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A CUT ABOVE: *Shechita in the Crosshairs, Again*

BY RABBI MOSHE SCHUCHMAN, STAR-K KASHRUS ADMINISTRATOR

The Community and Its Shechita

One of the most basic features of a functional Jewish community, no matter the size, has historically been the *shochet*. Rabbis are a necessity, but were not always available; access to kosher meat is indispensable. The original American Jewish community of twenty-three Dutch Jews from Brazil, who landed in New Amsterdam (later, New York) in 1654, was led by the celebrated Asser Levy, who was also the *shochet*. Well before the first ordained rabbi, Rabbi Abraham Rice, arrived in 1840, *shochtim* served the needs of American Jews.

In the more established *kehilos* of Europe, the *shochet* was also deemed critical. An intrepid *shochet*, who risked his life in the early 1930's to provide kosher meat to Jews in Soviet Russia, remarked during an interview:

"I was formerly a *shochet* in a neighboring town, where I was persecuted so relentlessly that I had to pull up my stakes and leave. The rabbi and the other religious functionaries also had to give up. But without a rabbi, a Jew can get along. Without a teacher, perhaps also. But without a *shochet*? Judaism, G-d forbid, would then disappear altogether!"¹

This close knit relationship between the community and its source of meat existed up until the second half of the 20th century. As late as the 1960's in the United States, it was not uncommon to see the poultry peddler going door-to-door selling live chickens. The kosher housewife picked one out, and either she or one of the children would walk the bird to the neighborhood *shochet*, who would return it wrapped in newspaper ready for cleaning, salting, and finally, cooking. If you were lucky, the *shochet* owned a plucking machine and would de-feather the bird for you.²

Over the past half century, economic forces have subsequently eroded these familiar communal structures. In a sharp departure from tradition, nowadays, the vast majority of beef and poultry are *shechted* and processed in large facilities, usually far away from where consumers live.³ Most often, procuring kosher meat has become no different than purchasing any other packaged goods in the supermarket.

While easier on the wallet, this situation is not without its adverse effects. Rabbis who are not affiliated with a kosher certifying agency involved with *shechita* lack firsthand information to guide their congregants in what is and is not acceptable.⁴ Furthermore, the numerous steps and intricate skills required to produce a piece of kosher meat are sorely underappreciated by the general public.⁵

Subterfuge! Attack On Shechita

When threats arise against our right to perform *shechita*, ignorance is no longer an option. One must be concerned and formulate a response. Our adversaries

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1. J. Berman, *Shechita*, Bloch Publishing Company, New York 1941, p.256; quoting, David L. Meckler, "Mensch un Maschin in Soviet-Land", Warsaw 1936, p.322

2. The easiest way to remove feathers is by scalding. However, this will cause the blood of the unsalted bird to be absorbed in the meat and render it non-kosher.

3. Indeed, *Pri Megadim* (intro. to *Hil. Shechita*) objects to attributing human logic as a basis to explain reasons for Divinely ordained laws. However, the *Rishonim* were not necessarily giving a reason for why the *Torah* mandates *shechita*. Rather, they are pointing out that the laws of *shechita* precisely reflect an ontological truth of the natural world.

4. Indeed, *Shulchan Aruch* (Y.D. 18:17) records that in post-Talmudic times special supervisors are commonly appointed to check *shochtim*, instead of every rabbi being personally involved. Nevertheless, rabbis were always kept busy examining abnormalities in chickens, such as broken bones or pockets of coagulated blood, to determine if they were *treif*. Today, a good *hechsher* vouches for its kosher status. The story is told about a woman who brought a chicken to her rabbi every Friday morning, despite purchasing it in a supermarket with a fine *hechsher*. The rabbi gently suggested that this was an unnecessary use of her (and his) time, but she insisted saying, "My mother always showed her chickens to the rabbi before *Shabbos*, and I want to keep up the tradition!"

5. For a basic primer, see *Kashrus Kurrents*, <http://www.star-k.org/kashrus/kk-beef-chickens.htm>, and <http://www.star-k.org/kashrus/kk-beef-bosor.htm>.

Looking THROUGH THE Liquor Glass



BY RABBI TZVI ROSEN

STAR-K KASHRUS ADMINISTRATOR
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Unquestionably, the latest operative terms in the burgeoning liquor industry are 'transparency' and 'innovation'. Never before has there been more consumer enlightenment, courtesy of the information highway known as the Internet. Moreover, new venues have been introduced to tweak standard products or present new ones, so that distilleries can gain a greater share of the market. What previously was assumed to be a *glatt* kosher choice in the liquor cabinet has now become not so *glatt*.

Bourbon

Let's look at some new bourbon creations, for example. Bourbon, by law, has to be at least 51% corn, mixed with other grains, such as wheat or malted barley. To qualify for authentic bourbon, freshly distilled bourbon has to be aged in new oak charred casks and manufactured in Kentucky. Standard bourbon labels bear descriptive terms, such as 'southern mash' or 'sipping whiskey'. Nowadays, one can find bourbon labels bearing terms 'infused' or 'port finished'. 'Infused' is a contemporary whiskey term meaning flavored, and 'port finished' means that after initial aging in oak charred casks, the bourbon is further aged in port wine casks.

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Infused bourbon would require reliable kosher certification, and port finished bourbons would not be recommended.

Transparency has opened a bourbon *chametz sheavar alav hapesach* bombshell. *Halacha* requires that private Jewish consumers, Jewish merchants, or Jewish manufacturers not own *chometz* on *Pesach*. Included in this prohibition are grain-derived beverages (i.e., those derived from barley, rye, oats, wheat, or spelt). These products must be consumed or destroyed before *Pesach*. In the event that the volume of Jewish owned *chometz* is too great to be consumed or destroyed, the *chometz* will be sold to a non-Jew in a bona fide sale so that the *chometz* will be fully transferred out of Jewish ownership. Failing to do so would render the unsold *chometz* forbidden for Jewish consumption after *Pesach*. These laws apply equally to any *chometz* that was in a Jew's possession during *Pesach*, regardless of whether it was owned by a Jewish merchant or produced by a Jewish manufacturer.

Most authorities are of the opinion that alcoholic beverages such as whiskey, which is derived from wheat, barley, or rye, are *chometz gomur* and a Jew must not own these products on *Pesach*. If a Jew did not sell his liquor prior to *Pesach*, the prohibition of *chometz sheavar alav haPesach* would apply and he would not be permitted to use the whiskey or derive any benefit from it. Today, the overwhelming majority of whiskey manufacturers are not Jewish or are publicly held corporations. Although many liquor distributors are Jewish, the majority of them are not. However, if the distillery or distributor is under Jewish ownership, arrangements must be made for the sale of the inventory.

Recently, when a major producer/distributor applied for kosher certification, it came to light that this privately owned company was very much Jewish, and their vast liquor inventories had never been sold. The ramifications and repercussions were enormous. After careful analysis amongst the *Rabbonim Hamachshirim* of all the major *kashrus* organizations, they concluded that until the present inventories were depleted, their use would be prohibited due to the violation of *chometz sheavar alav haPesach*.

Scotch

For years, scotch has been the most spiritually challenging alcoholic beverage. As any scotch aficionado knows, scotch makers use a cross section of used bourbon and used sherry, port, madeira, or olorosso casks to age the scotch. Previously, accepted conventional wisdom assumed that scotch manufacturers desired certain taste, which was achieved by balancing various proportions of casks that they had at their disposal. The exact percentages were murky – a lower percentage of sherry casks for cheaper blends, and a higher percentage for single malts. Unless the scotch was totally aged in sherry casks, the sherry casks were assumed to be *botul*, nullified in a less than 1 to 6 ratio – *botul Bshesh* to the aging scotch. As scotch making became more transparent, we saw that what we took for granted was not necessarily true. A single cask ratio to the aging spirit is actually less than 1 to 6. Total combination of bourbon to sherry casks in most distilleries is achieved at less than a 1 to 6 ratio.

Furthermore, the evaluation of scotch to cask ratio is not unanimously agreed upon by the *poskim*. Some opine that one would evaluate the entire cask to scotch ratio; others maintain that one would evaluate the ratio using the inner membrane of the cask, *k'dei klifa*. Still others posit that one can see the penetration of the sherry through the staves and, therefore, one need not evaluate the ratio using the entire cask just to the point of penetration.

Today, with the greater insights that we have gained into the scotch industry, sherry casks actually play a far more significant role than a balancing act. Additionally, we are now seeing labels touting 'aged in Sherry' or 'port' or 'olorosso casks', and 'Second Fill' or 'Finished in'. Furthermore, we now have to come to terms with a new term – 'seasoned', which means that sherry is actually poured into bourbon casks to give the casks a sherry flavor. Robert Fleming, master distiller of Tomintoul summed it up best: 'Since they are kosher certified and are not permitted to use sherry casks, it is very challenging to be able to achieve the desired quality taste without the use of sherry. It is clear that sherry casks are not just a convenience factor.' In addition, another cask selection that scotch producers are using is rum casks, instead of bourbon or wine casks. Aging in rum casks, as in the case of Balvanie 14, is acceptable.

According to Star-K's Rabbinic Administrator, Rav Moshe Heinemann, *shlita*, a company that advertises or publicizes

the fact that their scotch is aged, filled, finished or seasoned with sherry indicates that that particular scotch company values the taste of the sherry and gives the scotch its unique taste. The sherry is, therefore, considered to be *avida d'taima* by virtue of the company, and those scotches would not be

recommended. Otherwise, we are permitted to use any scotch which does not make these claims.

Rum

Due to the fact that TTF regulations allow other flavors to be added to plain rum, and often rums are spiced or flavored, Star-K policy is that once it has been determined that no additional flavoring has been added to rum, it would be acceptable; aging has never been an issue. However, it has come to our attention that some rums advertised are now aged in American whiskey and sherry casks. Therefore, one must clearly read the label to make sure the rum was not aged in sherry casks.

Vodkas

As more producers realize the value of acquiring kosher certification, more vodkas have introduced flavored varieties. In fact, today there are more vodkas, both regular and flavored, bearing reliable kosher certification that put the symbol on the label. Even though vodka bears kosher certification, consumers are urged to carefully check the labels since some vodkas may be certified kosher dairy. Additionally, non-certified domestic vodkas remain approved, while imported vodkas are not so simple. Vodka can be produced from 100% neutral grain spirits, such as wheat, or from potatoes. However, vodka – especially from France – is produced from grape alcohol, such as chardonnay or Pinot noir, and these exotic varieties are featured on the liquor store shelves.



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At times, vodka can also be produced from whey or lactose, which would render them dairy and not recommended.

Liqueurs

Many more popular liqueurs have become kosher certified. After years of long awaited anticipation, Kahlua is now officially kosher certified by the *Mogen Dovid* of Mexico. However, certification is limited to products bottled in Mexico, and the label must state "Bottled in Mexico".

Micro-Distilling

One of the fastest growing and more popular additions to the wine and spirit industry is the micro distillery. Micro Brewing in the beer industry is nothing new, yet micro distilling has been on the move. In order to get a first hand glimpse of this fascinating new vista, *Kashrus Kurrents* proudly presents Scott Harris, proprietor of Catoctin Creek, to share with us how his unique kosher distillery was born.

CATOCTIN CREEK: WHERE QUALITY, ORGANIC, & KOSHER MEET

Three and a half years ago, in the darkest days of the recession, I was sitting at my desk at a high-powered Washington, DC defense contractor, working on the 30th revision of a Powerpoint package which I knew nobody would ever read. I said to myself, "There has to be something more to life than this."

Call it a midlife crisis, or just call it restlessness in a job which I'd done for 20 years, but I could no longer sit behind that desk and watch my spine calcify, working a job in which I had no interest. "What did I want to do with my life?" I asked myself. At that moment, I was swept back to a quarter century earlier, when I was a fifteen year old intern working in a winery. THAT was a job that I really enjoyed - the satisfaction of working with my hands, producing something, and having people appreciate what I had produced. It was this kind of job that I now felt myself seeking. But this time, I thought, I'd focus on spirits. I wanted to start a distillery.

I presented my idea to my wife, and her reaction was understandable: "You're crazy!" she said. I persisted, and it took many months. "This is really something that I want to do," I told her. "Well," she said, "if you're serious, go write a business plan!"

I think she thought that was the last she would ever hear of the matter, but I did just what she recommended. I wrote up a business plan. It wasn't perfect at first, and it took a lot of revision and critiquing from some friends of mine who happened to be entrepreneurs, but I finally came up with something that I could show to Becky, my sole investor. That's right, we were going to liquidate our entire life savings, and build ourselves a distillery. This was very risky, and very scary. But the business plan looked really solid, and we quickly (and much to our surprise) secured an SBA loan. With money in hand, we were off and running. Within eleven months, we were distilling the first legal alcohol in Loudoun County since before Prohibition.

From the very beginning, Becky and I knew that we had to find ways to differentiate our spirits from the big-name spirits which dominate the market today. First, we decided to go organic. Both Becky and I had long been believers in organic foods, sustainability, and limiting the use of things like pesticides and herbicides, so this fit well with our personal philosophy. Furthermore, organic spirits would appeal to a higher end clientele with more expendable income, and would fit well with the premium nature of our small craft spirits.

As we explored organic production, a Jewish friend of ours (neither Becky nor I are Jewish) suggested we also explore the realm of kosher. He said that kosher spirits are in very short supply, and almost none have any kind of formal kosher certification. There was lots of confusion from spirit to spirit about the status of individually unmarked products: whether it had been aged in wine barrels, whether wine had been added, etc.

Sure enough, kosher production fit well with our organic production business plan. Instead of looking for organic marks on every package, we'd be looking for *hechsherim*. Similar to organic manufacturing, the kosher production required detailed procedures that ensure cleanliness, accountability, and no cross-contamination in non-kosher products. (For us, that is grape wine.)

At our distillery, we produce mostly rye whisky (we spell it the Scottish way, to acknowledge our ancestry), gin and a little pear and peach brandy. For eleven months of the year, we are working hard on producing grain-based spirits, which we produce from scratch using rye, kosher yeasts, malt, herbs (in the case of the gin), and other ingredients. But every September, we shut down the grain production entirely, seal all the tanks, use up all the rye, and put everything away for whiskey. September is grape season, and that's when we focus entirely and solely upon non-kosher grape wine. We distill the wine as quickly as we can (for the grapes must be distilled when fresh), and then after all our production is complete for brandy, we cask up the brandy and call for the Star-K *Mashgiach* — time to *kasher*.

Under the supervision of the *Mashgiach*, we scrub and clean every crevice; we steam and rinse all the tanks; utensils are dipped in boiling water, and even the still is boiled. After a final rinse, we are back in business and can resume our grain production – without touching grapes again until the following year. It may seem like a lot of work, but as a small producer we couldn't afford

to get duplicate equipment for grapes and grain, so this was an accommodation that worked well with our processes. We also produce some non-grape fruit brandies – pear, peach – and probably some new ones in the near future. Luckily, those are kosher since they contain no grape at all; these have also been very popular.

So, one may ask, how has this worked for us? Was it worth it? Yes, I can definitely say it was! Catoctin Creek has gotten some great exposure in the Jewish press (*Washington Jewish Week*, *New York Jewish Week*, *Kosher-Eye*, and this esteemed publication), but what's more gratifying is the warm reception we've received from the Jewish community. Yehoshua Wirth, who works at the Grapevine Spirits Shop in Wesley Hills, New York, has been an avid fan. After two long years, when we finally got distribution in New York, his small shop moved several dozen bottles within the first month! That was wonderful! Here, locally, we often get visitors from Silver Spring, Baltimore, and surrounding areas expressing deep gratitude for our having created Star-K certified spirits. So, yes, I do believe it has been worth it, and we love making our customers happy with a new line of products not available elsewhere!

Clearly, the need for 'new and improved' is in the forefront of the burgeoning alcoholic beverage industry. 'New', as we have seen, may not always be a plus to the kosher consumer. However, with the presence of reliable kosher certified liquors and liqueurs on the shelf, 'Improved' is definitely an improvement. May we only share a hearty *l'chaim* at *simchas*.



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understand very well the link between the existence of the Jewish community and its *shechita*. Therefore, as Rabbi Chaim Ozer Grodzenski wrote in a letter dated 1927,⁶ an attack on *shechita* is no more than a thinly veiled challenge against our right to exist. The real aim of those who purport to champion the cause of humane treatment to animals, he asserted, is either to starve the Jews and force them to leave the country, or to eat non-kosher and thereby assimilate.⁷

Today's issues are merely a further progression of what began 150 years ago. Therefore, it is worthwhile to review some of the history regarding the freedom to *shecht*.

Anti-*shechita* propaganda first appeared in Switzerland, at a time when Jews were not yet granted citizenship.⁸ In 1860, the Society for the Prevention of Cruelty to Animals persuaded the canton of Aargau, a notoriously anti-Semitic region bordering Germany, to require that all cattle be stunned before slaughter. This move effectively made *shechita* impossible.⁹ Empowered by victory, the Society's members eventually succeeded in bringing this motion to a plebiscite.¹⁰ In 1893, Parliament ratified a constitutional amendment expressly forbidding the bleeding of meat animals without preliminary stunning.¹¹ This remains the law in Switzerland until today.¹²

Based on the Swiss precedent, Germany and other European countries followed suit and opened their own discussions on the subject. In the 1890's, scientific studies were commissioned in Prussia and Russia to investigate the impact of various modes of slaughter. The conclusions were in favor of *shechita*, with the Russian report published by Dr. Issac A. Dembo in 1894, going as far as to assert that *shechita* was actually the *most humane* of all slaughtering methods.¹³

Exposing the Roots

It is noteworthy that "stunning" in the 19th century did not refer to an electric shock, captive bolt, or nitrogen gassing, as these methods were not yet developed. Rather, it referred to rendering the animal unconscious by a blow to the head with a poleaxe or heavy mallet. Anti-Semitic motives notwithstanding, how were voting populations persuaded to accept the incredulous proposition that such stunning fits "humane" criteria, more so than *shechita*?

For millennia, the *Torah* has mandated practicing sensitivity toward animals. *Tzar ba'lei chaim* is an injunction against causing undue duress or harm to an animal, whether physical or emotional.¹⁴ The rest of the world was largely unfamiliar with such a concept.

6. *Achiezer* IV:12

7. Rabbi Mordechai Breuer, *Modernity Within Tradition*, p. 342, cites "striking proofs that the proceedings of the associations for the prevention of cruelty to animals were inseparable from the general anti-Semitic movement. The timing of the agitation spoke for this above all but so did the significant fact that these associations had never objected to the administration of the imperial armed forces, who had the animals for its army canned goods slaughtered in the Jewish fashion and not in the more usual way." He then quotes the aged Rabbi Samson Raphael Hirsch, who put "this threat to Judaism on a scale with the worst religious persecutions of antiquity and the middle ages."

8. Granted in 1874.

9. 'Stunning' refers to a variety of methods to make an animal insensible. This is accomplished either with a mechanical blow to the front of the skull (with a mallet, or with a captive bolt, penetrating or non-penetrating) or electrocution (electrodes are attached to the animal's head and heart). For poultry, immersion in electrified water or gassing is used. Any of these options will almost certainly injure the animal sufficiently to render it a *treifa*, and in many instances cause death and render it a *neveila*.

10. Berman p. 237, "The pre-referendum discussion was marked by misinformation and bigotry. . . Responsible elements in the country urged the rejection of the anti-*shechita* proposal. . . the National Council sitting at Berne voted 61 to 49 to recommend to the people not to vote for the anti-*shechita* measure. With the referendum impending, August 10th was declared a fast day by [the national Rabbis]. . . The 'American Hebrew' of December 1, 1893 said, 'It is stated that this majority was obtained chiefly in the German cantons and among the Lutheran populations, where the anti-Jewish feeling runs the highest' . . . the Anglo-Jewish Association observed, 'To the credit of the Roman Catholics it should be stated that their votes were solidly cast against the new clause, their priests having made it known that the movement was a religious attack on the Jews.'"

11. See <http://www.swissjews.ch/en/religioues/koscherfleisch/schaechtverbot.php>.

12. The Swiss ban is not total; poultry *shechita* and importing *shechted* beef are permitted. Interestingly, during WWI (1914-1918), when Switzerland was surrounded by warring nations, the Bundesrat temporarily set aside the anti-*shechita* article in the Constitution. (Berman p. 251)

13. Berman p. 239. These reports led to the abolition of anti-*shechita* orders in Saxony (1910) and Finland (1911).

14. Physical: The *Torah* demands one who sees an overburdened animal to help lighten its load. (Ki Seitzay 22:4) Emotional: *Ba'al Haturim* (ibid. 22:10) explains the *Torah's* prohibition against harnessing an ox and a donkey to the same plow, because an ox chews its cud (ruminates) while a donkey does not. While engaged in hard labor, the donkey will experience anguish when it senses that the ox is satiated while it remains hungry. Also, the *Torah* (ibid. 25:4) prohibits placing a muzzle on an ox while attached to a threshing wheel, preventing the animal from nibbling grain while it works.



BY RABBI MOSHE SCHUCHMAN
STAR-K KASHRUS ADMINISTRATOR

Until the late 1800's, it was acceptable at the highest echelons of nobility to crudely exploit animals for their entertainment value, in activities such as cockfighting - or worse.¹⁵

Western countries experienced an awakening in the late 19th century with the emergence of advocacy groups for animal protection, and governments began legislating animal welfare laws.¹⁶ One observes that these developments occurred concurrently with two other factors:

1) Darwin's *On the Origin of Species* was published in 1859, introducing humanity to the Theory of Evolution. A worldview where human beings are considered no more than advanced primates became popular.

2) People began to feel a kinship to animals, and transposed human experiences onto wildlife. Emblematic of this attitude was the fictional *Alice in Wonderland*, published by Lewis Carroll in 1865, which attributed humanistic qualities to forest creatures. Anthropomorphism in tales and fables previously existed, but in the mid-19th century they gained a widespread audience. Eventually, this genre exploded in the cartoon industry of the 20th century.

The convergence of the above factors makes it conceivable how an animal sympathizer, imagining his own fright when thinking about a *shochet's* sharp knife pressed against his own throat, might presume that a cow is similarly traumatized. After all, if humans and animals share a common swamp ancestor, don't they share similar perceptions?¹⁷ This wholly unscientific reasoning permits one to believe that an unforeseen bloodless bludgeon is (slightly?) preferable to exsanguination through a direct, frontal cut. To promote the anti-Semitic cause, such logic is sufficient.

Relentless Resumption

After the dust settled from WWI, the subject of *shechita* was reopened in Europe. Animal activists exposed their true diabolical motives when *shechita* was disparaged in newspaper articles using rhetoric against Jews in general. A bright spot appeared in England in 1925, when the official report from the Minister of Health came out in favor of *shechita* finding "no cause for complaint on humanitarian grounds against the Jewish method of slaughtering, if efficiently carried out, as was usually the case." The prestigious *Veterinary Journal* wrote that *shechitah* was "practically and physiologically the best method". Legislation to permanently protect *shechita* in England was passed in 1933.¹⁸

When the Nazi party gained power in Bavaria in 1930, not surprisingly, *shechita* was immediately banned. In 1933, barely three months after Hitler, *yimach shemo*, became chancellor of Germany, *shechita* was outlawed in the entire Reich.¹⁹ Enforcement officials confiscated knives from *shochtim*.²⁰ Part of the distorted propaganda against Jews was to disparage them as cruel and barbaric, with *shechita* being a prime example. The irony is not lost that the most sadistic clan known to mankind made such a claim.²¹

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15. *Noda BiYehuda* (1713-1793) famously ruled that hunting for entertainment, still a favorite pastime in modern cultures, contravenes *halacha* and Jewish values. (Y.D. II:10, cited in *Pitschei Teshuva* 28:10)

16. The ASPCA was founded in the United States in 1866. The Cruelty to Animals Act, limiting animal experimentation, passed in England in 1876. From a *Torah* stance, protecting animals is a just and noble cause. This discussion is unrelated to the later movements for animal rights or liberation.

17. Studies show that the opposite is true; animals often do not share these human perceptions. Dr. I.M. Levinger, renowned animal physiologist from Basel, conducted an experiment in 1961 where a blood-stained slaughtering knife was shown to a number of animals. Most of them paid no attention at all, while one animal drew close and licked off the blood. Only a human associates such a sight with danger and exhibits fear. (I.M. Levinger, *Shechita in the Light of the Year 2000*, p. 109) Also, Dr. S.D. Rosen (*Physiological Insights into Shechita*, published in the *Veterinary Record*, June 12, 2004, p. 762) discusses the limitations of measuring pain felt by animals since they lack articulate expression of feelings. One can only infer the presence of pain by observation of behavioral responses or through clear neurophysiological data, if available. See Wikipedia, "Pain in Animals."

18. Berman p.240

19. Unlike Switzerland, the Nazis also forbade poultry *shechita* and importing kosher meat was restricted.

20. Rabbi Dr. H.J. Zimmels, *The Echo of the Nazi Holocaust in Rabbinic Literature*, *Ktav* 1977, p.182

21. When defiling the 'New Beis HaMedrash' of Slobodka in 1941, the Germans rounded up all the stray animals in town, placed them in the *shul* and shot them. They then allowed the carcasses to rot and covered them with torn *Sifrei Torahs*. Such was their concern for animal welfare. (Zimmels, p. 320; *Mi-Maamkim* by Rabbi E. Oshry, I:1.)



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As other European countries came under German influence during the war, *shechita* was immediately discontinued.²²

The main rabbinical spokesman for German Jews at that time was Rabbi Yechiel Yaakov Weinberg, head of the *Hildesheimer Rabbinical Seminary* in Berlin. He worked tirelessly and wrote voluminously,²³ in a valiant attempt to alleviate the suffering caused to German Jews because of this ban. He was alarmed at the prospect of so many thousands of Jews relenting and eating non-kosher meat. He searched for creative solutions that could possibly satisfy the legal constraints, and yet be acceptable to *halacha*. In the end, however, he bowed to the ruling of Rabbi Chaim Ozer Grodzensky and other leading European *gedolim*, that the integrity of *shechita* should not be compromised one bit.²⁴ After Kristelnacht in November 1938, he ceased his efforts when it became obvious that Germany was determined to eradicate the Jews and would never accommodate any form of *shechita*, even if it technically conformed to the law of the land.

Uncompromising, With Sensitivity

It is important to emphasize that throughout these ordeals, while the rabbinic leadership maintained a fierce, uncompromising defense of the act of *shechita* itself, they were at the same time consistently willing to accommodate improvements in ancillary areas, such as transportation and the handling of animals prior to *shechita*. This was not driven by political considerations. Rabbis were genuinely interested in maintaining the *Torah's* mandate to treat animals respectfully, even as they are being prepared for human consumption.

Throughout the 1890's, Rabbi Michael Cahn of Fulda,²⁵ working together with Rabbi Hirsch Hildesheimer,²⁶ met and corresponded extensively with respected physiologists and veterinarians to combat the opponents of *shechita*. Their efforts were largely successful. However, when an objection was raised regarding the way animals were bound and cast to the ground for *shechting*, Rabbi Cahn worked with experts to develop mechanical methods to lay the animals down more gently.²⁷

Indeed, the method of animal restraint during *shechita* has been an ongoing point of contention. Traditionally, animals were *shechted* while lying on the ground in a supine position (*shechita munachas*). In the early 20th century, it was deemed unhygienic for the animal to come into contact with residual blood leftover from previous slaughters.²⁸ For many decades, the alternative in both kosher and non-kosher slaughterhouses was 'shackle and hoist' (*shechita teluyah*),²⁹ where the animal is shackled with a chain around one of its back legs and, using pulleys, is suspended in the air. A helper uses nose tongs to pull back the head so the *shochet* can cut the throat. By the 1950's, activists called for the cessation of this practice, based on the assumption that the hoisted animals feel stressed.³⁰

In 1955, Senator Hubert Humphrey introduced a bill requiring slaughterhouses to stun animals, accomplished with a captive bolt pistol, prior to slaughter. He also aimed to reform other cruel practices, such as instances in which animals were skinned or had their hooves cut off while still alive. Kosher slaughterhouses never had these types of problems, as only healthy animals are fit for *shechita*.³¹

22. Norway (1930), Sweden (1937), Hungary (1938), Italy (1938), and then every subsequent country that came under German dominance.

23. Collected in *Sridei Aish*, comprising hundreds of pages.

24. A public letter (*giluy dasas*) dated *Iyar* 5697 (Spring 1937) stating the serious *Torah* violation of stunning before *shechita*, is printed in *Achiezer* IV:14. It is signed by all European *Torah* luminaries of the time, including: Rav Chaim Ozer, Rav Chanoch H. Aieges (Marcheshes), Rav Shimon Shkop, Rav Baruch Ber Leibowitz (Kaminetz), Rav Elchanan Wasserman (Baranovitch), Rav Avraham T.H. Kamai (Mir), the Brisker Rov, Rav Menachem Zemba (Warsaw), among many great leaders. The letter emphasizes the centrality of *shechita* and kosher food in preserving the sanctity of the Jewish people.

25. Rabbi Cahn (1849-1919), an early graduate of the Hildesheimer Rabbinical Seminary, was rabbi and *Rosh Yeshiva* in Fulda.

26. Son of Rabbi Azriel Hildesheimer, founder of the Seminary.

27. Breuer, pp. 342-343

28. U.S. Pure Food and Drug Act of 1906 stipulates that, for sanitary reasons, an animal cannot be slaughtered on the ground where it will come in contact with the blood of another animal.

29. Rav Eliezer Silver (*HaMaor*, *Teves* 5719 – 1959) objected to *shechita teluya* on the grounds that the animal's head invariably moves, and because the *Ridbaz* also expressed displeasure. Experienced *shochtim* testify, however, that when held properly this method produces a superior *shechita*. Today, this issue is relevant to a difference between the way fowl is slaughtered in *Eretz Yisroel* and in other countries.

30. A different objection to this method is the grave danger it poses to workers in the event of pulley failure.

31. Another unrelated advantage of *shechita* is that it greatly reduces the risk of



While developing the new standards, the Department of Agriculture contracted Rabbi Yoseph Dov Soloveitchik as its expert *halachic* consultant. He became deeply involved in the matter and made numerous trips to Washington in the years 1958-1962, where he testified before congressional committees in defense of *shechita*. When pressured by kosher slaughterhouses, which were to incur considerable expenses eliminating the 'shackle and hoist' mechanisms, Rabbi Soloveitchik replied, "I am willing to fight to defend *shechita*, but not shackle and hoist!"

Similarly, the position of STAR-K is to preserve *shechita* as an institution regulated exclusively by the highest *halachic* standards without any outside interference, but at the same time accommodate reasonable improvements in animal handling.

A Standing Matter

In Fall 2010, the National Organic Standards Board (NOSB), the 15-member advisory committee to the USDA National Organic Program (NOP), received a proposal from its Livestock Committee requiring beef or poultry labeled as 'organic' to be rendered unconscious through stunning prior to slaughter. Fortunately, one year later, at the NOSB's Fall 2011 meeting, there were knowledgeable board members who rejected this motion, acknowledging the exquisite humaneness of *shechita*.³² A related proposal, that all organic meat animals must be slaughtered while restrained in a comfortable upright position was accepted.

This issue of upright *shechita* (*shechita omedes*) has made some recent headlines. Currently, it is the preferred choice by animal welfare advocates. *Halachically*, some argue that it is problematic since the weight of the animal's head (a cow's head can weigh 30 lbs.) places pressure on the knife and will cause '*drasa*', which invalidates the *shechita*.³³ In modern kosher slaughterhouses, this concern is negated since the animal's head is comfortably supported by a specially designed apparatus. Therefore, STAR-K and other national *hashgachos* concur that this is an optimal form of *shechita*.³⁴

Another device used in some slaughterhouses is an inversion pen, where the animal enters and is gradually rotated until it is lying upside down. It allows the *shochet* to cut with the more traditional downward motion. This machine was originally invented in 1927, called the "Weinberg Casting Pen", with improvements made over the years. High costs and reduced efficiency preclude smaller operations from using it.

The Situation Today

We, in the United States, are privileged to live in a country that protects religious practices. More than just protecting the right to perform *shechita*, the *Humane Slaughter Act of 1958*³⁵ states explicitly that *shechita* qualifies as a humane method of slaughter.

Canada, Mexico, the United Kingdom, France, Germany, Spain, and a number of South American countries, also sanction *shechita*, but in most countries it is only as an exemption to the law, without conceding it humane status. Debates in England challenging this allowance have raged since the 1980's.

Switzerland, as previously mentioned, does not allow beef *shechita* without prior stunning. Many attempts have been launched to relax the law, but to no avail. Movements to ban even importation of non-stunned meat also arise, but this right was reaffirmed by the Animal

CONTINUED ON PAGE 6

infection from the incurable mad-cow disease, which is a virus in nervous tissue that can be transmitted from the brain to the rest of the body when the cow is 'stunned' by a blow to its head. (Dr. Alex Leventhal, Israeli Ministry of Health)

32. Instrumental to achieving this recognition were the efforts of Mr. Richard D. Siegel, Esq., as well as Dr. Wendy Fulwider, an animal scientist, who had become chairwoman of the NOSB committee on livestock in 2011.

33. A kosher *shechita* requires that the cut must be made solely by the sharpness of the blade, without any additional pressure, from either the *shochet* or any external source.

34. Some contend, based on *Shach* (Y.D. 6:8), that upright *shechita* is only kosher *bdi'aved*. However, there is no source in the *Talmud* to support this claim and the *Rambam* (*Hilchos Shechita* 4:7) explicitly permits it. See *Mesora* Issue 23, where Rav Belsky demonstrates how this assertion is a misreading of the *Shach*. *Teshuvos V'Hanhagos* IV:178 encourages a community not to change its custom, but he also concedes that *shechita omedes* is kosher, and the *Satmar Rebbe* *zt"l* did not challenge it.

35. 7 U.S.C.A. § 1902. *Humane methods*. The law was updated with the *Humane Methods of Livestock Slaughter Act of 1978*. Jewish leaders who played an active role in this legislation were Rav Eliezer Silver, Rabbi Herman Neuberger, and Mr. Issac Lewin, father of prominent attorney Mr. Nathan Lewin.



A CUT ABOVE: *Shechita in the Crosshairs, Again*

CONTINUED FROM PAGE 5

Protection Regulation of 2008. Similar bans are in place in Sweden, Norway, Iceland, Lithuania, and recently New Zealand. Some surpass the Swiss precedent and outlaw even poultry *shechita*.

In June 2011, “The Party for the Animals”, a small political party in the Netherlands, made enough noise to induce the Dutch House of Representatives to vote to ban religious slaughter without stunning. A year later, in June 2012, the bill was struck down in the Senate, saying it went against the law on religious freedom.

The biggest issue today facing countries that exempt religious slaughter from stunning laws is the push for labeling. Realizing that they don’t have enough support to get rid of *shechita* outright, activists in England and France would like every piece of meat slaughtered without pre-stunning to be labeled as such. This has the potential to significantly damage the supply of kosher meat, because *shechita* is economically viable only if the hindquarters, or any animal declared a *treifa* after slaughter, can be sold as non-kosher. Given the inflammatory climate in parts of Europe, such labeling will likely curtail these necessary sales.

Australia, Denmark, Austria, and Finland require stunning, but not in a way that has an adverse effect on the *shechita*. Instead of stunning cattle³⁶ before *shechita*, they require administering a captive bolt immediately after the *shechita*. This procedure dramatically cuts off the blood flow by ceasing nervous system activity and achieves a more aesthetically pleasing result. Although the *shechita* itself is kosher, since the animal’s blood does not drain properly, it causes a problem with regard to *kashering*³⁷ the meat. *Rema* (Y.D. 67:3) allows such meat to be *kashered* only after it is cut into small pieces, a considerable hindrance for meat processors and butcher shops.³⁸

Scientific Support

Dr. I.M. Levinger³⁹ describes how the three basic precepts of surgery – *cito, tuto et jucundo* – quickly, with certainty, and a minimum of suffering – apply to the *shechita* procedure and all its details. The *shochet* must cut with a swift uninterrupted motion (*she’hiya*). He must use an exquisitely sharpened knife, honed to perfect smoothness on par with surgical instruments, that cuts effortlessly (*drasa*); not concealed by any foreign object (*chalada*), allowing him to move with certainty. Both *simanim* (trachea and esophagus), and ideally the carotid arteries and jugular veins, are severed, but not torn, thus inducing rapid blood drainage,⁴⁰ and immediate and irreversible loss of consciousness without any suffering.

There is extensive literature from the scientific community about the impact of *shechita* on an animal. Methods to measure pain and stress in an animal were contrived, and results were compared to other forms of slaughter. A brief summary can be found in Dr. S.D. Rosen’s article, *Physiological Insights into Shechita*,⁴¹ published in the prestigious *Veterinary Record*, June 12, 2004. He reaches the conclusion:

“Characterisation of *shechita* as ‘cutting an animal’s throat’ with descriptions of blood spurting from the neck or of the late muscular spasms, are unattractive, to say the least. However, to the uninitiated, coronary artery bypass surgery is also visually unappealing! . . . after a review of the physiological issues involved and the experimental data, it is submitted that *Shechita* is a painless and effective method by which to stun and dispatch an animal in one rapid act.”

This outcome is confirmed by Dr. Temple Grandin, world renowned scientific expert on humane animal handling and slaughter practices, whose insights are not influenced by religion or politics. She once commented about *shechita* that is properly performed:

“I was relieved and surprised to discover that the animals don’t even feel the super-sharp blade as it touches their skin. They made no attempt to pull away.” (Regenstein⁴² and Grandin 1992)

36. Due to physiological differences between cattle and sheep – sheep blood drains much quicker – the requirement applies to cattle only.

37. *Kashering* is the process of removing forbidden blood through soaking and salting.

38. *Achiezer* IV:19-20 allowed stunning animals after *shechita* in pre-WWI Stockholm, and again in Hungary in 1939, if kosher meat would otherwise be unavailable. Today, most kosher certifications consider such meat as kosher only *b’dieved*.

39. *Shechita in Light of the Year 2000*, p. 16.

40. Studies note that this has positive effects on both the hygiene and freshness of kosher meat.

41. Available on shechitauk.org. See also, Zivotofsky, A.Z., & Strous, R.D., *A perspective on the electrical stunning of animals: Are there lessons to be learned from human electro-convulsive therapy (ECT)?* in *Meat Science* (2011)

42. Professor Joe Regenstein from Cornell, is a scholar who dedicates himself to



Of course, *shechita* opponents produce their own research to advance their agendas. Researchers in New Zealand published a 2009 report concluding that according to their EEG (brain wave) method to measure pain in animals, pain is indeed felt during a *shechita* cut. Dr. Grandin was quick with her rejoinder dismissing their claim,⁴³ pointing out the study was fundamentally flawed in three ways:

1) During actual *shechita*, the cut is held open and does not allow nerve endings to touch. The research paper did not note if this was done during the study.

2) The knife used in the study was only 9.65 inches long. This is much shorter than a *shochet’s chalaf*, whose length is double the width of the animal’s neck, thus ensuring a swift and smooth cut.

3) A *shechita* knife is sharpened by hand on a whetstone, and achieves a smoothness and sharpness unattainable by the mechanical sharpening devices used in the study.

Attacks On Shechita As A Promoter Of Peace

Recent threats to *shechita* are aimed not only against Jews, but against Muslims as well. There are significant practical and theological differences between *shechita* and *halal*, but they both disqualify slaughter on animals that have been previously stunned. A refreshing benefit has been the amicable cooperation between religious leaders as they work together in their common defense.

Torah Wisdom

Scientific findings in support of *shechita* have value when engaging in dialogue with lawmakers and rational advocates for animal protection. Nevertheless, for Jews who turn to the *Torah* for direction in all matters, they are only nominally relevant. Proper treatment of animals is a concept originally introduced to humanity by the *Torah*. The same Creator who created the animal kingdom and enjoined us to treat animals compassionately, is also the One who commanded us how to *shecht* them.⁴⁴

The *Ramban* writes in his commentary to *B’reishis* (1:29), that although man was granted permission to harness animals for food after the *mabul/deluge*, he must show respect for a creature’s life-soul. Therefore, *eiver min hachai*, meat removed before the animal has expired, is universally prohibited. The Jewish people exemplify a higher moral standard and, therefore, they must completely drain the blood before consumption since that is where the life-soul of an animal resides. *Shechita*, says the *Ramban*, is the best way to fulfill this requirement and is Divinely designed to spare the animal from any pain or suffering. This sentiment is echoed by *Sefer HaChinuch* (451).⁴⁵

Toras Hashem Temima. Many of the *Torah’s* precepts, codified centuries ago, reflect a physical reality, some of which have only very recently been discovered by the scientific community.⁴⁶ Popular beliefs and even scientific opinions change from one era to the next. We will continue to adhere to the *Torah’s* eternal laws and values, patiently waiting for the day when its veracity is unanimously recognized by all mankind.

protecting the liberty to perform religious slaughter worldwide.

43. *Meat & Poultry - The Journal of Meat & Poultry Processors*, April 2010

44. *Torah* and the laws of nature are a seamless continuation of one another. See *Rabbeinu Bachya, Veschanan* (5:21). *Hashem’s* mercy extends over all His creations, *Vrachamov al kol ma’asav*” (Psalms 145:9). Therefore, it is inconceivable that He would command us to slaughter in a way that is not compassionate. Sometimes, concerns for *tzaar ba’alei chaim* conflict with the complete performance of a *mitzva*, and each case must be judged separately to determine which takes precedence. (*O.C.* 305:18-20 presents an example where *Shabbos* laws are determined by animal comfort.) There are situations where a minimal degree of discomfort is allowed if deemed absolutely necessary to ensure a proper *shechita* (See *Pri Megadim, Sifsei Da’as* 24:8, *Mishbitzos Zahav* 53:9, *Shulchan Aruch Harav* 24:14). However, these unique applications have no bearing on the essential nature of *shechita* as a gentle procedure.

45. Indeed, *Pri Megadim* (intro. to *Hil. Shechita*) objects to attributing human logic as a basis to explain reasons for Divinely ordained laws. However, the *Rishonim* were not necessarily giving a reason for why the *Torah* mandates *shechita*. Rather, they are pointing out that the laws of *shechita* precisely reflect an ontological truth of the natural world.

46. One example is the *halacha* (*Chullin* 54a, Y.D. 54:1) that an animal whose kidneys are missing is not rendered a *treifa*, and is healthy enough for *shechita*. *Prima facie*, this is unfathomable; in the absence of artificial dialysis, how can an animal live without functioning kidneys? Rabbi Dr. I.M. Levinger (cited in Rabbi Y.D. Lach’s *Chullin Illuminated*, p. 182) brings a Dutch 1971 study, where cows had their kidneys surgically removed and surprisingly survived! Apparently, ruminating (i.e. kosher) animals possess an automatic mechanism which causes the rumen to compensate for a loss of kidney function by filtering toxins. *Halacha* codified this secret of nature thousands of years before it was discovered by science.



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STAR-K'S NINTH ANNUAL KASHRUS TRAINING PROGRAM ATTRACTS ATTENDEES FROM BROOKLYN TO BRAZIL

by Mrs. M. Pensak

Rabbi Daniel Presman traveled 10,800 roundtrip miles, a 22-hour roundtrip flight from his hometown of Porto Alegre, Brazil, just to attend STAR-K's Ninth Annual *Kashrus* Training Program, July 16-19 2012, held in its Baltimore offices.

"My community wants more kosher certified food," explains Rabbi Presman. "Despite the differences in supervision policies between Brazilian *hechsherim* and those of STAR-K, I think the most important thing is learning about the practical, hands-on, on-site issues, in addition to studying the *halacha*. The program was very enlightening; it was wonderful to get to know the people who work at STAR-K."

Coming from a bit closer to home was Rabbi Rahamim Churba, a member of Brooklyn, New York's Syrian community, and Rabbi Moshe Walter, who assumed the position of Rav of the Woodside Synagogue-Ahavas Torah, in Silver Spring, Maryland. Yet other attendees traveled from Chicago, Columbus, Denver, Lakewood, Las Vegas, San Diego, Toronto, and Wilmington.

STAR-K *Kashrus* Administrator, Rabbi Mayer Kurcfield, the main presenter at the program, said: "I try to instill an attitude toward *kashrus* that I believe has been lost or at least neglected. It is to stress to the attendees the need to project to all whom they might encounter in the field that *kashrus* is not just about its technical demands... turning on fires, checking vegetables, meat vs. dairy, etc. There is an aspect of reverence and seriousness that *kashrus* deserves. We must display that, for us, *kashrus* is not some "Diet-Fad" that one can choose to forgo. It is religious-based and, as a result, cannot and will not be compromised. I believe, unfortunately, sometimes the "main ingredient" is lost — *HaKadosh Baruch Hu*. This is what I try to convey."

Rabbi Zvi Goldberg, STAR-K *Kashrus* Administrator and coordinator of the seminar, concluded: "We are grateful that we are able to continue training the next generation of leaders in *kashrus*, in the U.S. and around the world. Many of our previous attendees are making significant contributions to their communities' *kashrus*, and we fully expect this year's group to be no different."



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