

THE Daf HaKASHRUS



A MONTHLY NEWSLETTER FOR THE OU RABBINIC FIELD REPRESENTATIVE

DAF NOTES

The first part of the article below originally appeared in the Kashrus Kaleidoscope section of Hamodia Magazine's 27 Teves, 5767 – January 17, 2007 issue and was entitled "The Three Hour Wait". It is reprinted with permission at this time because of its connection to the recently learned Daf Yomi in Chulin 105 and because of the newly added Part 2. The article has been renamed *The Mysterious Wait* with the original first section discussing the source for waiting three hours between meat and dairy. The newly added second section discusses the sources for waiting six hours or part of the sixth hour.

THE MYSTERIOUS WAIT

An Analysis of Various Minhagim Concerning Waiting Between Meat and Dairy

RABBI YOSEF GROSSMAN

Senior Educational Rabbinic Coordinator; Editor - The Daf HaKashrus

PART 1: THE THREE-HOUR WAIT

The first section of this article will focus on the minhag of some communities to wait just three hours before eating milchig after having eaten fleishig.

The source for this minhag is shrouded in mystery. It begins with Mar Ukva's cryptic and enigmatic statement in *Chulin 105A* that in this matter (referring to waiting between meat and milk) he is like vinegar compared

to wine in comparison to his father because "my father waited 24 hours and I (merely) wait between one meal and the next" (eating meat in the first meal and dairy in the next). The question is, how long is the interval between one meal and another?

Some have suggested that those who wait three hours may understand Mar Ukva to be referring to the interval between breakfast and lunch (a short, three-hour period) rather than between lunch and dinner (a longer period). This explanation, however, presents a difficulty. Tosfos in *Chulin 105A* tells us that in Mar Ukva's time only two meals were eaten daily. Presumably, when Mar Ukva stated that he waited between eating meat and eating dairy just the normal interval between meals, he was referring to the two daily meals that people ate in his time. (We are unaware of any source that disputes Tosfos on this point by indicating that Mar Ukva deviated from the norm and ate three

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RFR REPORTING

RABBI AVROHOM GORDIMER

RC Dairy, Group Leader

THERE are many important, truly critical things that need to be included in RFR plant visitation reports. Let's address a few of them:

DETAILS

When reporting a new ingredient, please always provide the full ingredient name, source, exact kosher symbol (or absence thereof), product code and lot number (as well as RMC, if available). To send in a report that lists "vanilla flavor – Firmenich" does not help; Firmenich has 2880 different kosher vanilla flavors, and failure to provide the product code obviously cannot enable the RC to track down the correct item. Without all of the details, the OU office will be largely unable to use your report.

BACK-UP/DOCUMENTATION

When a specific document is referred to you in your report or would be helpful in dealing with the issue, please try to include a copy for the RC. Also, when possible, it is highly advisable and unbelievably helpful to take photos of questionable or problematic ingredients/labels to e-mail to the RC. With the prevalence of cell phone cameras and the ease of e-mail, sending photos to document issues which arise on inspections is a simple and extremely useful tool for Kashrus.

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The OU, along with the rest of Klal Yisroel, mourns the recent tragic loss of one of the great מרביצי תורה of our generation, HaGaon Harav Noson Tzvi Finkel, zt'l, seen here entering to address the OU Kashrus Dept. in March 2011.

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meals – breakfast, lunch and supper.)

A source for the custom of waiting three hours is found in *Mizmor L'Dovid* by Rav Dovid Pardo, the famed author of *Maskil L'Dovid* on Rashi's commentary on Chumash. In *Yoreh Deah Siman 89* he writes as follows: "The *Pri Chadash* (Y.D. 89-6) writes, 'Even through there are only approximately four hours between one meal and the next'. From this the minhag developed in a number of communities to wait only close to three hours (between eating fleishig and milchig). Since during the wintertime this would have been a long enough interval, we can say the poskim did not differentiate and permitted the same interval in the summertime (the season of longer days) as well. The permitted short interval in winter proves that with the passage of this amount of time (three hours), there is no longer a remainder of the (meat) taste, and they have something to reply on; they have a minimal basis for their custom."

What needs to be explained is what source the *Pri Chadash* had for a four-hour wait. And how does the *Mizmor L'Dovid* understand the necessary interval between eating meat and eating dairy to be three hours based on the *Pri Chadash*, who concludes that it is four hours? I believe the answer to these questions is based on the following:

- ▶ Mar Ukva lived in Kafri (*Kiddushin 44B*), which is in close proximity to present-day Baghdad, Iraq.
- ▶ The shortest day of the year in Baghdad has 9 hours and 57 minutes of daylight. To simplify matters, let us round that off to 10 hours.
- ▶ Mar Ukva was a Talmid Chochom who began his first meal before the end of the sixth hour of the day (*Shabbos 10A*). He ate his second meal before dark so that he could enjoy his food by seeing what he was eating (*Yoma 74B*). (More on this in Part 2)
- ▶ On an average day of twelve hours of sunlight (e.g., 6:00 a.m. to 6:00 p.m.), he would eat his first meal at 12:00 p.m. and his second before 6:00 p.m., thus waiting six hours between meat and dairy. (This explains the custom of waiting six hours.) (More on this in Part 2)
- ▶ The *Pri Chadash* tells us to focus on Mar Ukva's eating habit on the shortest day of the year, not on an average day. He also uses *sha'os zemanios* in his calculations (see *Badei Hashulchan* Y.D. 89 – 10 *Tziunim*



12). *Sha'os zemanios* is a Torah calculation of time that divides daylight hours into 12 parts.

The shortest winter day in Kafri, as mentioned above, contains almost 10 hours of sunlight. If we multiply 10 hours by 60 minutes in an hour, we have a total of 600 daylight minutes. If we then divide 600 into 12 parts, we have 12 hours of 50 minutes each on this shortest day of the year. If, for arguments sake, the day begins at 7:00 a.m. and ends at 5:00 p.m., Mar Ukva would wait six 50-minute hours before eating his first meal, which equals five 60-minute hours. Thus he would eat his first meal at 12:00 p.m. and complete his second meal before dark at 5:00 p.m.

The interval between the two meals on that day appears to be five hours. The *Pri*

THE SOURCE FOR THE MINHAG OF WAITING JUST THREE HOURS BETWEEN EATING FLEISHIG AND MILCHIG IS SHROUDED IN MYSTERY

Chadash, however, says it is actually approximately four hours, because the fifth hour is not a complete one; that is, he finished his first meal after 12:00 p.m. and started his second meal before 5:00 p.m., leaving enough time to complete the meal while it was still light outside (i.e. before the 5:00 p.m. "deadline" when darkness fell). (More on this in Part 2)

Unlike the *Pri Chadash*, the *Mizmor L'Dovid* is of the opinion that one always uses regular 60-minute hours for calculating the interval between eating meat and eating dairy. Thus, if Mar Ukva was referring to the shortest day

of the year, as the *Pri Chadash* suggests, he would eat his first meal six hours of 60 minutes each after the start of the day at 7:00 a.m., which is 1:00 p.m.; and he would eat his second meal before dark, at the 5:00 p.m. nightfall. The interval, or waiting time, appears to be four hours. However, from the *Pri Chadash*, who reduces his five-hour calculation to a four-hour interval, the *Mizmor L'Dovid* learns that his own four-hour waiting time is reduced to three-hours. The *Mizmor L'Dovid* attributes the shorter waiting time to the *Pri Chadash* since he focuses on the shortest day of the year and subtracts one hour, which are major components of the *Mizmor L'Dovid's* own three-hour calculation.

The minhag to wait three hours was also known to the Rishonim. Rabbeinu Yerucham in *Klal Issur V'Heter 39* quotes Rashi as saying that the interval of waiting time between eating meat and eating dairy is three hours, as is the custom of German Jews. Rabbi Naftali Lehman of Monsey, NY, told me of the great joy of Rav Shimon Schwab, zt"l, of Washington Heights when he was shown that a Rishon reported this minhag. Although the Maharshal tells us that bnei Torah should wait six hours between eating meat and eating dairy (quoted by Taz Y.D. 89-2) as Rav Schwab instructed those he conferred Semicha on, it is important to realize that poskim have found solid sources for the well-established German-Jewish minhag of three hours.

PART 2: THE SIX HOURS OR PARTIAL SIXTH HOUR WAIT

The Rambam in *Hilchos Macholos Asuros* (9-28) tells us that someone who eats meat may only eat dairy afterward if he has waited *כמו שש שעות* – like six hours. The Mechaber in Y.D. (89-1) states that one must wait six hours between meat and dairy. There are those who explain the Mechaber as interpreting the Rambam's *כמו שש שעות* as really meaning precisely six hours. I believe that in fact, there is a disagreement here between the Rambam and the Mechaber. Each one was precise in their wording. The Mechaber is of the opinion that one must wait no less than six hours. The Rambam on the other hand is of the opinion that a full six hours is not required. Two minhagim have evolved based on the Rambam i.e. most of the sixth hour – 5 hours and 31 minutes or into the sixth hour.

I believe the argument between the Rambam and the Mechaber coincides with a dispute between them found in *Choshon Mishpat* (5-3). The Mechaber there states that a

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► *dayan* need only sit in judgment till the end of the fifth hour. The *Sma* (S'K' 10) points out that the Rambam in *Hilchos Sanhedrin* (3-1) disagrees and rules that a judge must sit in judgment until the end of the sixth hour. The *Sma* explains their disagreement as follows: The gemara in *Shabbos* (10 A) tells us that a talmid chochom eats his first meal of the day during the sixth hour. Eating after the sixth hour is like throwing a stone into a container of wine which Rashi there interprets to mean either being harmful or non beneficial. (See Shaloh there quoted in the margin.) Thus a talmid chochom would complete his first of two daily meals (see *Tosfos Chulin* 105A L'Siudaso) before the end of the sixth hour. On an average day of 12 hours daylight from 6:00 AM to 6:00 PM he would eat brunch between 11-12 making sure to complete his meal before the end of the 6th hour i.e. 12 PM. Based on this approach the Mechaber rules that a *dayan* need not judge after the end of the 5th hour since the talmid chochom's time of eating is during the sixth hour. The Rambam on the other hand, explains the *Sma*, is of the opinion that a talmid chochom begins his brunch before the end of the sixth hour and continues to eat most of his meal during the seventh hour. As long as he has begun to eat before the end of the sixth hour, his eating will be beneficial. Thus on an average day the *dayan* would begin his meal for example at 11:55 AM and continue past 12:00 PM into the 7th hour. He is therefore obligated to judge up to close to the end of the 6th hour at which time he begins his meal.

Before learning how the Rambam and Mechaber's dispute in *Choshon Mishpat* impacts their disagreement in Y.D. concerning the six hour wait between meat and dairy, let us discover when Mar Ukva, a talmid chochom, would eat his final meal of the day on an average day of 12 hours sunlight. We need to know this for Mar Ukva told us in *Chulin* 105A that the wait between meat and dairy is what he waited (according to the Rambam as explained by Lechem Mishneh) on an average day between one meal and another.

A gemara in *Yoma* 74B followed by 75B provides the answer. On 74B the gemara tells us that there was a certain discomfort with the miraculous "Mohn" the Jews ate in the midbar since they could not see what they were eating. True, it tasted like any food they desired, but the look always remained the same. Rav Yosef, based on this, explains why a blind person is never satiated from eating because he does not see what he consumes. Abayeh concludes that as a result a person should always eat his meal during the day so

he receives proper nutrition and is satisfied from his meal. On 75B the gemara asks on Abayeh from a statement by Rav Yehoshuah ben Korcha that meat should always be eaten at night. The gemara answers, eat during the night when it is "like day". Rashi explains eat to the light of a torch. Rabbeinu Elyakum tells us to eat to the light of a candle. The Rabbeinu Chananel has a different text which reads, eat during the day "like night" i.e. eat during daylight so you can see what you are eating, but it should be close to dark – close to night. In a gloss in the margin we are told by the Cheshek Shlomo that this is a mistake in the Rabbeinu Chananel. It should read "like day" and not "like night". Actually there is no mistake here for

Rabbeinu Chananel follows *Dikdukei Sofrim* where the text is listed "like night".

Based on all of the above we can clearly understand the argument between the Mechaber and the Rambam concerning waiting six hours between meat and dairy. As mentioned, the Mechaber believes that on an average day of 12 hours Mar Ukva, a talmid chochom, would end his first meal before the end of the sixth hour i.e. at 12:00 PM. He would begin his second meal exactly six hours later to the light of a torch or candle "like day" with the onset of darkness at 6:00 PM.

The Rambam on the other hand tells us to wait between meat and dairy "like six hours". According to the Rambam Mar Ukva did not wait a full 6 hours between one meal and another on an average day of 12 hours. As explained above according to the Rambam, Mar Ukva's first meal began at 11:55 AM and continued past 12:00 PM. He ate his second meal while it was still light outside "like dark" i.e. close to evening making sure to end his meal before dark at 6:00 PM. Thus according to the Rambam there were never 6 full hours between brunch and supper since time was taken to eat after 12:00 PM and to start before 6:00 PM so that the meal would be completed by 6:00 PM.

The argument in *Choshon Mishpat* between the Rambam and the Mechaber concerning until when a *dayan* must sit in judgment in the morning before his first meal, directly impacts their argument in Y.D. whether six hours must be waited between meat and dairy or like six hours.

For more on this topic please refer to the Mesorah journal, Vol. 8, p. 75 and Vol. 14, p. 84; and sefer *Ohr Ha'oros*, pp. 108-115, by this author. ■

THE SHORTEST DAY OF THE YEAR IN BAGHDAD HAS 9 HOURS AND 57 MINUTES OF DAYLIGHT



AKO CONFERENCE AT OU HEADQUARTERS



Rav Shmuel Fuerst shlita, Dayan Agudath Yisroel of Illinois and...



Rav Moshe Wolfson shlita, Mashgiach Ruchani Yeshiva Torah Vodaas, address the AKO conference



Partial view of Kashrus agencies' representatives attending AKO (Association of Kashrus Organizations) Conference held recently at OU headquarters

**SCHEDULE A COMMENTS**

Group 1 ingredients sometimes state that the ingredient is group 1 when it is not of Israeli origin, or when it has no additives, or when it bears a specific lot number, code, or is accompanied by a lot-specific LOC. It is critical that these comments be read and used; without the comment's stipulations being verified, the ingredient is not group 1. (For ingredients which require a rabbi's signature, please be sure to show the plant what to look for. Plant contacts may sometimes know a lot, but they rarely know how to recognize a rabbi's Hebrew signature without being shown first what to look for.)

BILLS OF LADING FOR BULK LIQUIDS

It is crucial that this documentation be regularly checked against schedule A. So many plants receive bulk cream, oils, shortenings, emulsifiers, and so forth, and these ingredients and their kosher status will never be known if the RFR does not check bills of lading. Please note that although schedule A should list all such group 4 ingredients, there have been instances when these items

are omitted from schedule A, due to human error. If schedule A does not list any bulk liquid ingredients, please try to determine if perhaps these items are received anyway and were never noted. Accurate tracking of such items is of utmost import.

PENDING AND TERMINATED INGREDIENTS

When schedule A lists entries that are pending or terminated, please be attentive to them. Kindly determine if any these ingredients are in use, if they bear kosher symbols, and if replacement ingredients will be submitted or have already replaced these pending or terminated ingredients.

RC RESPONSIVENESS

If your report needs an answer or some action from an RC, and you do not hear back from the RC within a reasonable time, even after a reminder, please contact the RC's group leader.

URGENT ISSUES

If something urgent comes up during your visit, such as a serious kashrus violation, please call the RC. Do not wait to convey the urgent issue in the report.

CHANGES IN SCHEDULES A AND B AND PLANT CONTACT INFORMATION

Even if a plant is in compliance with schedule A and B requirements, but entries of schedules A and B are patently obsolete, please note the obsolete entries or the changes in your report.

ELECTRONIC INSPECTION REPORTS (EIRS)

If an RC poses a question to you in an EIR or seeks your feedback therein, it is important that you please respond. The EIR system depends on both RFR and RC interacting constructively and punctually. The OU office has received reports of both RCs and RFRs not responding to EIR correspondence. This greatly impedes effective kashrus and is something that needs to be addressed by all parties.

The OU is blessed to have the best kashrus staff in the world. By using our professional skills to the maximum, with Hashem's help we can continue to provide the top-notch and unparalleled kashrus standards for which we are renowned. ■

**KASHRUS ALERT**

TREE TOP 100% JUICE – BERRY produced by Tree Top – Selah, WA bears an unauthorized Ⓢ. This product contains a non-kosher component. However, this part is batul. Corrective measures are being implemented.

BREADY GO BANANAS mix bag and **CHERISH MY CHOCOLATE** mix bag produced by Bready North America – Columbia, MO contain dairy ingredients as indicated in the ingredient panel, but are mistakenly labeled with a plain Ⓢ. Corrective measures are being implemented.

BREADY TUSCAN LOVE AFFAIR MIX BAG and **CHA CHA CHEDDAR MIX BAG** produced by Bready North America – Columbia, MO are not certified kosher. Corrective action was implemented. Anyone seeing it should contact kosher@ou.org.

PIC N PAY, located on Avenue M in Brooklyn, NY, repacked and sold chickens placing the Ⓢ on the repackaged product. The Orthodox Union did not certify Pic N Pay and such use of the Ⓢ was unauthorized. Pic N Pay has stopped using the Ⓢ on repackaged chicken.

COUNTRY ROAD BULGARIAN SHEEP MILK FETA CHEESE produced by Gourmet Food Imports – Lafayette, CA is not certified by the Orthodox Union and bears an unauthorized Ⓢ. Corrective actions are being implemented.

CANDY JACKPOT/KIDSMANIA BUBBLE GUM (in plastic slot machine) produced by Kidsmania/Candy Novelties – El Monte, CA bears an unauthorized Ⓢ sticker, stating Concord Confection distributed by Quality Frozen Foods. This product is not a Concord Confection product and is not certified by the Orthodox Union. It is being withdrawn from the marketplace.



to our devoted Recorder of OU Psak and Policy **RABBI ELI GERSTEN AND HIS WIFE** on the birth of their daughter Esther.

to our dedicated RFR in Antwerp, Belgium **RABBI HILLEL KUSMIERSKI AND HIS WIFE** on the birth and bris of their son Shimshon Zev.

to our devoted RC **RABBI YOSEF GOLDBERG AND HIS WIFE** on the marriage of their son Aryeh to Hadassah Herman.

to our dedicated RFR in Chicago, IL Rabbi **MORDECHAI TARKIELTAUB AND HIS WIFE** on the marriage of their son Akiva to Sarah Katz.

to our devoted RFR in Minnesota **RABBI CHAIM GOLDBERGER AND HIS WIFE** on the Bar Mitzvah of their son Noach.

to our dedicated RC **RABBI ELI ELEFF AND HIS WIFE** on the birth and bris of their son Avrumi.

CONDOLENCES

to our dedicated RC and Group Leader **RABBI YITZCHOK MINCER** on the recent loss of his mother Rivka Mincer of Detroit, MI and Lakewood, NJ.

to the family of **RABBI JOSEPH SINGER** z"l of Englewood NJ on his recent petirah. Rabbi Singer served for many years as the rabbi of the Mt. Sinai Jewish Center in Washington Heights and for several years answered questions to kosher consumers as the OU's Webbe Rebbe.

המקום ינחם אתכם בתוך שאר אבל ציון וירושלים