

THE Daf HaKASHRUS



A MONTHLY NEWSLETTER FOR THE OU RABBINIC FIELD REPRESENTATIVE

RETAIL DAIRY PRODUCTS: WHATS, HOWS AND WHYS (PART II)

BY RABBI AVROHOM GORDIMER

RC-Dairy

Now that we have dealt with powdered milk, condensed milk, casein/caseinates and whey, touching upon emulsifiers as well, we are ready to address infant formulas - as they contain all of these ingredients and more. There is no rationale for purchasing uncertified infant formulas, as the kashrus risks they pose are immense. In the event of lack of availability of kosher formulas (or nutritional supplements, for those who truly require them), the consumer must consult a competent halachic authority for guidance.

YOGURT

The manufacture of yogurt begins with milk, plus the frequent addition of condensed skim milk and/or skim milk powder (to lower fat ratios) and cream (to raise fat ratios). Stabilizers, such as gelatin, gums and starch are dosed in, and the product is pasteurized. Subsequently, the yogurt is cooled, and it is inoculated with cultures and kept warm for several hours. Fruit blends and flavors are also commonly incorporated into the product.

It is clear that yogurt needs reliable kashrus certification. The potential use of cream (which may contain non-kosher whey cream), condensed skim milk and skim milk powder (which may be processed on non-kosher equipment) themselves warrant vigilance. Gelatin - unless specially ordered as kosher and bearing

reliable hashgacha - is from non-kosher animal sources, even when identified as 'kosher gelatin'. Yogurt fruit blends sometimes contain carmine color, which is a deep red shade extracted from beetles. Yogurt cultures may be grown from non-kosher nutrients and may be processed in culture laboratories on equipment shared with all types of things (including proteins from animal organs). Unlike many dairy products which in previous times were often somewhat innocuous in terms of kashrus, yogurt was never considered to be free of kosher concerns even in its most simple, primitive form. Bottom line: don't purchase yogurt without a good hechsher.

ICE CREAM

Ice cream is made from a base of cream, which - like yogurt - often includes skim milk powder and condensed skim milk to control fat ratios. The base (referred to as a "mix" in ice cream plants) is pasteurized and cooled, and stabilizers (to prevent the ice cream from turning into ice crystals) and sweeteners are added. The mix is whipped (to incorporate air into the mix, so that it is not a heavy, thick, ice cube-like chunk), and flavors, variegates (soft syrupy materials, like fudge and caramel) and particulates (bits and pieces, such as nuts and chips) may be added. The ice cream is then immediately frozen.

Clearly, the cream, condensed skim milk and skim milk powder are issues, as are the stabilizers, variegates and particulates. There is no need to elaborate here on the need to only purchase ice cream with reliable kosher certification.

SHERBET AND SORBET

No, these are not two ways to spell the same product. *Sherbet* and *sorbet* are very different foods, and their differing halachic status is critical (yet sadly sometimes overlooked).

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DAF NOTES: The following emails were received by The Daf HaKashrus regarding Rabbi Gayriel Price's article in the last issue of The Daf concerning monitoring sensitive ingredients such as glycerin and reusable totes. The first email is from Rabbi Elisha Rubin of the OK. The second email commenting on Rabbi Rubin's correspondence is from our own Rabbi Avrohom Stone. Rumor has it that both issues raised by Rabbi Rubin originate from Rabbi Stone.

Dear Rabbis Grossman and Price,

Thank you again for all the excellent work you do improving kashrus for Klal Yisroel. I really appreciated your article on sensitive ingredients and reusable totes.

I would like to add a few comments:

Monitoring Sensitive Ingredients: Sensitive ingredients (e.g. wine, glycerine, kosher gelatin, some cheeses) certainly need extra monitoring. As noted in your article, paperwork tracking can be an exceptionally valuable tool and in many cases is very effective. The challenge with this method is (as noted in the article), that it can require quite a bit of skill to do effectively and may not work in all cases. A much simpler method of monitoring is that the mashgiach marks the fill line of the container of kosher product at each visit (he can initial his mark if he is afraid someone will forge his mark) as long as the product level gradually goes down and then gets replaced with a totally new container we are in good shape. If the level does not go down, (or certainly if it goes up,) we have a problem. [This method was originally told to me by Rabbi Noson Neuberger.]

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DAIRY

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Sherbet (according to the legal definition, per the US Food & Drug Administration) is dairy dessert which has 1-2% dairy content. Sherbet is milchig, similar to ice cream, but the majority of its ingredients are fruit bases and flavors.

On the other hand, sorbet is officially a non-dairy frozen dessert. Because the words “sherbet” and “sorbet” sound similar, some consumers mistakenly assume that sherbet is a pareve food. By definition, sherbet is dairy.

Both sherbet and sorbet require kosher certification. Here is why:

Sherbet often contains skim milk powder and condensed skim milk. Both sherbet and sorbet contain stabilizers, which provide smoothness of texture and prevent the product from forming into ice crystals. Fruit bases, flavors and artificial colors used in sherbet and sorbet are likewise kosher-sensitive. In order to enable the various components of sherbet and sorbet to blend properly, emulsifiers are often used. As noted earlier, emulsifiers can be animal-derived. This is serious stuff...

Although the FDA defines sorbet as non-dairy, Halacha occasionally begs to differ. While in theory, sorbet should be pareve, and much of the sorbet on the market is indeed pareve, some sorbet is certified as dairy – even though it contains no actual milk. Why is this?

Two things can render sorbet dairy from an halachic point of view:

1. Production on dairy equipment: Sorbet is almost always manufactured on equipment used for ice cream. This equipment is often not kashered when transitioning from ice cream to sorbet, and the sorbet made after ice cream is therefore considered to be dairy. (One can eat such sorbet after a meat dish, but it may not be consumed with meat. It is halachically classified as “*Nat bar Nat*”, as it has absorbed dairy taste but no physical dairy content. See Remo in *Yoreh Deah* 95:2.)
2. Actual dairy content: Some sorbet ingredients may have real dairy content. For example, berry flavors can contain milk, which provides for smooth mouthfeel.

COFFEE CREAMERS

To the surprise of many, creamers are truly just about anything but cream. Although they may contain cream, these products are loaded with emulsifiers, starches, sweeteners, and often caseinates. It is quite common for such products to have no cream and to therefore bear on their packaging “Non-Dairy Creamer”, notwithstanding that they contain caseinates, which are purely dairy! The reason for this apparent confusion is that casein is not manufactured in the United States, and the US dairy lobby - which seeks to keep casein out of the country and promote the use of domestic milk powder instead - has succeeded in compelling food labeling regulations which attempt to sway consumers away from products which contain casein and caseinates. These products are thus termed “non-dairy”, so that consumers will have the impression that the products are not natural and contain some type of artificial chemical imposter rather than real, natural dairy ingredients.

Kosher consumers occasionally see “non-dairy” creamers and assume that they are pareve. Unless these products (which obviously need hashgacha) bear a “pareve” symbol, they must be treated as dairy.

BUTTER

Traditionally, butter was made by taking a bucket of sweet cream

and churning it, so that its fat coalesced and clumped together (into butter), and the excess liquid (buttermilk) was removed. Because milk from non-kosher animals does not churn into butter, many halachic authorities ruled that butter is exempt from the requirement of cholov Yisroel and that butter, therefore, can be purchased from anyone. (See Rambam Hilchos Maachalos Asuros 3:16 and Shulchan Aruch Yoreh Deah 115:3.)

For the most part, times have changed. Butter is often made from whey cream or from blends of sweet cream and whey cream; some butter, more common in Europe than in the US, contains cultures, and Europe also has something called “traced butter”, which contains food-grade chemical tracers which can inform the recipient of the butter’s cream source; these tracers are often non-kosher. Furthermore, butter often contains starter distillate, which is a flavor agent derived from whey and milk condensate. In short, butter today is markedly more complex than in the days of Chazal.

In theory, if one could determine that butter in a certain location were only made from sweet cream and had no additives, such butter would be kosher and would not require certification. European Union dairy regulations bar butter plants from manufacturing sweet cream and whey cream butter under the same roof. If one could ascertain that an EU butter plant is a sweet cream facility and that no additives are used, there is room to permit such butter without hashgacha. The problem is that one usually needs a kosher certification agency to make such verification; it is therefore not practical or accurate to say that one can purchase butter from EU facilities without hashgacha.

In the US, butter is graded according to its purity of taste and mouthfeel. AA grade butter is bland and smooth, while lower grade butter is more tangy and may be rougher to the palate. Some have argued that AA butter may be purchased without kosher certification, as only sweet cream can provide purity and blandness of taste (and AA butter does not contain starter distillate). Whey cream, which comes from cheese production, is naturally more tangy and flavorful. The truth is that even AA grade butter can contain some whey cream, so long as the whey cream doesn’t detract from a pure and bland taste and mouthfeel. The OU therefore does not accept or endorse butter without reliable hashgacha and does not advise consumers to rely on butter’s grade as an indicator of kashrus.

HARD CHEESE

As noted earlier, Chazal forbade cheese which was not manufactured with supervision. (See Avodah Zarah 29b and 35a, Rambam Hilchos Ma’achalos Asuros 3:13 and Shulchan Aruch Yoreh Deah 115:2.) Although the Amora'im in the Gemara present various rationales for this ban (AZ 35a and 35b), the rationale advanced by Shmuel - that we fear that unsupervised cheese may have been coagulated via rennet from the stomach of a *neveilah* (non-kosher slaughtered) animal - is adopted by the Rambam and Shulchan Aruch. The Shulchan Aruch rules that even if one knows that a certain unsupervised cheese was not manufactured with non-kosher rennet, such cheese is nonetheless totally prohibited. This is the Halacha.

The Remo (YD ibid.) rules that for a cheese to be kosher, there must be supervision; the mashgiach thereby verifies that only kosher enzymes were used. However, the Shach (ibid. s.k. 20) and the Gra (ibid. s.k. 14) argue with the Remo and postulate that the supervisor must himself physically add the (kosher) rennet to the milk to form the cheese. These authorities maintain that the requirement for *Gevinas Yisrael* is akin to those of Pas Yisroel and Bisul Yisroel, such that there be physical action by the Yisroel in

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creating the food. Many poskim rule like the Remo and several rule like the Shach and the Gra; most recognized kashrus agencies are careful to make sure that both opinions are satisfied when certifying cheese.

It is imperative that consumers know that all hard cheese requires reliable hashgacha. It is unfortunate that many cheeses bear unreliable kosher symbols – some of which appear to be very elaborate, religious-heimische hechshering – but are actually representative of agencies which have inferior standards (such as relying on an extreme minority opinion – rejected by most Rishonim and poskim - that hard cheese does not need a mashgiach present – see Remo in Yoreh Deah ibid. s. 2), or represent agencies with a lack of adequate and trained mashgichim. Never purchase cheese unless you are fully sure that the agency which certifies it is reliable and maintains acceptable halachic and supervisory standards. Cheese without proper hashgacha is Gevinas Akum and is considered by Halacha to be wholly non-kosher, even if its ingredients are themselves kosher.

SOFT CHEESE

Some poskim rule that even soft cheese, such as cream cheese and cottage cheese, is subject to the special Gevinas Yisroel requirements explained earlier, and that lack of fulfillment of these requirements renders such cheese Gevinas Akum. Other poskim hold that only hard cheese is encumbered by these special regulations, but that soft cheese is automatically kosher so long as its ingredients are kosher and it was made on kosher equipment. (See Aruch Ha-Shulchan YD 115:16, Chochmas Odom 53:38 and Igros Moshe YD 2:45.) The OU and most national kashrus agencies adopt the latter position.

Regardless of the position adopted, soft cheese does have several basic kosher issues. Many soft cheeses (cream cheese in particular) use cream as an important ingredient. Soft cheeses utilize numerous stabilizers, necessary for a smooth and uniform texture. (For example, cottage cheese is often thickened by using gelatin, and cream cheese is made dense and smooth by the use of powdered gums.) Whey powder is likewise a common additive in the manufacture of these products. Thus, even if one does not require Gevinas Yisroel for soft cheese, it cannot be purchased without kosher certification, due to its many kosher-sensitive ingredients. (It should be emphasized that the terms “hard cheese” and “soft cheese” are not precise. What we call “hard cheese” in this article

refers to cheese which can only be made by using rennet - which itself can be animal-derived or artificial. Some rennet-set cheeses (such as Danish bleu cheese, feta and many goat milk cheeses) are indeed soft to the feel but are classified as Gevinas Akum in the absence of rabbinic supervision or involvement, as these cheeses require rennet to form. “Soft cheeses”, for halachic purposes, are those which coagulate via acidification; no rennet is needed. These acid-set cheeses are often actually hard, but they are not subject to the rules of Gevinas Yisroel and Gevinas Akum according to many authorities, as they do not use rennet and were therefore never included in the *gezeirah* (rabbinic decree) on cheese.)

IMITATION CHEESE

There are two types of imitation cheese. One type is totally not a cheese product; rather, it is a concoction of soy, oils, flavors and stabilizers. This type of imitation cheese may also contain dairy ingredients. In any case, its many ingredients are quite kosher-sensitive, and kosher certification of such product is necessary.

A second type of imitation cheese is made from rennet casein. Rennet casein is milk's casein protein when curdled via rennet, exactly like rennet-set cheese. Rennet casein has the same halachic status as hard cheese. Imitation cheese made from rennet casein surely requires tight hashgacha.

Imitation cheese of all types is made at very high temperatures and is usually made on equipment shared with non-kosher products. Supervision of these items commonly entails kashering and very careful monitoring by the mashgiach.

It is interesting that kosher rennet-set cheese and imitation cheese made from rennet casein is more costly than its non-kosher counterpart. This is because the cost of the full-time on-site rabbinic supervision which is necessary to manufacture these products as kosher is passed on to the consumer (as is the case with kosher meat and wine, which likewise require full-time on-site rabbinic supervision). Kosher-certified acid-set cheese (and some imitation cheese which does not contain rennet casein - when made in all-kosher facilities) is not usually more expensive than non-kosher varieties of these items, as full-time on-site supervision is often not needed.

The kosher concerns of retail dairy products are many and complex. It is hoped that this presentation assists in clarifying these concerns and assisting in their understanding on a practical level.

MAILBOX

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Reusable totes: In general a mashgiach should only stamp or sign on a label that has a lot number on it. This is especially important when the product is being carried in a reusable tote.

If the stamp is not on a label bearing a lot number, the tote can be returned to the original supplier (as is very typical), and they can refill it with non-kosher product and put on a new label, but the tote will still have the appearance of having the Rabbi's stamp on it. If the kosher stamp is only a label with a lot number there is no chashash, because no company deserving of kosher certification would use the same lot number for different products. [This point was originally told to me by Rabbi Uri Neumann.]

K'siva V'chasima Tova,

Elisha

Dear Rabbi Price:

The first point he (i.e. Rabbi Rubin ed. note) makes will only be

effective if you know how much should have been used. It is certainly possible that they add to the drum from outside source after they have used some of it e.g. they use 40 gallons in a batch and replace 35 gallons of non-kosher juice into the drum. The level goes lower but not low enough. You need to do a where use on grape juice, see how many grape containing formulas have been made, how much each batch would have required, add it all up, and then verify that the drum has lost approximately that much from where your mark was made on the previous visit. Without doing this, marking the drum level doesn't accomplish all that much.

Reusable totes are often reused without removing all old labels. In my opinion, any signature/stamp on a label on a toteholder is a recipe for disaster and mostly unreliable. Short of sealing upper inlet and lower outlet with OU seals, there is really no good way to protect tote product. Even with seals, you still have to do the same usage accounting described above.

Rabbi Avrohom Stone

KASHRUTH alert!

BARBARA'S BAKERY CINNAMON PUFFINS (breakfast cereal) and Honey Rice Puffins (breakfast cereal) are produced by Barbara's Bakery – Petaluma, CA in packages that contain a non certified promotional packet of a drink mix called "EmergenC". EmergenC is not certified Kosher. Corrective action is being taken.

The current 56 oz container of STONE RIDGE ROCKY ROAD ICE CREAM produced by Supervalu Inc. – Chanhassen, MN is certified \textcircled{D} . The new 48 oz size will no longer be kosher and will not bear the \textcircled{D} .

LIBBY'S PUMPKIN BREAD KIT WITH ICING produced by Nestle-Glendale, CA is certified as \textcircled{D} but the dairy designation has been inadvertently omitted. Future packaging will be revised. The Libby's Pumpkin Bread Kit without icing is certified as \textcircled{D} pareve.

GENISOY RANCH FLAVOR POTATO BAKES produced by Genisoy Food Company, Inc. – Tulsa, OK contains dairy ingredients as listed on the ingredient panel but the \textcircled{D} dairy designation has been inadvertently omitted. Future packaging will be revised.

JELLY BELLY SWEDISH FISH CANDY (sold in bulk bins) produced by The Jelly Belly Candy Company – Fairfield, CA has been incorrectly represented as being \textcircled{D} certified. Corrective action has been taken. Please note that Cinnamon Imperial candy and Lemon Drops candy, which were the subject of a Kashruth Alert released on October 27, 2008, are in fact \textcircled{D} certified.

MAZAL TOV TO ...

our dedicated RFR in Ottawa, Canada **RABBI LEVY TEITLEBAUM AND HIS WIFE** on the birth and Bris of their son Schneur Zalman.

our devoted RC **RABBI BARUCH CYWIAK AND HIS WIFE** on the Bar Mitzvah of their son Daniel Yitzchok.

our dedicated RFR in Louisville, KY **RABBI YOSEF LEVY AND HIS WIFE** on the birth of their daughter Etty.

our devoted RC **RABBI AVROHOM GORDIMER AND HIS WIFE** on the birth and Bris of their son Dovid Shlomo Elimelech.

our dedicated RC **RABBI DONNEAL EPSTEIN AND HIS WIFE** on the birth and Bris of their son Yechezkel Shlomo.

our devoted RC **RABBI SIMON POSNER AND HIS WIFE** on the marriage of their son Gavriel to Sara Labaton of Deal, NJ.

CONDOLENCES TO...

our devoted RFR in Los Angeles, CA **RABBI YOSSIE BODENSTEIN AND FAMILY** on the passing of his mother, Esther Leah Rapaport O'H of Chicago, IL

our dedicated RC **RABBI DOVID ROCKOVE AND FAMILY** on the passing of his father Rabbi Yisroel Issar Rockove of Lakewood.

המקום ינוח אתכם בטוח שאר אבלי ציון וירושלים

KASHRUTH advisory!

The Orthodox Union wishes to inform the manufacturing and food service trade that several Israeli grown spices are being distributed in generic cardboard boxes which do not identify the contents as products of Israel. The spices in question are:

- DILL (LOT #8074)
- TARRAGON (LOT #8075-2)
- CILANTRO (LOT #8019)
- PARSLEY FLAKES (LOT #8075-1)

Please note that these boxes do not bear any Kosher mark.

HARRY H. BEREN ASK OUTREACH GOES TO LAKWOOD

Understand Kashruth as You've Never Understood it Before!

Following last year's incredible ASK OUTREACH shiur in Lakewood "Shaylos in Treifos and Nikkur" the OU invites you to a series of stimulating Kashruth shiurim with leading experts to be held at Yeshiva Tifereth Torah, 75 East End Ave., on the following מוצש'ק:



December 6 – 8:30
A Live Visual Demonstration
Rabbi Yosef Eisen

December 6 – 9:30
Eating Out – What Could be the Problem?!
– Restaurants, Shabbos, Catered Affair
Rabbi Dov Schreier

December 13 – 8:30
Kashering – Techniques and Tools of the Trade – a Visual Presentation
Rabbi Moshe Perlmutter

December 13 – 9:30
The Dairy Industry – Consumer and Industrial issues
Rabbi Avrohom Gordimer

January 10 – 8:30
Kosher Wine and Grape Juice Production with Visual Aids
Rabbi Nachum Rabinowitz and Rabbi Yoni Kantor

January 10 – 9:30
Kosher Birds and Eggs
Rabbi Chaim Loike

January 17 – 8:30
Shmaltz is Us – Oils, Salad Dressings and Related Products
Rabbi Yoel Schonfeld

January 17 – 9:30
How to be an Excellent Mashgiach
Rabbi Yaakov Luban

Sponsored by the Harry H. Beren Foundation of Lakewood, NJ