



Daf HaKashrus

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OLIVE OIL

Rabbi Akiva Tendler, RC, Dressings, Emulsifier, Oil

With Chanukah quickly approaching our thoughts turn to olive oil used for the Menorah. Many people are confused with the various types of olive oil and those which can be used to fulfill the Hidur Mitzvah of lighting with שמן זית. In this article we will attempt to “shed light” on this topic.

Extra Virgin Olive Oil and Virgin Olive Oil production begins by transforming the olive fruit into olive paste by crushing the olives. The microscopic oil droplets concentrate and separate from the olive solids without chemical treatment. The difference between Extra Virgin and Virgin is only in the acidic level of the oil. Extra Virgin Oil has less than .8% free fatty acid and Virgin Oil can have up to 2%. Neither one is blended with non-Olive Oil or with Refined Olive Oil.



Pomace is the solid substance left after the oil separates from the olive paste. Olive Pomace Oil is oil extracted from the Pomace using solvents.

This oil is then refined and often blended with some Virgin Oil. It is fit for consumption, but may not be described simply as Olive Oil.

Pure Olive Oil and Olive Oil are refined Olive Oil blended with Virgin Olive Oil of no more than 1.5% acidity. Virgin Oil is blended with the refined oil since refined oil commonly lacks strong flavor.

Lampante Olive Oil is not suitable as food due to high acidity, poor flavor, and unpleasant odors. The term Lampante comes from olive oil's long-standing use in oil-burning lamps. Lampante oil is mostly used in the industrial market but is often found in Jewish stores before Chanuka.

Refined Olive Oil is the Olive Oil obtained from Virgin Olive Oils by refining methods that do not lead to alterations in the initial glyceridic structure. It has a free acidity of not more than .3%. Note that no solvents are used to extract the oil, but it is refined with the use of charcoal and other chemical and physical filters.

Most bulk oils come to the USA following an inspection approved by the International Oil Council (IOC). In addition, every major bottling company has a laboratory for testing the quality of the oil. Major brands in America test their competitor's retail product for signs of adulteration. Therefore, there is no reasonable concern that a reputable brand will adulterate their oil. To date, no scientific study has concluded that there is adulteration by reputable companies presenting other oils as Virgin Olive Oil. However, little known brands that may hit the market at cheaper prices and fade away are suspect of adulteration.

It is the opinion of most poskim regarding Ner Chanuka that even Refined Oil that does not have a hechsher is acceptable. This is based on the position that for Ner Chanuka the oil does not need to be

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PLAYING WITH FIRE - Part III

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. In this segment, Rabbi Luban continues his discussion of exclusions to the prohibition of bishul akum.

NOT SERVED AT A ROYAL TABLE

Food that is not fit to be served at a royal dinner¹ may be prepared by a non-Jew. Here, too, the level of appreciation to the cook is minimal since the food is not a prestigious item. Some examples of this group are as follows: cereal, potato chips,² corn chips, donuts,³ canned beans, popcorn,⁴ and candy. It is often difficult to establish whether a particular food is fit for a royal dinner. For example, the *Chochmas Adam* (66-4) writes that bishul akum applies to potatoes, while the *Oruch HaShulchan* (113-18) maintains that potatoes are a poor man's staple. In addition, these issues must be revisited in every generation, and one cannot point to halachic precedent, since the determination of what is served at a royal dinner is subject to contemporary custom. Today, it is not uncommon to find mashed potatoes and potato fries at elaborate meals, and even the *Oruch HaShulchan* would perhaps agree that potatoes are now fit for a royal table.⁵

REQUIRES FURTHER PROCESSING

What if the gentile cooks food to the point where it is partially edible, but a Jew completes the cook-

ing process? According to Rav Yosef Caro, this situation normally constitutes bishul akum, while the Ramo maintains that the partial involvement of the Jew is sufficient to be considered *bishul yisrael*.⁶ Many kashruth agencies who follow the Ashkenazic tradition of the Ramo allow non-Jewish companies to prepare specific types of food that can't be used out of the box or can without further processing. Since these items will require additional cooking in any event, it is assumed that the final stages will be done by a Jew and the product will then be considered bishul yisrael. Examples of this category include: parboiled rice, water chestnuts⁷, canned potatoes⁸, frozen french fries, latkes & tatter fries⁹, instant potatoes¹⁰ and pasta.

BREAD PRODUCTS

Bread items were not included in the restriction of *bishul akum*¹¹ and are governed by a completely different set of rules. Many are of the opinion that the sages initially prohibited bread baked by a gentile (*pas akum*) but later partially rescinded this restriction for commercial bread (*pas palter*) which is a staple food item. Some authorities allow the purchase of *pas palter* if *pas yisrael* of comparable quality is unavailable,¹² while others permit *pas palter* under all circumstances¹³. Since the

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1 We refer to a royal dinner because the Talmud speaks of *Shulchan Melachim*, a king's table. However, the *Kaf HaChayim* 113:2 explains that the intent is not limited to a king, but includes any person of stature.

2 There are some who have argued that a food item that can be prepared as a sumptuous dish by a skilled chef is prohibited even when cooked in a manner that would be unsuitable for a royal dinner. It would then follow that potato chips are not kosher if cooked by a non-Jew, since potatoes can be prepared in other manners that are in fact appropriate for a state dinner. See, for example, the *Tifereth Yisrael*, *Avoda Zorah*, 2:52; *Pischai Halachah*, page 116, responsa 17 from Rav Moshe Stern, zt"l; *Teshuvos V'hanhagos* from Rav Moshe Sternbach, Shlita, responsa 438. Nonetheless, many contemporary Poskim are not in agreement with this view, and a variety of proofs have been brought to disprove the former position. As an example, the Ramo, *Yoreh Daya* 113:2, writes that toasted *afunim* (a type of bean) are not fit for a royal feast, while the Rambam, *Ma'acholot Asuros* 17:18, rules that baked *afunim* are prohibited. For an extensive discussion in support of the latter position, see the article of Rav P. Falk, Shlita, *Am HaTorah*, *Mahadurah* 3, Vol. 10, pg. 75.

3 Source – Rav Yisrael Belsky, Shlita. *Yechava Daas* suggests another reason to permit donuts cooked by a non-Jew. Donuts are boiled in oil. There are two opinions cited in *Orach Chaim* 168:13, whether boiled dough products are considered "bread". With respect to the appropriate *brocho*, we follow the lenient opinion and recite *borei minai mezonos*, since *brochos* are a Rabbinic

institution. However, with respect to bishul akum, which is also a Rabbinic decree, we assume they are "bread". As noted later in this article, there are no bishul akum restrictions on bread items.

4 Even though corn is included in the category of foods that can be eaten raw, I have also placed popcorn on the groups of food that cannot be served at a royal table. This is because there is an opinion that a food that initially can be eaten raw that is dried to the point where it can no longer be consumed in a raw state is governed by the laws of bishul akum. See *Darkai Teshuva*, 113:4. According to this position, dried corn used for popcorn is not treated as a food that can be eaten raw. Nonetheless, popcorn is permissible since it is not served at state affairs.

5 Contemporary Poskim often argue whether specific items are fit for a royal feast. For example, Rav Moshe Heineman, Shlita, (*Kashruth Kurrents*, Fall 5754-1993) singles out canned asparagus as the only prestigious canned vegetable that cannot be eaten raw where bishul akum is applicable. Rav Yisrael Belsky, Shlita, shared with the author that he believes that canned asparagus would not be used at a state dinner because of its soft texture, but in any event it should not be eaten because of concerns of insect infestation. On the other hand, Rav Belsky maintains that canned yams are suitable for a state dinner, and bishul akum applies.

6 *Yoreh Daya*, 113:9.

7 Caterers and chefs generally stir fry water chestnuts and other vegetables. Rav Yisroel Belsky, Shlita, pointed out two additional

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restriction was rescinded only because of necessity, many people who are *medakdek b'mitzvos* (scrupulous in mitzvah observance) refrain from eating pas palter under all conditions¹⁴. Nonetheless, many kashruth agencies follow the basic halachah, and endorse products known as *pas palter*¹⁵. *Pas palter* includes a category of products known as *pas haboh bikisnin*¹⁶. Some common examples of *bikisnin* are pie, cake, cookies, pretzels, bread sticks, flat bread, crackers and kichel.

MAIN COMPONENT IS WATER

Tosofoth¹⁷ states that *bishul akum* is not a concern with respect to beer, even though the grain component is cooked, since the majority is water. *Pri Chodosh*¹⁸ extrapolates that for this reason coffee (or tea) and cocoa are permissible¹⁹.

FISH

One of the most fascinating applications of the halachos of *bishul akum* is with respect to the processing of fish. This is a broad

topic, and to discuss it properly we must distinguish between three categories of processed fish: cold smoked fish, hot smoked fish and canned fish. Cold smoked fish is the least problematic. Salmon (which includes lox) is generally not processed with heat. Rather, the fish is hung in a smoke house, and the chamber is filled with a cold smoke which cures the fish and changes its texture. Since there is no heat, this process can be performed by a non-Jew without consequence of *bishul akum*.²⁰ Other types of smoked fish, such as white fish, sable and tuna, are usually processed with smoke and heat. Because this is a hot process and the fish are suitable for a royal banquet, the issue of *bishul akum* is a serious matter of concern.²¹ The OU and other kashruth agencies have dealt with this in several different ways. The range of solutions to this problem will be discussed in the next issue.

reasons to exclude water chestnuts from *bishul akum*. First, the Shach, *Yoreh Daya*, 113:1, favors the opinion of those poskim that if cooking does not change the item, *bishul akum* does not apply. Second, the water chestnuts are not eaten alone without the combination of other vegetables. Therefore, water chestnuts in and of themselves cannot be viewed as fit for a royal table. See Teshuva in *The Daf Hakashrus – Daf Hashana Aleph* p. 10.

8 Typically, caterers bake canned potatoes.

9 This is only the case if these items are not fully cooked, and each brand should be tested separately.

10 Instant potatoes are fully cooked before they are dehydrated and made into flakes or powder. Nonetheless, Rav Yisrael Belsky, Shlita, realted from Rav Elyashuv, Zt'l, that they are permitted, based on the *Avkas Rochel*, quoted in the *Yad Efraim*, *Yoreh Daya*, 113:12, that food cooked by a non-Jew which was rendered inedible by dehydration and then was re-cooked by a Jew is not prohibited because of *bishul akum*. This same reasoning of the *Avkas Rochel* applies to instant potatoes which are prepared with hot water. Rabbi Belsky pointed out that this is the case only if instant potatoes cannot be made with cold water, and this assumption should be regularly re-examined.

11 There is an opinion that if a gentile bakes dough that belongs to a Jew it is considered *bishul akum*. See *Tur* 112 and *Igros Moshe*, *Yoreh Daya*, Vol. 1, response 45.

12 *Yoreh Daya* 112:5 and *Shach* 112:9.

13 *Ramo*, 112:2.

14 *Oruch HaShulchan*, 112:17.

15 Even those who eat *pas palter* should refrain from doing so during the Ten Days of Repentance (*Orach Chayim*, 603). Some Poskim also recommend not eating *pas palter* on Shabbos and Yom Tov. See *Mishanh Brura* 242:6.

16 *Pas palter* is defined as any product baked by a gentile on which one recites *hamotzi*, either normally, or when there is *kvias seudah* (a full meal is eaten). See *Taz*, *Yoreh Daya*, 112:6, and *Pri Chodosh*, *Yoreh Daya* 112. One recites *hamotzi* on *pas haba bikisnin* whenever there is *kvias seudah*. For a full discussion of *pas haba bikisnin*, see the article by this author in *Jewish Action*, Winter, 1993.

17 *Avodah Zorah* 31b, *V'tarvayhu*.

18 *Yoreh Daya* 112:17 and 114:17.

19 Nonetheless, there are those who disagree with the *Pri Chodosh* and prohibit coffee, tea or chocolate that were brewed by a gentile. See, for example, *Pishchai Teshuva*, 114:1, who cites *Ponim Meiros* that the reasoning of *Tosafot* (that beer is permissible because the majority is water) is not the accepted Halachah. See also the responsa of *Shevet HaLevi*, Vol. 2, 44.

20 Smoking a food does not constitute *Bishul Akum*. (*Yoreh Daya*, 113:13)

21 Some argue that there is no *bishul* even with hot smoke process. See my discussion of this matter in *Mesorah*, Vol. 6, and the article of Rav P. Falk, *Am HaTorah*, *Mahadura* 3, Vol. 10.

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OLIVE OIL

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kosher¹ (i.e. המותר בפיד). An exception to this includes oils forbidden because of

Basar Bcholov. Others opine that oils used for Ner Chanuka should be kosher. Others further say that although it is technically permitted to use non-kosher oils, one should do their best to use oil that has absolutely no doubts about its kosher status.

CONCLUSION:

In conclusion, any Extra Virgin or Virgin Olive Oil purchased at any major food supplier, or produced by any major brand, has no fear of adulteration and may be consumed. The OU encourages consumers to purchase Extra Virgin or Virgin Olive Oil with a reputable hechsher or from a well-known brand to negate all concerns. All other olive oils listed above must have a reputable hechsher to be consumed.

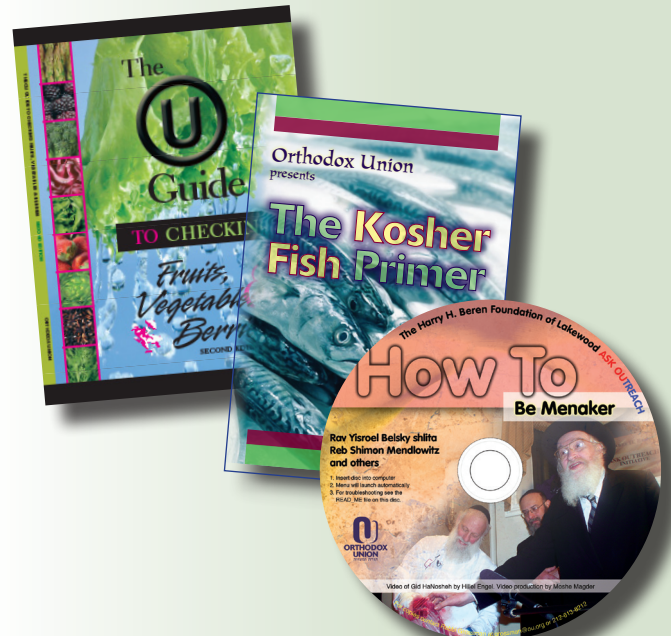
All olive oils, even if refined and not certified kosher, are acceptable for Ner Chanuka, as per most poskim². However, in the spirit of Mehadrin Min HaMehadrin it is praiseworthy to only use Olive Oil that is certified kosher.³

For a longer article on this subject, kindly contact the author at tendlera@ou.org.

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1 השיטות שעריך מן המותר בפיד לנר חנוכה שו"ת שנות חיים לר"ש קלוגר סימן רי"ח ושו"ת בית יצחק ח"ב קמ"ה. שיטות שאין צריך מן המותר בפיד לנר חנוכה שו"ת מהרש"ם ח"ט סי' ל"ט, שו"ת דעת' סימן ל"ט, חתם סופר סי' ל"ט וועיין עוד שדי חמד מערכת חנוכה סי' י"ב.

2 עיין בהלכות חנוכה להגאון הרב שמואל קמניצקי שליט"א פרק ראשון אות ד' שכתב אבל מהיות טוב להמנע מלהדליק נר חנוכה בשמן של איסור.

3 שם הערה ז' בשם המהרש"ם. ועיין עוד פניני חנוכה פ"ו עמוד קמ"ד דדעת הגר"ש אלישיב זצ"ל שהביטול ברוב אינו נותן להמייעוט המעלה של הרוב שיהי' נחשב כשמן וית ויש חולקין ע' שם.

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