

# THE Daf HaKASHRUS



A MONTHLY NEWSLETTER FOR THE OU RABBINIC FIELD REPRESENTATIVE

## DISTRIBUTORS AND BROKERS

### *Breaking the Kosher Chain?*

**RABBI SIMCHA SMOLENSKY**

Senior RFR

**MANY** times, a company uses ingredients in quantities that are insufficient to purchase directly from the manufacturer – at least at a reasonable price. Enter the role of the distributor or broker – who can purchase larger quantities at a lower price and re-sell to their own customers. This is a very, very common practice that we all see in the field daily. Does the involvement of a middleman impact the chain of custody vis-à-vis kosher certification?

#### SCENARIO

*(Names have been substituted for illustrative purposes.)*

Hardy Baking buys drums of glycerin and

the schedule A says they are from M Chemical (a company from Malaysia) under Ⓢ certification. Hardy only uses 4 drums a month, and they can't afford to take a whole shipping container, so they purchase the drums from Joe's Chemicals, a local distributor. When the pallet with four blue plastic drums shows up, there is a sticker label on the side that says M Chemical, product of Malaysia with the letters "OU" (not a symbol) along with the lot number and quantity. The shipping label shows the drums coming from Joe's Chemical. The two holes on the top have plain white cover caps crimped in place. Sounds great, right? Would you stop and look twice?

Upon closer inspection, there is also a little red sticker on the side of the drum that reads "Kings Drum Company, Houston, TX."

Raise any questions yet?

The Certificate of Analysis (COA) is pulled out along with the shipping bill of lading (BOL). The BOL is from Joe's Chemicals, no surprise as they are the ones who sold the product. The COA is also from Joe's Chemicals – they have placed their company name and logo on the COA. It is not clear if the COA is a copy of the original COA issued by M Chemical (the manufacturer) with Joe's covering the M Chemical info or if Joe's has re-issued the COA.

The Investigation: the drum manufacturer's red sticker is a proverbial smoking gun here. Why would a manufacturer in Malaysia bring plastic drums from Texas, fill them and send them back to the US? Digging a little further we obtain an original COA from M Chemical for a different shipment, but at least we can see what their COA looks like. The one from Joe's Chemical is totally different.

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## COMING TO A KOLLEL DOWN UNDER

### *OU Kosher to Present Skype Series, For Kollel Beth HaTalmud in Melbourne, Australia*

**TALK** about long-distance learning. OU Kosher's Harry H. Beren ASK OU Outreach program will present a series of shiurim on Skype for the Kollel Beth HaTalmud in Melbourne, Australia, a mere 10,300 miles from the New York headquarters of the OU Kashrus Department.

The series of five monthly lectures will begin on Thursday, November 29 with OU Halachic Posek Rav Yisroel Belsky speaking on "The Mesorah of Kosher Birds and Animals." It will extend until mid-April and will feature, as all the ASK OU Outreach programs do, the OU's experts on various aspects of kosher law and their application to modern food technology. Sessions will begin in the afternoon New York time, which is the following morning in Melbourne.

This is the first time that Skype has been used to transmit an entire series of ASK OU Kosher shiurim.

The program will be something of a family affair since Rabbi Yosef Grossman, OU Kosher Senior Educational Rabbinic Coordinator, who directs the ASK OU programs, is the brother-in-law of Rabbi Binyomin Wurzbarger, the Rosh Kollel of Beth HaTalmud.

The Kollel, founded by HaRav Shneur Kotler and HaRav Nosson Wachtfogel

zt"l, is in its 31st year of existence and is the first overseas Lakewood BMG Kollel. According to officials at the institution, students come not only from Australia but from the United States, South Africa, Europe and Israel, and in addition to their personal in-depth learning, teach, do kiruv, and give shiurim to members of the community. Many graduates of the kollel continue on as prominent mechanchim, rabbanim and dayanim, both locally and abroad.

"It gave me great personal satisfaction to be approached by representatives of my esteemed brother-in-law's kollel in Melbourne to arrange for this series of ASK OU shiurim via Skype," remarked Rabbi

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**OU Posek**  
**Harav Yisroel Belsky**



**Rav Binyomin**  
**Wurzbarger,**  
**Rosh Kollel**

## DISTRIBUTORS

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► Skipping over the rest of the investigative process and straight to the punch line: Joe's has been repacking glycerin into plastic drums. Is it really from M Chemical? Are the lines and tanks at Joe's free of kosher concerns? Since Joe's isn't certified by anyone, who knows?

### SPOTTING QUESTIONABLE INGREDIENTS

Whenever a distributor is involved with a kosher sensitive ingredient, the RFR should automatically take a more cautious approach. While this is more of a concern with liquid ingredients, even powders may have been repacked and merit investigation. Here are some key signs to watch for. If the answer to any of these questions is "no," there may be a problem with the chain of custody for the ingredient.

- Does the product label have the manufacturer's name and logo on it?
- Is there a shipping label from the original manufacturer?
- Are the seals or bung cap closures imprinted with the original manufacturer's name or logo?
- If drums or totes are involved, is the drum/tote made in the same country or nearby?
- Does the Certificate of Analysis (COA) have the manufacturer's name, logo and address?

Bulk loads can also present a similar issue. As an example, a company received a tanker of canola oil recently and the Bill of Lading (BOL) was from a prominent OU oil supplier with plants in many places. However, there were three things on the BOL that were curious: 1) the location address for the

manufacturing company was in Idaho, a state not known for having oil processing plants; 2) there was another company's name listed as a consignee; and 3) the lot number looked like a rail car registration number. In fact, the manufacturer does not have a processing plant in Idaho, the address was an office. The oil came by rail car from one of the manufacturer's plants (certified) to a transfer depot in the Midwest where the oil was moved from the rail car to a truck. In this case it turned out that the transfer facility was certified – but the situation is illustrative of a potential problem with bulk loads.

RFRs are obviously busy, and it is not practical to stop to investigate every container that comes from a broker/distributor. However, by keeping our eyes open and being sensitive to the issue we can train ourselves to quickly spot curious containers that we need to look into further. ■

## KOLLEL

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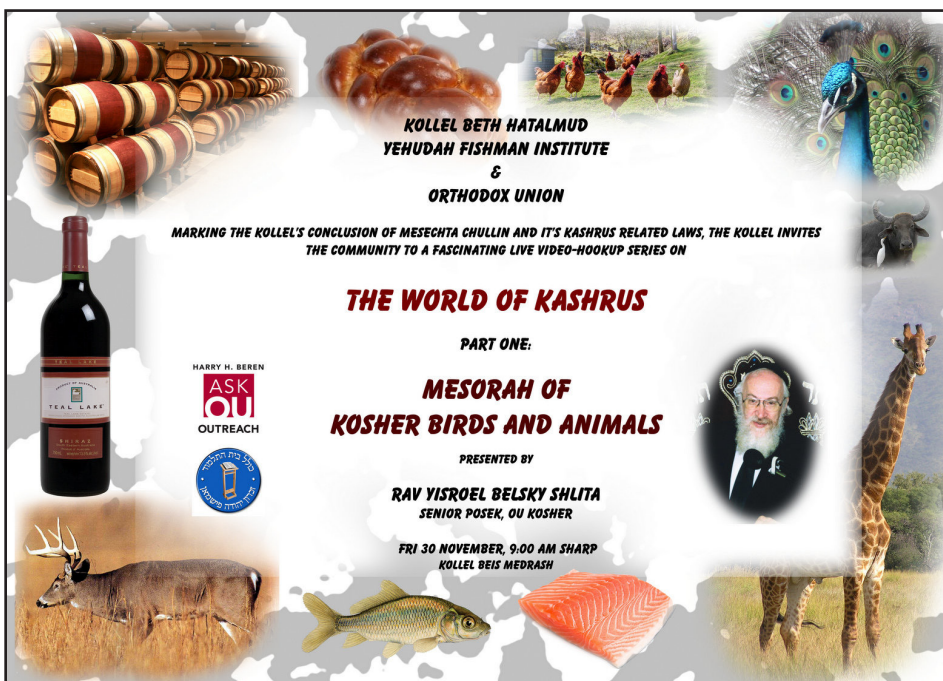
► Grossman. "The opportunity to spread Torah and expert kashrus knowledge to a prestigious kollel literally at the far ends of the earth is most gratifying. I look forward to the lively Torah discussion and give and take between the OU's kashrus experts and the worthy members of Kollel Beth HaTalmud."

OU President Dr. Simcha Katz, formerly Chair of the OU Kashrus Commission, declared: "The reach of OU Kosher's educational programs now extends all the way to Australia. Even 10,000 miles away the

OU is the gold standard in kashrus -- and in kashrus education as well. I commend Rabbi Grossman for arranging this program and congratulate Kollel Beth HaTalmud for its wise decision to bring the OU into its study hall." These sentiments were echoed by Rabbi Menachem Genack CEO and Rabbinic Administrator of OU Kosher as well as Rabbi Moshe Elefant, OU Kosher's COO and Executive Rabbinic Coordinator, who both guide Harry H. Beren ASK OU activities.

According to Rabbi Wurzburger, the Kollel is currently concluding its cycle of Mesachta

Chullin, which primarily deals with the laws of kashrus. "After learning Mesachta Chullin in depth for nearly two years, it's extremely rewarding to be able to gain first-hand knowledge of the implementation of these halachos by the renowned kashrus experts at the OU. We are extremely grateful to the OU for providing these series of live video-conferencing lectures to our Kollel, and to Rabbi Grossman and the rest of the OU staff, for being so available and such a pleasure to work with." ■



**KOLLEL BETH HATAMUD  
YEHUDAH FISHMAN INSTITUTE  
&  
ORTHODOX UNION**

MARKING THE KOLLEL'S CONCLUSION OF MESACHTA CHULLIN AND ITS KASHRUS RELATED LAWS, THE KOLLEL INVITES  
THE COMMUNITY TO A FASCINATING LIVE VIDEO-HOOKUP SERIES ON

**THE WORLD OF KASHRUS**

**PART ONE:**

**MESORAH OF  
KOSHER BIRDS AND ANIMALS**

PRESENTED BY  
**RAV YISROEL BELSKY SHLITA**  
SENIOR POSEK, OU KOSHER

**FRI 30 NOVEMBER, 9:00 AM SHARP**  
KOLLEL BEIS MEDRASH

HARRY H. BEREN  
**ASK  
OU  
OUTREACH**

## EIR ENHANCEMENTS

Under the guidance of Rabbi Moshe Zywic, Executive Rabbinic Coordinator/Director of Operations, the EIR (Electronic Inspection Report) has been enhanced.

The new features include the ability to sort grid information by column, detailed filters, page numbers, and the capability of exporting the grid to Excel, as well as additional user friendly details on the EIR form.

Thanks go to Dr. Sam Davidovics, Senior Information Officer, and his dedicated staff for these improvements. We hope RFRs and RCs will benefit from these enhancements.





# OU ADDS “FREQUENTLY ASKED QUESTIONS” TO ITS POPULAR KOSHER APP

**THE OU KOSHER APP**, which burst on the scene prior to Passover and was downloaded more than 10,000 times by consumers preparing for the holiday, has reached its next stage of development with the addition of more than 20 FAQ’s – Frequently Asked Questions – compiled by Rabbi Benjamin Geiger, the voice of OU Kosher’s Consumer Hotline, and Rabbi Eli Eleff, Rabbinic Coordinator and Consumer Relations Administrator. The free app is available for download to iPhones, iPads, iPod Touch, and Androids.

The responses were prepared by Rabbi Yaakov Luban, OU Kosher Executive Rabbinic Coordinator.

The questions include:

- ▶ Why are there products that list fish as an ingredient, but only bear an , while other fish products have  on the label?
- ▶ Are grape juice and wine ingredients used in OU certified products such as mustard and fruit cups always mevushal (cooked)?
- ▶ If the OU certifies a factory-produced brand of ice cream, can I eat that brand if it is sold from behind the counter at an ice cream shop?
- ▶ Why does the OU not use a “DE” symbol?

- ▶ Can I drink coffee at a restaurant? Can I drink coffee while on the road?

According to Rabbi Moshe Zywic, Executive Rabbinic Coordinator, who supervised the inclusion of the FAQ’s on the app, additional Q&A’s will be added on a regular basis.

Rabbi Zywic singled out Gary Magder, OU Director of Digital Media, for overseeing the technical details required to upgrade the app, as well as Rabbis Luban, Geiger and Eleff for their work in producing the questions and the responses. OU Kosher CEO Rabbi Menachem Genack and COO Rabbi Moshe Elefant provided overall direction for the project.

There are additional uses for the app. In addition to the ability to search for more than 600,000 products, manufactured at nearly 8,000 plants in more than 90 countries around the world – it provides the most up-to-date kosher alerts; new product updates; and allows easy access to ask a question or call the OU Kosher information hotline.

To download the app, simply select “OU Kosher” from the iTunes App Store or use a direct link to the App from the OU’s website at [www.ou.org/apps](http://www.ou.org/apps).

## CONSUMER Q&A


### Q: ARE THE STANDARDS OF THE OU CERTIFICATION IN ISRAEL THE SAME AS THEY ARE IN AMERICA?

A. The kashrus standards of products, food service establishments and shechita are the same in Israel as they are in America and the rest of the world. In general, all Halachic standards and policy decisions of any OU supervision are established by the OU Poskim and Rabbinic staff in our New York central office. Though the OU employs staff members in Israel to oversee the kashrus supervision, Poskim and Rabbinic Coordinators from the New York office travel to Israel frequently to review the operation on location and confirm that the supervision meets OU standards.

### Q: WHY DOES THE OU NOT USE A DE SYMBOL?

A. Some kashrus agencies use a DE symbol to denote products that are made on dairy equipment but do not contain any actual dairy ingredients. The OU has chosen not to use a DE designation to minimize the possibilities of confusion for the kosher consumer. Also, to be a true DE product, the equipment must be properly cleaned of residue after a dairy production, and that level of cleanliness is sometimes difficult to maintain and guarantee.

### Q: WHAT IS THE DIFFERENCE BETWEEN OU-D AND OU-D CHOLOV YISRAEL?

A. Milk has *cholov yisrael* status when the milking and bottling is done under the supervision of a reliable Jewish person who ensures that the milk is only coming from a kosher animal. In general, the OU follows the opinion of Rav Moshe Feinstein *zt”l*, and others, that government inspection of dairies is equivalent to a *mashgiach*’s supervision, whereby the status of the milk from these dairies is halachically equivalent to that of *cholov yisrael*. Not all poskim accept this position, and those who follow the more stringent opinion should only use  products which are specifically labeled *cholov yisrael*, an indication that the milking and bottling were supervised by a *mashgiach*. ■

## AKO CONFERENCE

*Some kashrus professionals who participated in this year’s AKO conference held at OU headquarters.*

*Clockwise Rabbi Menachem Genack, Rabbi Yechezkel Auerbach, crowd in attendance, Rabbi Yakov Vann, Rabbi Dr. Moshe Rosenfeld*





Rav Grossman,

Kindly note, yesterday, someone showed me the *Daf HaKashrut*, December 2008 issue, where you discuss *Cholov Stam & Igros Moshe, Yoreah Deah, Chelek 1: Siman 47, 48, 49*.

Perhaps it may interest you to see the *Chazon Ish, Yoreah Deah, Siman 41, paragraph 15*. The *Chazon Ish* seems to maintain a close position, as Reb Moshe held.

I don't have the Sefer in front of me, but I reckon the *mareah makom* of the *Chazon Ish*, is in, Paragraph 15 as indicated.

Kol Tov.

Sincerely, Shmuel Kohn

Thank you for this correspondence, Rabbi Grossman and Rabbi Kohn. Yes, the *Chazon Ish* writes *Pkula*, and he writes more *Pkula* even than Reb Moshe did. The *Chazon Ish* accepted the lenient position of the *P'ri Chodosh*, who held that one need not achieve the level of *Anan Sahadei* to be *mattir* milk in a location of most dairy animals being kosher; rather, lesser forms of *shmirah*, such as the fact that cow milk costs much less than horse milk in the region under discussion, etc., suffice according to the *P'ri Chodosh*. Mere removal of the *chashash* of *cholov beheimah teme'ah* is all that is needed, the *P'ri Chodosh* holds, rather than solid verification.

It is interesting that some maintain that the *Chazon Ish* did not intend to really *pasken Pkula*, explaining that he "was writing *derech limud v'lo P'Halacha*". This suggestion is clearly refuted several times in writing by the *Shevet Ha-Levi*, *yibodel V'chayim tovim*, who writes specifically in his teshuvos *Shevet Ha-Levi 4: 87 and 6:110*, that he discussed this issue in person with the *Chazon Ish*, and that the *Chazon Ish* held *Pkula*.

Kol tuv, Avrohom Gordimer

Dear Rabbi Gersten,

Hello. I read your article in the *Daf HaKashrus* Volume 20, #10. p.58 about sukkos, and the advisability of using cloth belts which are pulled tight, as "*lavud* straps in order to *machshir sukkos* whose walls are made of cloth.

I am puzzled by this solution and I hope you can find the time to explain it to me. It seems that there are two problems with cloth walls (a) they sway in the wind and thus do not possess the halachic status of walls, this problem is rectified by the belts

(b) the concern of the *s'mak* that even if the cloth walls were pulled tight, they should not be used because, perhaps, their fasteners will be detached without being noticed.

So I wonder, since the concern of the *s'mak* is quoted in *Shulchan Aruch 630:10*, why are these inherently non-rigid belts an improvement over cloth walls which are pulled tight and firmly tied?

Thank-you, shabbat shalom and shana tova, Stuart Fischman

Dear Rabbi Fishman,

This is an excellent question. Yet, the source for the eitzah of using belts is a Mishna in *Eiruvin (15b)* ומעלה מזה וזה למעלה מזה וזה מקיפין שלשה חבלים זה למעלה מזה וזה ובלבד שלא יהו בין חבל לחבירו שלשה טפחים and is paskened by *Beis Yosef* (אורח חיים סימן תרל) regarding Sukkah as well. Moreover, the Gemara says that one can tie down branches of a tree so that they will not sway in the wind, and we are not concerned that the knots will come loose. I believe the answer why they were only con-

cerned about the sheets coming loose and they were not concerned that the belts would become loose can be found in the *Pri Migadim (630:11)* who writes that it is the *derech* for sheets that are hung to come loose. But if something can be tied properly then this *chashash* does not exist.

For this same reason many poskim write that one can be *maikel* to use today's canvas sukkos since they are built to be tied very tight and therefore the *chashash* of Rabbeinu Peretz does not exist. Unfortunately, we are aware that there are plenty of canvas sukkos that are not set up properly and are not kosher.

I should also add that the *chumra* of Rabbeinu Peretz is on the level of *lichatchila*, but *bidieved* so long as the sheets do not blow in the wind, the sukkah is still kosher. But if one uses these belts the sukkah would be kosher *lichatchila*.

Rabbi Eli Gersten



## KASHRUS ALERT

**MANHATTAN ALCOHOLIC DRINK** produced by Francovich Distillers, Reno Nevada bears an unauthorized ©. The Orthodox Union does not certify Francovich Distillers. Corrective action has been implemented.

**AIRHEADS PARTY MIX** produced by Perfetti Van Melle USA Inc., Erlanger, KY is a bag of candies that contains taffies and lollipops. Some of those bags mistakenly bear an unauthorized ©. The Airheads taffies are certified kosher by the Orthodox Union and each individual taffy wrapper bears an ©. The Airheads lollipops, however, are not certified by the Orthodox Union and they do not bear an ©. Corrective measures have been implemented.



to our devoted RFR **RABBI SHLOMO KATZENSTEIN** from Antwerp, Belgium for his 25 years of dedicated service at OU European facilities. May he continue his *avodos hakodesh* on behalf of Klal Yisroel *ad meah v'esrim shana*.

to our dedicated RFR in Chicago, IL **RABBI AVROHOM CHESNY AND HIS WIFE** on the marriage of their son Yossi to Rochel Josilowski.

to our devoted RFR in Los Angeles, CA **RABBI ZVI BORUCH HOLLANDER AND HIS WIFE** on the engagement of their son Yehuda Nosson to Chanie Levy of Los Angeles.

to our dedicated RFR in Pittsburg, PA **RABBI SHIMON WEISS AND HIS WIFE** on the Bar Mitzvah of their son Levi Yitzchok.

to our devoted flavor analyst **DANIEL LEW AND HIS WIFE** on the birth of their daughter Eliorah Devorah.

our dedicated RFR in Houston, TX **RABBI SAADYA KAUFMANN AND HIS WIFE** on the birth of a daughter, Leah Raizel Mushka.

## CONDOLANCES

to our devoted Ingredients Processor **MRS. TZIPORAH THEE** and family on the recent loss of her husband Mr. Yosef Thee of Queens, NY.

המקום ינתם אתכם בתוך שאר אבלי ציון וירושלים