

THE Daf HaKASHRUS



A MONTHLY NEWSLETTER FOR THE OU RABBINIC FIELD REPRESENTATIVE

לא באתי אלא לעזור

COOKING ON YOMTOV

In Hotels and Restaurants

RABBI ELI GERSTEN

RC Recorder of OU Psak and Policy

AMIRA L'AKUM asking a *nachri* to do a *melacha* on Yomtov is forbidden. Moreover, even asking a *nachri* to do a *melacha d'rabanana* (a *shevus d'shvus*) is forbidden. However, a *shevus d'shvus b'makom darchei shalom* (i.e. asking a *nachri* to do a *melacha d'rabanana* so as to avoid insulting a *nachri* and causing a fight) is permitted. This halacha has an important application regarding cooking on Yomtov.

The source of the above leniency is the Rema. Shulchan Aruch (Orech Chaim 512:1) writes that a Yisroel is not permitted to cook for a *nachri* on Yomtov. Even to be *marbeh b'shiyurim* for a *nachri* (i.e. to increase the size of the pot of food which will be put on the fire at one time), which involves no additional *melacha* is forbidden. (One notable exception is that *marbeh b'shiyurim* is permitted when cooking for one's servants whom they are required to feed.) Furthermore, one may not even invite a *nachri* on Yomtov to eat at one's home, lest one end up cooking for him. Rema adds that although one may not invite a *nachri* on Yomtov, in certain instances, one may ask another *nachri* to deliver food to his home even if it is outside the eruv. Chazal permitted *amira l'akum* for a *melacha d'rabanana*, in a situation of *darchei shalom*, so as not to insult the *nachri*, if he is pressuring you for an invitation. Mishnah Berurah (512:8 & 325:11) explains that since carrying in a *karmeles* (most cities do not have the status of a full *rishus ha'rabbim*) is only a *melacha d'rabanana*, asking a non-Jew to deliver food is a *shevus d'shevus*, which is permitted *b'makom darchei shalom*.

HOTELS COOKING FOR GUESTS ON YOMTOV

A relevant application of this principle regards hotels that have *nachrim* as guests (e.g. aides or nurses) for Yomtov. These guests need to be accommodated as well. *M'shum darchei shalom*, one cannot turn away these guests from eating in the dining

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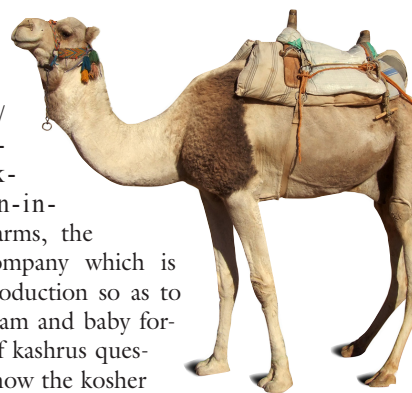
DAIRY FROM THE DESERT

An Update on the Camel Milk Situation (or Non-Situation)

RABBI AVROHOM GORDIMER

RC Dairy

A RECENT Dairy Reporter article (www.dairyreporter.com/Manufacturers/Desert-Farms-works-to-spark-camel-milk-revolution-in-the-US) about Desert Farms, the US-based camel milk company which is planning to expand its production so as to include camel milk ice cream and baby formula, prompted a flood of kashrus questions, with people asking how the kosher dairy industry will remain free of concern for camel milk content in dairy products. Now that camel milk is licensed by the FDA to be used in a variety of dairy food applications, what is to prevent it from being used in the products that we certify or in the milk that consumers drink?



Before addressing this question, it is noteworthy that donkey milk is also coming into the market (www.foxnews.com/health/2016/07/05/will-donkey-milk-be-next-big-nutrition-trend.html), and there is even talk of cockroach milk(!) eventually being used as a protein supplement in food (www.cnn.com/2016/07/27/health/cockroach-milk/). The possibilities of non-kosher milk use in the food industry are endless.

Before getting carried away, let's get to the facts on the ground and to the facts that pertain to kashrus.

At present, one gallon of raw American camel milk sells for \$144, and a gallon of American camel milk powder sells for approximately \$1050. And not to speak of donkey milk or milk of any other non-kosher species, which are not sold at all in the US, and whose cost overseas is extremely steep. It is clear that the opinion of the *P'ri Chodosh* (Yoreh Deah 115:15), who rules that we need not worry about *cholor beheimah teme'ah* (non-kosher milk) being incorporated into kosher milk when non-kosher milk is much more costly or inaccessible, certainly applies here.

But what about according to the opinion of Reb Moshe Feinstein (*Igros Moshe* - Yoreh Deah I:47-49) and other poskim (who by far outnumber the *P'ri Chodosh*), who require *yedi'ah* or *re'iyah* (actual knowledge or halachic verification, visual

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LO BASI

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room with everyone else. In such a situation, would *marbeh b'shiyurim* be permitted? The *Minchas Yitzchak* (2:118) writes that *m'ikar ha'din*, one can ask a non-Jewish chef to cook the meals on Yomtov for all the guests. Since *amira l'akum* is a *shevus*, and *marbeh b'shiyurim* is a *shevus*, this would be a *shevus d'shvus b'makom darchei shalom* which is permitted. We are not concerned that the Jewish caterer will forget himself and end up doing the cooking, since the cooking is always done only by the chef and his crew. Furthermore, the *Minchas Yitzchak* writes that even if the cooking is not done *b'derech marbeh b'shiyurim*, but rather the food is cooked to order special for the *nachri*, *m'ikar ha'din* this too could be permitted. The rule of *ho'il v'ikla'yeh orchim* (if Yiddishe guests would suddenly arrive), teaches us that in most cases cooking on Yomtov for a *nachri* is only an *issur d'raban*, since theoretically this

food could be served instead to a *Yisroel*, even though one's intention is to cook for the *nachri*. Therefore, this too could be permitted based on the *sevara* of *shevus d'shvus b'makom darchei shalom*¹.

HOME COOKING FOR GUESTS ON YOMTOV

However, *Minchas Yitzchak* would not permit in one's private home, to invite a *nachri*, even if they hire a non-Jewish chef. Just as Chazal were *gozeir* that one may not invite a *nachri* on Yomtov, even if all the food has already been cooked before Yomtov, so too they would not permit, even if one hires a non-Jewish chef. The leniency of the *Minchas Yitzchak* is limited specifically to hotels and restaurants that are always staffed by non-Jews, and the owners never do the cooking.

OMELET STATIONS

A common scenario in Yomtov hotels is the omelet station. A non-Jewish chef pre-

pares omelets to order for each guest who approaches. Is it proper for hotels to provide such a service on Yomtov, since *nachrim* will also request an omelet to be cooked special for them? Since the omelet station is not a necessity, perhaps it should not be allowed. Rav Schachter explained that *darchei shalom* necessitates that if there is an omelet station, it must be open to all. Canceling the station entirely would detract from *simchas Yomtov* and is therefore not required. Although the food is cooked specifically for the *nachri*, still the rule of *ho'il v'ikla'yeh orchim* still applies. Therefore, even this situation would qualify as a *shevus d'shevus* and is permitted *b'makom darchei shalom*. ■

¹ *Minchas Yitzchak* had reservation about relying on this leniency out of concern that the reasoning would not be understood, and would give the impression that under all situations cooking for a *nachri* on Yomtov is permitted. However, the prevalent minhag nowadays is to allow anyone to sign up for a stay at a hotel for Yomtov.

CAMEL MILK

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or otherwise) that milk has no non-kosher contents in order for the milk to be kosher? Although there is really no likelihood that camel or donkey milk will be present in any regular dairy products, due to the rareness of these non-kosher milks and their prohibitive pricing, is there a need for greater halachic vigilance, or does the heter of *Cholov Stam* still apply according to these predominant halachic opinions?

In 2009, the FDA emended the *Pasteurized Milk Ordinance* (the PPO, in section 1:S - www.fda.gov/downloads/Food/GuidanceRegulation/UCM209789.pdf) so as to include in the definition of milk (for legal commercial sale) "*Family Camelidae (llamas, alpacas, camels, etc.)... and Family Equidae (horses, donkeys, etc.)*". Prior to 2009, only cow, goat and sheep milk (as well as milk from moose and deer – for which there is no commercial demand) was included in the category of legally marketable milk.

The 2009 PPO emendation would have caused great concern and could have jeopardized the kosher integrity of the United States milk supply, if not for another critical provision (4:3) in the PPO, regarding product labeling: "*The common name of the hooved mammal producing the milk shall precede the name of the milk or milk product when the product is or is made from other than cattle's milk. As an example, "Goat", "Sheep", "Water Buffalo", or "Other Hooved Mammal" milk or milk products respectively.*" In other words, only dairy products made from cow milk may be labeled "milk, cheese, butter, ice cream", etc. Products made from the milk of any other animal species, such as goat, must be labeled as "goat milk, goat milk cheese, goat milk butter, goat milk ice cream", and so forth.

Hence, even milk which is legal for commercial sale, such as camel milk, may not be present in dairy products unless the animal species of that milk is specified on the packaging. I spoke with senior dairy inspection personnel, who advised me that *any amount* of non-cow milk would need to be declared on the packaging.

(The initial article on this topic, in *Daf Ha-Kashrus* 23:4, also noted that the USDA authorizes Grade B milk/manufacturing milk only from cow, goat, sheep and buffalo – all kosher species.)

A few people have asked about raw (i.e. unpasteurized) milk evading milk labeling regulations. Since some states allow for the sale of raw milk under certain conditions, and there may be cases of such milk being sold by farms without regulated labeling indicating the animal species from which the milk was harvested, it would appear that raw milk is able to escape the labeling regulations which otherwise protect the kosher integrity of the milk supply.

This concern is unfounded, though, as raw milk may not be sold for interstate commerce, and, more important for the topic under

discussion, the only products in which raw milk may be used as an ingredient are a very limited and specific selection of seriously aged cheeses, as per FDA regulations. (www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/

[CFRsearch.cfm?CFRPart=133](http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRsearch.cfm?CFRPart=133)) These regulations allow only for raw cow, goat and sheep milk to be used. Raw milk from non-kosher species may not be used. This is all enforced through careful inspection of manufacturing facilities and records.

New developments in the dairy industry relating to milk from exotic animals are always of interest and intrigue. However, we are happy to again state that *kashrus* is unaffected, and we have no reason to believe that this will ever change.

While drinking *cholov Yisroel* (milk processed under full-time kosher supervision) is certainly praiseworthy, our research clearly shows that Reb Moshe's permit of *cholov stam* (regular milk in countries with adequate government regulation) is still very much in effect. Dairy is one of the most tightly-regulated industries, and its production and labeling regulations provide a solid basis for Reb Moshe's approach to continue to apply without question. ■

**ONLY DAIRY PRODUCTS
MADE FROM COW MILK
MAY BE LABELED "MILK, CHEESE,
BUTTER, ICE CREAM", ETC.**

CHOZER V'NIYUR

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THE REMA (*Yoreh De'ah* 99:6) writes that if *issur* was mixed into a kosher food even though it was *batel b'shishim*, if subsequently more of the same *issur* was mixed in, such that the percentage of *issur* is no longer *batel*, the original *issur* is *chozer v'niyur* (reawakens) and the food becomes *assur*. This is true whether the *issur* was *min b'mino* or *min b'aino mino* (had the same taste or a different taste as the food).

Shach (*Yoreh De'ah* 121:20) and Magen Avrohom (452:6) write that *chozer v'niyur* will likewise apply to *plitos* from *keilim* (*nat bar nat d'issura*). If many small non-kosher utensils are immersed and removed one after another from a large kettle, if cumulatively the water in the kettle is not *shishim* more than the volume of all the utensils, the kettle will become *treif*. Even though the *ta'am* from the first utensil was *batel b'shishim*, if one continues dipping utensils, even the *ta'am* that was *batel* will be *chozer v'niyur*¹.

This is particularly relevant if one wishes to kasher *ben yomo* silverware without a *davar ha'pogem*. Even if the volume of water is more than *shishim* times the first few pieces of silverware, eventually the cumulative amount of *ta'am* will make the water *treif*².

There is a *machlokes* Rishonim as to whether we say *chozer v'niyur* regarding *yayin nesech* that falls into a pot of water in very small increments (מצרצור קטן). Rambam (Machalos Assuros 16:30) writes that each drop is *batel* and they do not combine (ראשון ראשון בטל). However, Tosfos (*Avoda Zara* 73a s.v. Ki) writes that this is illogical. If the combined amount gives taste it must be *assur*.

Shulchan Aruch (Y.D. 134:3) seems to contradictorily pasken like both Rambam and Tosfos. First, Shulchan Aruch says ראשון ראשון בטל (Rambam), but then concludes that if the wine eventually gives taste, it will be *assur* (Tosfos). Rema points out this contradiction in the *Shulchan Aruch*, and writes that the *ikar* is like Tosfos.

Igeros Moshe (Y.D. III:12) explains the *Shulchan Aruch* and the *machlokes* Rishonim with an important distinction regarding *chozer v'niyur*. Any ingredient which is intrinsically *assur* such as *neveila* and *chailev* (and almost every other *issur*), even if it was once *batel b'shishim* and at that point was permitted, would be *chozer v'niyur* according to all opinions if more of that *issur* is added to the pot, and now the taste is again recognizable (i.e. the combined total is no longer *batel b'shishim*). The only point of *machlokes* is regarding, *yayin nesech*. All wine starts off as kosher, in the form of kosher grapes. The wine only becomes *assur* once it is turned into juice and subsequently touched by a *nachri*. Rambam holds that wine that becomes *batel* loses that new *issur* and reverts back to its original state of being kosher wine, and therefore *chozer v'niyur* does not apply. However, Tosfos holds that wine is no different than any other *issur*, and *chozer v'niyur* will still apply.

Rav Moshe explains that in order to say ראשון ראשון בטל, there is also another requirement. The drips must come מצרצור קטן (in very tiny increments). This means, that it is not enough for the drip to be merely *batel b'shaish* or *b'shishim*, but additionally, each individual



drip can have no perceptible effect on the water. It can't even cause a change in the color. Rav Moshe explains that when wine is added in such small increments, that each drop has no perceptible influence on the water, then the wine is *k'man d'lessa* (as though it does not exist). At that point, it reverts back to its original status of being kosher grapes. Therefore, even when the drips combine and give taste, they remain *mutar*. That is why it is necessary that the wine falls into the pot only in very small increments.

Igeros Moshe writes that *Shulchan Aruch* does indeed pasken like Rambam that the small drops of wine are *batel* and are not *chozer v'niyur*. But if they fall in larger drops, even though at first they are *batel*, they still retain their identity. If more of these larger drops fall in, the *yayin nesech* will be *chozer v'niyur*. It was these larger drops that *Shulchan Aruch* was referring to when he wrote that if the drops of wine eventually give taste, it will be *assur*.

This has an interesting ramification regarding steam that heats non-kosher grape juice. Boilers produce steam that heats one side of a pasteurizer at the same time that grape juice passes across the opposite side. The spent steam condensate returns to the boiler. Since we are *choshesh* that this condensate gets a *bliya* through the wall of the pasteurizer from the grape juice, this could make all the boiler steam non-kosher as well. Rav Belsky zt"l would explain that we do not need to be concerned about steam that heats wine or grape juice. This is because *stam yaynam* is *batel b'shaish* (1:6) in water, although we need to be concerned that there can be a *bliya* of grape juice into the steam, but since there is no perceptible influence of the juice on the steam, we can surely conclude that whatever *bliya* there is must be much less than one part in six³. However, according to Igeros Moshe's explanation of *Shulchan Aruch*, we can add another *snif* as well. Even if the steam did absorb some *ta'am* of *issur*, it would become *batel* as it returns to the boiler. Once *batel*, we would not say *chozer v'niyur*, since each droplet of wine-tainted condensate has no visible effect on the water in the boiler.

¹ Although Rebbi Akiva Eiger (452:1) argues that we should not say *chozer v'niyur* if it is just *plitos* from *keilim* (*nat bar nat*), however Chazon Ish O.C. 120:3, disproves these arguments and shows that the halacha is like the Shach and Magen Avrohom.

² Poskim write that it is not proper to kasher *ben yomo* utensils even if one calculates that there will be *shishim*, since it is difficult to *cheshbon*, and we are concerned that in reality there might not be *shishim*.

³ There is also another reason to be lenient. Rishonim write that *plitos* of grape juice are *nosain ta'am lifgam* and will always be *batel* into water. See *Bi'ur Ha'Gra Yoreh De'ah* 103:16.



KASHRUS ALERT

PORT ROYAL PREMIUM VEGETARIAN BEANS produced by Port Royal Sales, Woodbury NY are certified by the Orthodox Union. A limited quantity of non kosher beans were labeled with the Port Royal Premium Vegetarian Beans labels, bearing the © Symbol.

The mislabeled product is being withdrawn from the marketplace. The properly labeled Port Royal Vegetarian Beans contain the letters "FDV" as part of the production code that is on the can.

Due to an error, a non-certified product appears in some boxes of **PHILLY SWIRL CUPS** produced by Philly's Famous Water Ice, Inc. Tampa FL. The candy coated spoons are not certified by the Orthodox Union, yet, the box bears an © symbol. Notices were placed inside each box to notify consumers that only the ices are certified kosher, and not the spoons. Other corrective actions are being implemented. The Orthodox Union certifies Philly Swirl ices.

The Orthodox Union does not certify **GOLPAR DRIED MUL-BERRIES** (or any Golpar products) produced by Golpar, Los Angeles CA. This product bears an unauthorized ©. Corrective actions are being implemented. Consumers who see this product in the marketplace should please contact the OU kosher hotline at 212-613-8241 or kosher@ou.org.

The Orthodox Union certifies **NABISCO FAMILY SIZE RITZ CRACKERS** produced by Mondelez Global LLC, East Hanover NJ as an ©D product. Some of the packaging for the 12-pack **FAMILY SIZE RITZ ORIGINAL CRACKERS** with the UPC Code 4400004575 was printed without the ©D symbol. This product is kosher and dairy. Corrective actions have been implemented.

The Orthodox Union does not certify **MOTHER'S MAID UNSWEETENED GRAPE JUICE** produced by Burnette Foods, Inc. Elk Rapids MI. Some labels were printed with an unauthorized © symbol. Corrective actions have been implemented.

MAZAL TOV

to our dedicated RFR in Switzerland **RABBI Z. DOW ZONSAJN AND HIS WIFE** on the marriage of their daughter Bessie to Sruly Heller of Brooklyn.

to our devoted RFR in Melbourne, Australia **RABBI AND MRS. SHLOMO NATHANSON** on the birth and bris of their son, Levi. Mazal tov to the grandparents, our dedicated OU Senior RFR in California, Rabbi Reuven Nathanson and his wife.



Rabbi Schreier trains food service RFR's in LA

2016 OU KASHRUS CONFERENCE



Partial view of audience



Rav Schachter delivers divrei hesped on Rav Belsky zt"l



Barry Brown, QA Manager, receives OU Award on behalf of Treehouse Private Brands