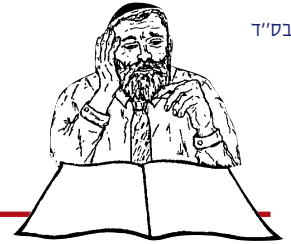


THE DAF HAKASHRUS



A MONTHLY NEWSLETTER FOR THE OU RABBINIC FIELD REPRESENTATIVE

DAF NOTES: *The following is a paper presented at "Quick Chap" on October 31, 2007. "Quick Chap" is an ongoing series of shiurim and lectures on relevant Kashruth topics given for the benefit of RC's at the OU and coordinated by Rabbi Moshe Zywicca.*

YOSHON IN AMERICA 5768

BY RABBI DAVID GORELIK
RC of Yoshon, Dried Fruits and Nuts, General Mills.

The source for the laws pertaining to *yoshon* are found in Vayikra (23:9-14). These laws are applicable to the *Chamishas HaMinim* of barley, oats, rye, spelt and wheat.

These grains are *yoshon* if they took root prior to Pesach. If the grains did not take root prior to Pesach then they are *chadash* until the subsequent Pesach. There is a halachic dispute if the *השרשה* must be 3 days or two weeks prior to Pesach. The laws of *chadash* do not apply to other grains such as rice, corn and buckwheat.

There are a number of halachic discussions concerning the *issur* of *chadash* in our time.

1. Is it an *איסור דאורייתא* or an *איסור דרבנן* ?
2. Is it prohibited only in Israel or also outside of Israel?
3. Does the *איסור* apply only to Jewish owned land or does it include non-Jewish ownership?

A significant number of *meforshim* argue that in *חז"ל* one should be diligent in avoiding *chadash*. However, different *meforshim* discuss the general leniency in observing *yoshon* in *חז"ל*.

1. Some utilize a *ספק ספיקא* – maybe the crop is from the previous year. If it is this year's crop perhaps it took root prior to Pesach.

2. Others suggest that most grains take root before Pesach. This is especially true in the United States since 75% of the wheat planted in the United States is winter wheat which by nature is *yoshon*.
3. There are those who argue that there are a number of factors to consider:
 - a. Doubts exist if the flour is *chadash* or *yoshon*.
 - b. Bread is a staple (and consequently it is viewed as a *שעת הדחק*.)
 - c. Flour is difficult to store.
4. The *ערוך השלח* *י"ד רצג* cites the *אור זרוע* who argues that the dispute concerning the prohibition of *chadash* lacks a conclusive resolution since the Gemara does not offer a definitive psak. This was done because if difficult situations arise, then one has the right to rely on the lenient opinion for *chadash* in *חז"ל*.
5. The *איסור חדש* *י"ד רצג* discusses why the *איסור* for *חז"ל* would only be applicable in lands in close proximity to Eretz Yisroel as opposed to more distant countries. He compares it to the *איסור דרבנן* of *אסור ומעשרות* for the lands adjacent to Eretz Yisroel.

In the United States most barley and oats are *chadash* since they do not take root prior to Pesach. Canadian oats are also *chadash* and a significant amount is imported into the United States. Domestic rye is always *yoshon*; however, rye bread can be *chadash* since it is primarily composed of spring wheat. Spelt grown in the US is *yoshon*, however, Canadian spelt is *chadash* and it is used domestically.

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NEW HARRY H. BEREN ASK OUTREACH INITIATIVE

Rav Asher Weiss, *shlita*, delivers inaugural shiur

In the inaugural program of the most recent initiative of OU Kosher in the field of kashruth education, senior rabbis from OU Kosher welcomed the Gaon HaRav Asher Weiss, Shlita, who delivered a shiur at OU headquarters in New York that encompassed a broad overview of the halachic principles that relate to the consumption of medications and non-food items. The audience, all of whom are themselves experts on kosher law, heard Rav Weiss expound on numerous sources from a wide range of rabbinic authorities.

Rav Weiss, based in Israel, is Posek for Shaarei Tzedek Hospital; Av Bais Din of Darchei Horoah; Rosh Yeshiva of Darchei Torah and Rosh Kollel of Minchas Asher, all in Jerusalem.



Rav Weiss, *shlita*, delivers inaugural ASK OUTREACH shiur. Seated next to him (L-R) Rabbi Yosef Grossman, Director of Kashruth Education and Rabbi Menachem Genack, CEO and Rabbinical Administrator of OU Kosher.

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Wheat has both a winter and a spring crop. Winter wheat is *yoshon* since it has taken root before Pesach. Spring wheat is usually *chadash* since it does not always take root prior to Pesach. The different wheat yields different types of flour.

1. Low gluten flour is used for crumbly products such as cookies, matzah and pretzels. The source for this flour is winter wheat.
2. High gluten flour is used for chewy products such as bread, challah, pizza and bagels. It is produced from spring wheat.
3. Medium gluten flour is a mixture of spring and winter flour and is also used for bread, challah and pizza.
4. Durum wheat is needed for pasta products and it is usually a spring crop.

The following flours are usually *chadash*: high gluten, high strength, bread, patent, clear, pizza, all purpose and graham.

Malt is derived from barley which can be *chadash*. The malt is added to wheat flour for baking applications. The amount added is usually less than 1% by volume. The malt enhances the chemical reaction between the flour, yeast and water. It allows the dough to rise better. Barley malt is added to all barley and grocery flour. Flour made especially for baking cakes and cookies does not contain malt. Barley malt can be added to some foods for coloring and flavoring. These products include pretzels, candies, cereals (such as Corn Flakes), beer, vodka, gin, cordials and prepared cocktails. There is a halachic discussion if the malt added to the above applications can be considered בטל. The *chadash* malt enters the market around December 15.

White vinegar does not have any *chadash* concerns. The exception is for specialty vinegars such as malt vinegar, tarragon vinegar and salad vinegar.

Matzah meal is ground matzah and is, therefore, *yoshon*. Rye crackers are *yoshon* provided that the wheat, oats and malt listed in the ingredient panel are also *yoshon*. One must be careful with oatmeal cookies since both the oats and the wheat flour must be *yoshon*. Pizza stores sometimes line the oven wall with semolina flour. One has to be certain that the semolina flour is *yoshon*.

Products from Israel bearing a reliable *hechsher* are *yoshon*. Products imported into Israel are not necessarily *yoshon*. If a package has multiple *hashgachos* and also states *yoshon* then one must ascertain which kashrus agency assumes responsibility for the *yoshon* status of the product.

As far back as the 1930's domestic wheat was stored and, therefore, was *yoshon*. During the 1950's, Rav Aharon Soloveitchik became the Rav HaMachshir of Streit's products. Before accepting the *hashgachah*, Rav Aharon investigated the milling process and also inquired about the flour sources. The latter inquiry was important to Rav Aharon since he observed the laws of *yoshon*. He found that domestic wheat was not being stored and, consequently, one could no longer assume that the flour in the marketplace was *yoshon*. Rav Aharon informed Streit's that he would provide *hashgachah* only if all their products would be *yoshon* and the company agreed to this provision. Based on the aforementioned information, Rav Aharon ate matzah, and not bread, until he purchased a freezer to store the various products. When Rav Aharon moved to Chicago he convinced a bakery to become *yoshon* and eventually other bakeries in Chicago did the same. Rav Yitzchak Giffin, a Talmid of Rav Aharon, guided these

bakeries in observing *yoshon*. In the 1970's, other individuals became concerned when the US began selling its surplus wheat to the Russians. Consequently, the domestic storage was depleted and one could no longer assume that the flour was *yoshon*. Due to this situation Rabbi Yosef Herman of Monsey, NY began compiling information about the *yoshon* status of the domestic grains. Because of his diligence more people have access to *yoshon* information and it is easier to observe this mitzvah.

When Rabbi Herman first began gathering information, he utilized the halachic principle of מסירה לפי תרומה. The companies would inform him about packing dates, best used dates and purchase dates. This information helped determine the *chadash* or *yoshon* status of a product. Recently, Rabbi Herman decided that מסירה לפי תרומה would no longer be applicable since the companies are now aware about the significance of the *yoshon* market. Therefore, Rabbi Herman determines the *chadash* information based on the USDA crop progress reports. He calculates the earliest possible date that the products could be viewed as *chadash*. Consequently, he has earlier cutoff dates than in the past.

In order to observe *yoshon* one must store the various products. If flour is not stored in a refrigerator then infestation can occur. The eggs of the flour beetle enter the mill attached to the wheat. Flour mill companies have a cleaning system to remove virtually all the eggs. The remaining eggs are able to hatch live beetles that have a life cycle of 21 days. The probability of the eggs hatching is increased as the storage time and the storage temperature increases. In addition, worms can enter the flour bags even if the opening is extremely minute. Therefore, it is imperative to store the flour in refrigerated conditions, be certain that the flour bags have no openings and maintain proper cleanliness.

For a number of years two companies have worked closely with the OU to provide *yoshon* flour. This is done for 50 and 100 pound bags. The RFR at the first plant, has supervised the milling of the *yoshon* flour and the bags are marked with the word "YOSHON". Once the *chadash* wheat enters the mill the OU supervised *yoshon* production would conclude. This company would place the *yoshon* flour bags in cold storage in order to prevent infestation. The second company had the same procedure; however, they did not place the flour in cold storage. Consequently, several years ago some of their *yoshon* flour became infested. This company asked the OU if there was a method to produce OU supervised *yoshon* flour until Pesach. After much discussion, Rabbi Belsky devised the following approach. Prior to the arrival of the *chadash* wheat, the *yoshon* wheat is sealed in their own bins. During the fall and winter, this company usually has a weekly *yoshon* production. The RFR would release the *yoshon* wheat for the *yoshon* run. The next key step is the cleanliness of the equipment from the previous *chadash* productions. The best method to clean the equipment is by having a wet wash. The problem is that the flour milling companies rarely wet wash the equipment. Therefore, the equipment is cleaned by flushing it with *yoshon* flour and labeling the first pallet as *chadash*. The subsequent pallets would be labeled *yoshon*. The RFR is on sight in order to confirm that the flush is labeled as *chadash*. Rabbi Belsky felt that this method would sufficiently remove the *chadash* and overcome the halachic principle of דבר שיש לו מתירין. Rabbi Schachter also felt that there is a limit to an איסור משוה. He argues that if a drop of chametz fell into a reservoir, the water could still be used on Pesach. Similarly, the miniscule amount of *chadash* that could be left would not prohibit the usage of the *yoshon* flour.

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GODIVA LIQUEUR CARAMEL MILK CHOCOLATE produced by Godiva Liqueur Company – Norwalk, CT is an OU^{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.

SKITTLES AND STARBURST VARIETY PACK UPC # E20493, containing Skittles Original Fruit, Skittles Sours, Starburst Original Fruit, Starburst Mixed Fieldberries, Starburst Sours, produced by Effem Inc. Bolton, Ontario, is a Canadian product which erroneously bears an unauthorized OU^{D} symbol and is not certified kosher by the Orthodox Union.

THE WILDER SPICE COMPANY ASSORTED SPICE PRODUCTS (including Ground Cinnamon, Pure Black Pepper, Espresso Rub, and Parsley Flakes) produced by The Wilder Spice Company – Baltimore, MD bear an unauthorized OU^{D} symbol. Consumers spotting any Wilders' products whose labels bear the OU^{D} symbol are requested to contact the Orthodox Union at 212-613-8241 or via email at kshalerts@ou.org.

NESTLE LA LECHERA FLAKES (UPC: 501059-204270) produced by Nestle CPW Mexico S. de RL. De C.V. has a Spanish Label distributed in Mexico which contains a non-certified cappuccino bar, but the outer box bears an OU^{D} symbol. Only the cereal is certified as OU^{D} . Orthodox Union policy requires the removal of the OU^{D} symbol when a non-certified sample is inserted into the package.

STONE RIDGE CREAMERY SHERBET (Assorted Flavors) produced by Supervalu Inc. – Eden Prairie, MN contains dairy ingredients as listed on the ingredient panel but the OU^{D} dairy designation has been inadvertently omitted. Future packaging has been revised.

SUNTREE CHOCOLATE NUT MIX (UPC# 669887502146) and **TRAIL MIX** (UPC# 669887502108) produced by Suntree, LLC – Orosi, CA contain dairy ingredients as listed on the ingredient panel but the OU^{D} dairy designation has been inadvertently omitted. Future packaging will be revised.

GOURMET HOT COCOA POT AND FROTHER SET (with cocoa and marshmallows) UPC# 005160755555 produced by Samme Hudson - China sold in Linens-N-Things retail stores, bears an unauthorized OU^{D} symbol and is being withdrawn from the marketplace.

CONSUMERS SPOTTING THESE PRODUCTS ARE REQUESTED TO CONTACT THE ORTHODOX UNION AT 212-613-8241 OR VIA EMAIL AT KSHALERTS@OU.ORG.

YOSHON

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The OU policy is that equipment which produced *chadash* products must be **אינו בן יומנו** in order to produce Yoshon products. This policy is based on the *Sha'agas Aryeh's* (*Sha'agas Aryeh Chadashos Dinei Chadash* Chapters 1-2) opinion that *chadash* is an **איסור דאורייתא** even **דוּחַץ לַאֲרֶץ** and therefore the standard rules of **כַּעֲקֵר** apply. Rav Aharon Soloveitchik was also **מְקַפֵּיד** that the **בָּלִים** should be **אינו בן יומנו**.

ASK OUTREACH

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The new initiative is the Harry H. Beren ASK OUTREACH program, which takes its place among the numerous OU kosher

education programs made possible by a grant from the Harry H. Beren Foundation of Lakewood, NJ. They include the Harry H. Beren ASK OU8 Kosher Training and Internship Programs; the Harry H. Beren ASK OU Channel on OU Radio, www.ouradio.org; the Harry H. Beren ASK OU Nikkur Seminar; the Harry H. Beren VISIT OU program for Jewish Youth; the Harry H. Beren Community Lecture Series; and the Harry H. Beren Three-Day ASK OU Los Angeles Halachic Adventure. All of the programs are under the supervision of Rabbi Yosef Grossman, OU Kosher Director of Kashrut Education, and each has its own distinct audience.

The distinct audience for ASK OUTREACH is not the usual Orthodox Union constituency; that is why the play on the words "ASK OUTREACH" is key to understanding why the program was created. According to Rabbi Grossman, "The purpose of this initiative is to bring the highly successful ASK OU programs to the sites of yeshivot and kollelim and to build bridges to, and have a relationship with, Bnei Torah and the yeshiva world, which would be mutually beneficial. The OU would like to bring about more interaction between its rabbonim and poskim and Roshei HaYeshiva. Rav Weiss is the first Rosh HaYeshiva to address us a part of this new initiative, which spans the range of the yeshiva world. In this case, Rav Weiss came to OU headquarters for his shiur; in other cases, we will go to the yeshiva or kollel to strengthen our ties with the institution."

"Rav Weiss is a very special person," declared Rabbi Menachem Genack, CEO of OU Kosher, in his introduction. "He is not only a great Talmud chacham. He communicates to a wide range of the Jewish community. He knows that the joy of Torah must be a shared experience, and he has shared it with so many."

Rav Weiss grew up on the Lower East Side of Manhattan, then moved to Boro Park in Brooklyn before making aliyah prior to his Bar Mitzvah. When Rabbi Genack declared that Rav Weiss speaks many languages, he wasn't referring merely to English, Hebrew and Yiddish, but to the Rav's "ability to speak to the different types of Jews there are, bringing them closer to the Torah and the Almighty."

The program was recorded and sent to OU Kosher rabbinic field representatives across the world, and has been made available to the general public on the ASK OU Channel on www.ouradio.org. In his belief that Torah should be transmitted in the language people understand best, Rav Weiss delivered his shiur in English, rather than his usual Hebrew or Yiddish, Rabbi Grossman explained, "so that the worldwide OU family could clearly understand the Torah Rav Weiss was transmitting to them."

"Rav Weiss' dynamic and even electrifying shiur was a wonderful way of initiating the ASK OUTREACH initiative," Rabbi Grossman said. "We look forward to more opportunities to interact with the whole range of Torah institutions and their Roshei HaYeshiva and other leaders."

Reports requiring immediate attention due to kashrus issues should be e-mailed or faxed to frpriority@ou.org or 212-613-0613. Copies of those reports will be forwarded to the RC and Group Leader ASAP.

לא באתי אלא לעזור

DAVAR LACH – DAVAR GUSH PART ONE

BY RABBI ELI GERSTEN
RC Recorder of OU Psak and Policy

It is common in many plants to have a product come out of an oven and go onto a belt. If the product is hot and non-kosher and it falls onto a cold belt, how must we kasher this belt?

First we must see if this material is a *davar lach* or a *davar gush*. In regards to a hot *davar lach* that falls onto a

cold surface, we follow the opinion of the Rema Y.D. 105:3. The Rema holds that we say *tataah gavar* not only when a hot food item falls onto a cold food item, but also when a hot food item falls onto a cold *kli*. The *kli* cools the product and prevents the *issur* from entering more than a *kdei klipah* of the *kli*. Therefore, it is sufficient to kasher this belt with *irui kli rishon*.

If a large quantity of the *davar lach* was poured on the belt, such that it raised the temperature of the belt to the point where it no longer cools down the product, then we require that the belt be kashered with a prolonged *irui*. A mere *irui kli rishon* will no longer suffice.

If a *davar gush* fell on the belt then *irui kli rishon* is not sufficient. The Mishna Berura 451:114 brings the Mahari Viel 193 who says that kashering from a *davar gush* requires the use of an even *miluban* (a super heated stone). The purpose of an even *miluban* is to boil the water against the surface of the belt. This is a higher level of kashering than *irui kli rishon*. The Achronim disagree as to whether this constitutes a full *hagalah*.

The reason we are more *machmir* by a *davar gush*, is because it does not have *difanos mikarivos* (walls to cool it down). A *davar lach*, on the other hand, is surrounded by walls that cool it down quickly. This is also the opinion of the Maharshal. The Rema, however in Y.D. 94:7 does not differentiate between a *davar lach* and a *davar gush*. He holds that even a *davar gush* can no longer transfer *ta'am* after it is placed in a *kli sheini*. The Shach Y.D. 105:8, Taz Y.D. 105:4, and Magen Avrohom O.C. 318:45 are all *choshesh* for the Maharshal. The *Pri Migadim* in A.A. 451:38 says that if only *irui kli rishon* was performed on such a belt, *bihefesh miruba* we can be *maikal*. This is because we can rely on the opinion of the Rema that we say *tataah gavar* even when a hot *davar gush* falls on a cold surface.

In summary: *Davar lach*, brief use - *irui kli rishon*
Davar lach, prolonged use - prolonged *irui*
Davar Gush - even *miluban*
Davar Gush, *bihefesh miruba* - *irui kli rishon*

The definition of when an item is considered a *davar gush* or a *davar lach* is not so clear. Rabbi Schachter has ruled that the consistency of applesauce is still considered a *davar lach*.

בואכם לשלום...



to our newest RFR in Europe Rabbi Yitzchok Sterling from Antwerp, Belgium. Rabbi Sterling learned in Schneider's Yeshiva London, Gateshead, Yeshiva Merkas HaTorah in Jerusalem and in Beth Medrash Gavoha, Lakewood. Rabbi Sterling has worked in the field of Kashruth for ten years most recently as the main RFR for the OU in Symrise, Germany under his RC Rabbi Nosson Neuberger. We wish him much success in his future endeavors on behalf of OU Kashruth. Rabbi Sterling can be reached at sterlingisaac@gmail.com.

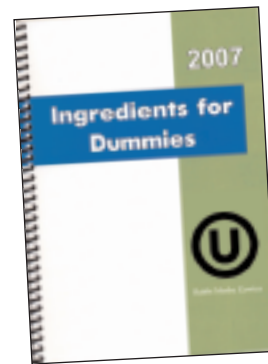


PERFECT FOR ALL RFRS AND KASHRUTH PROFESSIONALS

OU Kashruth's Halachic Consultants and Rabbinic Coordinators share their vast knowledge in these succinct audio presentations. Tens of kosher tidbits posted on the OURadio website at www.ouradio.org/ouradio/channel/C301/

PUBLICATIONS

A very useful, brief glossary of ingredients, most commonly encountered in the food industry entitled "Ingredients for Dummies" has been published by Rabbi Moshe Zywica, Senior Rabbinic Coordinator at the OU. To receive a copy please contact Rabbi Zywica at 212-613-8219 or zywicam@ou.org.



MAZAL TOV TO ...

our devoted Senior Rabbinic Field Representative **RABBI REUVEN NATHANSON AND HIS WIFE** on the engagement of their son, a dedicated part time RFR, Reb Shlomo Baruch to Rivki Graj of Melbourne, Australia.

our dedicated RFR in Antwerp, Belgium **RABBI YISROEL HOLLANDER** on the Bar Mitzvah of his *bechor*, Moishie.

our dedicated RFR in Chicago, IL, **RABBI AHARON RUBIN AND HIS WIFE** on the recent marriage of their daughter Chaya to Yonasan Kahanovitch. Mrs. Kahanovitch now works for OU Kosher in data entry.

RABBI YOSEF GROSSMAN Director of Kashruth Education, and his wife on the engagement of their daughter Nechama to Dovid Friedman from Flatbush, Brooklyn.

our devoted kashruth analyst **CHANA ROCHEL KLEIN AND HER HUSBAND** on the birth of their daughter Hadassa Malka.

our devoted RFR in Orlando, FL **RABBI SHOLOM DOVBER DUBOV AND HIS WIFE** on the engagement of their daughter Chanshy to Rabbi Yanky Majesky of Crown Heights, Brooklyn.

CONDOLENCES TO...

our dedicated RFR in Los Angeles, CA **RABBI SHMUEL LAZER STERN AND FAMILY** on the loss of his father Reb Shaul Yechezkel Stern Z'l of Far Rockaway.

The **PEARLSTEIN** and **NEWMARK FAMILIES** on the tragic loss of their son/son-in-law Shea Pearlstein Z'l of Lakewood, NJ originally from Detroit. The Niftar's wife is the daughter of our devoted RFR in Chicago, IL Rabbi Shlomo Newmark and his wife Sara.

◆ המקום ינחם אתכם בתוך שאר אבלי ציון וירושלים ◆