



OU RECOMMENDATIONS FOR VAAD HAKASHRUS SUPERVISION

A position paper presented by Rabbi Yaakov Luban,
 Ⓢ Executive Rabbinic Coordinator, at the ASKⓈ-RCA
 Yom Iyun held at OU Headquarters, NYC, May 1, 2007

RABBIS/RAV HAMACHSHIR

All individuals who have final responsibility for determining Vaad standards and procedures must, at a minimum, have Orthodox Semicha from a recognized Rabbinic individual or institution and pray only in Orthodox synagogues.

Optimally, such individuals should have specific training and experience in practical aspects of Kashrus supervision.

MASHGICHIM

1. All individuals who serve as Mashgichim should be committed to full Shemiras Shabbos and Shemiras Mitzvos and pray only in Orthodox synagogues.
2. Optimally, such individuals should have specific training and experience in practical aspects of Kashrus supervision.
3. It is self-evident that it is preferable that a Mashgiach be paid by the Kashrus organization and not by the supervised facility. Unfortunately, this is generally not a viable option for semi or full-time Mashgiachim of establishments because of insurance considerations.

4. There is value in a semi or full-time Mashgiach having no other competing or distracting responsibilities other than Kashrus supervision. Realistically, this places a heavy and difficult financial burden on the supervised establishment and, in practice, such arrangements are rarely feasible. What is generally referred to as a "working Mashgiach" is the most common method of supervision. Nonetheless, a "working Mashgiach" should have the following essential elements built in:

- a) The Mashgiach is free from other responsibilities whenever a Kashrus need arises, such as checking deliveries or *Bedikas Toleyim*.
- b) The working Mashgiach is not required to perform menial tasks such as washing dishes or waiting on tables, which would significantly undermine the stature and authority of the Mashgiach.

5. It is common for Kosher supervisors to rely on a Shomer Shabbos owner to self-supervise an establishment. While this may be halachically justifiable, based on the principle of *eid echod neomon bi'ussurin*, this arrangement does not constitute effective hashgocha or supervision. Some of the high profile cases of recent years, where Shomer Shabbos proprietors were caught selling non-kosher product, underscore the inherent deficiency of this arrangement.

As a matter of policy, the OU does not endorse restaurants or caterers unless there is a Mashgiach present who does not have a financial interest in the facility. While this policy is undoubtedly one to aspire to, individual Rabbonim must assess the Kashrus needs of

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ASKⓈ-RCA SEMINAR PROVIDES KNOW-HOW

on Issues Confronted by Local Va'ad Hakashrut Certifying Agencies

BY STEPHEN STEINER
 Director of Public Relations

So a new kosher bagel store has opened for business in a community and there are rumors that the proprietor wasn't so careful in his previous location about all the requirements of maintaining a kosher establishment. Or the catered Shabbat Kiddush, delicious though it may be, presents some difficulties regarding the standards of kashrut and the observance of the Sabbath. What's a local *Va'ad HaKashrut* to do?

To deal with these and other thorny issues, and to assist Rabbinical

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SUPERVISION

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their communities and determine whether it is feasible to maintain such standards.

LEVEL OF SUPERVISION

The ideal supervision is that of *hashgocho temidis*. However, *hashgacha temidis* is generally not feasible and, in such instances, “*yotzei vinichnas*” is an acceptable alternative.

An example of *yotzei vinichnas* is found in the Shulchan Aruch, Yoreh Daya, 69:10, where a non-Jew cooked meat after *melicha* and it is presumed that he performed *hadacha achrona* based on *yotzei vinichnas*. The Rama (ibid) explains that *yotzei vinichnas* establishes a “*mirsas*”, and therefore, the non-Jew can be trusted if he is familiar with the “*minhag yisrael*”.

A critical question is what level of supervision constitutes “*yotzei vinichnas*” and is sufficient to create a “*mirsas*”? Presumably, the Shulchan Aruch intentionally leaves the definition of *yotzei vinichnas* undefined because the requirements vary according to what is required to establish a *mirsas* with the particular *aino Yehudi*, and this hinges on many factors such as: the personality of the non-Jew, the severity of the potential consequences to the non-Jew if he is caught violating *minhag yisrael*, the availability of other forms of employment if the non-Jew would be suspended because of a violation, etc.

Nonetheless, it is possible to formulate some generally accepted guidelines which will assist the local Rabbonim to establish frequencies of visitation.

a) An establishment that uses meat and poultry products requires very strong supervision because of the very significant price differential between Kosher and non-Kosher. This means that the Mashgiach must lock or seal the product at night and open or break the seal in the morning to insure that the integrity of supervision was maintained.

It is strongly recommended that a Mashgiach Temidi be present during all hours of operation for such establishments. *Bedieved*, in case of necessity, a very frequent *yotzei venichnos* a few times a day would be acceptable. However, the *yotzei venichnes* must appear at random and unpredictable times. In addition, all meat and poultry that have no *simonei* Kashrus must be under lock and key overnight. This means that a Mashgiach must be present at closing to lock or seal the coolers, and open or break the locks and seals the following day to insure the integrity of supervision.

If a non-Shomer Shabbos person has a key to the lock, it is tantamount to not having a lock in place. Locks and seals must be tamper-proof. If there is a need to have a key available for security reasons, the key should be placed in a sealed envelope, and the Mashgiach should sign his name two times over the seal. In case of emergency, the proprietor should call (or leave a message if necessary) to explain why the key is being accessed.

- b) Establishments that produce food which must be *Bishul Yisrael* (i.e., the food is *aino ne'echal chai* and it is *oleh at shulchon melachim*) must have provisions to control bishul Yisroel. Because it takes only a moment to relight a fire or a pilot light, *yotzei vinichnos* is generally not adequate to control bishul Yisrael. In such instances, a Mashgiach Temidi is required. Alternatively, a pilot light is acceptable if a lock-out method is devised to make it impossible to relight the pilot light without enlisting the service of the Mashgiach.
- c) Factories usually purchase ingredients in bulk and ingredients last for extended periods of time. As such, *yotzei vinichnas* on a monthly basis is generally sufficient. In some instances, there are additional methods of control available through records and reports which makes less frequent visitation acceptable.
- d) Local establishments, such as bakeries and pizza shops, have a quick turn around of ingredients. It is recommended that such establishments be visited at a minimum of once a week at random times.
- e) Rabbi Yisrael Belsky Shlita, Halachic consultant for the OU, has often emphasized that *yotzei vinichnas* must be at varied times and intervals so that the visits do not follow a predictable schedule. In addition, Rabbi Belsky recommends occasional visits on Shabbos and Yom Tov to extend the *mirsas* to all times of the year.

NE'EMONUS

A critical principle upon which all Kashrus supervision must be built is that a person who is not Shomer Torah Umitzvos has no *halachic ne'emonus* and cannot be trusted. Statements made by parties who lack *Halachic Ne'emonus* must be independently verified. In two separate Teshuvos, Rabbi Moshe Feinstein, zt"l confirms that even if a person has a reputation for honesty and integrity, there is no *ne'emonus* for one who is not Shomer Mitzvos (*Igros Moshe 40, I:54 and II:43*).

comes to kashrut – it is such a specialized field that even though the rabbi has studied the Shulchan Aruch, he needs practical, first-hand experience. There is no one better than the OU to provide it. It was a day in which the rabbis could hear all the issues, and the objectives of the seminar were very well fulfilled.”

“The RCA and the OU are partners in practically every respect of synagogue and community life and we are very pleased to be able to provide educational resources and programs not just to rabbis but to individuals within the larger community,” explained Rabbi Basil Herring, Executive Vice President of the RCA. “This particular conference was an excellent example because it provided education on the emerging trends and realities facing commercial kosher supervision in our communities. It was very high level, very hands-on, and certainly much appreciated not only by those in attendance, but by those who in the days and months ahead will see the video on the OU and RCA websites.”

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SEMINAR

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Council of America rabbis who serve as members of their local Va'ad, the Orthodox Union Kosher Division recently offered a one-day seminar, Current Issues Facing the Local Va'ad HaKashrut, presented at OU headquarters in conjunction with the annual RCA Convention in New York.

Funding for the seminar, known as a Yom Iyun was provided by the Harry H. Beren Foundation of Lakewood, NJ in memory of Mr. Beren, z"l. The Beren Foundation funds a wide variety of educational initiatives of OU Kosher. These programs are directed at all levels, from young children to senior rabbis. In this case, it was the senior rabbis who were the beneficiaries of OU knowledge and experience.

According to Rabbi Kenneth Auman of the YI of Flatbush in Brooklyn, NY and Past President of the RCA, “We are interested in giving our rabbis all the tools they need to function effectively in their communities. They need professional backup when it

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Effective April 1st, 2007 **GRANNY'S, GREAT AMERICAN DESSERT AND THE CAKE STYLIST PASTRIES** produced Great American Desserts Co., Flushing, NY are no longer certified by the Orthodox Union and will no longer bear the © symbol.

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WISH-BONE RANCH DRESSING (UPC #6840001764) produced by Unilever Canada – Toronto, ON and distributed in Canada, contains dairy ingredients as listed on the ingredient panel. The dairy designation has been inadvertently omitted. Future packaging will be revised.

GENERAL MILLS BREAKFAST CEREAL VARIETY PACK (UPC #6563351209) produced by General Mills Canada Corporation – Mississauga, ON incorrectly depicts Lucky Charms cereal on its packaging as being Orthodox Union certified. Corrective action has been taken.

KEEBLER FUDGE SHOPPE FUDGE DIPPED ICE CREAM CUPS (UPC #3010012096) produced by Kellogg Sales Co. – Battle Creek, MI is an ©D certified product which contains dairy ingredients as listed on the ingredient panel, but the dairy designation has been inadvertently omitted. Future packaging will be revised.

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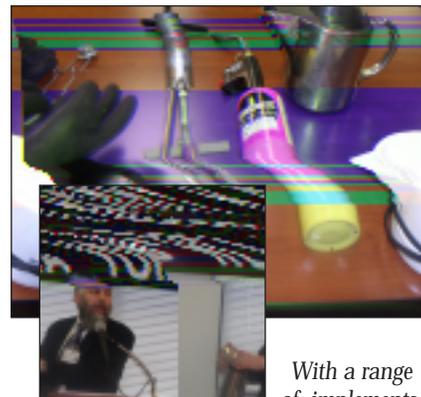
SEMINAR

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Dr. Simcha Katz, Chair of the OU Kashrut Commission, agrees. "The Orthodox Union recognizes that the local Va'ad HaKashrut is confronted with complex issues as it serves its community. OU Kosher considers it to be an extremely important part of its activities to work with the Va'ad; to share its considerable expertise with local authorities; and to do whatever is necessary to assure that the highest standards of kashrut are maintained everywhere." As Dr. Katz told the many rabbis present – from communities ranging from Boston, Denver and Toronto to as far away as Basle, Switzerland – "Please view us as your partners and as a resource in serving your local communities."

A VARIETY OF SESSIONS:

The sessions featured "the latest OU methods of maintaining high standards in the important issues the Va'ad is faced with on a daily basis as it certifies local establishments," explained Rabbi Yosef Grossman, Director of ASK© and Kashrut Education at the OU. "The participants were



With a range of implements,

Rabbi Moshe Perlmutter, OU Rabbinic Field Representative, showed how to kosherize various pieces of equipment in a commercial kitchen.

instructed by the leading experts of the OU, such as Rabbi Moshe Elefant (Chief Operating Officer of OU Kosher), who spoke about enhancements in the security of the kosher meat supply chain through holograms and DNA; and Rabbi Yosef Eisen (Rabbinic Administrator of the Va'ad of The Five Towns and Far Rockaway), who demonstrated the discovery of insects inside strawberries when there is a crack or cleft in the strawberry. The rabbis saw the OU as the cutting edge in modern day kashrut supervision, certification and knowledge. They are now able to bring that knowledge back to their communities," Rabbi Grossman said.

The program included shiurim by Rabbi Menachem Genack, Chief Executive Officer of OU Kosher and Rabbi Hershel Schachter, Rosh Yeshiva, Yeshiva University, halachic consultant on the practical applications of complicated aspects of kosher law. The entire program was devoted only to the practical – the issues that Va'ad members regularly confront in their work.

Rabbi Dov Schreier, OU Rabbinic Coordinator for Food Service, presented a mouth-watering Sabbath Kiddush menu, but cautioned that the Va'ad had to deal with some key issues. With a range of blowtorches and other implements, Rabbi Moshe Perlmutter, OU Rabbinic Field Representative, showed how to kosherize various pieces of equipment in a commercial kitchen.

With the seminar completed, the RCA rabbis returned home, ready to share their knowledge with fellow Va'ad members. "Clearly each rabbi received a tremendous amount of information," said Rabbi Herring, the RCA Executive Vice President. "As a rabbi in a particular community, this information is essential to being informed about the physical and commercial realities as well as the minutiae of Jewish law as they apply to today's extremely complex kashrut situation."

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