

# THE Daf HaKASHRUS



A MONTHLY NEWSLETTER FOR THE OU RABBINIC FIELD REPRESENTATIVE

לא באתי אלא לעורר

## CREATING MIRASAS

**RABBI ELI GERSTEN**

*RC Recorder of OU Psak and Policy*

**THE** Gemara Avoda Zara 61b teaches that if one is מטהר יינו של עובד כוכבים ברשותו (produces kosher wine for a non-Jew in the non-Jew's premises) even a double chosem is inadequate to protect the wine against possible tampering. The wine requires as an additional safeguard the presence of a mashgiach who sits and watches or who makes periodic unannounced visits (שאינו בא לקיצין). Rav Belsky often quotes this Gemara as the basis for hashgacha today. We see how great was the view that Chazal had for unannounced visits that they equate it to having a mashgiach sitting and watching!

### UNANNOUNCED VISITS:

Rav Belsky often stresses that the requirement of unannounced visits also means that one must follow an unpredictable visiting schedule. A mashgiach should not consistently visit a plant on a Tuesday or always make morning visits, but should really follow a seemingly random pattern. He recommends that a mashgiach that is scheduled to make monthly visits, should occasionally visit twice in one week, and forgo a visit in a future month, to show the company that he can really come at any time. This should be cleared ahead of time with the RC for the company to avoid any billing issues. The *Chochmas Adam 79:12* writes (ואפילו שהיה זמן) (רב אם לא הודיעו שהוא מפליג) the mashgiach may even stay away along time between visits so long as he can be expected at any time. A mashgiach should certainly never say at the end of the visit "see you next month".

A related problem is that of plants which operate through the night and on Shabbos (24/7). Although the RFR is dedicated and

works very long hours, the companies will soon learn that that he never visits them at 3 AM or on Shabbos. Therefore, in order to maintain the *mirsas* in plants which also operate during "non-business" hours, the RFR must occasionally visit the plants in the middle of the night and on Shabbos. Rav Belsky went so far as to say that it would be worthwhile for an RFR to stay in a hotel for Shabbos and miss tefillah b'tzibbur and krias haTorah in order to be able to make such a visit.

### THE MORE A COMPANY INVESTS IN KOSHER THE GREATER THE MIRASAS:

The *Chochmos Adam 79:12* explains that we say that a double chosem is ineffective when being מטהר יינו של עובד כוכבים ברשותו only if the non-Jew did not incur *tircha* or substantial expenses in producing the kosher wine. However, if the non-Jew paid for the hashgacha and was required to rigorously clean and kasher his equipment then the regular

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## DAF NOTES

The 25th Anniversary of AKO (Association of Kashrus Organizations) was recently held at OU Headquarters. Rav Shmuel Kaminetsky, Shlita, Rav Shlomo Miller, Shlita, and the OU's Rav Yisroel Belsky, Shlita were among the esteemed rabbonim to address the conference. Many kashrus organizations were represented from as far away as Australia. The shiurim can be viewed on the ASK OU channel at [www.ouradio.org/askou](http://www.ouradio.org/askou).

## AKO CONFERENCE AT OU HEADQUARTERS



(L-R) Rav Shmuel Kaminetsky, Rav Shlomo Miller and Rav Yisroel Belsky



Large gathering of representatives from kashrus organizations



Rabbi Moshe D. Gutnick – NSW Kashrut Authority – Sydney, Australia makes a point. To his left Rabbi Sholom Fishbane – CRC R.A. and Executive Director of AKO.

# FAR ROCKAWAY AND THE FIVE TOWNS

## *A Pictorial Essay*

Over 300 people attended the recent well received ASK OU program at the White Shul in Far Rockaway. *The Daf HaKashrus* is pleased to publish a beautiful letter it received from one of the attendees Mr. David Schreiber, Esq.

I wanted to reiterate what I told you last night.

I was absolutely awed by the level of professionalism, erudition, sincerity and eloquence displayed by all of the Rabbanim last night. While everyone expects this level of Rabbis Schachter, Genack and Belsky, internationally known superstars, it was gratifying to witness the impressive caliber of the other Rabbanim. Each presentation was masterful, scholarly and informative. I and most of the other attendees were riveted to our seats.

The Jewish community is fortunate to be served by your organization.

B. David Schreiber, Esq.  
Cedarhurst, New York



*(L-R) Rabbi Chaim Loike and Rav Yisroel Belsky examine a partridge...*



*...in preparation for Rabbi Loike's shiur on the Mesorah of Kosher Birds at ASK OU - Far Rockaway and Five Towns.*



*Rabbi Avrohom Stone delights the audience with his presentation on "The Complexity of the Simple Product"*



*Rabbi Chaim Loike and one of his feathered friends in his fascinating discussion of...*



*The Mesorah of the Kosher Partridge*



*(L-R) Rabbi Moshe Elefant, Rav Yisroel Belsky, Rav Hershel Schachter and Rabbi Menachem Genack*

## DNA TESTING ON FISH

At the recent ASK OU – Far Rockaway and Five Towns, Rav Hershel Schachter, Shlita was asked whether DNA testing is acceptable according to Halacha to establish that a fish has scales although no scales can be seen on the fish. Rav Schachter responded that DNA can be relied on. The following Teshuva written by Rav Schachter explains the Halachic rationale for this Psak.

ביזהוי ע"י DNA

ידוע מהמגיד משנה שג' סוגי סימנים יש, סימן גרוע פשיטא דאין בו ממש, וסי' מובהק לכו"ע הוי דאורייתא, ובסי' אמצעי דנו בגמ' – אי מהני מדאו' או רק מדרבנן (בהשבת אבדה), ונפק"מ להתיר עגונה (ביזהוי גוף המת ע"י סי' אמצעי), ולדינא קי"ל שלהתיר עגונה בענין סי' מובהק, א"נ, צירוף של כמה סי' אמצעיים שביחד מהווים סימן מובהק. אבל בסי' גרועים, אפילו בצירוף של כמה מהם, מבואר ברמ"א (לאה"ע סי' י"ז) דאין זה כלום. וכתב שמה הב"ש (לאה"ע סי' י"ז) דגדר סי' מובהק היינו כשאחוז האנשים שיש להם סימן שכזה הוא אחד מני אלף. ונראה פשוט שמן הצורך להוסיף קצת על דבריו, דבדרך הזאת יש רק אלף אנשים נוסעים. אבל אם יש מאת אלפים אנשים הנוסעים בדרך הזאת, שוב אין מה שזה אחד מני אלף נחשב כסימן מובהק. והנה בזמננו נתחדש זיהוי ע"י DNA והוא לפי דעת המומחים בירור של אחוז של אחד מני אלף אלפי אלפים אשר זה לכו"ע סימן מובהק, ופשיטא שאפשר לסמוך על כך אפילו להתיר עגונה, וכן אם יש לפנינו איזה משקה (שאין עליו הכשר), ויש בידנו אפשרות לברר עפ"י DNA שאין בו שום תערובת מן החי פשיטא שזה זיהוי גמור. וכן בדג שהובא לפנינו שאין עליו עור, ואין אנוחיו יודעים אם היו לו סנפיר וקשקשת, אלא שבידינו לברר דבר זה ע"י בירור DNA, נראה פשוט שזה סימן מובהק, ושפיר אפשר לסמוך עליו.

צבי שכטר, ו' לס' חיי שרה, כ"א חשון תשע"א

## MIRSAS

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▶ system of *chosamos* is adequate. A company that undergoes *tircha* in becoming kosher, appreciates it that much more. This slightly lessens the overall concern that the company would deliberately try to tamper with the product. It is basic human psychology that the more a person invests in a program the less likely they are to try to jeopardize it. It is important to foster this sense of pride that companies have in being OU certified.

### FREQUENCY OF VISITS:

A greater frequency of visits creates a stronger level of *mirsas*. Companies that use sensitive ingredients such as kosher cheese, wine, grape juice, glycerin or gelatin require greater *mirsas* and therefore require increased visitation. These ingredients are considered more sensitive because they have non-kosher equivalents which are much cheaper. Companies that produce either dairy/pareve or kosher/non-kosher need even more visitations. Even a factory that only deals in kosher, but can easily produce non-kosher as well, must be watched very closely. One example of such a scenario is an all kosher smokehouse. The equipment is compatible with non-kosher meats and fish, and tight controls are required to ensure they're not servicing non-kosher clients.

### WHERE USED REPORTS:

Aside from creating *mirsas* in the schedule A department, there is also a need to properly audit the schedule B. Rabbi Luban recommended at the Mashgichim conference that in mixed plants (Dairy/Pareve, Kosher/non-kosher) the mashgiach should have the company print out for him a where used report for the non-kosher and/or dairy ingredients in the plant and then check this list against the schedule B. For example if the company has a non-kosher cheese flavor, a report should be printed that shows all the products that used this ingredient since his last visit. It is also important that reviews be made of label rooms to make sure that the © symbol does not appear on uncertified products. (If you are interested in having Rabbi Dovid Irons conduct a label review in plants where there are dairy/pareve or kosher/non-kosher concerns please contact Rabbi Katzenstein.) Sometimes the best way to create *mirsas* in a company is by demonstrating that you are organized and thorough. ■

## LIVE WEBINAR ON "KOSHER QUALITY ASSURANCE AND FOOD SAFETY"

**OU KOSHER** will present a live webinar conference "Kosher Quality Assurance and Food Safety Services" Wednesday, December 8 from 10:30 a.m.-noon. The free broadcast is in conjunction with SGS Systems and Services Certification. Registration is mandatory.

OU Rabbinic Coordinator Rabbi Mordechai Merzel will lead the presentation on the increasing responsibilities for accountability in food safety by regulators and consumers. The webinar will also feature Mark Evers, Business Development Manager at SGS Systems & Services Certification. SGS provides efficient services to help safeguard quality and safety and assist in sustainable development throughout all principal food segments.

Together, they will outline how to safeguard quality and safety throughout the whole food supply chain, including raw and semi-manufactured foodstuffs; and final products in all principal food segments, such as meat, seafood, dairy products, fruits and vegetables, bread and beverages. To register, contact Phyllis Koegel at koegelp@ou.org.

## בואכם לשלום



Australian born and bred **RABBI MOSHE CHAIM KLARBERG** learned under Rav S.Z. Auerbach zt"l in Yeshivas Kol Torah and kollelim in Israel, after which he spent many years in Manchester Yeshiva Kollel headed by the Manchester Rosh Yeshiva, Rabbi

Yehudah Segal zt"l. He has semicha from Rabbi M.M. Schneebalg of Manchester and Rabbi Y. T. Weiss, Raavad of the Eidah Hachareidis in Yerushalayim.

In 1996 Rabbi Klarberg joined the Manchester Beth Din as Kashrus director, and was involved particularly in coordinating the shechitas which were then expanding into Ireland, Hungary and Poland. He was also involved in the food service, bakeries and cholov yisrael departments.

He has now relocated to New York and joined the OU. He will be involved with shechita and food service. Rabbi Klarberg can be reached at klarbergm@ou.org and 212.613.8354.

**RABBI AMATZIA ARGENTAR** was raised in Rockville MD



and learned Bio-Psychology at Tulane University. He studied in the Yeshiva in Morristown NJ and was ordained in Crown Heights. For more than 10 years, Rabbi Argentar has performed special OU supervisions at plants from as far as Nova Scotia all the way down to California manufacturing omega fish oil, frozen potatoes and raisin juice concentrate.

The name Amatzia is based on the Hebrew אמת strength and Argentar is Rumanian for silver. Rabbi Argentar replaces Rabbi Zalman Thaler as the OU RFR in Northern California. The OU wishes Rabbi Thaler much success in his future endeavors in Pittsburg, PA.



*Rabbi Menachem Genack (L) greets Rabbi Shimon Freundlich, (R) the OU's RFR in Beijing, China on his recent visit to OU headquarters. Rabbi Donneal Epstein (center) coordinates Far East Hashgocho at the OU.*



## KASHRUS ALERT

**LUNDBERG FAMILY FARMS CINNAMON TOAST ORGANIC RICE CAKES** produced by Lundberg Family Farms – Richvale, CA contains dairy ingredients as listed on the ingredient panel but the  $\text{U}$  dairy designation has been inadvertently omitted. Packaging has been revised.

Several consumers reported finding krill (a small crustacean similar in appearance to a small shrimp) in some cans of **BRUNSWICK SARDINES IN OIL** produced by Bumble Bee SeaFoods, L.P. – Richmond, BC. The product code of the cans in question is 0215CB Best by Aug 2015. Consumers are advised to contact the Orthodox Union to report such findings, and to contact Bumble Bee Seafoods for a refund. (See *Kashrus Advisory at right*.)

Some Pearl River Bridge brand **OYSTER FLAVORED SAUCE** produced by Guangdong PRB Bio-Tech Co. – China may mistakenly bear an  $\text{U}$ . This error was caught early on and the  $\text{U}$  was removed from the label. Consumers spotting this product with an  $\text{U}$  should please call the OU at 212-613-8344 or at [genacks@ou.org](mailto:genacks@ou.org).

**JAMES FARM & NEWLAND BROCCOLI, CAULIFLOWER AND SPINACH** produced by RD Enterprises, College Point – NY and Zhejiang Zhongda Newland Com – Zhejiang, China bear an  $\text{U}$  but cannot be guaranteed to be free of infestation. The products may be used if inspected or pureed prior to use. The  $\text{U}$  is being removed from future packaging.

## Important Alerts Dairy Sugar Substitute packets and Hotel “Green” Room technology

Sugar Substitute packets that are certified  $\text{U}$  are currently being served at a major Hilton Hotel in the tri-state area. This hotel does a lot of business with kosher caterers and all mashgichim should be aware of this and check all sugar and sugar substitute packets on all catering jobs. The dairy product is called **PUREVIA** (a Stevia extract product) and comes in a green and white packet. Although the company has reformulated their product and it is now pareve, but packets with  $\text{U}$  are in fact dairy. This is just a reminder for Masgichim in the field for the need to always be vigilant.



Mashgichim doing shabbos jobs in hotels should also be aware of a technology that is becoming more prevalent with the trend to be more “green”. In order to save energy, some hotels have installed sensors in guests rooms that detect when you leave and return to your room. They can then have the heat/air conditioning turn-off when no one is in the room and have it turn on when you return to your room. There are ways to by-pass this system, but there are no quick and simple fixes. All hotels should be investigated and if found to use this technology, the problem should be dealt with in advance.

Feel free to contact Rabbi Moshe Perlmutter for more detailed information at [kashrusmp@msn.com](mailto:kashrusmp@msn.com).



## KASHRUS ADVISORY

This is an advisory with respect to **BRUNSWICK® AND BEACH CLIFF® BRAND SARDINES**. We have received a number of consumer contacts noting the presence of “shrimp” in these sardines. We have discussed this with the manufacturer who has informed us that this is actually krill, a small shrimp-like crustacean, which is a common source of feed for sardines. Krill is normally digested prior to processing and should not be found in a finished product, even one which contains the stomach. This year, many factors (e.g., size of fish, warmer water temperatures, methods of fishing, etc.) combined to create a very unusual fishing year and an increase in sardines containing krill in their stomachs. The manufacturer emphatically confirms this issue is not one of quality, species substitution or adulteration of any sort: rather an unexpected and previously unforeseen occurrence, which now requires our attention.

In response to the issues faced this year and concerns voiced by the OU, the manufacturer is implementing new fish inspection processes to ensure that future productions of Brunswick® sardines do not contain whole krill. Also, the  $\text{U}$  label will be removed from the Beach Cliff® brand so that fish that may contain whole krill can continue to be utilized and sold to consumers without dietary restrictions.

The manufacturer is offering coupons for replacement product to consumers who purchased Brunswick® or Beach Cliff® sardines containing krill with the following Best By dates:

- ▶ Brunswick® Oil Products with Best By codes between June 2015 and November 2015.
- ▶ Brunswick® Water and Sauce Packs with Best By codes between June 2013 and November 2013.
- ▶ Beach Cliff® Products with any Best By code starting June 2013 and thereafter that bears an  $\text{U}$  on the label.

To receive your coupons, simply send your name, address and description of product to Brunswick Refund, P.O. Box 23220, San Diego, CA 92193. We would ask that you consider donating any existing product to canned food drives serving families without dietary restrictions.



## MAZEL TOV

Double mazal tov to our devoted RFR in Santa Barbara, CA **RABBI LOSCHAK AND HIS WIFE** on the engagement of their daughters Mushkie to Levi Rabin of Edgeware, England and Yochi to Rabbi Levi Lipinski of Buenos Aires, Argentina.

to our dedicated RFR in Los Angeles, CA **RABBI AARON GROSS** on his engagement to Yehudis New of Melbourne, Australia.

to our devoted RC **RABBI DOVID JENKINS** on the engagement of his daughter Esther Chava to Ben Malloul.

## CONDOLENCES

...to our dedicated RFR in Phoenix, AZ **RABBI MENDY DEITSCH** on the passing of his brother.

המקום ינתם אתכם בתוך שאר אבלי ציון וירושלים