**COLD WHEY**

**RABBI ELI GERSTEN**

*RC Recorder of OU Psak and Policy*

THE OU accepts whey from cold non-kosher cheese production, provided that the cheese is made with kosher rennet. However, there is a disagreement among poskim regarding whey that was made with animal rennet. *Teshuvos Chasam Sofer* (Y.D. 77) assumes that the rennet acts as a *ma'amid* on the whey, and he therefore writes that whey that was *hu'amad* with non-kosher rennet is assur. However, *Sheves HaLevi* (4:86) argues that the rennet is not *ma'amid* the whey. *Igeros Moshe* (Y.D. III:17) points out that commercial rennet is nifsal mei’achila. Some have questioned whether the rennet is really nifsal, since although it is soaked in acid, the acid is later neutralized and final product is not necessarily nifsal. Furthermore, Rav Belsky zt”l would quote the *Acheizer* (Y.D. 11) that an ingredient that is inedible so long as it is *omeid l’kach* (this is how it is intended to be used), never considered nifsal. For example, although se’or (sour dough) is inedible it is not considered nifsal, since it is *omeid l’kach*. The policy of the OU is not to accept whey that was made with animal rennet. Additionally, non-kosher lipase or cultures may not be added to the whey. Although the lipase and cultures will surely be *batel b’shishim* but since they could affect the taste of the whey they would be like a *davar hama’amid*. Additionally, this would be bitul issue. However, the keilim used to process whey which was made with non-kosher rennet, lipase or cultures will not need kashering. Until now, we have been discussing only cold cheese whey. However hot cheese whey, in which the whey is cooked with the cheese, has many more complications that will be discussed in a later article.

Although Chazal forbade *gevinas akum*, because we are *chooshesh* that it was made with non-kosher rennet, still this *shuhash* is a special gezeira of Chazal, which is only in regards to the cheese. The whey itself is permitted, provided that we have regular supervision that they are using only kosher rennet. There is no requirement that the mashgiach must add the rennet or even watch the cheese being made, in order to permit using the whey. *Shulchan Aruch* (Y.D. 112:14) writes that one is permitted to buy “kutach” from a non-Jew. Kutach is a dip that is made from, among other things, salt, whey and bread crumbs. The bread crumbs, although they are pas akum, are permitted, since they are *batel b’rov*. But why is the whey from *chalav akum* permitted? Rabbi Eliezer Rokeach explains that since *chalav tamei* does not separate to form cheese, a non-Jew would not add *chalav tamei* to his milk if he is planning to use it to make cheese.

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**MIFUSTAR - IS IT MEVUSHAL?**

**RABBI ELI GERSTEN**

*RC, OU Psak and Policy*

THE kosher wine consumer knows that when shopping for wine, in addition to checking the bottle for a reliable hashgacha, they must also check to see if the wine is labeled mevushal or non-mevushal. *Mevushal* wine may be handled, and even poured by a non-Jew or a non-shomer Shabbos Jew; however non-mevushal wine, once opened, must be closely guarded, since it can become forbidden if left unattended.

Aside from mevushal and non-mevushal there is also a third designation, which although more prevalent in Israel, can be found in the U.S. as well, and this is the designation “mifustar”. Mifustar is the Hebrew word for pasteurized. For example, the Kalil wines (OU) sold in the U.S. are labeled mifustar. The reason for this new description is because some poskim have questioned whether pasteurized wine qualifies as mevushal. To accommodate the consumers who want to be strict and not rely on pasteurization, the bottles are marked mifustar. Those who do not rely on pasteurization should treat these bottles as they would any non-mevushal wine.

There are three main arguments put forward as to why pasteurization should not qualify as mevushal. Rav Eliezer Yehudah Zilberstajn zt”l (Journal Erven Tsurdel 5751) argues, based on the Rosh (A.Z. perek 2), that cooked wine was only permitted, because in former times it was uncommon to cook wine. However today, pasteurization of wine is so commonplace, as to be considered the norm, so we can no longer consider this an uncommon occurrence (*nilsa d’lo shechi’ach*).

Rav Shlomo Zalman Auerbach zt”l (Minchos Shlomo I:25) ruled that pasteurized wine cannot be considered mevushal, unless the cooking causes a noticeable change in the taste, color or aroma of the wine. The process commonly employed today, known as flash pasteurization, continued on page 36
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MAY I BUY CHAMETZ AFTER PESACH FROM A JEWISH-OWNED STORE THAT DID NOT SELL THEIR CHAMETZ?

WHAT ABOUT PET FOOD? HOW LONG SHOULD I WAIT UNTIL I CAN PURCHASE CHAMETZ AGAIN?

Chazal instituted a k’nas (penalty) on any Jew who owned chametz during Pesach. Not only does this chametz become forbidden to eat, but one may also not derive any benefit from it (Shulchan Aruch Orach Chaim 448:3). This is true, even if the Jew is non-observant and completely unaware of the prohibition against owning chametz on Pesach (see Midnah Berurah 448:11). Therefore, one may not even buy chametz pet food, from a store owned by Jews who did not sell their chametz. Rav Moshe Feinstein (Yeru Moshe Orach Chaim 4:96) writes that one must wait to purchase chametz from such a store until most of the inventory has turned over, and the majority of the chametz is no longer subject to this prohibition. For products that have a long shelf life, this can take a few weeks. In general, regarding chametz at supermarkets, one can assume that by Lag B’omer (approximately four weeks after Pesach) most of the inventory has changed over, even if the supermarket is supplied by a Jewish-owned distributor as well.

I ACCIDENTALLY BOUGHT CHAMETZ AFTER PESACH FROM A JEWISH-OWNED STORE THAT DID NOT SELL ITS CHAMETZ. CAN I RETURN IT TO THE STORE FOR A REFUND OR IS THIS CONSIDERED DERIVING BENEFIT FROM CHAMETZ SHE’AVAR ALAV HA’PESACH (CHAMETZ THAT WAS OWNED BY A JEW ON PESACH), WHICH IS NOT PERMITTED?

Strictly speaking returning chametz to a Jewish store is not considered deriving benefit from chametz. This is because, the Jew who sold you the chametz, sold something that had no value, and had no right to take your money. Therefore, one is entitled to have their money returned. Although the store will not return your money to you unless you return the chametz, this is not considered deriving benefit from the chametz, since min ba’idin (according to the law) he is obligated to return your money even if you did not return the chametz. Magen Avrohom (440:1) raises a secondary concern: One must be concerned that the chametz will be put back on the shelf and purchased at a later time by an unsuspecting Jew. Other poskim, however, including Chok Yaakov and Aruch HaShulchan, (Orach Chaim 440:10) permit returning chametz. Since one is simply returning something that he never acquired, he is not required to suffer a financial loss. If one does not know for certain that the chametz was owned by the store during Pesach, there is even more reason to be lenient.

MAY I PURCHASE VINEGAR BASED PRODUCTS (E.G. PICKLES, MUSTARD, SALAD DRESSING, HORSERADISH) AFTER PESACH FROM A JEWISH STORE THAT DID NOT SELL ITS CHAMETZ?

In the United States, it can be assumed that white distilled vinegar is made from corn alcohol. Although the OU is aware of some vinegar companies that also purchase wheat alcohol, this wheat alcohol is combined with other non-chametz alcohols and only makes up a small percentage of the total. Since table vinegar (50 grain) is about 95% water, any wheat in the final product is batel, since the water is completely absorbed. Therefore, these products may be bought immediately after Pesach from any store.
The Orthodox Union certifies Vicenzi Bicerin Originale Di Giandujotto Liqueur and Vicenzi Bicerin Original White Liqueur produced by Nuove Distillerie Vincenzi SRL, Italy only when bearing the symbol. Miniatures bottles of these products are currently being sold in stores without the symbol. The Orthodox Union does not certify those miniature bottles and consumers should not assume those miniature bottles are kosher certified products.

Effective March 31st, 2016 the Orthodox Union will no longer be certifying Rita’s Coney Island, located on Surf Avenue in Brooklyn.

The Orthodox Union does not certify strawberry flavored Bolt Organic Energy Chews produced by ProBar LLC, Salt Lake City UT. This product bears an unauthorized symbol. Corrective actions have been implemented.

In front of a large standing room only crowd, the annual Harry H. Beren ASK OU Pre – Pesach Shiurim recently took place at BM Lev Avos in Lakewood. Rabbi Elefant and Rabbi Gersten both presented excellent, well received shiurim. The rav of the shul and head of the HHB Foundation of NJ, Rabbi Shlomo Yitzchok Grossman, (to Rabbi Elefant’s left above) expressed his appreciation for the shiurim in the following communication received by OU Kosher – “The ASK OU shiurim at Lev Avos /Lakewood given by Rav Elefant and Rav Gersten were incredible. It gave the Bnei Torah an appreciation for halacha lmaaseh in a most practical way. OU Kosher is fortunate to have such great talmidai chachomim at its helm. Chag kosher vsameach, Shlomo Y Grossman, Lev Avos.”
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