BISHUL AKUM

Continuous Process

RABBI ELI GERSTEN
RC Recorder of OU Psak and Policy

THE RAMBAM (Ma'achalos Assuros 17:14-17) writes that food items such as meat, fish, eggs, and vegetables that cannot be eaten raw are subject to the issur of bishul akum. This is provided that the food is olah al Shulchan Melachim. Shulchan Melachim (table of kings) refers to foods that are served at invitational events, such as weddings and banquets. The laws of bishul akum were instituted to prevent a Yisroel from being invited to share a meal with a nachri as a safeguard against intermarriage. Therefore, it only applies to those items that would be served at an invitational event. The Rambam concludes that the issur of bishul akum does not apply to toasted kernels, since one does not invite his friend to eat toasted kernels.

RABBI DOVID BISTRICER
RC Israel, Nestle, Salad Dressing, Sauces, Vegetables

BREAKEFAST CEREALS

In regards to bishul akum, breakfast cereals such as corn flakes and crispy rice (generic form of Rice Krispies) are similar to toasted kernels. Although one would serve cereal to a guest for breakfast, one would not expect to be served cereal at an invitational event, such as a wedding or banquet. Therefore, Rav Belsky zt”l and yb”l Rav Schachter ruled that breakfast cereals are not subject to bishul akum.

DOES BISHUL AKUM DEPEND ON THE “MIN”?

Cooked rice and boiled potatoes are subject to bishul akum. These are foods that are not edible raw and are olah al Shulchan Melachim. If the potato is prepared in the form of a potato chip, or the rice in the form of crispy rice, would it also be subject to bishul akum? Rav Belsky zt”l ruled that it is permitted. This can be inferred from the ruling of the Rema (YD 112:1). The Rema writes that rice bread is permitted, because it is not olah al Shulchan Melachim. The Rema apparently is not concerned that cooked rice is olah, since in the form of rice bread it is not olah. We determine the status of each food according to the manner in which it is prepared.

ONE CONTINUOUS PROCESS

There is another possible concern regarding crispy rice. Although the finished product is not olah, perhaps at an intermediary step the rice was first cooked and was olah al Shulchan Melachim. Rice which is asur due to bishul akum will remain assur even if it is later converted into crispy rice. However, if the rice was cooked, formed into pellets and then

continued on page 17

Assessing what is considered common or uncommon depends upon the circumstances of each situation. This depends upon the chances of finding insects in a “unit” of measure that is reasonable for each specific case. The “unit” can be individual fruits or vegetables, or can also depend on how the product is sold (e.g., individual containers), provided that it’s sensible for the particular situation.

The “unit” of measure does not fluctuate based on higher quantities that are used in different environments. The unit of measure remains

continued on page 16

One is obligated to inspect fruits and vegetables that commonly contain insects prior to use. A 10% likelihood of infestation is a guidepost to help assess what is considered common. If people generally expect to find insects in certain fruits or vegetables, infestation is a common occurrence. However, if people would be surprised to find insects in certain fruits or vegetables, it’s an uncommon occurrence.

A SUMMARY OF RAV CHAIM YISROEL BELSKY ZT”L’S PSOKIM REGARDING CHECKING FOR INSECTS

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Please direct your comments to RABBI YOSEF GROSSMAN, EDITOR at 212-613-8212 or GROSSMAN@OU.ORG
When inspecting large quantities at a restaurant, it is permissible to rely on sampling for a chazakah check. When inspecting very large quantities at a factory, it is also permissible to rely on statistical sampling in lieu of a chazakah check.

It is not necessary to inspect fruits or vegetables in a way that is considered excessive or extraordinary to check for insects. For example, it’s not necessary to cut corn from the cob.

There are new different and innovative methods to check fruits and vegetables. Any method that is proven to be effective is acceptable. Someone more comfortable and experienced with checking according to the traditional method “on the leaf” may continue to do so.

One is not obligated to check fruits and vegetables with magnification. Miniscule insects that can’t possibly be identified at all without using magnification are permitted. Magnification can be used as a way of saving time.

Someone that has especially keen eyesight must certainly avoid insects that he can see but others cannot. However, this does not automatically mean that those insects are forbidden for others.

Fruits and vegetables that are thoroughly dehydrated in an oven do not require checking.

Raisins do not require checking.

Fresh strawberries may be inspected and thoroughly washed prior to consumption. It is not necessary to always crush or puree them.

Cooked sauces containing fresh herbs in miniscule amounts do not pose a concern for insects.

White dots (“scales”) found on fresh blueberries are not problematic.

Detailed sources information may be found at https://oukosher.org/blog/consumer-kosher/halachic-positions-rabbi-chaim-yisroel-belsky-ztl/

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Rav Schachter explained the rationale as follows. If a nachri cooks a food until it is just edible (metichel ben drusai – 50% cooked) it is bishul akum. Yet, if a Yisroel completes the cooking, the Rema (YD 113:9) writes that the food reverts back to being permitted. This indicates that bishul akum does not have the status of regular ma’achalos assuros, since the food can still be remedied with the involvement of a Yisroel. Similarly, if by the end of the cooking process, the food will become not olleh al Shulchan Melachim, since this was the original intention, and once the process has begun, it requires no further involvement, we also say that since the issur of bishul akum had not yet taken hold, we may ignore the intermediate step and view only the food in its final form. Rav Belsky added another sevara to be maikel. So long as the food is boiling, it cannot be considered edible. The issur of bishul akum only begins after the food finishes cooking and cools down. So long as the food is made unsuitable for Shulchan Melachim before that point, the issur never took hold.

Regarding OU certified crispy rice, in each case the process has been carefully reviewed, and it has been determined that it conforms to this policy. This same concept applies to rice milk, rice pudding, and several other similar products.

TAFEL
Certain foods are never served by themselves, but only as embellishments for other dishes. Examples of this are mustard and ketchup. These types of foods, by their very nature, are not chashuv since they always serve as the tafel. Therefore, Rav Belsky zt”l and yb”l Rav Schachter ruled that although these condiments are served at fancy dinners, they are not considered olleh al Shulchan Melachim. Rav Sternbuch (Teshuvos V’hanhagos 5:249) writes similarly.

PUMPKIN EXTRACT
Pumpkin is a not nechal chai and is olleh al Shulchan Melachim. As such pumpkin requires bishul Yisroel. [Pumpkin is often cooked with live steam (kitur) and in a factory setting the OU would be lenient based on a combination of sevaros.] An OU company makes pumpkin extract by first cooking pumpkin in water, filtering out the pulp, concentrating the clear broth and then drying it into powder. Is this powder subject to bishul akum?

Rav Schachter ruled that in this case, the pumpkin extract is not bishul akum. This is because, it was determined that pumpkin extract is only used as a flavoring in other foods such as sauces and cocktails. It would not be used to make an independent dish, such as soup, but rather would always be used as a tafel. Although the initial step involves cooking the entire pumpkin, and at that point the pumpkin can still be considered olleh al Shulchan Melachim, however the process of converting the pumpkin into extract is done in one continuous process. Since the final product is not olleh al Shulchan Melachim, the product is not subject to bishul akum.
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