

THE Daf HaKASHRUS



A MONTHLY NEWSLETTER FOR THE OU RABBINIC FIELD REPRESENTATIVE

KASHRUS OF SAKE

BY RABBI GAVRIEL PRICE

Ingredients Approval Registry

Every so often the OU kashrus hotline desk is asked whether sake that is not kosher certified is nonetheless acceptable. For the uninitiated, sake (pronounced

“saw-key”) is rice beer. It originated in Japan, and most sake is still made there.

Usually, the answer to questions about the acceptability of uncertified products hinges on whether we can assume the ingredients used to make the product are kosher and the utensils, or equipment, used in its production are dedicated to that product. In the case of sake, however, there is an additional consideration: whether it is subject to bishul akum.

Bishul akum is a prohibition created by Chazal that, when respected, prevents intermarriage. It applies to a food that is both inedible raw as well as prepared in such a way that it would be appropriate to serve a king (in contemporary terms, whether it would be served in a dignified setting such as a state dinner). Rice meets both of these criteria. Would sake also be subject to the prohibition?

Tosefos (*Avodah Zorah*, 31b) notes that Chazal did not consider beer, which is made from barley and which was considered appropriate for a king's table, subject to the issur of bishul akum. *Tosefos* explains that since the beracha on beer is shehakol, the barley is secondary to the water. *Aruch Hashulchan* (Y.D. 113, 22) further explains that this reasoning applies to beer because there is a fundamental, or substantive, change to the barley during the process of production from barley to beer.

The same reasoning, he argues, applies to coffee; a coffee bean is not eaten raw, and coffee is served in dignified settings. Nevertheless, it is not subject to the issur of bishul akum because coffee is secondary to water, which is manifest by the beracha of shehakol (see also *Pri Chadash*, 112, 17).

The beracha on sake is also shehakol. However, there is a fundamental difference between sake production and beer or coffee. During sake production the main ingredient is made edible before it is made into a beverage.

The process begins with specially cultivated rice, which is then polished, or milled (it looks a bit smaller than the rice grains we are familiar with). The rice is steamed. It is then delivered to a tank where koji, a fermenting agent from bran, is added. Water too is added, and the rice is stored for several weeks, a process that converts the rice starch to sugar, which in turn becomes alcohol. Rice particles are filtered out of the mixture, and the product, after pasteurization, is translucent and golden.



Already at the initial stage, when the rice is steamed, the rice is subject to the issur of bishul akum. Does the process of rendering it into a beverage afterwards undo the issur?

Rav Schachter, shlita, in the teshuva [on the next page] concludes that this process does not undo the issur.

Nevertheless, there are other points to consider when evaluating the bishul akum status of sake. Some poskim rule that bishul akum is never brought about by steaming. As the teshuva makes clear, the OU does not rely on this leniency – by itself (see OU Documents A-164 for more detail). Another leniency cited by poskim is that bishul akum does not apply when the factory machinery used to produce a product is unlike any that one would encounter in a domestic situation, which is where the original issur of bishul akum was formulated (see OU Documents A-60). Traditional Japanese sake manufacturers often use domestic-like pots (often just in a larger size) as the picture above indicates. Therefore this leniency should not be assumed to apply.

Further, there is more water than rice in the final product. *Shach* Y.D. 113, 21 rules that bishul akum is *batel b'rov*. However, *bitel b'rov* may not apply when the issur is the main ingredient in the *taruvos*, is *avidah l'taimah*, or the ingredient that gives the food *chashivus*. (See *Yovin Daas* 98:10)

Finally, what, indeed, do we say about the ingredients and equipment used to make sake? If sake is unflavored, we can assume the ingredients are kosher. However, some sake manufacturers store and pasteurize their product on equipment that also processes non-kosher wine.

As Rav Schachter makes clear in his teshuva, we should not assume that all sake in the marketplace is kosher. *continued on page 74*

COMING UP!!

WATCH FOR THE DAF HAKASHRUS' NEW LOOK – VOLUME CHAI 18!!

QUESTION:

Sake is a Japanese drink made from fermented rice mash. Rabbi Price was asked as to whether all sake is acceptable even those brands that do not have any hechsher, since all the ingredients in traditional sake are kosher, or is there a concern of bishul akum since sake is made from rice.

RABBI SCHACHTER RESPONDED:

בנדון בישול עכו"ם בסאקי (sake):

מתחילה מבשלים האורז ע"י קיטור, ומוסיפים הברע"ן (bran) אל תוכו על מנת לשנות הסטארץ שבאורז לצוקע"ר ואח"כ משתנה אותו הצוקע"ר ליין והיינו משקה הסאקי, ואין בזה בעיא משום ב"ג (בשול גוים) כי סומכים על צירוף שתי שיטות המקילים, חדא דע"י קיטור ליכא ב"ג [אשר לדעת הגאון חכם עובדיה זה כבר פותר את הבעיא] ושנית שכל תהליך הבשול בזה נעשה בביהח"ר ע"י מאשי"ן השונה לגמרי מכלים הנמצאים בבית נכרי פרטי, [אשר לדעת מרן הגרמ"פ זה פותר את בעיית הלא-פלוג, ובכה"ג אפשר לסמוך על דעת אותם האחרונים הנוקטים שאין א' ב"ג נוהג בתבשיל שנבשל בפעקטער"י, היות ואין האדם האוכל (העומד פה בנוא יארק) מכיר בכלל אותו הנכרי (שעשה את הבשול ביאפאן) שנחוש להתקרבות שתוכל להביא לידי נשואי תערובות (אשר מה"ט אסרו חכמים ב"ג)].

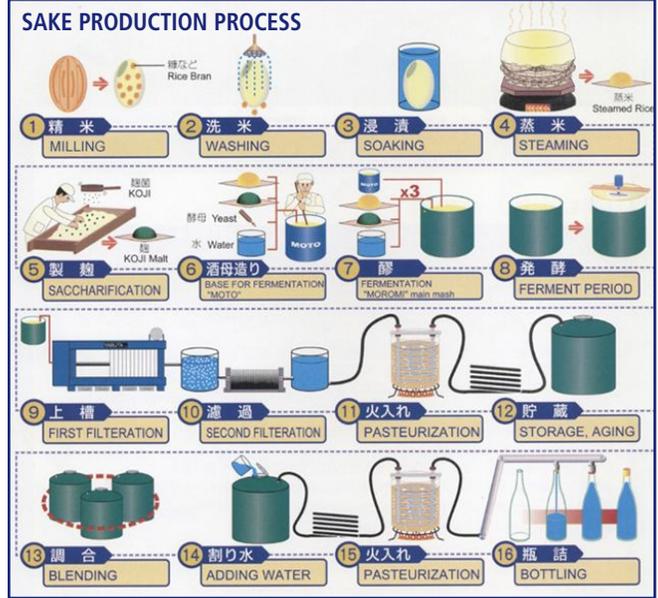
ואף אם אין אנו סומכים על ההיתר הא' בפנ"ע ולא על היתר הב' בפנ"ע, מכ"מ בצירוף שני ההיתרים כן סומכים להקל, וכמו שהובא בהדיא בתשו' המנחת יצחק מספרי הגדולים באירופא, שכן נהגו להקל לסמוך על צירוף השיטות להקל בב"ג.

ונראה להוסיף, דאילו בשלו מתחילה את האורז במים ולא בקיטור או שלא השתמשו בפעקטער"י במאשי"ן השונה לגמרי מכלי הנמצא בבית פרטי, והיה האורז נאטר מטעם ב"ג שוב לא היה מקום להקל במשקה הסאקי עפ"י יסוד התוס' בשכר (ע"ז ל"א): שב"ג תלוי תמיד בעיקר וטפל, ובכל משקין העיקר הוא המים, ועל מים אין א' ב"ג מפני שהוא נאכל כמות שהוא חי, דדברי התוס' שמה רק אמורים לענין למנוע האיסור ב"ג מלחול. אכן כאן כבר חל האיסור בישול גוים, ומה שאנו משתמשים במשקה הזה בתורת טפל (בתוך הסאקי) אינו מסיר ממנו האיסור. אלא דנחלקו הפוסקים בבישול גוים שנתערב אי בעי סמ"ך או דסגי ברוב, וקיי"ל להלכה שמתבטל ברוב, וה"נ היה לנו לומר כן, אלא דנראה דאף זה אינו, דהך קולא (דב"ג מתבטל ברוב) מקורו בראשונים עפ"י הגמ' פ"ק דחולין שלא גזרו חכמים על תערובת דמאי, ושמה מבואר דהיכא דהדמאי הוא עבידא לטעמא זה חמור טפי מאשר סתם טעם כעיקר. וה"נ י"ל בנוגע לב"ג, דכל עיקר טעם הסאקי"י לקוח הוא ממשקה בשול האורז, והוא ממש עבידא לטעמא. [אלא שעדיין יש מקום לחלק ולומר, דדוקא בדמאי שהוא באמת ענין של מאכלות אסורות אשר שייך לומר בו שטעם כעיקר, אלא שעל תערובת דמאי לא גזרו, שמה י"ל דכל שהוא עבידא לטעמא חמור טפי, וכן גזרו. משא"כ בב"ג אשר קיי"ל להלכה דאיננו בכלל מאכ"א, אלא איסור התקרבות (עמש"כ בזה בקונטרס זבד טוב) יש מקום לומר שאף עבידא לטעמא לא יהיה יותר חמור מאשר טעם כעיקר, ועדיין יהיה מותר.].

וממילא אי אפשר לנו להכריז שכל משקה סאקי"י שבעולם מותר אפילו בלי השגחה, מחשש הנ"ל כי תמיד צריכים לוודע שישנו לצירוף השיטות הנ"ל. ובר מן דין – קיים חשש שהכינו את הסאקי"י על כלים הבלועים מסתם יינם.

צבי שכתר

עש"ק פ' שמיני, אסרו חג הפסח תשס"ט



לא באתי אלא לעורר KASHERING A KLI SHEINI

BY RABBI ELI GERSTEN
RC - Recorder of OU Psak and Policy

The OU requires that every kli that comes in contact with hot non-kosher product be kashered, whether it be a kli rishon, kli sheini, kli shelishi, or beyond¹. However, there are important distinctions between kashering a kli rishon and a kli sheini.

When kashering a kli rishon, the water used for hagalah must be roschim (212° F). In situations where this is impossible, we accept water temperatures of above 190° F to be considered *roschim*. However when kashering a kli that was *boleya* by means of *irui* kli rishon or from a kli sheini, the *Mishna Berurah* 452:8 writes that it is sufficient for the hagalah water to be *yad soledes*. Nevertheless, we are machmir that the temperature of the hagalah in these cases should not be less than the production temperature² (*k'bolo kach polto*). Doing hagalah with water that is hotter than the production will automatically also satisfy the requirement of *yad soledes*. Since if the higher temperature hagalah water is not *yad soledes* then the cooler production was surely not *yad soledes* and there would be no need to kasher.

With this in mind we can analyze how to properly kasher a single pass heat exchanger. (Note: typically heat exchangers have a divert valve that allow for multiple passes and should therefore be considered like a kli rishon.) For example, non-kosher product was passed through a tube in tube heat exchanger, and was gradually heated from ambient temperature to 200° F (see chart below). Do we now

TUBE IN TUBE HEAT EXCHANGER

Yellow is product, Red is heating media

90 <= 130 <= 170 <= 188 <= 212 <=

80 => 120 => 160 => 180 => 200 =>

90 <= 130 <= 170 <= 188 <= 212 <=

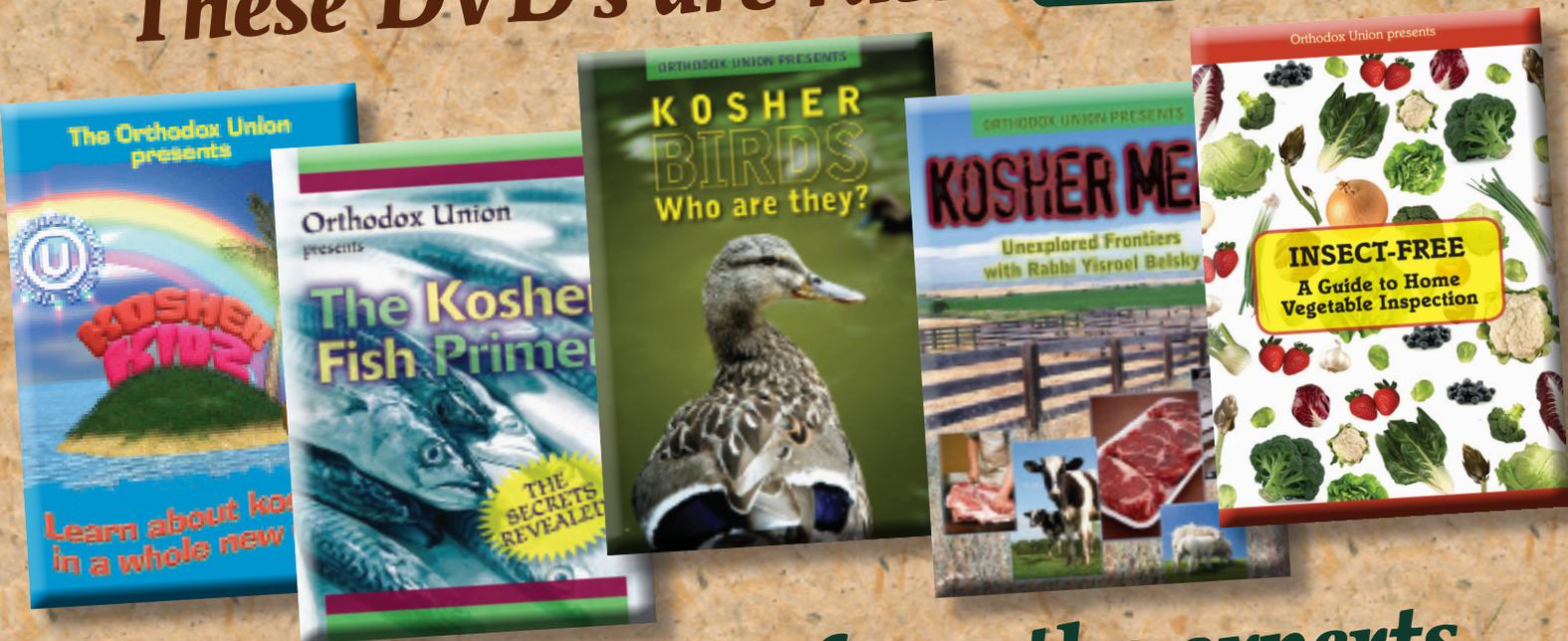
Note: Product and media always flow in opposite directions as indicated by arrows. Heating media is entering at 212°F and exiting at 90°F. Product enters at a ambient temperature and exits at 200°F.

require *roschim* temperatures throughout the entire heat exchanger?

Rav Belsky and Rav Schachter have ruled that in this situation only the end of the heat exchanger which has a continuous *irui* of boiling water is considered a

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CLI SHEINI

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kli rishon. Rav Belsky explained that when there is a continuous *irui* of *roschim* that saturates the walls with heat to the point where there are no longer any *difanos mikareros*, we consider that part of the pipe to be a kli rishon³. Therefore, starting at the point where the product is heated to yad nichves bo⁴, which Rabbi Belsky figures to be 180° F, we must consider the tube to be a kli rishon. However, the rest of the heat exchanger which still has *difanos mikareros* is no more than an *irui* kli rishon which can be kashered *k'bolo kach polto*.

Therefore, in this situation it would be enough if we introduced water into the product tube that is significantly hotter than normal. This can be arranged by filling the tank that feeds the heat exchanger with water from the hot water tap. Throughout the tube we will achieve temperatures that are higher than during production (*k'bolo kach polto*) and the end section of the tube that was above 180° F will now be kashered at *roschim*. These same general rules would apply to plate-in-frame heat exchangers as well.

In general, when kashering a heat exchanger one must also remember to drain the heating media and to leave the heat exchanger idle for 24 hours. A hot caustic flush is also recommended to make sure that no *b'en* is left inside.

IN SUMMARY:

- It is important to understand whether a kli is used as a *kli rishon*, *irui kli rishon*, or *kli sheini*
- A *kli rishon* should be kashered with *roschim*
- *Irui kli rishon* or a *kli sheini* should be kashered *k'bolo kach polto*
- The end of a heat exchanger (above 180° F) is considered a *kli rishon*, the rest of it is only an *irui kli rishon*.

¹ *Teshuvos Chasam Sofer* Y.D. 95

² See *Arogos Habosem* O.C. 119

³ See *Tosfos Shabbos 40b s.v. V'shama*

⁴ *Mishna Berura* 318:48 cites *Chayei Adam* that *yad nichves bo* in a *kli sheini* should be considered a *kli rishon*.

MAZAL TOV TO ...

our devoted administrative assistant **SHOSHANA SCHWARTZ** on her marriage to **YAAKOV YOUSSEAN** of Monsey, NY.

our dedicated administrative assistant **SOROH WININGER AND HER HUSBAND AVROHOM** on the marriage of their son Doni to Nechama Burstein.

our devoted RC **RABBI CHAIM LOIKE AND HIS WIFE** on the birth and Bris of their son, Yehoshua Elan.

our devoted administrative assistant **JENNY LEIFER** on her marriage to **YAAKOV MILES**.

our devoted administrative assistant **RACHEL GOLDBURD** on her engagement to **YOELI LOWY** of Montreal, Canada.



Rabbi Zsolt Balla

ASK OU GRADUATES RECEIVE FIRST ORTHODOX SEMICHAS IN POST-HOLOCAUST GERMANY

Rabbi Joshua Spinner, Founding Director of Yeshivas Beis Zion in Berlin, Germany, was one of the earliest graduates of the ASK OU Kashrus Internship Program. Based on his positive experience, he subsequently encouraged his talmidim at the Yeshiva, Rabbi Zsolt Balla and Rabbi Avrohom Radbill to take the course as well. Last August, they participated in OU Kosher's ASK OU9 program sponsored by the Harry H. Beren Foundation of Lakewood, NJ. Recently, these two ASK OU graduates received Semicha at the "Rabbinerseminar zu Berlin" the newly established Orthodox rabbinical seminary of Yeshivas Beis Zion.

KASHRUTH alert!

EATING RIGHT JALAPENO JACK FLAVORED SEVEN GRAIN CHIPS produced by Lucerne Foods – Pleasanton, CA contains dairy ingredients as listed on the ingredient panel but the U dairy designation has been inadvertently omitted. Future packaging will be revised.

A limited amount of U certified **SHOP RITE INSTANT HOT COCOA MIX-MILK CHOCOLATE FLAVOR UPC #4119001760** produced by Wakefern Food Corp. was inadvertently sold with packets containing non-kosher marshmallows. Affected product is limited to those products bearing the date code Oct. 30 10. Consumers should contact their rabbi to determine the status of utensils that have come in contact with the above product.

VERONICA BIANCA DANISH STYLE BUTTER COOKIES produced by American Food & Beverage Inc. – East Brunswick, NJ bears an unauthorized U symbol. Consumers spotting this product are requested to contact the Orthodox Union at 212-613-8241 or via email at kshalerts@ou.org.

FOODTOWN RICE CAKES – CAMEL MADE with Whole Grain produced by Foodtown, Inc. – Avenel, NJ contains dairy ingredients as listed on the ingredient panel but the U dairy designation has been inadvertently omitted. Future packaging will be revised.

FOOD LION SALSA CON QUESO UPC #35826 04798 produced by Food Lion, LLC – Salisbury, NC bears an unauthorized U symbol. Corrective action is being taken. Consumers spotting this product are requested to contact the Orthodox Union at 212-613-8241 or via email at kshalerts@ou.org.

WILLIAMS-SONOMA CHIPOTLE ALMONDS AND SWEET SPICED PECANS produced by Williams-Sonoma, Inc. – San Francisco, CA contain dairy ingredients as listed on the ingredient panel, but the U dairy designation has been inadvertently omitted. Future packaging will be revised.

דף השנה ל"ז - A YEAR OF THE DAF - תושל"ב ע