**Cooking on Yomtov**

*In Hotels and Restaurants*

**Rabbi Eli Gersten**
RC Recorder of OU Psak and Policy

**Amira l’Akum**

Asking a *nachri* to do a *melacha* on Yomtov is forbidden. Moreover, even asking a *nachri* to do a *melacha* *d’rabanan* (a *shevu’us d’ibsrus*) is forbidden. However, a *shevu’us d’ibsrus b’makom darchei shalom* (i.e. asking a *nachri* to do a *melacha* *d’rabanan* so as to avoid insulting a *nachri* and causing a fight) is permitted. This halacha has an important application regarding cooking on Yomtov.

The source of the above leniency is the Rema. Shulchan Aruch (Orech Chaim 512:1) writes that a *Yisroel* is not permitted to cook on Yomtov. Even to be *marbeh* for a *nachri* is forbidden. Moreover, even asking a *nachri* to do a *melacha* is forbidden. (One notable exception is that *marbeh* *d’rabanan* is permitted when cooking for one’s servants whom they are required to feed.) Furthermore, one may not even invite a *nachri* on Yomtov to eat at one’s home, lest one end up cooking for him. Rema adds that although one may not invite a *nachri* on Yomtov, in certain instances, one may ask another *nachri* to deliver food to his home even if it is outside the eruv. Chazal permitted *amira l’akum* for a *nachri* (i.e. to increase the size of the pot of food which will be put on the fire at one time), which involves no additional *melacha* forbidden. (One notable exception is that *marbeh* *d’rabanan* is permitted when cooking for one’s servants whom they are required to feed.)

Further, one may not even invite a *nachri* on Yomtov to eat at one’s home, lest one end up cooking for him. Rema adds that although one may not invite a *nachri* on Yomtov, in certain instances, one may ask another *nachri* to deliver food to his home even if it is outside the eruv. Chazal permitted *amira l’akum* for a *nachri* (i.e. to increase the size of the pot of food which will be put on the fire at one time), which involves no additional *melacha* forbidden. (One notable exception is that *marbeh* *d’rabanan* is permitted when cooking for one’s servants whom they are required to feed.)

**Hotels Cooking for Guests on Yomtov**

A relevant application of this principle regards hotels that have *nachrim* as guests (e.g. aides or nurses) for Yomtov. These guests need to be accommodated as well. *M’shum darchei shalom*, one cannot turn away these guests from eating in the dining

**Dairy From the Desert**

*An Update on the Camel Milk Situation (or Non-Situation)*

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A recent Dairy Reporter article ([www.dairyreporter.com/Manufacturers/Desert-Farms-works-to-spark-camel-milk-revolution-in-the-US](http://www.dairyreporter.com/Manufacturers/Desert-Farms-works-to-spark-camel-milk-revolution-in-the-US)) about Desert Farms, the US-based camel milk company which is planning to expand its production so as to include camel milk ice cream and baby formula, prompted a flood of kashrus questions, with people asking how the kosher dairy industry will remain free of concern for camel milk content in dairy products. Now that camel milk is licensed by the FDA to be used in a variety of dairy food applications, what is to prevent it from being used in the products that we certify or in the milk that consumers drink?

Before addressing this question, it is noteworthy that donkey milk is also coming into the market ([www.foxnews.com/health/2016/07/05/will-donkey-milk-be-next-big-nutrition-trend.html](http://www.foxnews.com/health/2016/07/05/will-donkey-milk-be-next-big-nutrition-trend.html)), and there is even talk of cockroach milk(!) eventually being used as a protein supplement in food ([www.cnn.com/2016/07/27/health/cockroach-milk/](http://www.cnn.com/2016/07/27/health/cockroach-milk/)). The possibilities of non-kosher milk use in the food industry are endless.

Before getting carried away, let’s get to the facts on the ground and to the facts that pertain to kashrus.

At present, one gallon of raw American camel milk sells for $144, and a gallon of American camel milk powder sells for approximately $1050. And not to speak of donkey milk or milk of any other non-kosher species, which are not sold at all in the US, and whose cost overseas is extremely steep. It is clear that the opinion of the *Pri Chodosh* (Yoreh Deah 115:15), who rules that we need not worry about *cholov beheimah temei’ah* (non-kosher milk) being incorporated into kosher milk when non-kosher milk is much more costly or inaccessible, certainly applies here.

But what about according to the opinion of Reb Moshe Feinstein (Igros Moshe - Yoreh Deah I:47-49) and other poskim (who by far outnumber the *Pri Chodosh*), who require *yedi’ah* or *re’iyah* (actual knowledge or halachic verification, visual

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or otherwise) that milk has no non-kosher contents in order for the milk to be kosher? Although there is really no likelihood that camel or donkey milk will be present in any regular dairy products, due to the rareness of these non-kosher milks and their prohibitive pricing, is there a need for greater halachic vigilance, or does the heter of Cholov Stam still apply according to these predominant halachic opinions?

In 2009, the FDA emended the Pasteurized Milk Ordinance (the PPO, in section 1 S - www.fda.gov/downloads/Food/GuidanceRegulation/UCM209789.pdf) so as to include in the definition of milk (for legal commercial sale) “Family Camelidae (llamas, alpacas, camels, etc.)... and Family Equidae (horses, donkeys, etc.).” Prior to 2009, only cow, goat and sheep milk (as well as milk from moose and deer – for which there is no commercial demand) was included in the category of legally marketable milk. The 2009 PPO emendation would have caused great concern and could have jeopardized the kosher integrity of the United States milk supply, if not for another critical provision (4:3) in the PPO, regarding product labeling: “The common name of the hooved mammal producing the milk shall precede the name of the milk or milk product when the product is or is made from other than cattle’s milk. As an example, “Goat”, “Sheep”, “Water Buffalo”, or “Other Hooved Mammal” milk or milk products respectively.” In other words, only dairy products made from cow milk may be labeled “milk, cheese, butter, ice cream”, etc. Products made from the milk of any other animal species, such as goat, must be labeled as “goat milk, goat milk cheese, goat milk butter, goat milk ice cream”, and so forth.

Hence, even milk which is legal for commercial sale, such as camel milk, may not be present in dairy products unless the animal species of that milk is specified on the packaging. I spoke with senior dairy inspection personnel, who advised me that any amount of non-cow milk would need to be declared on the packaging.

(Camel milk is one of the most tightly-regulated industries, and its production and labeling regulations provide a solid basis for Reb Moshe’s approach to continue to apply without question.)

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room with everyone else. In such a situation, would marbeh b’ishiyurim be permitted? The Minchas Yitzchak (2:118) writes that m’ikar ha’din, one can ask a non-Jewish chef to cook the meals on Yomtov for all the guests. Since amira l’takum is a shevus, and marbeh b’ishiyurim is a shevus, this would be a shevus d’shurus b’makom darchei shalom which is permitted. We are not concerned that the Jewish caterer will forget himself and end up doing the cooking, since the cooking is always done only by the chef and his crew. Furthermore, the Minchas Yitzchak writes that even if the cooking is not done b’derech marbeh b’ishiyurim, but rather the food is cooked to order special for the nachori, m’ikar ha’din this too could be permitted. The rule of lo’il v’ikla’yeh orcihim (if Yiddish guests would suddenly arrive), teaches us that in most cases cooking on Yomtov for a nachori is only an issur d’nabanan, since theoretically this food could be served instead to a Yisroel, even though one’s intention is to cook for the nachori. Therefore, this too could be permitted based on the sevora of shevus d’shrus b’makom darchei shalom.

HOME COOKING FOR GUESTS ON YOMTOV

However, Minchas Yitzchak would not permit in one’s private home, to invite a nachori, even if they hire a non-Jewish chef. Just as Chazal were gozeir that one may not invite a nachori on Yomtov, even if all the food has already been cooked before Yomtov, so too they would not permit, even if one hires a non-Jewish chef. The leniency of the Minchas Yitzchak is limited specifically to hotels and restaurants that are always staffed by non-Jews, and the owners never do the cooking.

OMELET STATIONS

A common scenario in Yomtov hotels is the omelet station. A non-Jewish chef prepares omelets to order for each guest who approaches. Is it proper for hotels to provide such a service on Yomtov, since nachori will also request an omelet to be cooked special for them? Since the omelet station is not a necessity, perhaps it should not be allowed. Rav Schachter explained that darchei shalom necessitates that if there is an omelet station, it must be open to all. Canceling the station entirely would detract from simchas Yomtov and is therefore not required. Although the food is cooked specifically for the nachori, still the rule of lo’il v’ikla’yeh orcihim still applies. Therefore, even this situation would qualify as a shevus d’sherus and is permitted b’makom darchei shalom.

(1) Minchas Yitzchak had reservation about relying on this leniency out of concern that the reasoning would not be understood, and would give the impression that under all situations cooking for a nachori on Yomtov is permitted. However, the prevalent minhag nowadays is to allow anyone to sign up for a stay at a hotel for Yomtov.

ONLY DAIRY PRODUCTS MADE FROM COW MILK MAY BE LABELED “MILK, CHEESE, BUTTER, ICE CREAM”, ETC.

The initial article on this topic, in Daf Ha-Kashrus 23:4, also noted that the USDA authorizes Grade B milk/manufacturing milk only from cow, goat, sheep and buffalo – all kosher species.)

A few people have asked about raw (i.e. unpasteurized) milk evading milk labeling regulations. Since some states allow for the sale of raw milk under certain conditions, and there may be cases of such milk being sold by farms without regulated labeling indicating the animal species from which the milk was harvested, it would appear that raw milk is able to escape the labeling regulations which otherwise protect the kosher integrity of the milk supply.

This concern is unfounded, though, as raw milk may not be sold for interstate commerce, and, more important for the topic under discussion, the only products in which raw milk may be used as an ingredient are a very limited and specific selection of seriously aged cheeses, as per FDA regulations. (www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcr/CFRSearch.cfm?CFRPart=133) These regulations allow only for raw cow, goat and sheep milk to be used. Raw milk from non-kosher species may not be used. This is all enforced through careful inspection of manufacturing facilities and records.

New developments in the dairy industry relating to milk from exotic animals are always of interest and intrigue. However, we are happy to again state that kashrus is unaffected, and we have no reason to believe that this will ever change.

While drinking chloov Yisroel (milk processed under full-time kosher supervision) is certainly praiseworthy, our research clearly shows that Reb Moshe’s permit of chloov Stam (regular milk in countries with adequate government regulation) is still very much in effect. Dairy is one of the most tightly-regulated industries, and its production and labeling regulations provide a solid basis for Reb Moshe’s approach to continue to apply without question.
CHOZER V’NIYUR

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THE REMA (Toseh De’ah 99:6) writes that if isur was mixed into a kosher food even though it was batel b’shishim, if subsequently more of the same isur was mixed in, such that the percentage of isur is no longer batel, the original isur is chozer v’niyur (reawakens) and the food becomes assur. This is true whether the isur was min b’mino or min b’aino mino (had the same taste or a different taste as the food).

Shach (Toseh De’ah 121:20) and Magen Avrohom (452:6) write that chozer v’niyur will likewise apply to plitos from keilim (nat bar nat d’isurun). If many small non-kosher utensils are immersed and removed one after another from a large kettle, if cumulatively the water in the kettle is not shishim more than the volume of all the utensils, the kettle will become treif. Even though the ta’am from the first utensil was batel b’ishishim, if one continues dipping utensils, even the ta’am that was batel will be chozer v’niyur.

This is particularly relevant if one wishes to kosher ben yomo silverware without a davar ba’pogem. Even if the volume of water is more than shishim times the first few pieces of silverware, eventually the cumulative amount of ta’am will make the water treif.

There is a machlokes Rishonim as to whether we say chozer v’niyur regarding yayin nesech that falls into a pot of water in very small increments (משירה סיון). Rambam (Machalos Assurois 16:30) writes that each drop is batel and they do not combine. However, Tosfos (Avoda Zara 73a s.v. Ki) writes that this is illogical. If the combined amount gives taste it must be assur.

Shulchan Aruch (Y.D. 134:3) seems to contradictorily pasken like both Rambam and Tosfos. First, Shulchan Aruch says that if the wine eventually gives taste, it will be assur (Tosfos). Rema points out this contradiction in the Shulchan Aruch, and writes that the ikar is like Tosfos.

Igeros Moshe (Y.D. III:12) explains the Shulchan Aruch and the machlokes Rishonim with an important distinction regarding chozer v’niyur. Any ingredient which is intrinsically assur such as neveila and chailet (and almost every other isur), even if it was once batel b’ishishim and at that point was permitted, would be chozer v’niyur according to all opinions if more of that isur is added to the pot, and now the taste is again recognizable (i.e. the combined total is no longer batel b’ishishim). The only point of machlokes is regarding, yayin nesech. All wine starts off as kosher, in the form of kosher grapes. The wine only becomes assur once it is turned into juice and subsequently touched by a nisfor. Rambam holds that wine that becomes batel loses that new assur and reverts back to its original state of being kosher wine, and therefore chozer v’niyur does not apply. However, Tosfos holds that wine is no different than any other isur, and chozer v’niyur will still apply.

Rav Moshe explains that in order to say , there is also another requirement. The drips must come (in very tiny increments). This means, that it is not enough for the drip to be merely batel b’shishim or b’ishishim, but additionally, each individual drip can have no perceptible effect on the water. It can’t even cause a change in the color. Rav Moshe explains that when wine is added in such small increments, that each drop has no perceptible influence on the water, then the wine is (as though it does not exist). At that point, it reverts back to its original status of being kosher grapes. Therefore, even when the drips combine and give taste, they remains mutar. That is why it is necessary that the wine falls into the pot only in very small increments.

Igeros Moshe writes that Shulchan Aruch does indeed pasken like Rambam that the small drops of wine are batel and are not chozer v’niyur. But if they fall in larger drops, even though at first they are batel, they still retain their identity. If more of these larger drops fall in, the yayin nesech will be chozer v’niyur. It was these larger drops that Shulchan Aruch was referring to when he wrote that if the drops of wine eventually give taste, it will be assur.

This has an interesting ramification regarding steam that heats non-kosher grape juice. Boilers produce steam that heats one side of a pasteurizer at the same time that grape juice passes across the opposite side. The spent steam condensate returns to the boiler. Since we are choshesh that this condensate gets a b’liya through the wall of the pasteurizer from the grape juice, this could make all the boiler steam kosher as well. Rav Belsky zt”l would explain that we do not need to be concerned about steam that heats grape juice. This is because (steam) is batel b’ishishim (1:6) in water, although we need to be concerned that there can be a b’liya of grape juice into the steam, but since there is no perceptible influence of the juice on the steam, we can surely conclude that whatever b’liya there is must be much less than one part in six. However, according to Igeros Moshe’s explanation of Shulchan Aruch, we can add another mis as well. Even if the steam did absorb some ta’am of isur, it would become batel as it returns to the boiler. Once batel, we would not say chozer v’niyur, since each droplet of wine-tainted condensate has no visible effect on the water in the boiler.

1 Although Rebbe Akiva Eiger (452:1) argues that we should not say chozer v’niyur if it is just from keilim (nat bar nat), however Chazon Ish O.C. 120:3, disproves these arguments and shows that the halacha is like the Shach and Magen Avrohom.

2 Poskim write that it is not proper to kosher ben yomo utensils even if one calculates that there will be shishim, since it is difficult to cheshbon, and we are concerned that in reality there might not be shishim.

3 There is also another reason to be lenient. Rishonim write that plitos of grape juice are and will always be batel into water. See Bi’ur Ha’Gra Torsh De’ah 103:16.
PORT ROYAL PREMIUM VEGETARIAN BEANS produced by Port Royal Sales, Woodbury NY are certified by the Orthodox Union. A limited quantity of non kosher beans were labeled with the Port Royal Premium Vegetarian Beans labels, bearing the ☯ symbol. The mislabeled product is being withdrawn from the marketplace. The properly labeled Port Royal Vegetarian Beans contain the letters “FDV” as part of the production code that is on the can.

Due to an error, a non-certified product appears in some boxes of PHILLY SWIRL CUPS produced by Philly’s Famous Water Ice, Inc. Tampa FL. The candy coated spoons are not certified by the Orthodox Union, yet, the box bears an ☯ symbol. Notices were placed inside each box to notify consumers that only the ices are certified kosher, not the spoons. Other corrective actions are being implemented. The Orthodox Union certifies Philly Swirl ices.

The Orthodox Union does not certify GOLPAR DRIED MULBERRIES (or any Golpar products) produced by Golpar, Los Angeles CA. This product bears an unauthorized ☯ symbol. Corrective actions are being implemented. Consumers who see this product in the marketplace should please contact the OU kosher hotline at 212-613-8241 or kosher@ou.org.

The Orthodox Union certifies NABISCO FAMILY SIZE RITZ CRACKERS produced by Mondelez Global LLC, East Hanover NJ as an ☯D product. Some of the packaging for the 12-pack FAMILY SIZE RITZ ORIGINAL CRACKERS with the UPC Code 4400004575 was printed without the ☯ symbol. This product is kosher and dairy. Corrective actions have been implemented.

The Orthodox Union does not certify MOTHER’S MAID UNSWEETENED GRAPE JUICE produced by Burnette Foods, Inc. Elk Rapids MI. Some labels were printed with an unauthorized ☯ symbol. Corrective actions have been implemented.

MAZEL TOV to our dedicated RFR in Switzerland RABBI Z. DOW ZONSZAJN AND HIS WIFE on the marriage of their daughter Bassie to Sruly Heller of Brooklyn.

to our devoted RFR in Melbourne, Australia RABBI AND MRS. SHLOMO NATHANSON on the birth and bris of their son, Levi. Mazal tov to the grandparents, our dedicated OU Senior RFR in California, Rabbi Reuven Nathanson and his wife.