

Kashrus Kurrents

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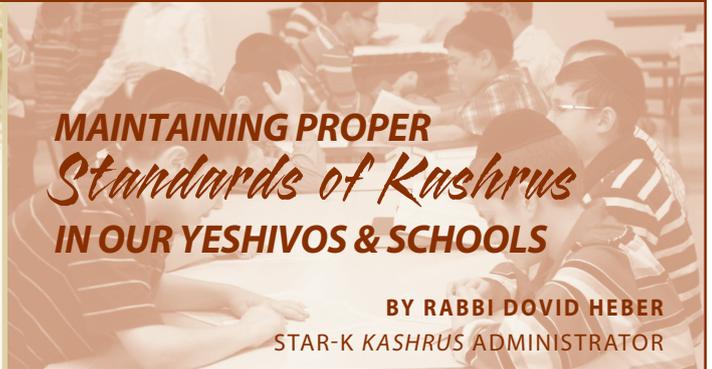
Fall 5774-2013



Kashrus Goes Crunch

BY RABBI TZVI ROSEN

STAR-K KASHRUS ADMINISTRATOR
EDITOR, KASHRUS KURRENTS



MAINTAINING PROPER Standards of Kashrus IN OUR YESHIVOS & SCHOOLS

BY RABBI DOVID HEBER

STAR-K KASHRUS ADMINISTRATOR

Everyone wants to emulate a winner. The world of food manufacturing and marketing is no exception. Whenever a new product reaches the marketplace, or a new business venture is successfully launched, rest assured that product or venture will be duplicated, cloned, or modified immediately. One only needs to travel north of Baltimore to Pennsylvania Dutch country to see this in reality. Southern Pennsylvania is home to tens of snack food manufacturers, and is aptly dubbed “the snack food capital of the United States.”

Snack foods have always been an integral part of the American diet and the American way of life. But, snack food modifications do not stand still. As our eating habits, tastes, and health awareness change, so have snack food styles. As production streamlines and technology becomes more innovative, snack food companies continuously modernize to keep up with the times. Of course, one dimension of the snack food industry that always remains constant is *kashrus*. No matter how new the technology, the product or taste sensation, once a snack food is certified kosher, *kashrus* standards can never be compromised.

What are the *kashrus* concerns confronting a snack food facility? By traveling down the production line and seeing how the ordinary “spud” is magically transformed into a golden chip, or how dough is twisted and knotted into a crisp pretzel, the *kashrus* issues come into focus.

All potato chip processes are not created equal. True, every fresh potato undergoes the initial stages of washing, peeling, and slicing. But, just as the cut of a ripple chip differs from the cut of a waffle chip, so too the seasoning blends, ingredient applications, and frying methods differ from potato chipper to potato chipper.

Next to the mighty potato, the most important ingredient in potato chip making is the frying oil. Most potato chip products are fried in pure vegetable oil - either cottonseed, peanut, or soybean. Today, most oil refineries carry reliable kosher certification on their vegetable oils. However, the labeling of “pure vegetable oil” is no assurance that the oil is kosher. All vegetable oils require kosher certification. Most potato chips are produced in high speed automated potato chips cookers that are used exclusively for vegetable oil frying. Once the suppliers become exclusive and are kosher approved, the kosher concerns are minimized for this potato chip process.

Not all chips are fried in vegetable oil. Potato chips have a deep Pennsylvania Dutch tradition. Traditional Amish potato chip lovers have always enjoyed their potato chips fried in lard. They also enjoy a thicker potato chip cooked in a kettle cooker, complete with potato chip operators raking the chips with special rakes to move the kettle chips along in a slower, old style fashion. These potato chips are obviously not kosher.

In order to appeal to a wider health conscious public, some kettle chips are also fried in pure vegetable oil to copy their lard kettle chip

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Kashrus has come a long way. *Kashrus* agencies ensure the highest standards of *kashrus* in factories and food establishments worldwide, by maintaining a staff of experts in *halacha*, and in food technology, equipment and ingredients. Consumers have been trained to know which products are acceptable and how to maintain a kosher kitchen *l'mehadrin*. *Kashrus* in *shuls* is usually overseen by the *rav* of the *kehila*.

However, one area of *kashrus* that has received little attention – even throughout the past several decades of unprecedented *kashrus* growth – is *kashrus* in our schools. These “*heiligh mekomos*”, where tens of thousands of our “*tinokos shel bais rabban*” spend much of their time during the course of their formative years, deserve the same attention as factories, eating establishments, *shuls* and our homes.

It is difficult to address the needs of each school as every situation is different. The issues at a *yeshiva* with a full-service kitchen, open seven days a week, are different than those of an elementary school that has no kitchen. The purpose of this article is to address specific issues that apply to an array of different schools. [Sections 1, 4, 5 and 6 below relate to all schools. Sections 2 and 3 below relate primarily to schools with kitchens or lunch programs.]

1. Kosher Policy – First and foremost, every school should create written *kashrus* guidelines, and a clear and consistent system should be put in place. Policies should be adopted which address these guidelines. They should be distributed to the entire staff and on some level, the parents and students as well. They must be periodically reviewed and updated. New staff should be taught these guidelines.

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BY RABBI TZVI ROSEN
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counterpart. It is conceivable that the same kettles could be used interchangeably. If the same kettle cookers are used, even though all the ingredients are 100% kosher and so indicated on the ingredient panel, the 100% vegetable potato chip is considered non-kosher. However, the company will correctly inform the consumer that the chip is fried in 100% kosher oil. The consumer has no way of knowing whether the equipment was kosherized between uses. There would be no way of knowing whether or not the potato chip is kosher, without reliable supervision on the plant processes and a reliable kosher certification symbol on the package.

Every company has its unique blend of flavors and seasonings. A flavor blend is a carefully developed recipe of combined spices, herbs, seasonings, and other secret ingredients, creating unique potato chip flavorings. There can be numerous seasonings in a potato chip ingredient room, some kosher approved and some not. Furthermore, certain seasonings such as ranch seasonings can be kosher dairy or seasoned with non-kosher cheese. Others, such as salt and vinegar seasoning, could be kosher *pareve*, kosher dairy, or non-kosher. In fact, since snack food manufacturing is so diverse, snack food products will have individual seasoning blends. It is not uncommon to find potentially compatible kosher approved and non-kosher seasonings in a spice room inventory. Even though the different spice blends are applied to different products i.e., barbecue potato chips, barbecue corn chips and barbecue tortilla chips will have their own set of barbecue flavors. Nevertheless, cross-seasoning possibilities always exist. A *mashgiach* must be alert and aware of these possibilities. A prudent course of action is to maintain good *kashrus* supervision and have all spice blends kosher approved.

Just as spice blends differ from company to company, spice applications vary from plant to plant. In many potato chip facilities, the potato chips are first cooled while being conveyed to an overhead packing gallery. The chips and spices combine and cascade downward through a packing chute into the open jaws of an anxiously awaiting empty bag below.

Other potato chip companies apply their spices through a metal tumbler, directly after the hot chips emerge from the fryer. Potato chips are fried in a 340°F deep fryer bath of hot oil for two minutes. When these chips emerge, these freshly fried snacks enter the rolling tumblers. The salt, spice blends, or cheese coatings enrobe the hot tumbling chips. The coated chips then spill out onto a rubberized belt that deposits the chips into small plastic troughs that cool the chips as they ride to the packaging area. This spice-tumbling application is also used for specialty chips, such as corn chips and tortilla chips.



From a *kashrus* standpoint, this method of application is more problematic because of cross-seasoning dairy snacks (sour cream, nachos, and cheddar), as well as other non-kosher cheese seasoning snacks. These hot dairy or cheese applications would render the tumbler and the belts dairy or non-kosher, and would totally compromise the *kashrus* status of the equipment, belts, and troughs. The subsequent “*pareve*” potato chip, corn chip, or tortilla chip product using kosher *pareve* ingredients would be produced on dairy or non-kosher equipment.

For years, kosher consumers have been indulging in those familiar potato chips in the red canister known as Pringles. Pringles now come in an assortment of flavors, as well. The canister's color reflects the different flavors e.g., BBQ brownish gold, Sour Cream and Onion green, etc.; some are *pareve* and other's dairy. What is not so evident is that the U.S. is not the only country that produces Pringles. Furthermore, it is not unusual to find imported Pringles that are not kosher certified being sold in a Dollar Store; the canister looks exactly like its kosher counterpart.

Pringles are, as one can clearly see, not manufactured in the same way as a conventional potato chip. Pringles are produced from dehydrated potato flakes that are reconstituted, fashioned into uniform shapes, and baked in molds to retain their shape. Similarly, baked potato chips which are sold in conventional bags are produced from processed potato flakes that are cut into unique shapes and are baked not fried. This raises a very important issue that has to be addressed with all processed dehydrated potatoes products, as well as the newer snack foods veggie chips and sticks—that of *Bishul Akum*.

As we all know, potatoes are a vegetable fit for the king's table, *oleh al shulchan melachim*, a fancy repast such as a wedding or a state dinner. This applies to grains and vegetables such as rice, potatoes and yams, as well as other food items such as meat or chicken that can't be eaten raw and require cooking preparation before serving.¹ In order to be in kosher compliance, an observant Jewish homemaker or *mashgiach* is required to perform an integral part of the cooking process, such as turning on the fire or actually putting the food in the oven to fulfill the requirements of *bishul Yisroel*.² Otherwise, a rabbinic ordinance has been violated. If the product requiring *bishul Yisroel* would be cooked exclusively by the *aino Yehudi*, this 100% kosher chicken would be as non-kosher as chicken cooked in butter.

There are exceptional circumstances where a product that typically requires *bishul Yisroel* does not need to fulfill these specific criteria. In the event that the final product is not prestigious enough, and would not be served or eaten at an official state dinner, these types of foods would not be forbidden as a *bishul akum* product.³ Potato chips fulfill both of these criteria.

What about veggie chips and veggie sticks, as well as Pringles, whose base ingredient is potato flakes that are totally cooked, dehydrated, and reconstituted into these colorful crunchy snacks? If the potato was fully cooked without *bishul Yisroel* intervention and then dehydrated, can the *bishul akum* stigma be removed, avoided or neutralized? There are multiple factors that must be considered before convicting the allegedly guilty potato flake.



1. *Yoreh Deah* 113:1
2. *Ibid* 113:7
3. *Ibid* 113:2 Rema, Taz 3



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There are companies that cook the potatoes exclusively with steam. *Ishun*, steaming, is not subject to the laws of *bishul akum*.⁴ Indeed, some companies actually cook the potatoes in water and the issue of *bishul akum* has to be addressed. Typically, in factories where boilers generate steam for the cooking equipment, *bishul Yisroel* criteria are fulfilled with the *mashgiach's* lighting of the boiler.⁵ While this method would satisfy the Ashkenazi criteria of *bishul Yisroel*, it would not fulfill the Sephardi criteria for *bishul Yisroel*.⁶ Other *kashrus* agencies feel that since the product has been dehydrated into an inedible state, and is then recooked into a product that is not *oleh al shulchan melachim*, the *bishul Yisroel* issue is moot.⁷ Furthermore, there are certifications that would require *bishul Yisroel* even though the end product is a non-prestigious snack food. Why? Since the essential potato product is a vegetable subject to the *bishul Yisroel* criteria, even potato chips rise to the *bishul Yisroel* occasion and the fires must be lit by the *mashgiach*. One would need to contact the certifying agency to see how or if the *bishul akum* issues have been addressed.

Another snack food item that merits *halachic* scrutiny is rice crisps, a cracker-type snack similar to its corn tortilla chip counterpart. The basic ingredient of a tortilla chip or a corn chip is milled corn flour; rice flour is the basic ingredient for rice crisps. The flour is mixed into dough, cut to shape, and deep fried. The frying gives the chip its body and crunch. Unlike rice flour, corn flour downgrades the *brocha* to *Shehakol*. In a rice crisp, since the main ingredient is rice flour, the *brocha* is *Mezonos*.⁸ Would the rice crisp require *bishul Yisroel*? Since it is fried in oil 'tiggun' (akin to cooking), and rice is *oleh al shulchan melachim*, is rice flour categorically considered rice, requiring *bishul Yisroel*, or is rice flour a downgrade? Moreover, if rice crisps are served along with dips at a wedding smorgasbord, is the rice crisp elevated from its snack food status? If the rice crisp is billed as a healthy snack alternative, which is the manufacturer's intention, then *bishul Yisroel* does not apply. Furthermore, a smorgasbord at a *chassuna* does not qualify as *oleh al shulchan melachim*.⁹ However, the *brocha* remains *Borei Minei Mezonos*.

When is the *brocha* on onions *Mezonos*? Onion rings conjure up visions of a delectable vidalia onion deep fried in a thick batter. The *brocha* on these onion rings is *Borei Pri Hoadama* because the batter is *tofel* secondary to the primary ingredient, which is the onion ring.¹⁰ In the world of snack foods, the tables have been turned! The dehydrated onion ring is actually made from wheat

and expands into a crispy ring when it is deep fried. It is then seasoned with onion flavored seasoning to create the onion ring onion taste. Since the main ingredient is wheat, the *brocha* is *Borei Minei Mezonos*.

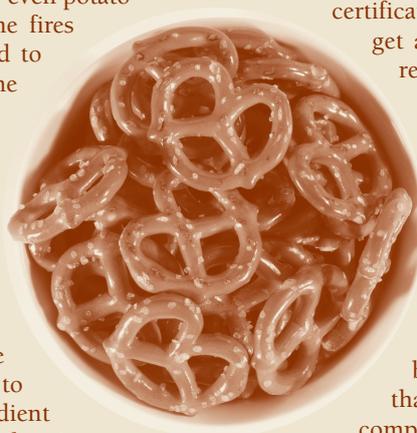
The new wave of health conscientiousness has catapulted the potato chip's snack food lowfat counterpart, the pretzel, into stardom. Today, the pretzel has reached new heights of snack food respect, and pretzels have been taking the market by storm in a variety of shapes, sizes, and tastes: hard, soft, sourdough, thick, thin, lowfat or no fat, salt, low salt, no salt, and flavored.

Pretzels are not a simple yeast, flour, salt, and water product either. Pretzels require shortening and dough conditioners for their basic recipe. Moreover, even plain pretzel varieties now use flavor blends in their dough enhancers requiring strict kosher certification. It has been found that it is possible to get a flavor with a kosher certification, yet further research uncovers the fact that pretzel flavors can be dairy even though the flavor is used to flavor a regular pretzel and has no relationship to dairy flavoring. Not only would the pretzel be dairy, but the pretzel baking lines would then be dairy as well.

Pretzel equipment can also present problems when new hollow pretzel varieties are stuffed with cheese or coated with cheese flavorings. These are relevant *kashrus* concerns, because pretzels are baked directly on belts that feed directly into large pretzel ovens. If a company produces cheese pretzels, the *kashrus* of the production lines could be seriously jeopardized for all of their pretzel products.

The new explosion of pretzel production has given vent to new kosher twists in pretzel production, namely flavored and chocolate covered pretzels. Again, the *dairy/pareve* issues must be addressed before these products can be certified. Very often, outside companies do the specialty coatings. The pretzels may be 100% kosher while the coated products are not, or the pretzels are *pareve* while the chocolate covered specialty pretzel may be dairy. Moreover, enrobed pretzels are produced on common equipment that enrobes other products, such as non-kosher marshmallows.

Modern techniques and varied snack food technology combine to create specialty snacks of all shapes and sizes. Corn flour dough is cut and shaped into chips, strips, and rounds, and extruded into spirals, exploded through a pressurized metal tube into cheese curls, or popped into popcorn. It can truly be said that these snacks are hopping with the poppin'. Similar *kashrus* concerns of oils, flavorings, kosher and non-kosher cheeses, and common equipment apply to all these snack foods as well as to their potato chip and pretzel counterparts. It certainly can be concluded that no matter what the snack, the kosher consumer has to munch with care.



4. Ibid 113:13
5. Ibid 113:7 Rema
6. Ibid 3:7 Mehaber
7. Ibid 113:12 Yad Efraim
8. Orach Chaim 208:9
9. Rav Heinemann shlitza
10. O.C. 212:1 Mishnah Brura 5

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Leadership in



Kashrus Education

MAINTAINING PROPER Standards of Kashrus IN OUR YESHIVOS & SCHOOLS

BY RABBI DOVID HEBER, STAR-K KASHRUS ADMINISTRATOR



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2. Someone in Charge – If there is an active school kitchen, someone should be placed in charge of the *kashrus* program in the school. That individual should be trained (as a *mashgiach*) by someone knowledgeable in *kashrus* (e.g., by the local *vaad hakashrus*). He or she should also be familiar with all school policies and ensure that those using the kitchen are in compliance. He should also keep up to date with the *kashrus* industry to know what is acceptable. For example, years ago canned vegetables were acceptable without kosher certification. However, due to changes in the canning industry that policy changed and *kashrus* agencies now recommend only canned vegetables with a *hechsher*. When a change takes place, the school representative should be notified (like any *mashgiach* for the local *kashrus* agency) so that he remains up to date. All school personnel should be aware that this person is the clearinghouse for all *kashrus* issues. The *mashgiach* should have the support of *rabbanim* and/or *kashrus* personnel to whom he can go with *shaalos* (e.g., “kitchen” mix-up or whether or not a *hechsher* is acceptable). A “*rav hamachshir*” should be appointed for final say on all policy (e.g., *menahel*, *rav* or rabbinic members of the *vaad hachinuch*, etc.)

3. Specific Issues to Address – Furthermore, schools that have an active school kitchen should be treated no differently than local restaurants that have approved kosher certification. It is critical to address almost all *kashrus* issues that arise at eating establishments. This is not only true in yeshiva kitchens that cook three meals a day, but also in schools where the kitchen is used periodically. The following is a checklist:

- What is the system for segregating meat, *pareve* and dairy? Fish and meat? When relevant, are utensils clearly marked and properly stored (i.e., no dairy utensils or food are exposed when meat is being processed)?
- Are *bishul akum* issues addressed? If the cook is an *akum*, who is turning on the flames? Who is present if the flame is extinguished?
- If leafy vegetables (e.g., romaine lettuce) or fruit that may be infested (e.g., strawberries) are being served, who is ensuring that all *tolaim* issues have been addressed? Who is conducting *b'dikas tolaim*?
- Is there a trained *mashgiach* on premises? Is the *mashgiach* present for enough time? Are the standards of this “commercial kitchen” acceptable to the local *vaad hakashrus*?
- Is there an overall system of oversight and accountability for all kitchen personnel?
- Who has keys and/or access to the kitchen?
- Who can bring in food? Can a non-*shomer Shabbos* teacher cook in the kitchen? Are all the Jewish teachers trained in the *halachos* of *kashrus*, and can they be relied upon?
- Do parents and students who cook in the kitchen (e.g., *Chanuka* and graduation dinners, G.O. and student council events, Ladies Auxillary luncheons, etc.) know all of the policies? Is someone overseeing their activities?
- Federal and state lunch programs in Jewish schools require *kashrus* protocols. If the food is produced on-site, the school kitchen should have proper *kashrus* standards

as they are now a miniature catering hall. If food is delivered from a local kosher certified restaurant or caterer (i.e., contracted out), it is critical that a proper system is set up once the food leaves the production facility (e.g., who makes the delivery, is it properly sealed, who oversees the food when it comes to the school, etc.). Every step of the system in place should be reviewed by a *kashrus* professional.

- Is there a clear list of acceptable *hechsherim*? A list of kosher-approved beverages?
- Who is monitoring incoming ingredients? Someone must check all incoming items to ensure the approved *hechsher* is on the label, and that all necessary seals are on the incoming products. Meat and poultry in particular need two seals. Fish (including fishsticks, a very popular food served in schools), grape juice and other potential *issurei d'oraisa* also need two seals. Other products, including cheese, pizza, bread, cake and milk must also come in properly sealed (one seal is enough for these potential *issurei d'rabonon*). Seals often break in transport, and in such cases the certifying agency does not take responsibility. It is critical that all seals are intact. Furthermore, it is critical for someone to carefully check every label – even if multiple “identical products” come into the kitchen. It is common for a similar non-kosher product to “find its way” onto a kosher pallet or into a shopping bag. Just because one or two labels bear a proper *hechsher* does not mean they all do. Check every label.
- When necessary, who is *toveling* the *keilim*? Do they know the *halachos*?
- If vessels become *treif*, who is *kashering* these *keilim*?
- Have workers been given proper guidelines? What controls are in place? Who is authorized to use the microwave and toaster ovens? What controls are in place to ensure that no one heats meat in a dairy microwave or *pareve* toaster oven (and vice versa)? Does the cleaning crew or other workers have access to these ovens at night, when no one is around to see what they might heat?
- Is *hafrashas challah* done properly and when necessary?
- Is there a policy regarding *cholov Yisroel*, *pas Yisroel* and *yoshon*? Is someone knowledgeable in the *halachos* regarding produce coming from Israel? Are the *kashrus* needs of *Sfardim* being addressed (e.g., stricter *bishul akum* standards)?
- Shabbos* and Yom Tov catered events are beyond the scope of this article. When relevant, special preparations must be made. For *Shabbos*, someone familiar with *amira l'akum* and other *Shabbos* issues should be present. If the school is used as a catering hall for weddings and dinners, additional controls must be in place.

4. Food Brought to Class and School - Every school should develop policies with local *rabbanim* that address the following:



MAINTAINING PROPER *Standards of Kashrus* IN OUR YESHIVOS & SCHOOLS

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- a. Can children bring homemade items to class or school events (e.g., a *siyum*)?
- b. Can teachers bring homemade items?
- c. Can a non-*shomer Shabbos* individual bake with her students? If yes, who is in charge of turning on the flames?
- d. If packaged food is brought in to the school, which *hechsherim* may be used?
- e. Meat and Dairy meals brought to school should be properly segregated. Lunchroom monitors should know which tablecloths are used with meat and dairy, and where children who bring dairy on “*fleishig day*” should eat (and vice versa).

5. Training Our Children – My father, *a”h*, was a *mechanech* for 27 years from 1950-1977 in St. Louis, Missouri. In his later years, he told me how impressed he was with the “*chinuch* system of today” (this was 20 years ago). The amount of *yedios* our children *ka”h* receive is amazing!

It is vital that they are also given *yedios* in *kashrus* issues. They should be taught basic aspects of *kashrus*, including separation of milk and meat, restrictions regarding heating food in ovens, toasters and microwave ovens. *Tevilas keilim*, *hafroschas challah*, and many other *halachos* are also necessary when relevant.

They should also know when to ask a *shaala* and how to inquire about *hechsherim* that they do not recognize. *Yeshivos* should teach *bochurim* this information before *Purim*, when they will buy products for *mishloach manos*. For some *bochurim*, it is their only trip to the supermarket all year! The same is true with children who stock up on “*nosh*” before class trips. They need to know what is appropriate to purchase. *Bochurim* and seminary students going to Israel should familiarize themselves with the Israeli *hechsherim* and the guidelines for *mitzvos hateluyos ba’aretz* (*terumah*, *maaser* and *shmitta*, etc.).

6. Sensitivities – Many of these issues are quite sensitive and require the “fifth *chelek* of *Shulchan Aruch*” (i.e., *seichel* and common sense) when implementing. Nonetheless, a school cannot simply ignore *kashrus* issues “*l’maan hashalom*.” A *morah horaa* will take into consideration all situations in guiding a school. Undoubtedly, policies in Williamsburg will be different than in Kansas. It is not an easy task to address issues including how to deal with children from non-religious homes sharing food with children from religious homes, or the level of trust one may or may not have with regard to certain employees and parents. Subjecting staff and parents to more oversight than they are used to is not simple. Nonetheless, these issues must be addressed with the goal of clear guidelines established in conjunction with *kashrus* professionals.

Undoubtedly, some *menahelim* who try to tighten the *kashrus* program will be met with resistance and claims of, “You don’t trust the teachers? You don’t trust the parents?”

Besides the *halachos* that relate to “*ne’emanas*” that address this topic and are beyond the scope of this article, another answer to this question is simple: Mistakes happen. Even restaurants, with the most *ehrlische* owners and best *meshgichim* receive cases of questionable products (e.g., a non-kosher substitute) that were inadvertently sent (and stopped at that door). A school is no different, and oversight is critical.

The *neshamos* of our children are precious. Poor *kashrus* controls can lead to mistakes, *devarim ha’asurim* (forbidden products) and *timtum halev*. Therefore, it is our responsibility to ensure that our schools maintain the highest standards of *kashrus* so that the environment in which our children learn remains *kadosh v’tahor*.

Beyond Milk and Meat...

BY: M. PENSAK

KASHRUS EDUCATION @ STAR-K

This past spring and summer, applicants from across the U.S., Mexico and Canada took advantage of an array of *kashrus* education opportunities hosted by STAR-K Kosher Certification in Baltimore, Maryland. In April and June, STAR-K administrators addressed the rabbinic alumni of Yeshiva University’s Rabbi Isaac Elchanan Theological Seminary (YU/RIETS) and Yeshivas Ner Yisroel, respectively, during their *Yarchei Kallah*. In July, STAR-K held back-to-back Foodservice *Kashrus* Training and Tenth Annual *Kashrus* Training Program seminars.

Rabbi Dovid Yachnes, *rav* of the Orlando Torah Center, wrote a letter of appreciation that perhaps best sums up the impact made during all of these educational efforts.

Commenting on these efforts, STAR-K President Avrom Pollak said, “STAR-K is always interested in supporting *rabbonim* and their communities around the country and the world, with accurate *kashrus* information and *halachic* resources, to further our mission of promoting *kashrus* and observance of *halacha*.”

Dear STAR-K,
Please allow me to share my experience over these last number of days at the STAR-K *Kashrus* Training Program 2013...two things in particular stood out for me. I observed the *Achdus* and respect displayed amongst the staff of STAR-K. You could feel the oneness and unity of the organization. From the secretaries to the *Rabbanim* to the lay staff, it was unbelievable and a real *Kiddush Hashem* for me to witness. And then there was the complete *Hachna’a* and reverence that the STAR-K staff has for HaRav Heinemann, *shlit’a*. Your admiration and respect for his *daas Torah* was palpable. To witness this was truly inspiring. May Hashem continue showering tremendous *Hatzlacha* to your organization and may you continue being *Mezacke* the *Rabbim*.



Insights from the Institute

SHAILOS FROM
THE INSTITUTE OF HALACHAH



RABBI MORDECHAI FRANKEL
DIRECTOR, THE INSTITUTE OF HALACHAH

Q: When a person stays in a hotel for *Shabbos*, does he need to make an *eruv chatzeiros* to allow him to carry items in the hallways and lobby?

A: In order to answer this question, we need to review some of the basic *halachos* of *eruv chatzeiros*.

In the times of *Chazal*, it was common for private houses to be situated around the perimeter of a rectangular central courtyard, known as a *chatzeir*. The *chatzeir* was used by the members of these houses for chores, such as washing clothes and grinding grain. The *Torah* considers a *chatzeir* to be a *reshus hayachid* (a private domain) if it is surrounded on all sides by walls of the houses and one could, therefore, carry in the *chatzeir* on *Shabbos*. However, due to the fact that a *chatzeir* is less private than a house, the *Rabonnon* forbade carrying in a *chatzeir* unless the following two criteria are met:

First, the exit from the *chatzeir* to the alley or street must have a door or contain a structure which serves to either block the exit or remind people not to carry beyond the exit. This structure needs to be built in a *halachically* mandated way, which is beyond the scope of this article.¹

Second, one person must collect a roll of bread from each of the Jewish families that live in the houses surrounding the *chatzeir*,² or he must collect flour from each of the families and bake all the flour into a roll.³ Alternatively, one person may take a roll or piece of bread that he owns and declare that he is transferring ownership of some portion of the bread to each of the families that live in the *chatzeir*.⁴ He then hands the bread to another Jewish person, who acquires the bread on behalf of all the families of the *chatzeir*.⁵ *Lechatchila*, this person should not be his wife or unmarried child.⁶ Each individual should possess ownership of one *grogeres* of bread,⁷ which is slightly less than one quarter of a machine *matza*.⁸ Thus, if there are eighteen individuals living in a *chatzeir*, they would need to take four *matzos* so that each individual could own one *grogeres* of *matza*.⁹ Once there are more than 18 individuals living in a *chatzeir*, four *matzos* are sufficient even though each individual will no longer own a *grogeres* of *matza*.¹⁰

After completing either of these methods of bread collection, it is agreed that each family will share its portion of the bread with anyone else who lives in the *chatzeir*.¹¹ The roll or piece of bread is stored in one of the houses, and the owner of the house allows anyone who lives in the *chatzeir* to enter his house and take some of the bread.¹² If more than one roll or *matza* is used, the rolls or *matzos* should all be stored in one utensil.¹³ In this way, it is *halachically* considered as though all the people living in the *chatzeir* comprise one family living in that house, and the *chatzeir* is serving that one house.¹⁴ This process is known as *eruv chatzeiros*. If there is a person living in the *chatzeir* who is not

shomer-Shabbos or Jewish, this is not sufficient. In such a case, one needs to rent his rights to the *chatzeir* from that person.¹⁵

A hotel consists of rooms which open into a central hallway, analogous to a *chatzeir*. As all the exits from the hotel have doors, the first of the above criteria is met. However, some *Poskim* feel that the second criteria of making an *eruv chatzeiros* must also be met in order to carry in the hallways.

All agree that an *eruv chatzeiros* is not needed if, to the best of one's knowledge, there is only one Jewish family in the hotel.¹⁶ Furthermore, all agree that an *eruv chatzeiros* is not necessary if all the Jewish families in the hotel will be eating all of the *Shabbos* meals together.¹⁷ However, if there are two or more Jewish families in the hotel, and the families will not be eating the meals together, there is discussion amongst the *Poskim* as to whether an *eruv chatzeiros* is needed.

In such a case, *Rav Moshe Feinstein zt"l* *paskened* that an *eruv chatzeiros* is not needed.¹⁸ This is because the whole hotel is owned by one person (or group of people), who owns the furniture in each room and has the right to enter the room. Thus, even though some of the rooms in the hotel have been rented by Jews, all the rooms are considered to be under the control of the non-Jew who owns the hotel.¹⁹ The *Dvar Avrohom* disagrees²⁰ and feels that an *eruv chatzeiros* should be made.²¹ In order to do this, one would need to rent the rights to the hallways from the owner. The owner is not present, but it is *halachically* acceptable to rent from any employee of the owner.²² Therefore, one can rent the rights from the concierge at the front desk of the hotel.

According to this opinion, one of the Jewish people staying at the hotel should give the concierge a dollar and tell him that he wants to rent the hallways for the right to carry in them during the Jewish Sabbath. He can explain to the concierge that this will not practically affect anyone else in any way and is merely necessary in Jewish law to allow him to carry in the hallways on Sabbath. After doing this, he should take a box of *matza* and say the following:

בהדין עירובא יהא שרא לנא לאפוקי ולעילוי מן הבתים לחצר ומן החצר לבתים ומבית לבית ומחצר לחצר ומנג לגג כל מאי דצריך לך ולכן ישראל הדרים בשכונה הזו ולכל מי שיתוסף בה

If he would like the *eruv chatzeiros* to be effective for more than one *Shabbos*, he should add:

בין בשבת זו בין בשאר שבתות וימים טובים כל זמן שהעירוב קיים

He should then hand the *matza* to someone Jewish, other than his spouse or unmarried child, who should acquire it on behalf of all the Jewish people in the hotel.²³ He should keep the *matza* in his hotel room during *Shabbos*. Although it is simplest to take a box of *matzos*, it is sufficient to take either four *matzos* or one quarter of a *matza* for each Jew in the hotel, whichever amount is smaller. If he is making the *eruv chatzeiros* for only one *Shabbos*, he may eat it on *Shabbos* after *tzeis hakoachavim*.²⁴

11. שו"ע שם סי' שסו סעי' ה
12. שו"ע שם סעי' ג
13. שו"ע שם סעי' ד
14. שו"ע שם סעי' א ומ"ב שם ס"ק ד
15. שו"ע שם סי' שפב סעי' א וסי' שפה סעי' ג
16. שו"ע שם
17. שו"ע ורמ"א שם סי' שפג סעי' ד
18. עי' שו"ת אגרות משה או"ח ח"א סי' קמא
19. כיון שיש לבעלי המלון ארונות וכדומה בכל חדר שאינם ניטלים מחמת כבודן, יש להם תפיסת יד בכל החדרים כדמבאר בשו"ע שם סי' שפג סעי' ב. ואע"פ שהשו"ע חדר במלון שוכר ג"כ כל החפצים שבחדר, מ"מ כתב בשו"ת אג"מ שם דבר השוכר נחשב תפיסת יד למשכיר.
20. בשו"ת דבר אברהם ח"א סי' ל צידד שאין דין תפיסת יד בכלים השוכרים לשוכר החדר.
21. ואע"פ שהשו"ע לפחות מל' יום א"צ לערב כמש"כ השו"ע שם סי' שפג סעי' ח ומ"ב שם ס"ק נג, היינו כשהמשכיר קבוע שם דא האורחים בטלים לגיבה כמש"כ הרמ"א שם, משא"כ במלון שאין בעל המלון שם.
22. שו"ע ורמ"א שם סי' שפב סעי' יא
23. כל זה שמעתי ממו"ר ר' היינעמאן שליט"א, ועי' בשו"ת חלקת יעקב או"ח סי' קפו שכתב להקל משום שבעל המלון יכול ללוקק השוכר בכל שעה יכול להחליפו מחדר לחדר, ומ"מ סיים שהיכא דאפשר לשכור הרשות ולערב בלי ברכה יעשה כן, ועי' בשו"ת בצל החכמה ח"ה סי' קמ וסי' קמא מש"כ בזה
24. עי' רמ"א שם סי' שסח סעי' ה

1. עי' שו"ע או"ח סי' שסג
2. שו"ע שם סי' שסו סעי' א וסעי' ו
3. רמ"א שם סעי' ו
4. שו"ע שם סעי' ז
5. שו"ע שם סעי' י
6. שו"ע ורמ"א שם ומ"ב שם ס"ק טו
7. שו"ע שם סי' שסח סעי' ג
8. עי' בשו"ע שם ובמ"ב שם ס"ק יב שלכתחלה יש לשער ששיעור י"ח גרוגרות הוא כשמונה ביצים. והנה המ"ב סי' תפ"א כתב שנחלקו הראשונים אם כזית הוא כחצי ביצה או כשליש ביצה, ובמצוה דאורייתא וכן במצוה דרבנן שמברכים עליו יש לשער לכתחלה שכזית הוא כחצי ביצה. ועוד כתב המ"ב שם שבמצוה דאורייתא יש לחוש שנתקטנו הביצים, אבל במצוה דרבנן יש לשער כפי הביצים של זמנינו. ובשו"ע שם סי' תעה סעי' א מבאר שמדרבנן יש לאכול שני כזיתים למצת מצוה, וממו"ר ר' היינעמאן שליט"א שמעתי שבחצי מצה מכונה יש שיעור ז' של שני כזיתים. וא"כ, בחצי מצה מכונה יש שיעור שני כזיתים שהוא שיעור ביצה אחת, וא"כ גרוגרת אחת הוא שיעור 0.22 ממצה מכונה, שהוא בערך רבע מצה מכונה. אמנם בספר כזית השלם לר' פנחס באדנער עמ' 24 כתב ששיעור של ביצה שבזמנינו הוא 1.87 "פלואיד אוני", ושם עמ' 91 כתב ששיעור 1.5 "פלואיד אוני" היינו 2/3 של מצה מכונה. ולפי"ז, שיעור גרוגרות הוא 0.375 של מצה מכונה.
9. לפי מה שכתבנו שבחצי מצה מכונה יש שיעור שני כזיתים, א"כ שיעור י"ח גרוגרות שהם כשמונה ביצים שיעורם ארבע מצות.
10. שו"ע שם סי' שסח סעי' ג

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Star-K Grant Provides A "Kosher" Atmosphere For CBMI Youth

By: M. PENSAK

Two years ago, STAR-K Certification awarded a very considerable grant to the Chananya Backer Memorial Institute (CBMI), one of the few programs of its kind in the nation. CBMI is an innovative teen mentoring initiative which perpetuates the memory of a 16-year-old Baltimorean, who died tragically five years ago from injuries sustained in a car crash. The program averts the many potential spiritual challenges young men face throughout the summer months, allowing them to be productive on a daily basis —learning, earning a salary from supervised construction projects, and having nightly fun in a "kosher" atmosphere. Beginning with only five young men, the program now boasts 32 participants, thanks in great part to STAR-K's generous grant.

"Once again, we feel privileged to afford the maximum number of CBMI participants the opportunity to feel a sense of accomplishment and the opportunity to learn a marketable skill for the future," noted STAR-K President Avrom Pollak.



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