOSEF NEMES  
RFR - Louisiana

They say that hindsight is 20/20. But I'm no longer as convinced of this. At times, perhaps, if we would have known what lay in store for us, our decisions would have been different and then the good that resulted from those very decisions would be lost forever.

Last Shabbat morning (August 27) predictions were that New Orleans would be out of the way of Hurricane Katrina's cone. But latecomers to prayers at our Chabad Center bore with them

rumors that we may turn out to be right in the thick of it. First there was a ten percent chance, then 20, and by the time Shabbat was over, the probabilities were that New Orleans would be in the hurricane's path.

By Sunday morning the authorities were strongly suggesting that people evacuate. Though many seasoned New Orleanians who had weathered numerous similar warnings in the past remained skeptical, my wife, Chanie, and I started planning our exit from Metairie.

Soon an endless stream of phone calls started from stranded vacationers and desperate locals seeking advice about where and how to go. Some needed help charting their evacuation routes, others sought alternative shelter, and, for those determined to stay put and not willing to be convinced otherwise, we counseled them on how to fortify and prepare.

At 11:00 I walked to our ground-level Chabad Center to pack up the holy Torah scrolls and bring them to relative safety inside of our two-storey house. Some devoted congregants came by and we boarded up the windows. The phone call frenzy picked up steam.

*continued on page 6*

## STORM

continued from page 5

My wife fielded the calls to our home while I dealt with calls to the Chabad Center. Soon a mandatory evacuation was announced and panic began. Thankfully, we discovered a couple of French Quarter hotels with vacancies on the third floor and were able to direct some of the vehicle-less tourists to there.

A pair of female tourists were kicked out of their hotel and, as the hours advanced, ran out of options. They wanted advice. Instinctively, I invited them over to our home. In the midst of arranging with a friend who was boarding up his downtown business to pick them up, they called to say that they had convinced a taxi driver to deliver them to us for about triple the regular price. Chanie invited over a couple more girls, too.

The hours wore on quickly but the calls didn't let up. Some elderly people had no way of leaving and needed to be walked through a virtual checklist of items that they should bring up to the highest floor. In the rare lull between calls we packed what we could. Winds started picking up. The radio reported hours of backup on the highway.

By 4:00, when we finally had a few minutes to regroup and strategize about ourselves and all those newly dependant on us, we discovered that leaving by car now bore a significant risk factor. News reports presented a dismal picture of the highways backed up with hours of traffic while the storm loomed closer. If we ended up stuck on the highway, G-d forbid, in the middle of the storm, our chances of surviving were far smaller than if we were to be in our brick, hurricane-fortified home. By 5:00 the winds got stronger. We started preparing for Plan B.

We filled the bathtubs with water. We brought the Torahs upstairs, along with our important documents, clothing and other things. In the end we stayed, 13 of us, on the second floor of our home. We prayed for the best but tried to prepare for the worst. We spent our time reading Psalms, asking G-d to spare us, the entire Jewish community and all the people of New Orleans, and discussed issues of faith and G-d's Providence. We also played memory games and other lighter fare.

The gusts developed into hurricane-force winds and eventually, at about midnight, reached 110-135 miles per hour in our area, 35 miles away from the eye of the storm. We heard huge trees snap and, through our skylights, actually saw some of them fly away like paper. Our shutters shook as the winds screeched and screamed with a deafening pitch. This continued well into Monday. The strongest winds (110-135) continued for about six hours, during a total of almost 14 hours of hurricane-force winds (75 mph and up).

We told stories of faith and endurance. By Divine Providence, my wife and I had only recently rediscovered some of the Rebbe's writings about the idiom, "*tracht gut vet zein gut*," meaning, "think good and it will be good." The Rebbe would encourage people facing challenge to rise to the occasion and actually convert it by thinking positively.

Well, it was one thing for us to talk about thinking positively, but you cannot imagine the impact it has on yourself and others when you're faced with real trying conditions. I felt in my bones that our positive thoughts had the power to get us through this, while negative ones would make us fall apart. Fortunately, with our communal positive thinking, we all stayed in very good spirits and quite optimistic, despite the circumstances. Furthermore, we kept reassuring each other that we weren't there without a purpose. G-d guided us to stay to help all of our callers and each

other, and our fate was now in His hands.

By Monday morning, we had completely lost power, regular telephone service and running water. The intense heat and humidity were overpowering and, with no air flow, the house was stifling. Thirteen of us sat in four bedrooms on the second floor. But we were alive! Thank G-d, we were surviving!

Sporadic cell phone service allowed us to check up on other members of the Jewish community who stayed behind. Miraculously, those we contacted were doing fine – under the circumstances – and we just kept encouraging one another. Finally, in the early afternoon, the winds subsided and we rushed to open the shutters and windows.

Though we could wade through the foot and a half of water on the first floor, we couldn't go out of the house, as five feet of water were piled up outside. We also lost all cell phone service and were rendered completely incommunicado.

A medical rescue boat passed by and they screamed up to me to make sure no one in our home was in danger. I directed them to the others on the block whom we knew had stayed. They warned us not to venture into the water as there were many downed power lines and they had also seen poisonous snakes. They assured us that they would return the next day to check on everyone, but we never saw them again.

In addition to learning and praying, we spent the day conversing about all kinds of things big and small, and thanking G-d for His miracles. At night we noticed the water subsiding a couple of inches and we optimistically started planning our Tuesday exit.

But then our battery-powered radio reported that the water seemed to be rising and, with ever-increasing urgency, urged everyone, including those in Metairie, to leave! The entire city may soon be enveloped in 20 feet of water. Clearly, the city had not yet endured the worst. We were unable to get

out at this point and, needless to say, grew very tense.

Once the levee finally broke in the afternoon, the Army Corps of Engineers announced that the water would be headed into the city and not toward us. But only three miles west from us, the water started rising and, within a matter of hours, reached 20 feet. We prayed that the people were okay but felt helpless to do anything for them. Miraculously, the levees and pumps in our area held strong and we had no further flooding.

[The federal emergency broadcast system stayed on the air the entire time but the rest of the media was knocked off the air locally. I heard later that during this time Metairie was singled out by some media outlets for particular danger. But we were oblivious to it and not until I was able to speak to my mother a full day later did I discover the fear and horror that our loved ones and community members experienced when they could not reach us and had no idea of how we fared. It is the same way I feel now for those in our community whom I have still been unable to reach. Each moment seems like an hour when you wait to hear the condition of those you care so deeply about.]

Tuesday night we slept with our windows open and a view of broken power lines and snapped tree roots, some as large as our roof. We felt very fortunate to be alive, healthy and not lacking basic provisions, and felt terrible for the many thousands who were stranded outside and lacked basic necessities. This kept things in perspective for us and made our situation that much easier to bear.

continued on page 7



## STORM

continued from page 6

At 4:00 AM on Wednesday, no longer able to keep my eyes closed, I looked out the window, and saw that there was no water outside, only mud. The pumps in our area had started working again! There was lots and lots of mud, painted uglyly and thickly throughout the street and on houses, cars, and street signs.

I saw an elderly neighbor who I didn't even know had stayed home. He was near the open window on his second floor, trying futilely to get the attention of the military helicopters hovering above by reflecting a mirror upward. From the desperation he exuded I figured that they needed help fast. I sloshed through the mud to reach him across the street and discovered that he and his elderly wife had been without food for a full day. The woman suffered from heart problems and was in great need of hospital care. They had been unable to contact anyone.

I brought them food and drink and made sure that they were hydrated and well fed. Amazingly, she visibly relaxed and started feeling better. It seems that just the simple human interaction – along with the food, obviously – really helped her. Evidently, they were terrified that no one would find them and that no one knew they were there. Seeing me and merely knowing that there were others to help and care seemed to make a big difference.

I walked with her husband to a woman's house down the block who somehow, amazingly, never lost her local telephone service! (She also happens to be our secretary...) He called his son, who made the necessary arrangements to come rescue them. I cannot describe what it was like to hear his voice and see his face when his son answered the phone. May all our crises have such happy endings. I, too, was able to speak with my mother, a conversation I will never forget.

The warnings continued on the radio: Get out! The levees are still not secure and your neighborhood may be next! We started cleaning off some particularly damaged items from our wet,

muddy first floor and packed our suitcases. We had no idea when we'd be able to return.

I met up with another man from our Chabad house, Shmuel Markovitch who, along with his three sons, pulled trees from the road, brought food and water to neighbors and, eventually, helped me start one of our cars. (The other one proved to be too water-damaged even for Shmuel's amazing hands.) With 13 people to evacuate, he gave me the keys to a small refrigerated truck normally used for kosher food and insisted that we use it to leave. With his resourcefulness and self sacrifice I can only imagine how many lives he saved. (Eventually he got out and is now in Miami, thank G-d.)

By the time we got it all together it was 3:00. On our way to the highway we went to the home of a Jewish family who did evacuate. They had left with nothing, right before the storm, and we knew that they were marrying off their niece in California later in the week and had no chance of getting their wedding clothes and other important things. We packed two suitcases of their wedding essentials and were on our way. One minivan and one refrigerated truck full of anxious but thankful people.

Though we had only one and a half miles until the highway, and our area was not the hardest hit, the destruction we saw is indescribable. Homes utterly collapsed, rooftops that had flown across streets, streets that could no longer be called that and personal belongings, floating in the water alongside uprooted trees and cars. Some people walked the roads in a complete daze. You could sense that family upon family and community upon community had lost everything. We just prayed that the people had survived and would be able to rebuild.

**DAF NOTES:** Rabbi Nemes and family are temporarily in Crown Heights, Brooklyn, NY. They plan to return to Metairie and rebuild.

## IN MEMORY OF RABBI MOSHE MORDECHAI KLEIN ז"ל

It is with a great sense of loss that we at the Kashruth Council of Canada write this brief article about Rabbi Moshe Mordechai Klein ז"ל who was *nifter* on Friday night, August 12th, the 8th of Av.

Rabbi Klein held the position of rabbinic coordinator with the Kashruth Council for the past 16 years. He was our "traveling rabbi", whose work included setting up the kashruth program for many companies in Western Canada and cities outside of Toronto as well as making regular inspection visits to these companies.

Because of his years of experience in kashruth technical know-how, he was able to implement the *halachos* of יורה דעה in a practical way, which was a most valuable asset to the Kashruth Council.

Rabbi Klein's sense of humor and *menshlichkeit* in dealing with his co-workers, company contacts, and friends will always be remembered and missed. Since his passing, we have received phone calls and condolence cards from the many companies where he supervised on our behalf. In every case, the people he worked with expressed how special a person Rabbi Klein was and that they had built a relationship of mutual respect over the years.

Rabbi Klein received his *smicha* from HaRav Mordechai Weinberg, ז"ל, Rosh HaYeshiva, Yeshiva Gedola Merkaz Hatorah of Montreal.

In his discussions, Rabbi Klein always cited verses from the Torah and quoted מאמרי חז"ל from many sources. He was an outstanding חכם תלמיד who symbolized excellent attributes and exemplary grace in his relationship with people. He and his wife were great מכניסי אורחים and his home was open to many guests over Shabbos.

We all feel privileged to have known and worked with Rabbi Klein; he will be remembered for his kind words and sympathetic ear.

By the Staff of the Kashruth Council of Canada — COR

Rabbi Yitzchok Kerzner, Chair, Rabbinical Vaad Hakashruth

Rabbi Mordechai Levin, Executive Director





## EXPENSE\$

continued from page 5

Tuesday or (b) for \$700 he can fly to Pittsburgh on Monday, drive to Cleveland on Monday night, sleep over in a hotel, and fly home from Cleveland on Tuesday night. The plants will cover the expenses regardless of which choice he makes, and he'd prefer to be home on Monday night. Is he obligated to choose the second choice so as to save the companies money? At what point (if any) does the difference become significant enough that he must choose the cheaper option?

אינו נראה שיהיה RC מחוייב - אפילו בתורה מדת החסידות - לחסוך להם ממון (בין אם המפעל יהודי או נכרי), אם יותר נוח לו ללון בביתו בינתיים, ולא מיבעי אם אותו הלילה יש לו שעבודים כלפי אשתו, אלא אפילו משגיח פנוי גם כן, אם טפי נוח לו לישון במטתו שלו ולא במטה "נכרית", אין זה בבחינת "מפסיד" לחברת המפעל, או בבחינת לוקח מהם יותר מהמגיע לו, אלא רק שלא השתדל לחסוך להם כסף, ואינו נראה שיהיה מחוייב בכך.

B. An RFR is assigned to visit a plant that is 200 miles away from home. He'd prefer to fly to the plant, but it would be cheaper to drive there (and take about the same amount of time). Must he drive?

כמדומה לי שבכה"ג רשאי לטוס באווירון, שעל ידי כן יהיה יותר רגוע ויותר מתון, מאשר אם הי' נוסע דרך אוטו שהי' גורם לו קצת מתחות, וכמדומה לי שסוחר הי' טס. כללו של דבר, כנ"ל באות "א"ינו נראה שיהיה מחוייב לחסוך להם (שפארען געלט) ממון.

C. An RC is visiting plants in California. If he takes the "red-eye" flight back to New York he will be able to go to work the next morning but will be worn out for a day or two from not sleeping very well on the airplane. He'd rather wait until the next morning to fly back because that will bring him back feeling properly rested, but that will cause him to miss a day in the OU office and incur more expenses (for the hotel room and flight). Must he take the red-eye flight?

הרבה פעמים קורה שהנוסע באווירון כל הלילה אינו יכול לישון כלל, והוא ישאר בבחינת "עיניו־אדומות", ולא יוכל להתפקד כמה ימים לאחר מכן, והיא טענה נכונה (לפי דעת) שכדאי שישלמו חברת המפעל קצת יותר, ושיחסר ממשדרו ב OU יום נוסף - כדי שיהי' יותר רגוע ויותר בריא להמשך בעבודת הקודש שלו.

D. In order to visit his plants, an RFR has to sleep in a hotel overnight. To what degree must he save the companies money by choosing a cheaper hotel if those hotels will be less convenient and/or have fewer amenities?

אינו נראה שיהיה מחוייב לחסוך להם מהוצאותיו, ורשאי לבחור במלון המתאים לפי כבודו ולפי הנאות.

5. An RFR is traveling 3 hours by train to make an initial inspection. Assuming the travel is being done during work time, must he use the travel time to write reports or perform other OU business or may he learn and do other personal items?

אם צריך לישון (או ללמוד, או לקרוא איזה עיתון) בכדי שיהיה רגוע לעשות מלאכתו במפעל שאליו הוא נוסע, ובאם יכתוב דו"חים (או יעסוק בעבודות אחרות עבור ה OU בזמן נסיעתו) הוא חושש באמת שאולי לא יהי' מספיק־דגוע, אז פשיטא שצריך שיהיה רגוע. אך אם מרגיש הוא בעצמו, שבמה שיכתוב דו"חים (וכיוצא בו) זה לא יפריע למנוחת הנפש שלו בהגיעו למפעל, אז הי' נראה על פי דברי הרמב"ם (הלי שכירות פ"יג הלכה ז') שהפועל מחוייב לעבוד בכל כוחו, וז"ל "שהרי יעקב הצדיק אמר כי בכל כוחי עבדתי את אביכן".

[ואין הכי נמי, אילו הי' יכול לכתוב בשתי ידיו בבת אחת, ולדבר על בי טלפונים בבת אחת, ולגמור מלאכת שני בני אדם ביום אחד, מפני כשרונו המיוחד, שהי' מחוייב בזה - בכל כוחו, ואסור לו להפועל לעשות חשבון, שרק משלמים לו כשאר העובדים באותו מפעל, ושאר העובדים אין ביכולתם לעשות מלאכה במהירות שכזו או לעסוק בבי מלאכות בבת אחת.]

## MAZAL TOV TO ...

our dedicated RFR in Fresno, CA **RABBI LEVY ZIRKIND AND HIS WIFE** on the birth and Bris of their son, Shneur Zalman.

**RABBI BARUCH CYWIAK** of the Trademark Compliance Dept. **AND HIS WIFE** on the birth of their daughter, Rochel.

our devoted RFR in Chicago, IL **RABBI AVROHOM CHESNY AND HIS WIFE** on the engagement of their son Yisroel Yaakov to Aviva Malka Eichenthal from Staten Island, NY.

## CONDOLENCES TO...

the wife and family of our devoted RFR in Toronto, Canada Rabbi Moshe Mordechai Klein Z'l on his tragic Petirah. Reb Moshe Mordechai Z'l was an excellent Mashgiach for both the OU and the COR. He beautifully was able to apply vast knowledge in *Yoreh Deah* and *Shas* to the intricacies of modern food technology. He will be greatly missed. Please see tribute in memory of Rabbi Klein Z'l elsewhere in this Daf.

Mrs. Chavi Weinreb, wife of the OU's Executive Vice President Rabbi Tzvi H. Weinreb, and family on the passing of her father Rabbi Chaim Yitzchok Taub, Z'l of Brooklyn, NY.

♦ המקום ינחם אתכם בתוך שאר אבלי ציון וירושלים ♦

## KASHRUTH alert!

**B.C. BUNDT BUNDT CAKES** (assorted varieties) produced by B.C. Bundt Inc., Tampa, FL are © certified products which contain dairy ingredients as listed on the ingredient panel. The © dairy designations have been inadvertently omitted. Future packaging will be revised.

**SKINNY SOUR CREAM & ONION CORN CHIPS** produced by nSpired Natural Foods, San Leandro, CA is an © certified product which contains dairy ingredients as listed on the ingredient panel. The dairy designation has been inadvertently omitted. Corrective action is being taken.

**KATY'S KITCHEN NEW YORK STYLE BLUE CHEESE DRESSING** (gallon size foodservice product) produced by Independent Marketing Alliance, Houston, TX bears an unauthorized © symbol and is not certified as kosher by the Orthodox Union. This product is being withdrawn from the marketplace.

## KASHRUTH advisory!

Milk & Honey Special Cocoa Spread produced by D.H. & S. Ltd. Brooklyn, NY is a certified © product which is Pareve. The ingredient panel mistakenly lists a dairy ingredient.