

# THE Daf HaKASHRUS



A MONTHLY NEWSLETTER FOR THE OU RABBINIC FIELD REPRESENTATIVE

## לא באתי אלא לעורר

### COLD WHEY

**RABBI ELI GERSTEN**

RC Recorder of OU Psak and Policy

agreement among poskim, regarding whey that was made with animal rennet. *Teshuvos Chasam Sofer* (Y.D. 77) assumes that the rennet acts as a *ma'amid* on the whey, and he therefore writes that whey that was *hu'amad* with non-kosher rennet is assur. However, *Shevet HaLevi* (4:86) argues that the rennet is not *ma'amid* the whey. *Igeros Moshe* (Y.D. III:17) points out that commercial rennet is *nifsal mei'achila*. Some have questioned whether the rennet is really *nifsal*, since although it is soaked in acid, the acid is later neutralized and final product is not necessarily *nifsal*. Furthermore, Rav Belsky zt"l would quote the *Achiezer* (Y.D. 11) that an ingredient that is inedible so long as it is *omeid l'kach* (this is how it is intended to be used), never considered *nifsal*. For example, although *se'or* (sour dough) is inedible it is not considered *nifsal*, since it is *omeid l'kach*. The policy of the OU is not to accept whey that was made with animal rennet. Additionally, non-kosher lipase or cultures may not be added to the whey. Although the lipase and cultures will surely be *batel b'shishim*, but since they could affect the taste of the whey they would be like a *davar hama'amid*. Additionally, this would be *bitul* assur. However, the keilim used to process whey which was made with non-kosher rennet, lipase or cultures will not need kashering. Until now, we have been discussing only cold cheese whey. However hot cheese whey, in which the whey is cooked with the cheese, has many more complications that will be discussed in a later article.

Although Chazal forbade *gevinas akum*, because we are *choshesh* that it was made with non-kosher rennet, still this *chashash* is a special *gezeira* of Chazal, which is only in regards to the cheese. The whey itself is permitted, provided that we have regular supervision that they are using only kosher rennet. There is no requirement that the mashgiach must add the rennet or even watch the cheese being made, in order to permit using the whey.

*Shulchan Aruch* (Y.D. 112:14) writes that one is permitted to buy "*kutach*" from a non-Jew. *Kutach* is a dip that is made from, among other things, salt, whey and bread crumbs. The bread crumbs, although they are *pas akum*, are permitted, since they are *batel b'rov*. But why is the whey from *chalav akum* permitted? Rabbeinu Tam explains that since *chalav tamei* does not separate to form cheese, a non-Jew would not add *chalav tamei* to his milk if he is planning

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## MIFUSTAR - IS IT MEVUSHAL?

**RABBI ELI GERSTEN**

RC, OU Psak and Policy

**THE** kosher wine consumer knows that when shopping for wine, in addition to checking the bottle for a reliable hashgacha, they must also check to see if the wine is labeled *mevushal* or *non-mevushal*. *Mevushal* wine may be handled, and even poured by a non-Jew or a non-shomer Shabbos Jew; however non-mevushal wine, once opened, must be closely guarded, since it can become forbidden if left unattended.

Aside from *mevushal* and non-mevushal there is also a third designation, which although more prevalent in Israel, can be found in the U.S. as well, and this is the designation "mifustar". Mifustar is the Hebrew word for pasteurized. For example, the Kalil wines (OU) sold in the U.S. are labeled mifustar. The reason for this new description is because some poskim have questioned whether pasteurized wine qualifies as *mevushal*. To accommodate the consumers who want to be strict and not rely on pasteurization, the bottles are marked mifustar. Those who do not rely on pasteurization should treat these bottles as they would any non-mevushal wine.

There are three main arguments put forward as to why pasteurization should not qualify as *mevushal*.

Rav Elyashiv zt"l (*Journal Even Yisroel* 5751) argues, based on the Rosh (A.Z. perek 2), that cooked wine was only permitted, because in former times it was uncommon to cook wine. However today, pasteurization of wine is so commonplace, as to be considered the norm, so we can no longer consider this process an uncommon occurrence (*milsa d'lo shechi'ach*).

Rav Shlomo Zalman Auerbach zt"l (*Minchos Shlomo* I:25) ruled that pasteurized wine cannot be considered *mevushal*, unless the cooking causes a noticeable change in the taste, color or aroma of the wine. The process commonly employed today, known as flash pasteurization,

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## MIFUSTAR

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is performed in a manner that very quickly heats and then cools the wine, such that even experts debate whether it causes any appreciable effect on the characteristics of the wine. As such it should not qualify as mevushal.

Rav Ben Tzion Abba Shaul zt"l (*Ohr L'tzion* II:20;19) argues that for wine to be considered mevushal, it must become lessened through the cooking. Because today's method of pasteurization is performed inside pipes that are part of a sealed system, the wine is in no way lessened through the cooking.

However, the prevalent minhag, as articulated in *Yebia Omer* (Y.D. VIII:15) is that pasteurized wine qualifies as mevushal [Rav Moshe Feinstein z"l required pasteurization to a temperature exceeding 175° F and the Tzelemer Rav z"l insisted on a minimum 190° F]. On this basis OU permits wines that undergo flash pasteurization to be labeled either as mevushal or *mifustar*. ■

## LO BASI

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on making cheese. Bach (Y.D. 112:11) explains that even if the whey might contain a small amount of *chalav tamei*, still the *kutach* is permitted, since the whey is completely absorbed. The miniscule amount of *chalav tamei* will be batel in the *kutach*. Bach explains that in this respect *kutach* is more lenient than butter. Butter from non-Jews must be boiled, to remove any pockets of milk that might remain inside the butter, but *kutach* is thick. It does not contain any pockets of liquid and is therefore permitted without cooking.

Since we explained, based on Chasam Sofer, that whey made with non-kosher rennet is not kosher, why were the poskim not concerned that the whey used to make *kutach* might have been separated using non-kosher rennet? Why were they only concerned about *chalav akum*; why were they not also concerned about the type of rennet that was used?

One possible answer is based on what was explained before from the Bach. Since in this case, the whey is completely absorbed

into the *kutach*, it does not have its own consistency. Whatever *ha'amada* the rennet accomplished in the whey is lost when it is blended into the *kutach*. Since the whey was only assur because of the *ha'amada*, once that *ha'amada* is gone, it reverts back to being mutar.

Another example of this concept involves COW (Condensate of Whey) water. COW water is the evaporated water that is removed from whey. This water that separates, although it may be pure water, remains milchig (*chalav d'rabbanan*) because it was originally a component of the milk. What if the whey was made with non-kosher rennet or lipase? Would the COW water that separates from this whey remain assur as well? Rav Belsky zt"l said that if the COW water is pure enough that the *davar hama'amid* has no effect on the properties of the water, then the water is permitted. The rennet only makes the whey assur so long as *p'ulaso ni'keres* (its effect remains evident). Once the effects of the rennet are lost, the whey reverts back to being permitted. ■

## RECENT OU KOSHER HALACHA YOMIS

### MAY I BUY CHAMETZ AFTER PESACH FROM A JEWISH-OWNED STORE THAT DID NOT SELL THEIR CHAMETZ? WHAT ABOUT PET FOOD? HOW LONG SHOULD I WAIT UNTIL I CAN PURCHASE CHAMETZ AGAIN?

Chazal instituted a *k'nas* (penalty) on any Jew who owned *chametz* during *Pesach*. Not only does this *chametz* become forbidden to eat, but one may also not derive any benefit from it (*Shulchan Aruch Orach Chaim* 448:3). This is true, even if the Jew is non-observant and was completely unaware of the prohibition against owning *chametz* on *Pesach* (see *Mishnah Berurah* 448:11). Therefore, one may not even buy *chametz* pet food, from a store owned by Jews who did not sell their *chametz*. Rav Moshe Feinstein (*Igros Moshe Orach Chaim* 4:96) writes that one must wait to purchase *chametz* from such a store until most of the inventory has turned over, and the majority of the *chametz* is no longer subject to this prohibition. For products that have a long shelf life, this can take a few weeks. In general, regarding *chametz* at supermarkets, one can assume that by *Lag B'omer* (approximately four weeks after *Pesach*) most of the inventory has changed over, even if the supermarket is supplied by a Jewish-owned distributor as well.

### I ACCIDENTALLY BOUGHT CHAMETZ AFTER PESACH FROM A JEWISH-OWNED STORE THAT DID NOT SELL ITS CHAMETZ. CAN I RETURN IT TO THE STORE FOR A REFUND OR IS THIS CONSIDERED DERIVING BENEFIT FROM CHAMETZ SHE'AVAR ALAV HA'PESACH (CHAMETZ THAT WAS OWNED BY A JEW ON PESACH), WHICH IS NOT PERMITTED?

Strictly speaking returning *chametz* to a Jewish store is not considered deriving benefit from *chametz*. This is because, the Jew who sold you the *chametz*, sold something that had no value, and

had no right to take your money. Therefore, one is entitled to have their money returned. Although the store will not return your money to you unless you return the *chametz*, this is not considered deriving benefit from the *chametz*, since *min ha'din* (according to the law) he is obligated to return your money even if you did not return the *chametz*. *Magen Avrohom* (440:1) raises a secondary concern: One must be concerned that the *chametz* will be put back on the shelf and purchased at a later time by an unsuspecting Jew. Other *poskim*, however, including *Chok Yaakov* and *Aruch HaShulchan*, (*Orach Chaim* 440:10) permit returning *chametz*. Since one is simply returning something that he never acquired, he is not required to suffer a financial loss. If one does not know for certain that the *chametz* was owned by the store during *Pesach*, there is even more reason to be lenient.

### MAY I PURCHASE VINEGAR BASED PRODUCTS (E.G. PICKLES, MUSTARD, SALAD DRESSING, HORSERADISH) AFTER PESACH FROM A JEWISH STORE THAT DID NOT SELL ITS CHAMETZ?

In the United States, it can be assumed that white distilled vinegar is made from corn alcohol. Although the OU is aware of some vinegar companies that also purchase wheat alcohol, this wheat alcohol is combined with other non-chametz alcohols and only makes up a small percentage of the total. Since table vinegar (50 grain) is about 95% water, any wheat in the final product is *batel* (nullified). This is especially true if the vinegar itself is only one of the ingredients in the product, as is the case with pickles, mustard, salad dressing and horseradish. Therefore, these products may be bought immediately after *Pesach* from any store.





**HARRY H. BEREN**



**OUTREACH**

In front of a large standing room only crowd, the annual Harry H. Beren ASK OU Pre – Pesach Shiurim recently took place at BM Lev Avos in Lakewood. Rabbi Elefant and Rabbi Gersten both presented excellent, well received shiurim. The rav of the shul and head of the HHB Foundation of NJ, Rabbi Shlomo Yitzchok Grossman, (to Rabbi Elefant's left above) expressed his appreciation for the shiurim in the following communication received by OU Kosher – “The ASK OU shiurim at Lev Avos /Lakewood given by Rav Elefant and Rav Gersten were incredible. It gave the Bnei Torah an appreciation for halacha lmaaseh in a most practical way. OU Kosher is fortunate to have such great talmidai chachomim at its helm. Chag kosher vsameach, Shlomo Y Grossman, Lev Avos.”

**MAZEL TOV**

to our dedicated RFR in Los Angeles, CA **RABBI REUVEN NATHANSON AND HIS WIFE** on the engagement of their son Yossi to Yael Hurwitz of Houston, TX.

to our devoted RFR in Chicago, IL **RABBI AHARON RUBIN AND HIS WIFE** on the engagement of their daughter Pesha Yenta to Rabbi David New of New Jersey.

to our dedicated RC **RABBI MOSHE KLARBERG AND HIS WIFE** on the engagement of their daughter Leah to Yossi Unger of Brooklyn, NY.

to our HHB ASK OU alumni in Yerusholayim, **RABBI PERETZ MONCHARSH AND HIS WIFE**, on the engagement of their son Shimon to Shoshana (Shani) Cohen of Kiryat Sefer, a granddaughter of Rav Belsky zt'l.

to our devoted RFR in Belgium **RABBI YISROEL HOLLANDER AND HIS WIFE** on the engagement of their son Yankel to Tsiri Zorger of Antwerp, Belgium.

to our dedicated RC **RABBI SHAUL GOLD AND HIS WIFE** on the Bar Mitzvah of their son Ephraim Zalman.

## CONDOLENCES

to our dedicated part-time RFR at McCormick, **RABBI MOSHE MICHOEL KLEIN** of Baltimore on the recent loss of his father, Dr. Nathan Klein z"l.

to the wife and family of the OU's dedicated RFR in Philadelphia, PA, **RABBI MORDECHAI DOVID FELDMAN** z"l who recently passed away. He was our long time Mashgiach at Perfection Foods (produced Cohen's hors d'oeuvres). Later he was our head Mashgiach at Acme.

המקום ירחם אתכם בתוך שאר אבלי ציון וירושלים



## KASHRUS ALERT

The Orthodox Union certifies **VICENZI BICERIN ORIGINALE DI GIANDUJOTTO LIQUEUR** and **VICENZI BICERIN ORIGINAL WHITE LIQUEUR** produced by Nuove Distillerie Vincenzi SRL,

Italy only when bearing the © symbol. Miniatures bottles of these products are currently being sold in stores without the © symbol. The Orthodox Union does not certify those miniature bottles and consumers should not assume those miniature bottles are kosher certified products.

The Orthodox Union does not certify strawberry flavored **BOLT ORGANIC ENERGY CHEWS** produced by ProBar LLC, Salt Lake City UT. This product bears an unauthorized © symbol. Corrective actions have been implemented.



## KASHRUS ADVISORY

Effective March 31st, 2016 the Orthodox Union will no longer be certifying **RITA'S CONEY ISLAND**, located on Surf Avenue in Brooklyn.

Effective April 1st, 2016 - the **HONEST KIDS BRAND BERRY BERRY GOOD LEMONADE, GOODNESS GRAPENESS, APPEL EVER AFTER, SUPER FRUIT PUNCH AND TROPICAL TANGO PUNCH/ TWISTED TROPICAL TANGO BEVERAGES** will contain non-certified grape juice. Products bearing the © symbol were produced prior to the change and are certified. All other Honest beverages bearing the © symbol are kosher certified.

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HARRY H. BEREN



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