**DAF NOTES:**

The following article first appeared in *Hamodia*. We are reprinting it with permission at Rabbi Bistricher's request. He wishes to bring it to the attention of RFR's who may have missed it in *Hamodia*.

IS THIS WORM KOSHER?

BY RABBI DOVID BISTRICER
RC – Vegetables, Salad Dressings, Sauces, Bake, Fish

Educated kosher consumers are well aware that kosher fish require two characteristics, fins and scales. However, many are uninformed about the relevance of insects to the *kashrus* of fish. Despite a familiarity amongst consumers about *tolayim* issues in fruits

and vegetables, many are unaware of discussions in *Shas* and *Shulchan Aruch* about how this area pertains to the fish industry.

The gemara in *Chullin* (67b) states that insects, referred to as "*darna*", found in the bellies of fish are prohibited and those found in the flesh of fish are permitted. The distinction between insects found in the stomachs or flesh of fish, lies in their origin. The *gemara* and *rishonim* explain that insects found in stomachs are presumed to be swallowed by the fish, while those found inside the flesh are grown inside the fish itself. Mature insects swallowed by fish are considered *sheratzei hayam* and are pro-

hibited, while insects grown inside the flesh are not considered *sheratzei hayam* and are permitted until they exit the fish into the ocean. Although the *Rambam* (*Hilchos Ma'achalos Assuros* 2:17) makes a distinction between insects grown inside flesh while the fish is alive and while it is not, the position of all other *rishonim* is that insects grown inside the flesh of fish are permitted even when the fish is alive. The *Shulchan Aruch Yoreh Deah* (84:16) rules clearly that all insects found in the bellies of fish are prohibited, while those found in the flesh are permitted.

This issue has gained considerable attention recently due to claims by marine biologists that insects found in the flesh of fish are not generated inside the fish itself. Scientists have been contending that insects found in the flesh of fish, like salmon and whitefish, are initially swallowed by other smaller fish that are a food source of larger fish. The insects eaten by the smaller fish subsequently penetrate the larger fish and become lodged in their flesh. Based upon these facts and the basic halachic guidelines above, it would appear these insects should be prohibited. However, these contentions are a stark contradiction to the *Shulchan Aruch*, which permits insects found in the flesh of fish without restriction.

continued on page 15

KASHRUTH advisory**Duncan Hines Moist Deluxe Cake Mixes Return to Pareve status.**

Pinnacle Foods has reversed a decision made in 2005 to switch the product to dairy. Twelve of 18 Moist Deluxe flavors are being returned to pareve. These include, Moist Deluxe Classic Yellow, Devil's Food, Lemon Supreme, Butter Recipe Golden, Swiss Chocolate, Spice, Fudge Marble, Pineapple Supreme, Butter Recipe Fudge, German Chocolate, Red Velvet and Dark Chocolate Fudge.


Pareve production began in September and Duncan Hines has begun shipping product to stores. It should be in most locations by November and December, the company says.

KELLOGG'S STUFFING MIX (UPC #03800075018) produced by Kellogg Sales Company – Battle Creek, MI is a pareve product which was erroneously distributed bearing an  symbol.

IMPORTANT INFORMATION REGARDING ASSIGNMENTS

BY RABBI MICHAEL MORRIS
Routing director and Ombudsman

Dear Colleagues:

First, I want to thank you for your continued devotion to the OU. It is the high caliber of our team of RFR's that allows the  to maintain the standard of credibility that it enjoys.

I have been asked to bring the following issues to your attention in order to clarify any possible misunderstandings, as it is our belief that these guidelines will help clarify our relationship, and ultimately lead to more effective Kashruth.

I wish to review the proper protocol for submission of Mashgiach reports. I cannot over-emphasize the importance of following these guidelines. When tickets are submitted correctly everyone gains. Our office staff is able to respond quickly, and you will be paid or reimbursed in a timely fashion. In contrast, when tickets are not properly completed, there is a disruption of the workflow, and everything is slowed down. We process thousands of tickets per month, and we need your cooperation to keep things moving smoothly and efficiently.

- Reports should be submitted in a timely manner. A kashrus issue

continued on next page

Ⓢ DAIRY INDUSTRY SEMINAR

Provides a Thorough Understanding of the Intricacies and Benefits of Kosher Production of Dairy Products

With the presence of representatives from companies located from New Hampshire to California and many states in between, the Orthodox Union held Dairy Seminar 2006 last week, which was directed at plant managers, directors of quality assurance, production and marketing, and anyone with responsibility for a dairy company's kosher program.

Topics covered included,

Session 1: Homogenizing a Dairy and Pareve Plant; Pasteurizing a Kosher/Non-Kosher Plant; and, Learning How to Manage Adversity in Kosher Regulations.

Session 2: Marketing: Getting Your Message to the Consumer; Getting Our Message to You.



(l. to r.) Rabbi Moshe Elefant, COO OU, Menachem Lubinsky, Jacob Rusanov

Session 3: Maintaining an Effective Kosher Program; and, Nothing Can Go Wrong...Can it?

Session 4: Ingredients: Navigating the Complex Issues (including whey cream, etc.)

Phil Bowman, Operations Manager for Ventura Foods of Birmingham, AL, gave a comprehensive "power-point" presentation of how the koshering system at Ventura works. In addition, his plant devised a unique system which is able to match label codes to production schedules to assure against mislabeling of OU Pareve and OU Dairy products.

During the presentation, Mr. Bowman summed up the general feelings of the assembled as follows, "We are proud to be associated with the Orthodox Union, and it's been pretty good for us."

The marketing session featured the guru of kosher marketing Menachem Lubinsky of Lubicom Marketing and Communications, and Jacob Rusanov of Wakefern Food Corporation, a major supermarket chain in the New York metropolitan area, which carries a wide line of OU Dairy products.

ASSIGNMENTS

continued from previous page

should be reported immediately, either by phone, fax, or e-mail.

- The financial reports will not be processed if the Kashrus reports were not submitted together. These reports and or logs must be received within two months of the visit, or the bookkeeping department will not process for reimbursement.
- The accounting department is insisting that stickers be used whenever available. This eliminates the need to decipher some difficult handwriting samples. The accounting department processes reports quickly and accurately when the stickers are in place. Please use your stickers or record the corresponding "inspection number" found on the sticker. If you perform an initial inspection for which there is no sticker, record the "inspection number" on the log or Hashgacha form. The "inspection number" is included in the assignment letter for the initial inspection. If for some strange reason, no number is available; please write down the name of the RC, company and plant as it is known to the OU.
- Please make sure (to the best of your ability) that receipts are clear. If they are not, we will have difficulty processing them. Foreign receipts must be translated into English, and foreign currency must be converted into US dollars.
- Air tickets or confirmation documents must be submitted with your report, whenever you fly.
- A kashrus inspection report should be sent even if there is nothing new to report.
- Please write on your forms, (where indicated) the duration of your visit as well as the travel times to & from the plant. This applies for both regular inspections and special productions.
- Our policy is to have the plant representative sign the kashrus report. This can only be accomplished if you write the report while on the plant premises. After signing the report, the plant

representative should be given a copy. This system is the most effective way of keeping the plant personnel in the loop, and making them feel a burden of responsibility for the integrity of the kashrus program. As you well know, we need their fullest cooperation. If you do not have time to write a full report at the plant, at the very least you should record the basic report of violations and changes and have that signed by the plant manager. Additional information can be added later on and you can always forward a copy to the plant representative.

- Hashgocha fees and remunerations are determined by mutual agreement of the Orthodox Union and the RFR. It is preferable that these decisions be made before visits occur.
- OU policy is that RFR's should not receive gifts from plants under Ⓢ certification. As an extension, utilizing services of plant equipment or plant personnel (i.e. repair of a car by a plant mechanic) is also not acceptable.
- OU plants are often reviewed by RC's or senior RFR's. During such a review, every effort should be made by the designated RFR to be in attendance.
- From time to time, it is effective for the OU to reassign plants. If this happens, we will make every effort to find work for the RFR who lost his position, but we cannot insure that we will be successful in this endeavor.
- Should a designated Mashgiach move more than twenty-five miles away from his present location, the OU may find it necessary to reassign the plant to an RFR who is closer to the facility. In general, assignments are not transferable. When a RFR moves away, he may not give his route over to a friend, colleague or rabbinic replacement.
- If an RFR cannot make any particular visit, he may not appoint someone else to perform that inspection without prior authorization from the RC, irrespective if the substitute has been to the plant before.

continued on next page

WORM

continued from page 13

A general discussion of how to approach scientific claims that are contrary to *Chazal* is beyond the scope of this article. This particular question has been discussed by *Gedolei Yisroel* during the past several decades, although there is very little written about it. *Rav Shmuel Vosner* wrote a *teshuva* (see *Shevet HaLevi* 4:83) about this subject, and grappled with the apparent discrepancy between *Chazal* and scientific contentions. *Rav Vosner* speculates that perhaps the gemara's mention of "darna" is referring to a specific type of insect. However, since nowadays we can not distinguish which insects are considered "darna" we should assume that they are all prohibited, even when found in the flesh of fish. Nevertheless, *Rav Vosner* acknowledges that the *Tur* and *Shulchan Aruch* do not distinguish between different types of insects. According to the *Tur* and *Shulchan Aruch* all insects found in the flesh of fish are permitted, without restriction. *Rav Vosner* is somewhat inconclusive in this *teshuva*, although subsequently, he wrote a more definitive position suggesting that people should be vigilant in this area (see *Shevet HaLevi* 7:127:3). Moreover, in 1997 *Rav Yosef Shalom Elyashiv* shlitza took a stringent position in this area regarding whitefish. *Rav Elyashiv* is quoted as accepting the testimony of marine biologists, but limited only to very specific instances when scientific evidence supports that the insects entered the fish from the ocean. This would not be considered a contradiction to *Chazal*, since *Chazal* never stated that it is impossible for insects from the ocean to become lodged in the flesh of fish (see *Bedikas HaMazon KeHalacha* Volume I, pp. 112).

Rav Moshe Feinstein zt'l has often been quoted as being lenient on this matter. According to *Rav Moshe*, the word of *chazal*, must govern even when there seems to be a conflict with science. However, it may be possible to reconcile the *Shulchan Aruch* with current scientific data. Assuming these insects originated from outside the fish, does not immediately render them prohibited. Insects found in the flesh of fish are very small. Presumably, the insects are not noticeable to the naked eye until they mature inside the fish itself. *Chazal* in their infinite wisdom have declared "*lo nitna Torah LeMalachei HaShares*" ("the Torah was not given to angels". See *Berachos* 25b). As a general rule, insects

that are noticeable only through extraordinary means are not prohibited. In essence, these insects would still not be considered prohibited until they exit the fish into the ocean. When *Rav Moshe* zt'l was initially approached to write a *teshuva* about this topic he respectfully declined, explaining that the answer is clearly found in the *Shulchan Aruch*.

When approaching this issue it is important to bear in mind two considerations. First, recent scientific contentions about the physiology of fish need not be accepted to the exclusion of *Chazal*. *Rav Vosner* suggests in his *teshuva* the possibility that both approaches are correct. It is possible that halacha allows us to assume that the origin of insects found in the flesh of fish are not from outside the fish, but grown inside the fish itself. Secondly, there is a basic fundamental difference between science and Torah. The field of science is forever changing and developing, while a critical foundation of our *emunah* is that Torah is eternal and constant. Scientific and medical theories of yesteryear, often taken for granted, have proven fallacious and outdated over time. This trend has continued throughout history, as medical and scientific developments continue to contribute new theories, while previous scientific beliefs become obsolete. This type of approach has been endorsed by many *Gedolei Yisroel*, both in *Eretz Yisroel* and the United States, regarding this particular issue. These *Gedolei Yisroel* took the position that current scientific evidence can not be accepted in a manner that seemingly contradicts *Chazal*, with a general line of reasoning similar to *Rav Moshe* zt'l. The list of *Gedolei Yisroel* that have been lenient with this matter in addition to *Rav Moshe Feinstein* zt'l include, *Rav Shlomo Zalman Aurebach* zt'l, *Dayan Yitzchok Yaacov Weiss* zt'l, *Dayan Yisroel Yaacov Fisher* zt'l, *The Klausenberger Rebbe* zt'l, and *Rav Abba Shaul* zt'l, amongst others (see *Bedikas HaMazon KeHalacha* Volume I, pp. 112).

The position of most kashrus agencies internationally about this topic has been lenient, consistent with the simple reading of the *Shulchan Aruch*. Although there are poskim who suggest that one should be vigilant in this area, the general consensus amongst most *Gedolei Yisroel* has been to continue accepting the position espoused in the *Shulchan Aruch*, and followed by previous generations.

ASSIGNMENTS

continued from previous page

Although some assignments are addressed to a Vaad, Rabbinical organization, or Chabad House, it is our understanding that the Rabbinic Field

Representative performing productions, visits, and representing the Orthodox Union, is the Rabbi that has always been the main contact.

The OU does not wish these assignments to be reassigned to other members of your organization unless the following criteria have been met.

1. Each substitute is introduced to the OU and we agree to the substitution. We will put the new RFR in contact with the particular RC of the plants with which he will be working to obtain necessary instructions, Schedules A and B etc.
2. Substitutes or replacements are of mature age and dress appropriately.
3. In order not to confuse our clients, the OU asks that the replacements be of permanent nature and are not changed in a frequent fashion.
4. The standard cap of \$350.00 per day applies for organizations as well, though consideration will be given when Hashgocha

logs are kept separate, and identifying each Mashgiach. The best method is for the designated RFR of the Vaad to attach a little sticker on the report indicating that the visit was performed by Rabbi XYZ. These logs should also detail the hours spent traveling to each plant as well as time spent in each plant. (Contact Ms. Marika Levine for these forms).

5. Our feeling is that the OU should not be expected to pay for the training or replacement travel expenses of the trainee when being introduced by the previous RFR.
6. The OU does not pay for a regular plant visit if it coincides with a special production, even if these are performed by two or more Mashgichim.
7. Should a Vaad be invited to attend the annual Mashgiach Conference, we will suggest which RFR would be most suitable to attend.
8. All subsequent changes too, should be brought to the RC's attention.

If you have any questions or suggestions, please direct them to Ms. Marika Levine at extension 332, or Rabbi Morris at extension 327.

OU'S RABBI MENACHEM GENACK NAMED TO THE FORWARD 50

Rabbi Menachem Genack, Chief Executive Officer of OU Kosher, was named to the Forward 50, one of the highest honors in the Jewish world today. The feature is a compilation of what the paper calls "50 of the most influential members of the American Jewish community," which includes top picks; politics; ideas and activism; religion; community; culture; and, philanthropy.

This is what the Forward 50 had to say about Rabbi Genack:

"As the top dog in the complicated world of kosher food inspection, Rabbi Menachem Genack usually works behind the scenes. But this year, a series of scandals forced him into the public eye to steady the culinary bedrock of America's observant Jews. First, Genack, the CEO of the Orthodox Union's worldwide Kosher Division, had to deal with complaints about the treatment of both animals and workers at the nation's largest kosher slaughterhouse, the Iowa-based AgriProcessors. Later in the year, he was pushed into action after it

KASHRUTH alert!

As of October 1, 2006, the **GOLDEN LEAF INN** located at 132 S. Main Street – P.O. Box 710, Tannersville, NY is not certified as kosher by the Orthodox Union.

GIANT VEGETARIAN VEGETABLE SOUP produced by Ahold USA, Braintree, MA is no longer certified kosher by the Orthodox Union due to changes in manufacturing. Older product bearing the © symbol is certified as kosher.

WALDEN FARMS BLUE CHEESE DRESSING, BLUE CHEESE DIP, RANCH DRESSING have been reformulated and will now bear an © pareve symbol.

STOP AND SNACKS PREMIUM TRAIL MIX and **SUNSET ORCHARDS PREMIUM TRAIL MIX** produced by Zaloom Marketing Corporation contain dairy ingredients as listed on the ingredient panel but the dairy designation has been inadvertently omitted. Corrective action has been taken.

KALIMA-HARD CREAMER ORANGE CREAM, STRAWBERRY CREAM, FUZZY NAVAL ORANGE PEACH, PINA COLADA PINEAPPLE COCONUT, TROPICAL CREAM ORANGE BANANA produced by B2 Beverage Corp., Wilkes Barre, PA contain dairy ingredients. The dairy designation was inadvertently omitted. An "OU-DAIRY" will be ink-jetted on the neck of the bottle. Future packaging will be revised.

DE BOLES GLUTEN FREE RICE PASTA AND CHEESE (12/7.25 oz) produced by De Boles Nutritionals Foods – Shreveport, LA bears an unauthorized © symbol and is not certified as kosher by the Orthodox Union. This product is being withdrawn from the marketplace. Individuals spotting this product are requested to contact the Orthodox Union at 212-613-8148 or via email at kshalerts@ou.org.

BAY VALLEY FOODS BALSAMIC SLICES 64 oz produced by Bay Valley Foods, LLC, Green Bay, WI bears an unauthorized © symbol. Future packaging will be revised. Corrective action is being taken.

was discovered that a kosher distributor in upstate New York was selling nonkosher meat. Each time, Genack reassured consumers in his quiet, scholarly way, without giving a free pass to the companies in question.

The tremendous success of the industry today is largely due to Genack, 59, who has been at his post since graduating from rabbinical seminary in the 1960s. Since then, O.U. Kosher has grown to a company with 550 employees overseeing 400,000 products. The problems of the past year suggest that supervision may not have kept up with the industrialization of the food industry. While it's too early to tell if Genack's interventions will heal the problems and maintain public faith, few doubt that if anyone can do it, it will be him."

MAZAL TOV TO ...

our dedicated RFR in Passaic, NJ **RABBI MOSHE PERLMUTTER AND HIS WIFE** on the birth and Bris of their eighth child *Ka'h* on the first day of ASK©8. With his usual devotion and *apb*, *rtnx*, Rabbi Perlmutter was able to deliver his various lectures and Kosherization demonstrations in spite of his "new arrival" to the delight of all in attendance. The baby boy's name is Yaakov Yisroel.

our devoted Co-Director of the IAR **RABBI YERACHMIEL MORRISON** on the engagement of his son Yehuda Eliyahu to Bayla Hassan of Monsey, NY.

our dedicated RC **RABBI AKIVA ROTHENBERG** on the marriage of his daughter Nechama to Zundel Weissman of Toronto, Canada.

our devoted RFR in Baltimore, MD **RABBI RICHARD LEVINE AND HIS WIFE** on the Bar Mitzvah of their son Eliezer Aryeh.

our dedicated RFR in China living in Jerusalem **RABBI MUTTY GRUNBERG AND HIS WIFE** on the wedding of their daughter Tzipora to Yonatan May of Brooklyn, NY.

our devoted administrative assistant in the Kashruth Review Department **LEAH GREENSTEIN** on her wedding to Menachem Horowitz of Brooklyn, NY.

our dedicated administrative assistant in the Product Department **CHAYA FRAYDA HOROWITZ AND HER HUSBAND** on the birth of their daughter Elisheva.

our devoted RFR in Chicago, IL **RABBI AVROHOM CHESNY AND HIS WIFE** on the engagement of their daughter Tova Leah to Matisyahu Kaganoff of Passaic, NJ. The choson is a nephew of our dedicated RC Rabbi Yonatan Kaganoff.

our dedicated Co-Director of the Ingredient Department **RABBI AVROHOM JURAVEL AND HIS WIFE** on the engagement of his son Shuie to Chaya Toba Schechter of Montreal, Canada.

WELL DESERVED WORDS OF PRAISE

Rabbi Ferrell:

Thank you very much for your help in this matter, I would also like to mention what a pleasure it is working with a man like Rabbi Schloss. He is a fine man and represents the Orthodox Union extremely well.

Thanks so much.
Mike Ziegler, COO
Arichem, LLC