SUSHI AND BISHUL AKUM

RABBI ELY GERSTEN
RC Recorder of OU Psak and Policy

THE GEMARA and Shulchan Aruch say that large fish, including tuna, require bishul yisroel, because they are not eaten raw and are served on Shulchan melachim. Today, it is common to serve raw tuna in the form of sushi. Does this change the halachah? Would it be correct to assume that tuna no longer requires bishul yisroel, because sushi is so commonly eaten?

Rav Schachter and Rav Belsky answered that we should not consider tuna, a food that is edible raw, and thereby permit tuna cooked by a non-Jew, just because people commonly eat sushi. We find that the Magen Avraham (O.C. 203:4) says that ginger is considered edible raw, since it is eaten raw when mixed with sugar. In this example, the clear intention is to eat ginger, and the sugar is simply added as an enhancement.

However, in the case of sushi, one cannot say that the intention is to eat fish, and the other ingredients are merely added to enhance the fish, but rather people who eat sushi are interested in all the components, such as the rice, avocado and vegetables which are also the majority. Some varieties of sushi do not even contain fish. Although fish is an important ingredient in sushi, it is not of the same importance as the ginger when mixed with sugar. “Nechal Chai” is only eaten raw as a component of another food. Although some people eat sashimi, which is plain raw fish, most people still do not require heat and is reversed by washing it out even if it originally absorbed with heat. However the actual body of these fibers do not absorb any moisture in contrast to the natural fibers. My concern is that when they are heated with nonkosher foods the body of the fibers will absorb just as any kli will absorb taam and therefore should require hagola just as any kli requires. So yes I can wash out a synthetic cloth but I am washing out only what gets caught between the fibers but that surface of the bowl and it will look clean but without hagola I will not wash out any b’liya in the body of the plastic fiber. Similarly if I cook treif in a clear plastic bowl I can wash out everything on the surface of the bowl and it will look clean but without hagola I will not have removed its bliyos.

In conclusion, polyester is made of plastic, so kiybus should not be sufficient. I have always felt that synthetic materials should require heat and is reversed by washing it out even if it originally absorbed with heat. However the actual body of these fibers do not absorb any moisture in contrast to the natural fibers. My concern is that when they are heated with nonkosher foods the body of the fibers will absorb just as any kli will absorb taam and therefore should require hagola just as any kli requires. So yes I can wash out a synthetic cloth but I am washing out only what gets caught between the fibers but that surface of the bowl and it will look clean but without hagola I will not wash out any b’liya in the body of the plastic fiber. Similarly if I cook treif in a clear plastic bowl I can wash out everything on the surface of the bowl and it will look clean but without hagola I will not have removed its bliyos.

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SOFO L’HISPASHET

SHULCHAN ARUCH (Y.D. 92:2)¹ says that if a drop of milk fell on to a piece of meat that was cooking in a pot, if the volume of the piece of meat was not 60 times the drop of milk, the piece of meat would become forbidden. However, if one stirred the pot immediately, and submerged the meat into the soup, then so long as there was sixty parts in all of the soup, including the liquid and all pieces, then everything in the pot is permitted.

The Chamudei Daniel (Ta’aruios II Siman 1 and brought by Piskei Teshuva Y.D. 105:8) says that since inevitably some amount of time must elapse between the droplet of milk falling on the piece of meat, and the subsequent stirring, we can infer from this halachah that belli-yos and pitlos do not happen instantly, but must take some amount of time. Therefore, if one removed the droplet of milk immediately, the meat would also be permitted.

The Aruch Hashulchan (105:43) quotes the Chamudei Daniel and disagrees, (though he leaves open the possibility that two completely dry items that momentarily touch might be more lenient). The Darchei Teshuva (105:65) as well quotes many Achronim that disagree with the Chamudei Daniel. Therefore, Rav Belsky and Rav Schachter hold that one should not rely on the sevora of the Chamudei Daniel alone, but it can be used as a tziruf to be maikel when there are other sevaros. However, one should be chochesh for the Chamudei Daniel l’chumra. When kashering with hagalah, one should make sure to immerse the utensil into boiling water for at least 10 seconds, so that according to all opinions, the water has the potential to be polet the bliyos from the utensil.

A pipe that held hot issu for an extended period of time, we view as a continuation of the kli rishon. Therefore, it is not sufficient to kasher this pipe with a momentary blast of hot water through the pipe. Rather we must kasher it in an equivalent way to the way it was sixty parts in all of the soup, including the liquid and all pieces, when he began to pour, there was shishim in the pot relative to the soup, eventually the amount of soup left in the pot was less than shishim. Do we say that at this point, the remaining soup became assur, and will assur all the soup that was already poured, when they mix together? Minchas Pitim explains, based on the concept of sofo l’hispashet, that so long as the soup is all poured in one continuous flow, we wouldn’t sayChaNa”N, and all the soup would be permitted.

Rav Belsky and Rav Schachter apply the halachah of sofo l’hispashet to hot liquid that accidentally was pumped through a ben yomo non-kosher pipe into a tank, provided that the amount of liquid that was pumped in one continuous flow was more than 60 times the volume.continued on page 26

WHAT’S THE BERACHA ON...

DAIRY/DAIRY FOODS

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¹ If the fruit is the main part – Ha-eitz. If the cream is the main part – Shehakol
² Even if ice cream is eaten in a cone, only Shehakol is necessary, since the cone is eaten only because of the ice cream and is clearly subordinate to it. Its purpose is actually not so much to be eaten as to hold the ice cream and to prevent the hands from becoming soiled (see Shulchan Aruch, Orach Chaim 212b; Mischnah Berurah 212:5; Kaf Hachaim 15). However, if you specifically use a sugar cone because you enjoy eating it, Mezonot must also be said before eating the cone.
³ It is Pat Haba’ah Bkisnin. If two slices are eaten without other foods this would constitute a Keviat Seudah of pizza even if less than two slices are eaten.
⁴ By itself. When eaten together with toast – Hamotzi is said followed by Birkat Hamazon.
AN RFR who visits a yogurt facility has a number of things to look after, especially because most— if not all—yogurt producers in the United States make both kosher and non-kosher yogurt. Therefore, an RFR must not only check the ingredients used to make the certified yogurt, he must also evaluate the status of the equipment used to process it.

Nachum Meir, OU RFR, arrives at Amish Dairy Company in West Earl, Pennsylvania. He puts on his hair and beard net and right away asks to check the bulk incoming ingredients since he knows these are what he’s most likely to forget.

The primary bulk ingredient, and in fact the main ingredient in yogurt, is milk. Whole milk is used for standard yogurt, low-fat for low-fat yogurt, and skim for nonfat yogurt. Amish Dairy also buys both condensed skim milk and cream so that they can alter, or tweak, the fat ratio of the milk so that it conforms to regulatory and quality standards. Nachum Meir checks the Bills of Lading for liquid to transport these products are approved.

Besides getting the fat content right, another major concern of the quality assurance team at Amish Dairy is ensuring that their product conforms to the consistency and firmness standards they have set for it. They have a number of ingredients available to help them.

Non-fat milk solids increase the yogurt’s solidity. Carrageenan gum, alginates, pectins, starches are used for consistency and mouthfeel. Nachum Meir diligently walks through the raw material storage area, checking each of these ingredients against his Schedule A.

Next, he inspects numerous drums of fruit bases before verifying the handful of flavors the company uses.

He checks the labels and verifies that the OU is only on authorized products.

Amish Dairy Company uses non-kosher gelatin in the non-kosher version of the yogurt so Nachum makes a point of stopping at his stable to check the gelatin. Gelatin sheets for the formulas used for non-kosher production are approved. Amish Dairy uses a stabilizer blend that contains gelatin at minimal proportions, such that the equipment processing the non-kosher yogurt does not, in itself, become non-kosher (Amish Dairy’s competitors kosher between non-kosher and kosher, Amish Dairy uses a stabilizer blend that contains gelatin in minimal proportions, such that the equipment processing the non-kosher yogurt does not, in itself, become non-kosher (Amish Dairy does this on its own; asking Amish Dairy to lower the amount of isur to avoid kashering equipment may be problematic – see OU Document L-48). So, he checks the batch sheets for the formulas used for non-kosher product and verifies that the gelatin remains below the threshold necessary to keep the equipment kosher.

Our RFR parts with his contact with a few congenial words and files his report to the office. “Kol Tuv,” he writes. His conclusion, actually, is premature. What did Nachum Meir miss? See the answer on p. 25.

Thanks to Rabbi Avraham Gordimer for proposing this installment of “What’s Missing?”

ELECTRONIC INSPECTION REPORTS (EIRS)

Proper Completion and Handling

EIRS have exponentially enhanced kashrus work. Quick submittal/receipt/response, as well as confidentiality, the ability to save and track data, and integration into the entire OU kashrus system, are among the many great benefits of the EIR program.

It is important that EIRs be completed and handled appropriately. Although the following guidelines pertain to any visit report or kashrus communication, they are being presented here as regards EIRs, as EIRs have now become the main method of reporting OU kashrus visits.

1. EIRs for plant visits should be submitted in as timely a manner as possible.
2. RCs are expected to open EIRs in a timely manner and are required to read all data and comments, respond in appropriate detail to EIRs, and take any necessary follow-up action in a timely manner. To merely disregard or close an EIR without reading, replying and following up is totally unacceptable. Additionally, it is important to read every EIR (and every communication in general) thoroughly and attentively. Failing to do so is inconsiderate to the RFR who issued the EIR and is damaging to our kashrus work.
3. RFRs and RCs who receive follow-up questions and comments in EIRs need to respond. If an RC or RFR sees open visits in his OUDirect log of submitted visits, he must open such visits and see if there is something that was left outstanding, the reason for which the visit is still open. Once all issues have been resolved, the EIR should be closed.
4. Data in EIRs must be submitted with total and complete detail. This means including the full name, source and product code of every ingredient reported, whether it has a kosher symbol, and what that symbol is. So too for new products – one should specify the exact names and brands of products that do not appear on schedule B, along with their kosher symbols. If an ingredient looks like it may not be kosher or appears to be of concern, it is helpful to note whether or not the ingredient has been used, plus its lot number. It is unacceptable to enter in an EIR merely that “found some new ingredients”, “vanilla flavor from Firmenich”, “whey from Saputo”, “OU now on several new flavors”, and the

continued on page 25
Dear Rav Levi,

Excellent shiluach kavod. I discussed your shailah with Rav Belsky and Rav Schachter, and they both thought that synthetic cloth such as polyester could be kashered with kiybus, just like natural fabric. Rav Belsky explained that we do not differentiate between natural and synthetic material, provided that they appear to have all the properties of regular cloth, i.e. they appear to absorb even without heat and appear to get washed clean with kiybus. Polyester cloth will mimic cotton cloth in this regard. True that on a microscopic level there are differences, but halachically it would not make a difference.

However, a cloth made from human hair, gold strands or plastic bristles, which are obviously hard and do not absorb and are only made with heat, would not be the same as cloth. They would require regular kashering with hagola.

See also Pri Migadim (M.Z. 451: end of siman) regarding kiybus on niyor (old style paper). Although wood cannot be kashered with kiybus, yet niyor which contains cellulose wood pulp, can be kashered with kiybus, because it is turned into a fabric, and the washing is effective.

Daf Hakashrus

Rabbi Meir Levi

Dear Rabbi Grossman,

I read your Daf Hakashrus with great interest and congratulate you on your achievements.

I am writing to inform you, that there is an error in the Daf regarding the nature of buckwheat. In the Daf of Cheshvan-Kislev (Vol. 22, No. 1, p. 3) it is stated that buckwheat is a legume. This confusion may have arisen because buckwheat is considered a kitnyos, but if legumes are kitnyos not all kitnyos are legumes.

The plant world is divided into families according to their specific botanical characteristics. Legumes are such a family, one of whose main characteristics is that their seeds are formed in pods. Buckwheat belong to a different family called Polygonaceae.

Grain is a general term which applies to seeds that are used as staples and can be made into flour. For example, buckwheat, rice and wheat are all called grains despite belonging to three different families.

Best Regards

Judith Leff, PhD
PROPER MESSAGING PROTOCOL

Although I have been told that the following guidelines are devarim peshutin (obvious things) for most of us, reinforcement is always beneficial:

1. All messages, be they voice, text or email messages, are expected to be replied to in a timely manner. It is unacceptable to ignore messages.

2. If you will not be available for an extended amount of time, please notify in advance whom to contact for any urgent matters that may arise in your absence.

3. If you will not be available for an extended amount of time, please notify the OU office photos of questionable ingredients and product labels seen at the plant, so long as the plant permits such photos, as many plants do not.

4. Please acknowledge emails so that the senders know that you received the emails and read them. A polite “thank you” and “kol tuv” means a great deal to one who put in great effort to conduct a thorough visit and issue a good report. Messages from everyone, be they rabbis or assistants, deserve the derech eretz of a reply.

5. People often have a very hard time hearing others who use speakerphone, especially if one of the parties is on a cell phone. Speakerphones should only be used with the agreement of the other party (“Do you mind if I put you on speakerphone?”) and for conference calls.

6. When activating an out-of-office message, please make sure that the message is current. Out-of-office messages should always indicate whom to reach in your absence, in case a prompt response is needed.

7. When an ingredient encountered on a plant visit seems to be of serious kosher concern, one should request that the ingredient be placed on hold. The EIR in such cases should be submitted promptly, and an immediate phone call to the OU office about the ingredient is also recommended if not required.

8. When submitting or inserting a change of plant or company contact, it is necessary to always include the new contact’s full name, email address and title. Lack of an email address will prevent the OUDirect system from accepting contact changes and will prevent the contact from receiving schedule A and B updates.

ANALOGY TO “WHAT’S MISSING” (PAGE 23)

YOGURT

Yogurt is fermented milk, and the agent of fermentation is a yogurt culture. It’s actually easy for a mashgiach to miss the cultures because they’re kept in a refrigerator, out of sight. But out of sight should not be out of mind, nor will it be when a mashgiach thinks through what steps are necessary to produce a product before performing his task.
of the pipe. But what if the pipe is hundreds of feet long and the liquid take more than a minute to flow through? Must we be concerned that bliyos of issur will become absorbed into the flowing liquid in a matter of seconds, surely in much less than a minute, and cause the liquid in the pipe to already become assur before it gathers in the tank? Rav Schachter explained that the concept of sofo l’hispatet applies here as well. Sofo l’hispatet means that from the onset, a system is in place that will cause the liquid to be diluted until it is batel. In such a case, we view the entire system in its totality as being mivatel the issur, and we would not say ChaNaN.

Teshuvos Ksav Sofer (Y.D. 53) wrote a similar sevarah to explain why the Rambam (brought in Shulchan Aruch 92:2) required stirring the pot “משטח שולחן ארוך” (beginning to end). Kesef Mishna explained that this prolonged stirring is necessary, because we are concerned that the initial stirring might not have been sufficient. This is difficult to understand. If the initial stirring wasn’t sufficient then the chaticha would already be assur, and why would it help if one continues to stir? Ksav Sofer answered based on the sevara of sofo l’hispatet. Although the initial stirring might not have succeeded in spreading the beliya, it began a process by which eventually the stirring will succeed in redistributing the ta’am of milk. The mere starting of a process that will eventually lead to bital is enough to suspend ChaNaN.

Therefore, so long as from the onset a system was in place by which enough liquid will gather in the tank to be mivatel all the bliyos in the pipe, the liquid would remain mutar. However, if the product was originally in two separate tanks, and as the product emptied from the first tank it was required for someone to open a valve to continue the flow from the second tank in order to be mivatel all the bliyos, then we cannot say sofo l’hispatet. However, if this would cause a hefied mirubah, one would still not say ChaNaN since this is lach b’lach.

Another example where we could not rely on sofo l’hispatet would be as regards a thicker more viscous liquid that does not mix well. Rema (104:2 based on Teshuvos Ha’Rosh) paskens that if a mouse was found on the bottom of a barrel of fat, all the fat in the barrel is assur. We are concerned for the possibility that all the hot fat was poured directly over the mouse. Pleisi and Chavas Da’as explain that in this case, because hot fat begins to thicken and congeal quickly, we do not view the mixing fat as lach b’lach. Each thin layer of fat becomes assur and does not combine well with the other layers. So we cannot say it is sofo l’hispatet and will be batel.

This has practical ramifications for margarine that passed through a non-kosher ben yomo Votator (scrape surface heat exchanger). Because the margarine becomes semi-solid, we cannot say that all the margarine is evenly dispersed and becomes batel, but rather there will be margarine of issur mixed throughout the batch. This would be similar to Rema’s case of the barrel of fat, so here too we would not say sofo l’hispatet.

The rules of sofo l’hispatet are quite complex and should be applied only in consultation with the OU office.