

THE Daf HaKASHRUS



A MONTHLY NEWSLETTER FOR THE OU RABBINIC FIELD REPRESENTATIVE

UP 2018

RABBI SHMUEL SINGER

RC, Passover, Wine, Chocolate

THE OU continues to give certification to Passover Quinoa. Quinoa will be available with an OU-P from Goldbaum, Pereg, and La Bonne. Pereg will also be selling quinoa flour. The OU will also continue certifying OU Kitniyot retail items as it did last year. Flaum's will be selling Sonny & Joe's OU Kitniyot hummus and tahini. Ferrero in Italy will have OU Kitniyot Nutella Spread and Kinder Chocolate. Osem will also have a number of OU Kitniyot items. Telma corn flakes will also be available marked OU Kitniyot. All these products are clearly marked OU Kitniyot Ochlei Kitniyot and are all made with Mashgiach Temidi like all OU-P products.

Manischewitz together with Welch's will again have concord grape juice and sparkling concord grape juice. Kedem continues to bottle grape juice under its own name as well as under the Savion and Gefen labels. All these items have always been and will continue to be Mevushal. Kedem has one not Mevushal grape juice. This is bottled in 1.5 liter glass bottles and clearly labeled Non-Mevushal. Kedem also has Fresh Pressed Grape Juice as an OU-P grape juice made without sulfites. Kedem also has Pomegranate and Sparkling Pomogrape Juices with the OU-P certification. Passover vodka will be available from David's Harp and Royal Elite. There will also be Lvov and Pravda OU-P vodka imported from Poland. OU-P liquors will be available under the Queen Esther, Spirit of Solomon & Gold Shot labels. Zachlawi will have OU-P arak and vodka.

Manischewitz continues to bake matzah under OU Passover supervision. The OU has also agreed as in past years to place the OU-P on Aviv, Osem, Yehuda, Rishon and Holy Land matzah products coming from Israel. The items are supervised by local Rabbanim and are satisfactorily made with OU Pesach guidelines. In addition, we certify Yanovsky matzah baked in Argentina. This matzah is widely distributed in Latin America. This company manufactures various types of matzah.

Manischewitz has whole wheat matzah meal and whole wheat matzah farfel. These items are made from Manischewitz OU-P whole wheat matzah. They also make OU-P spelt matzah. Manischewitz also bakes OU-P Matzah under the Horowitz Margaret label. They also make Mediterranean Matzah which is regular matzah sprayed with oil and spices after baking. It is not Matzah Ashirah. Manischewitz continues to produce Egg Matzah as well as Passover Egg Tam Tams. These are made from egg matzah dough and marked as Matzah Ashira on the box. Manischewitz also bakes machine Shmura Matzah. In addition Manischewitz makes a product

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IS "AS GOOD AS NEW" GOOD ENOUGH?

RABBI YEHOShUA REINITZ

RC, Liquid and Dry Beverages, Fruit, Snacks

ONE of the keys to successful hashgocho is the effective communication between the Rabbinic Coordinators, Rabbinic Field Representatives, and the companies. One of the challenges of communication is that two people may use the exact same terminology and mean very different things. It is imperative to understand the other party's context and perspective. One example of such a phenomenon in the realm of kashrus relates to the kosher status of tankers and a process called "passivation."

Aside from the many kosher guidelines that an OU company abides by, there are various industry standards that govern the practices of all companies. Just as kosher standards dictate which products a tanker may carry and still be considered kosher, there are also industry guidelines that dictate which commodities may be carried in a tanker used for food grade. However, according to industry regulations, after a tanker that is used for food commodities has undergone passivation, the tanker is considered "new." This means that even though ordinarily the company must keep records of prior loads, once the tank has been passivated no such record is necessary. Some of these companies have asked the OU whether passivation can stand in the place of a kosherization as well.

What is passivation? It is essentially the application of acid to a metal in order to remove and prevent rust. Scientifically however, passivation is a natural process that occurs in some metals which prevents corrosion (rust) from setting in. The process is termed "passivation" because the metal does not interact with its environment but rather maintains its rust-free status quo. A prime candidate for passivation is stainless steel.

Stainless steel contains both chromium and iron. When the oxygen in the air reacts with the iron component, the metal can rust. Before this occurs however, the chromium in the steel reacts with the oxygen to form an invisible chromium oxide film (about 100,000 times smaller than a human hair) on the surface of the metal. This invisible film protects the metal and the underlying iron from rusting. Nevertheless, scraping, brushing, and cutting can break down this protective layer which allows for the corrosion even of stainless steel. Another passivation must somehow be engineered if the steel is to return to its pristine form.

How is passivation engineered? After a thorough cleaning, the equipment is sprayed with acid or placed into an acidic bath. The acid

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known as matzah crackers. This is an ordinary matzah product and is not Matzah Ashira. The various Israeli OU matzah companies will all be selling machine shmurah matzah as well. The OU also supervises hand shmurah matzah under the Holy Land and Rokeach labels. In addition this year Kestenbaum hand oat shmurah matzah will be available with OU-P.

Manischewitz will again have gluten free OU-P crackers and gluten free OU-P matzah style squares. Yehuda will also have these gluten free products as well as gluten free cake meal, fine meal and farfel. Kedem will also have Absolutely brand OU-P gluten free flatbread and crackers as well as Jeff Nathan gluten free Panko Flakes. In addition Manischewitz will have Jason gluten free coating crumbs and panko coating crumbs. None of these products are made from matzah and none of them can be used in the place of matzah. This is clearly marked on the label.

Coca Cola will again be available with an OU-P for Pesach in Regular and Diet flavors. Aside from the New York metropolitan area, Coke will be available in Boston, Baltimore-Washington, Miami, Atlanta and Los Angeles. Coca Cola items will be made with an OU-P in 2 liter bottles. All these items, of course, require the OU-P symbol. All the Passover Coke items will be marked with a distinctive yellow cap in addition to the OU-P symbol on the cap or shoulder of the bottle.

The Haddar line of Passover products will again be available. The Barton brand will be back again with the OU-P. A full line of Barricini candy items will be available with the OU-P symbol. Manischewitz and Barricini will both have chocolate covered egg matzah. Manischewitz is introducing two items, Matzah Pizza and Matzah Smores. These are regular Passover matzah in a box containing additional ingredients to add to the matzah to make this into either a pizza type product or a candy item. In addition Barton will have OU-P chocolate covered regular matzah crackers. The Barton item is not Matzah Ashirah. Barricini also has chocolate covered regular matzah. This is also not Matzah Ashirah.

Norman's has a full line of Cholov Yisroel yogurt. In addition there will be OU-P Cholov Yisroel goat cheese and sheep cheese from Barkanit and mozzarella, provolone and pecorino cheese from Yotvata.

J&J will have OU-P cottage cheese, cream cheese and farmer cheese. All of these will be Cholov Yisroel. Dannon will again be producing OU-P yogurt in coffee and vanilla flavors.

There will be two OU-P brands of packaged cakes available this year. These are Schicks and Lily's Bakeshop. They are baked in a special Passover bakery and do not contain matzah meal. Irene's will have OU-P certified blintzes. These items are made with matzo meal. Bernie's Foods will have Frankels blintzes, waffles and pizza as well as LeTova Kichel and bread sticks. These are not made with matzah meal. Dayenu pizza, rolls and pierogies are made with matzah meal. Manischewitz and Yehuda will have a line of matza meal based cakes and cookies.

This year Manischewitz has introduced two versions of frozen gefilte fish. These are Premium Gold Fish Log and Premium Gold Pre Sliced Frozen Gefilte Fish. Season will have Moroccan sardine items in various sauces for Passover. All of these items are made with mashgiach temidi and bishul yisrael. Tuna fish is available with an OU-P from Season, Gefen and Mishpacha. Season and Gefen will have OU-P salmon in both regular and no salt versions. Kedem will have Sea Castle sardines in tomato sauce, olive oil and water. King Oscar sardines in olive oil will also be available. Kedem is introducing Sea

Castle roasted seaweed and roasted spicy seaweed snacks. All these items are made with mashgiach temidi and Bishul Yisrael.

The OU position remains that OU supervised extra virgin olive oil can be used without special supervision for Pesach. Zayit will have OU-P certified olive oil. Mother's olive oil pan coating spray, Mishpacha olive oil spray and Manischewitz olive oil spray will also be available with the OU-P symbol. Prepared olives with an OU-P will be available from Gefen, Osem, Kvuzat Yavne, Gilboa and Mishpacha. The OU position is that all virgin coconut oil is acceptable for Passover.

The OU position continues to be that all granulated white sugar is acceptable for Passover. This is not true for powdered sugar which requires Passover certification. Brown sugar may be a problem, but there is a list of various OU year round certified brands of brown sugar in the directory which are acceptable for Passover. Gefen will again have Nutra Taste Gold, a new artificial sweetener. It will also continue to offer Sweet & Low with OU Passover certification.

Health Garden will again have OU-P Xylitol sweetener and Xylitol Vanilla sweetener. Manischewitz also will be selling OU-P cotton candy. This year Fox's U-Bet syrups will be available with OU-P certification. These syrups are all pareve.

The OU position remains that regular tea bags, which are not flavored or decaffeinated, are acceptable for Pesach without special supervision. In addition we have clarified once again this year that all Lipton unflavored decaffeinated tea bags are acceptable without special supervision.



This is not true of other decaffeinated tea bags. Shoprite also has specially marked OU-P plain tea bags on the market. In addition Swee-Touch-Nee and Wissotsky will continue to have Passover herbal teas. **Some coffee companies add maltodextrin, which is either chametz or kitniyos, to instant coffee. As a result this coffee is not kosher for Passover. Only coffee bearing an OU-P symbol or brands listed in the gray area of the OU Passover Directory should be used. Both Folger's and Taster's Choice instant coffee remain acceptable without special Passover certification. This year we have clarified again that Folger's Decaffeinated instant coffee is also acceptable for Passover without special certification. This is not true of other OU certified decaffeinated instant coffee. Other brands should be checked in the Directory. Ground coffee remains acceptable from any source as long as it is unflavored and not decaffeinated.** There is a full listing of unflavored and not decaffeinated K-cups that are acceptable in the gray area of the guide.

KLI SHE'MISHTMASHIM B'SHEFA

RABBI ELI GERSTEN

RC Recorder of OU Psak and Policy

THE Rashba (Toras Habayis pg. 126) writes that a כלי שדרכו להשתמש - a large pot that absorbed a small amount of *issur*, such that during a typical usage the *issur* would always be *batel b'shishim* - may be used without kashering. This is true, even while the pot is still a *ben yomo*. The Rashba reasons that since it is not possible for the *kli* to give a *ta'am issur* into food, this is not a violation of *ain mivatlin issur lichatchila*. The Tur (YD 122) disagrees. He is concerned that one might end up cooking a small amount in the pot and the *bliya* will not be *batel*. Shulchan Aruch (Y.D. 99:7) paskens like Rashba, however Shach, Taz and most Achronim pasken like the Tur.

WHAT IF THE KLI IS AN AINO BEN YOMO?

If the *issur* that was absorbed into the pot is *nosain ta'am lifgam*, the Taz writes that all would agree that the leniency of *kli she'mishtamshim b'shefa* would apply. The Yad Avrohom (YD 99:7) and the Kaf Hachaim understand that once the *kli* is an *aino ben yomo*, since at that point it is *nosain ta'am lifgam*, there will be no need to kasher. However, the Pri Migadim (SD 99:23) writes that this too is not permitted. The *gezeira* of *aino ben yomo* would still apply. Since the *kli* may not be used when it is still a *ben yomo*, it also may not be used when it is an *aino ben yomo*. Rav Belsky zt"l held that *lichatchila* we should follow the ruling of the Pri Migadim. Rav Schachter agreed that when dealing with a Jewish owned company, it is not proper to be lenient. However, he ruled that we may be lenient when dealing with a non-Jewish company. This is because Igeros Moshe (YD II:41) writes that the requirement for a non-Jewish company to *kasher keilim* that are *aino ben yomo* is only because it is *michu'ar ha'davar* to certify them without them kashering. In this case, we cannot say it is *michu'ar* to rely on the Yad Avrohom and the Kaf Hachaim. Rav Schachter defined a non-kosher company as one which is completely owned by non-Jews. If the company has a Jewish partner, even if he owns only a small percentage of the company, this leniency may not be applied.

A VERY LARGE KETTLE

Rav Belsky would often point out that the heter of *kli she'mishtamshim b'shefa* only applies to a small amount of *issur* that was absorbed into a large pot. It does not apply if a large amount of *issur* was absorbed into a large pot, even if the pot has thin walls and holds sixty times its volume. As we mentioned earlier, the Rashba was only *maikel* because under normal circumstances, the *kli* will never be used in a manner that does not hold sixty times. Since the *issur* cannot give *ta'am*, it is considered insignificant, and not subject to *ain mivatlin issur lichatchila*. However, a large factory kettle that was used to cook *issur*, even if it is normal to fill the kettle every time, and the kettle holds sixty times the volume of its walls, one cannot say that all the *bliyos* of *issur* are insignificant. Furthermore, when the kettle is emptied, it will eventually reach a point when there is no longer sixty in the pot. Therefore, this *heter* should only be applied if the *issur* is confined to a small spot, and we would always have *shishim* in the pot relative to that spot.

CERAMIC PISTONS

A common scenario of a *kli she'mishtamshim b'shefa* is regarding the ceramic pistons of a homogenizer. We generally treat ceramic as *cheres* and as such it cannot be kashered. However, since the pistons



are very small pieces, and thousands of gallons of product move past it in one continuous flow, we can consider this a *kli she'mishtamshim b'shefa*. To properly qualify for this *heter*, the homogenizer should only be used when it is an *aino ben yomo*. (In truth, because the pistons in the homogenizer are always used *b'shefa*, there is reason to be *maikel* even if it is still a *ben yomo*, as will be discussed later in this article).

CLEANING THE OUTSIDE OF A KLI

A common concern when kashering non-kosher kettles and pipes is residue that can adhere to the outside surface. This residue should be assumed non-kosher, and must be removed. This part of the cleaning often goes overlooked. Equipment must also be clean on the outside, since Chazal were concerned that *ta'am* can migrate through the walls of a *kli* (see Shulchan Aruch YD 92:5). If the kettle or pipes are covered with insulation, then the outside does not need to be cleaned, since residue cannot give *ta'am* through the insulation into the kettle. A mashgiach should instruct a company exactly which areas must be cleaned when scheduling a kashering.

Igeros Moshe (YD I:60) writes that if one went ahead and kashered a kettle, without first scrubbing the fat off of the outside of the kettle, the kashering was still effective, provided the small amount of fat would be *batel b'shishim* in the water. There is no need to kasher a second time. However, one must still clean the kettle before it may be used. If parts of the outside of the kettle are inaccessible and it is impossible to clean, Igeros Moshe writes that one can be lenient. Not only would this qualify as a *kli she'mishtamshim b'shefa*, which would be permitted according to Shulchan Aruch, but in this case even the Tur would agree that it is permitted. Igeros Moshe reasons that the concern of the Tur that someone might decide to cook a small amount of food in the pot, such that the *issur* might not be *batel b'shishim*, does not apply in the context of a factory.

OTHER MITIGATING FACTORS

Rav Shlomo Kluger (Ha'elef L'cha Shlomo YD 158) writes that although we are *machmir* not to rely on the *heter* of *kli she'mishtamshim b'shefa*, however this is only when we are dealing with *vadei issur*. When dealing with *safek issur*, we can be *maikel*.

EXAMPLE: A milchig spoon was accidentally used to stir a large fleishig pot of meat stew. There was definitely sixty of stew to be *mivatel* the spoon. Must we be concerned that perhaps the spoon banged the pot above the level of the liquid and created a small *bliya* of *issur* in the pot? Should the pot be kashered? Rav Shlomo Kluger responded that since even if this indeed happened, according to Rashba the pot would be permitted, since this would be an example of a *kli she'mishtamshim b'shefa*, so we need not be *machmir* to *kasher mi'safek*. ■

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(either citric or nitric) will then dissolve the rust and any foreign particles that may have penetrated or attached itself to the metal. This allows for the chromium-oxide film to regenerate. Afterwards the metal is cleaned once again and validated.

The reason why companies are generally interested in passivation is because of how the process preserves the quality of the tanker (and presumably the quality of the product) as illustrated above. At the same time, there is a side benefit (as mentioned earlier) in that records for such a tanker are no longer necessary to be kept as far as the industry is concerned.

Does passivation affect the kosher status of equipment? Yes and no. On the one hand, we cannot assume that a passivation suffices as a kashering. This is due to several factors:

Due to the size of the tankers they are generally not put into an acid bath but are rather sprayed. This at best would constitute *Iru* and can only affect a *kdei klipa* of the metal.

The acid used would at best be considered *shear mashkim*. *LeChatchila* we do not rely on anything besides for water for koshering.

The temperature of the acid does not reach *yad soledes bo*.

The above is true regarding large isotanks. However, one point to consider is that smaller equipment may actually be put into an acidic bath rather than sprayed. This would potentially open up the possibility of a koshering with *shear mashkim* or maybe at least be considered a *davar hapogeim* (allowing for a koshering within 24 hours). Of course, this is only possible if the temperature of the acid is raised to *yad soledes bo* and in any event would not be the preferable way of kashering equipment.

Nevertheless, there may prove to be some side benefits to passivation that can work in the favor of kashrus:

- ▶ Most companies do not have the capability to perform a passivation on their own. The tanker must be transferred to a passivation site and then back again to the company. As such, it is likely that 24 hours have elapsed since the tanker had been used for any prior load. This would not apply if a company has its own passivation capabilities (which is sometimes the case) since the time of the actual process of passivation is much less than twenty four hours.
- ▶ Some companies actually have their tankers sit in boiling water at kashering temperatures prior to passivation for the preliminary cleaning. Thus, the equipment may become kosher due to the preliminary cleaning for the passivation without the company's intent to even kasher. Obviously, one would have to determine that all of the requirements for a koshering are in place as well (how clean was the tank beforehand etc.).

All of the above leads us to a very important insight which relates to communicating and understanding what companies are saying. A company may request kosher approval of a tanker based on the claim that they are using a "new" tanker. However, the word "new" may not really mean "new." Rather, the tanker is considered as good as new according to industry standards as a result of passivation. It is essential to verify with the company that, as far as kashrus is concerned, the term "new" is meant to convey that the tanker had not been used at all prior to that point. ■



KASHRUS ALERT

SHEMUREI MOTOLA CUT AND SEASONED PICKLES, sold in Israel, bear an unauthorized ©P mark. This product contains kitniyus. Corrective actions are being implemented.

Due to changes in the production of **POST SHREDDED WHEAT**, the Orthodox Union is no longer certifying Post Shredded Wheat produced by Post, Lakeville MN. Boxes of Shredded Wheat with the OU symbol were produced before the changes and are certified by the Orthodox Union. Post Shredded Wheat without the © symbol are not certified by the Orthodox Union. Post Shredded Wheat N Bran is not affected by the changes and will continue to be certified by the Orthodox Union when bearing the © symbol. Consumers should always check for the © kosher symbol before purchasing a product.

The Orthodox Union does not certify **DOM RESERVE NORTH ATLANTIC SALAD SHRIMP** produced by Dom International, Toronto ON. Some labels bear an unauthorized © symbol. Corrective actions are being implemented.

The Orthodox Union certifies **STARBUCKS NARIÑO 70 COLD BREW CHOCOLATE COCONUT COFFEE** produced by Starbucks Seattle, WA. This product is sold in boxes that are labeled with an ©P symbol. Please note that only the coffee packets in the box are certified for Passover, however, the chocolate coconut flavor packets are not certified for Passover and are not labeled with an ©P .

HARRY H. BEREN



Rabbi Chaim Goldberg discusses the kashrus of fish at Congregation Anshei Shalom in West Hempstead. First part of a two part Harry H. Beren ASK OU Outreach Program

CONDOLENCES

to our devoted RC RABBI DOVID JENKINS on the recent loss of his mother Mrs. Jean Fogel.

המקום ינחם אתכם בתוך שאר אבלי ציון וירושלים