

# THE Daf HaKASHRUS



A MONTHLY NEWSLETTER FOR THE OU RABBINIC FIELD REPRESENTATIVE

לא באתי אלא לעורר

## AMIRA L'AKUM

RABBI ELI GERSTEN

RC, Recorder of OU Psak and Policy

**THE GEMARA DERIVES** from the *pasuk* (Yeshaya 58:13) “ודבר דבר” that one’s speech on Shabbos should be different than one’s speech during the week. Included in this prohibition is “*amira l’akum*”, asking a non-Jew to do *melacha* for you on Shabbos. Chazal also forbade *amira l’akum* even if the request is made before Shabbos. The general rule is that any *melacha*, *d’oreissa* or *d’rabanan* that one is not permitted to do on Shabbos, one may not ask a non-Jew to do for him. Mishna Berurah (319:62) says that *amira l’akum* is even forbidden for *bachona* (preparing from Shabbos to chol, or from one day of yom tov to the next), even though the job involves no actual *melacha*.

For example, a caterer may not instruct his workers to begin packing up until Shabbos is over, 42 minutes after sunset. Likewise, they may not begin setting tables for second night of Yomtov, until first day of yomtov has ended, 42 minutes after sunset.

### ADEIYTA D'NAFSHEI

A non-Jew may be asked to do a job that can be completed without the need for doing a *melacha*, such as washing dishes. The non-Jew may choose to make his job easier by doing *melachos*, such as using a sponge or heating up water. This is not *amira l’akum* because no *melacha* was requested. The *melacha* is done “*adeiyta d’nafshei*”, by his own decision. However, when *melacha* is done openly, *b’beiso shel Yisroel* (in a Jewish home), even if the *melacha* was not requested, the owner of the house must ask the non-Jew to stop. This is because it would otherwise give the appearance (*maris ayin*) as though they had requested he do this *melacha*. The exact parameters of what is included in this *maris ayin* are not always clear. In some instances, such as a non-Jew turning on the lights so he can work in the kitchen, it is obvious that he is doing this for himself and not for the Yisroel, but in many cases it can be unclear. Rav Belsky and Rav Schachter have said that a hotel

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## THE TRACEABILITY AUDIT

RABBI GAVRIEL PRICE

RC, Ingredient Research

**A MASHGIACH** who wants to make sure that the ingredients being used at a manufacturing facility meet the specifications on the Schedule A will most likely spend his time in the raw materials warehouse. His report will provide a picture, at that point in time, of the company’s conformance to the kosher program. What about when he is not there? Since his visits are unexpected, the company has an incentive to adhere to our rules lest they are caught violating them.

This logic is sound and this type of visit is indispensable, but there is more that can be done to clarify the status of raw materials between the times when the mashgiach is actually at the plant. A traceability audit is an excellent way of grasping what ingredients a company has used, over time. It is a technique that many mashgichim already use when visiting manufacturers; the purpose of this article is simply to make it more familiar to everyone.

Traceability works in one of two ways: forward or backward. Forward traceability involves identifying a specific ingredient and following where it was used, that is, both in what products and, in some cases, what equipment was used to process it. A backwards audit means taking a finished product and reconstructing its history by identifying what ingredients were used to make it and, when relevant, the equipment used to process it. Either of them can be useful depending on what the mashgiach aims to achieve.

For example, if a mashgiach is visiting a completely kosher, pareve plant, his main interest is to verify that the ingredients being used are the approved ones. If he wants to know what had been used there even when he was not present, he can perform a backwards traceability audit. He can identify a lot number for a finished product produced in the past few weeks and identify each of the ingredients used to make the product.

To independently verify that the information disclosed through this report is accurate, a mashgiach can check a bill of lading to confirm the source of a given ingredient (if he really needed to get to the bottom of an issue the mashgiach could reach out to the mashgiach at the supplier to confirm terms of shipment).

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▶ kitchen would not be considered *beiso shel Yisroel*, because guests are not permitted in the kitchen.

### Examples of *adeiyta d'nafshei*

- ▶ A non-Jewish chef may be asked to make cakes on yomtov. If he chooses to use an electric Hobart mixer, this would be considered *adeiyta d'nafshei*, since he can make the batters without using the mixer.
- ▶ A non-Jew who is asked to slice meat on Shabbos or yomtov may not use an electric deli slicer. This is because most people cannot duplicate by the hand the precision of an electric slicer. In this situation, using the slicer would not be viewed as *adeiyta d'nafshei*, but as a direct request.
- ▶ If a non-Jew begins packing things away on Shabbos without being asked, in order that he can finish his work and get home faster after Shabbos, then this would be permitted. The *hachona* that he is doing is *adeiyta d'nafshei*. However, he should be told that he may not load anything onto the truck on Shabbos, even if the truck is against the loading dock. That already would be too much of a *pirsum*.

### PSIK REISHA

Although a *davar she'aino miskavein* (an unintended *melacha*) which is a *psik reisha* (a guaranteed outcome) is forbidden on Shabbos and Yomtov, yet Mishna Berurah (253:99) says that one is permitted to ask a non-Jew to do a job that will involve a *davar she'aino miskavein*, even if it will be a *psik reisha*. For example, one may ask a non-Jew to remove food from a refrigerator, even though a light will definitely turn on (*psik reisha*), since the non-Jew was not asked to turn on the light, but simply to open the door.

### Common examples:

- ▶ One may ask a non-Jew to open and close the door of an oven, even if this will cause the fan to turn on or off, or might cause the fire to turn on.
- ▶ One may ask a non-Jew to open packaging, even though this will involve tearing letters.
- ▶ However, Rav Belsky is of the opinion that one may not ask a non-Jew to take hot water from the sink or from a hot water urn that is connected to a cold water feed. The hot water is pushed out by the pressure of the new cold water that enters the tank. Therefore, asking for hot water is the same as asking him to add cold water. Although the non-Jew is not *michavein* for the bishul, nevertheless because this is considered a direct request, the Yid may not ask him to do the *melacha*<sup>1</sup>.

### SHEVUS D'SHEVUS B'MAKOM MITZVAH OR HEFSED

Chazal permitted asking a non-Jew to perform a *melacha d'rabanana*, if it is for the purpose of allowing a Jew to perform a mitzvah or to alleviate a financial loss. However, this heter is only intended for emergency situations. One may not plan to put themselves into such a situation where they will then be forced to rely on this heter.

### AMIRA L'AKUM B'MAKON TZORECH HA'RABIM

The Ba'al Ha'itur held that *amira l'akum* even for a *melacha d'oreisa* is permitted *b'makom mitzvah*. Although we generally do not follow this opinion, however Mishna Berurah (276:25) says that when there is a very pressing need, such as if the *ciruv* came down, one may ask a non-Jew to do even *malachos d'oreisa* to save the *tzibur* from a *michshol*. Obviously, one must be very careful about when to apply this heter.

Example: The NYC Department of Health requires that hotels and restaurants sanitize their dishes in very hot water. Therefore, asking a non-Jew to wash dishes is equivalent to asking them to use hot water. Nevertheless, Rav Belsky and Rav Schachter have permitted asking a non-Jew at a hotel to wash dishes, since this would be a pressing *tzorech ha'rabim* (i.e. to avoid spreading germs). If the non-Jew chooses to wash the dishes in a dishwasher to make it easier, this would be permitted since it is *adeita d'nafshei*.

<sup>1</sup> Obviously one may not ask a non-Jew to drive them in a car, even if the non-Jew is unaware that driving a car involves burning gas. Here too, although one might be unaware that the cold water is what pushes out the hot water, still they are *michavein* for this process. Asking for hot water is synonymous with asking the non-Jew to pour in cold water.



(L-R) Rabbi Genack, Rabbi Schreier and Rabbi Luban at the conclusion of the Harry H. Beren ASK OU Community Kashrus program at RIETS



to our dedicated RFR (Vaad of the Capital District) **RABBI MOSHE BOMZER AND HIS WIFE** on the engagement/marriage of their son Akiva Dovid to Batsheva Feldman of Baltimore.



**KASHRUS  
ADVISORY**

As of May 30, 2014, the Orthodox Union certifies **RITA'S CONEY ISLAND** located at 1327 Surf Avenue. Rita's sells both Pareve and Dairy products. The available flavors are listed on a flavor board that indicates which flavors are dairy and which are pareve. Each flavor has its own designated scooper. All Rita's milkshakes are dairy.

### CONDOLENCES

to our devoted administrative assistant **ADINA (KEREN) HOLLANDER AND FAMILY** on the recent loss of her mother Nechama Keren.

המקום ינחם אתכם בתוך שאר אבלי ציון וירושלים

# IN MEMORY OF RABBI SHIMON JOSELIT, Z'L

## RABBI SHMUEL SINGER

RC, Chocolate, Passover, Wine



**RABBI SHIMON JOSELIT** who was recently Niftar two days before Shavuot, was a devoted and hardworking Mashgiach for the OU for many years. He was originally a Shochet in Denver and later engaged in private business in New York. He began to work for the OU about twenty years ago. His primary focus was on Pesach Hashgacha. He was

the regular Pesach Mashgiach at Gold's in Hempstead, NY which involved many weeks of supervision. He also covered many other Pesach jobs in the New York area including Empress, Allied Foods, Lilly's Bakery and VIP Foods. Rabbi Joselit was always available when needed no matter what time of day or night. He was extremely devoted to kashrus and would even go to work if needed on Chol Hamoed or Purim and remain at work on Friday if necessary as late as possible. He was well liked and greatly respected by all the companies he visited. He promoted a Kiddush Hashem by his low key and accommodating manner to all. Despite his illness in the past year he continued all his visits regularly and devoted serious attention to them. He accepted his lot in life with true Emunah and said "I will continue working as long as I can". He should be an inspiration to all. Yehi Zichro Baruch. ■

## WHAT'S THE BERACHA ON... SOUPS - PART 2

SOUPS	BRACHA RISHONA	BRACHA ACHRONA
Bean Soup	Ha-adamah	Borei Nefashot
Borscht (with or w/o potato) <sup>1</sup>	Ha-adamah	Borei Nefashot
Cabbage Soup	Ha-adamah	Borei Nefashot
Corn Soup	Ha-adamah	Borei Nefashot
Fruit Soup (if made with fruit requiring Ha-aytz)	Ha-aytz	Borei Nefashot
Fruit Soup (if made with fruit requiring Ha-adamah)	Ha-adamah	Borei Nefashot
Lentil Soup	Ha-adamah	Borei Nefashot
Onion Soup <sup>1</sup>	Ha-adamah	Borei Nefashot
Pea Soup	Ha-adamah	Borei Nefashot
Tomato Rice Soup <sup>2</sup>	See comment	Borei Nefashot
Tomato Soup	Ha-adamah	Borei Nefashot
Vegetable Soup	Ha-adamah	Borei Nefashot

<sup>1</sup> If eaten as food Ha-adamah. If drunk as a drink without vegetable pieces Shehakol.

<sup>2</sup> If the majority is the rice then one would say Mezonot, if majority is the tomato, one would say Ha-adamah.

## AUDIT

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▶ A forward traceability audit follows

the story of an ingredient within the manufacturing plant. This kind of an audit is helpful when a mashgiach visits a mixed plant and he wants to ensure that a non-kosher ingredient is not used in a kosher product, or a dairy ingredient in a pareve product. He will select a non-kosher (or dairy) ingredient, and essentially perform a "where-used" procedure, which will generate an activity report that will show where the raw material was used.

Obviously, the ability to perform either of these audits assumes that the certified company has available the information being sought, and one can get access to it without too much work. Actually, it would be more surprising if a food manufacturer did not have such a system. In the last several years food manufacturing companies have been

implementing software programs that track inventory and are capable of providing the information sought in either a forward or backward traceability exercise. Now, nearly every even moderately reputable company has in place a means of retracing the use of their raw materials.

There are a number of reasons for the broadening use of this kind of technology but the most pertinent is that, parallel to the growth of the kosher industry, food safety and quality certification has also grown (the Global Food Safety Initiative, GFSI, spearheaded by a number of multinational food companies that seeks to create standards of food safety in the food industry, was founded in 2000). Included in these quality and safety audits is an evaluation of the capacity of a food manufacturer to perform the kinds of audits described above.

The reason is simple: if a food manufacturer finds out from one of its suppliers that an

ingredient provided by the supplier has a safety or quality problem, the food manufacturer will need to identify each of the products (and respective lots) the ingredient was used in. Similarly, if a customer of the food manufacturer informs the food manufacturer that there is something problematic about their product, the food manufacturer will need to know every ingredient used in that product in order to pinpoint the source of the problem. Any cohesive food safety and quality program that a manufacturer puts in place will need to respond to these two fundamental objectives.

Because of the ubiquity of these kinds of audits, an OU representative should have no reservation about conducting one. A reputable company should not only have the infrastructure to permit such an audit but should be prepared to provide this information quickly and easily. ■

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HARRY H. BEREN



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