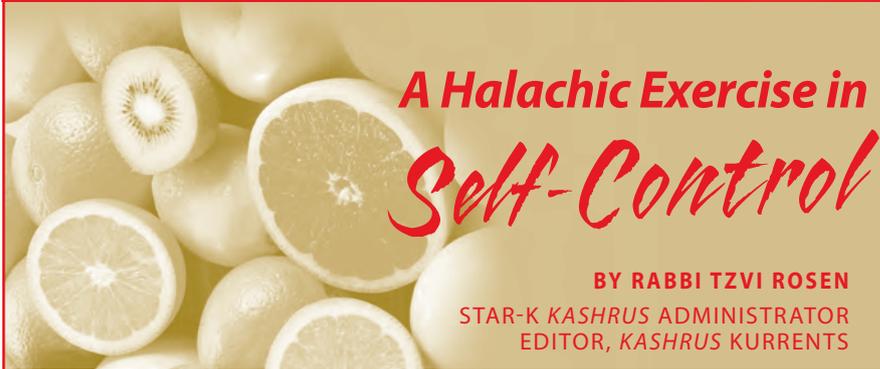


Kashrus Kurrents

VOLUME 35 NO. 3

Summer 5773-2013



A Halachic Exercise in Self-Control

BY RABBI TZVI ROSEN
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SCENE 1: You are hungry. You desperately need something to hit the spot. Suddenly, your friend offers you a delicious chocolate frosted cupcake, complete with sprinkles. Your mouth begins to water. You are just about to take that first irresistible bite when your inner voice raises the age-old query, “How do you know if it is kosher?” Your ecstasy is short-lived. Your hand pulls back and you put the cupcake down. You exercised self-control. You are still hungry, but you passed the test.

SCENE 2: Chava was hungry. Suddenly, someone offered her a delicious fruit. It was beautiful. It was tempting. It was irresistible. It was from the Eitz Hadaas. She wished she was still hungry, but she failed the test. If only she would have exercised self-control.

The *Midrash*¹ cites R’ Yehuda ben Pazi, who draws a marked distinction between Adam, Chava and the behavior of *Bnei Yisroel*. Adam and Chava’s impetuosity deterred them from heeding *Hashem*’s command for even one hour, while we have the wherewithal to exercise self-control and resist eating the “fruits of our labor” for three years!

The *Torah*² commands us to wait for three years before partaking of fruit-bearing trees. The forbidden fruit of this period is known as *orlah*.

Included in the prohibition of *orlah* is the fruit and all its parts. This would include the seeds, peel, skin and outer protective shell of the fruit. Leaves, vines, roots and stalks, even though they may be edible, are not included in the prohibition of *orlah*. Sugar cane and hearts of palm are good examples of edible stalks. Since they are not fruits, they would not be subject to the prohibition³ of *orlah*.

The *Torah* states fruit that grows within the first three years shall not be eaten. When do we start the three-year count? Interestingly, the three-year count is flexible, depending upon the time the tree is planted. All trees begin their annual count from *Rosh Hashana*. According to the *halacha*, if a tree was planted 45 days prior to *Rosh Hashana*, i.e., the 15th day of *Av*, the young sapling enters its second year of the *orlah* count in six weeks.⁴ However, if a tree was planted 44 days before *Rosh Hashana*, one would have to wait an additional year before eating its fruits. Fruit that ripens after the *Tu B’Shvat* following the third year are permitted.

What is a fruit? Technically, “fruit” is defined as the “edible seed-bearing structure of a plant”. This definition includes melons, berries, tropical fruits such as bananas, as well as other popular fruits. Horticulturists define fruits as “the edible food of a woody perennial”. A perennial is a plant that lives for two or more years. An annual is a plant that dies or degenerates after one year. The *Shulchan Aruch* and horticulturists consider the fruit of an annual to be a vegetable. A banana is a perfect example of a tropical fruit that grows on an annual plant. After one season, the banana bush dies and a new shoot grows in its place. Hence, the banana is *halachically* considered a vegetable and the *bracha*, the blessing, recited is *borei pri hoadama*.⁵

However, the *halacha* is even more exacting with its definition of a fruit tree as it applies to *orlah*. If a tree would not produce fruit for three

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Charting the Course of Orlah

BY RABBI DOVID STEIN
STAR-K ISRAEL REPRESENTATIVE

Outside the Land of Israel, after addressing the problem of bug infestation, consumers are accustomed to treating fruits and vegetables as kosher without special certification. However, while visiting Israel or enjoying produce that has been exported from the Land, one must navigate the unfamiliar complexities of *mitzvos hat'luyos ba'aretz* (kosher laws relating to agricultural products). Unless one is proficient in these laws, he must be careful to partake only of agricultural products from which tithes (*t'rumah*, *ma'aser*) have been properly separated, and whose sabbatical year (*shmittah*) status has been verified.

Most restrictions pertaining to fruits infused with *kedushas ha'aretz* (sanctity of the Land) can be rectified to render them fit for consumption, sometimes with limiting conditions. An exception to this is *orlah*, fruit produced by a tree within its first three years from the time it was planted.¹ Not only are *orlah* fruits prohibited to eat, one may not even derive any sort of benefit from them.² The prohibition of *orlah* applies equally to trees that grow outside the Land as well, but certain leniencies mitigate the issue on a practical level. Therefore, our focus is on *orlah* as it pertains to fruits grown in Israel.

Managing *orlah* fruits in the marketplace requires thorough knowledge of the sophisticated agricultural methods currently applied in the orchards of *Eretz Yisroel*. These practices help to boost product yields and promote efficient use of resources, but complicate the ability to determine which fruits are affected by *orlah*. A major factor is that trees are now producing delectable fruit already in their second year. Furthermore, economics dictate that it

¹ If a tree or sapling was transplanted, often the count must begin anew.
² Mishna, *Orlah* 3:1

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Charting the Course of Orlah



BY RABBI DOVID STEIN
STAR-K ISRAEL REPRESENTATIVE

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costs more to harvest fruit from an older tree that has grown taller; thus, it is better to cultivate smaller trees by replanting them every few years. This causes the three-year count to start anew.

To assist consumers, the Institute for Advanced Studies in *Halacha* for Agricultural Settlements,³ led by Rav Yosef Efrati, publishes charts which can be consulted regarding which fruits are affected by *orlah*. Unfortunately, these charts do not provide a simple 'yes' or 'no' answer; instead, they offer information based on percentages. Therefore, to make use of these charts one must first understand some of the basic *halachic* background of how *orlah* is managed today.

At any given time, there is a mixture of *orlah* and non-*orlah* fruits in the marketplace. Undoubtedly, the non-*orlah* varieties comprise the majority, but the *orlah* fruits can form a significant minority. *Poskim* have adopted various positions toward this situation.

A possible lenient approach is purportedly offered by the *Chazon Ish* zt"l.⁴ He says we are allowed to look at each individual fruit purchased as coming from the majority, based on the rule of '*kol d'parish mei'rubah parish*.' Therefore, if the majority of a particular species of fruit is not *orlah*, we may assume the fruit is permitted.

However, this leniency is limited by the rules of *kavuah*.⁵ Following the majority is valid only when the *orlah* status of a

tree is not readily apparent at the time of harvest, and the doubt began prior to the fruit arriving in the store. Growers today are usually aware of which trees are *orlah*; therefore, one can no longer follow the simple majority.⁶

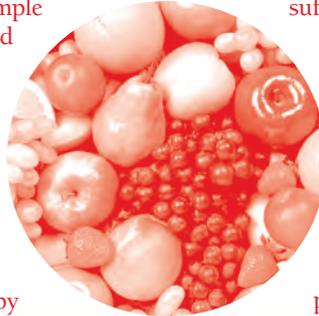
Nevertheless, a different lenient reasoning can be suggested.

Namely, if the presence of prohibited items is deemed to be sufficiently small, one need not be concerned that his fruit came from that minority. What is the threshold for "sufficiently small"? Conventional *halacha* follows the view of *Mishkanos Yaakov*, who places the amount at 10%. Therefore, if *orlah* fruits from a given species are less than 10% of all available fruits of that type, one may purchase that fruit and ignore the minority of prohibited fruits.

Based on a variety of factors, Rav Elyashiv zt"l⁷ ruled that the percentage of *orlah* fruits among a particular species that would prohibit all fruits of that type is actually 5%. Research indicates that a presence of less than

5% indicates that the *orlah* problem exists only in specific localized districts and is not uniformly distributed throughout the country. Since we can ascertain that many regions do not contain any *orlah* fruits at all, fruit in the market is originating from a place which is only a *safek* (doubtful) status of *kavuah*. As such, the majority may once again be followed.

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Species/Family	Traits & Description	Harvest Period	Planting Area (dunam planted in 5770)	General Area (dunam planted for the entire species)	% Orla
PEACH – ALL			1750	28050	2.35
Early Spring	Yellow skin	April, May	240	1500	5.8 } 4 1.4
Texas	Yellow skin, large	April, May	40	1000	
Almog	White skin	End April until May	--	500	--
White Spring (1270)	White skin, similar to Almog	End April until May	--	500	--
Horizon	Similar to Swelling, White skin, light color, small	May	--	100	--
Florida Glow (9- 82)	Similar to Swelling, White skin, large	May, June	--	500	--
83-4	White skin, compressed/flattened look, red, not solid	May, June	--	100	--
Tropic Snow	Similar to Swelling, White skin	May, June	--	450	--
Jubilee	Yellow skin, elongated and cone shaped	June	--	50	--
Oded (10 gimmel-yud 87)	White skin, similar to Swelling	June	450	5000	4 } 3.4 2.4
Swelling (Rhodes)	White skin, large	June	150	2000	
Babcock	Resembles Swelling, white skin, pointed edge	June	--	2700	--
Sugar White Lady	Resembles Babkok but large	July	50	1500	
Summer Snow	Resembles Babkok but large	July	350	3000	
Hermosa	White skin, elongated, large	July, August	40	1500	
198-12 Ruby Dew	Similar to Summerset, Yellow with red cheek	July, August	--	50	
Summerset & Fairtime	Yellow skin, very large	September	--	300	
September & Scarlet Snow	White skin	September	430	7800	
NECTARINE			1250	18850	
Redglo	Yellow skin, small/medium	April, May	--	150	
Mayglo	Yellow skin, small/medium, shiny red	May	--	700	
Fast Red Jesse 100	Yellow skin	May	0	50	
11-9 Sunred	Yellow skin, medium	May	--	50	
Gali	White skin	May	150	1500	
Sun Snow	White skin	May	30	2000	

3 בית מדרש גבוה לחכמה בחתיישובות החקלאיות

4 He viewed the *leidas hasofek*, the initial moment of doubt, as beginning in the store where the fruit was purchased. As long as more than 50% of this type of fruit is not *orlah*, we may assume this fruit came from the majority. See *Chazon Ish*, *Yoreh Deah*, *Ta'aruvos* 37:14. See also *Yabi'a Omer* 6:24

5 *Kavuah* dictates that if the doubtful *halachic* status of an item begins in a location where similar items with a verified prohibited status have a permanent station, both possibilities (permitted and prohibited) are assigned equal probability. As such, it can no longer be assumed

that the item in question was derived from the majority. The intricacies of these very complex *halachos* are discussed throughout the *Talmud*, see *Kesuvos* 15a, et al., and codified in *Shulchan Aruch*, *Yoreh Deah*, section 110.

6 The greater awareness of *orlah* among farmers and distributors, even non-religious, causes the doubt to be born in the place of *kevius*, permanence, and therefore even the *Chazon Ish* would rule differently today. See *Minchas Shlomo*, 1:12 and 2:3.

7 See *Ashrei Ho'Ish*, *Yoreh Deah*, chap. 67, *HaKashrus K'Halacha* p. 588., *Yedi'os Sadeh* chap. 38.



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years, or if a fruit is produced less than a year from the time of its planting, that fruit would not be subject to the laws of *orlah*.

This point was illustrated more than 500 years ago, when the rabbis of *Tzfat* were asked whether the “bendingen,” more popularly known as “*chatzilim*” in Israel or eggplant in the United States, is subject to *orlah*. The fruit of the bendingen is borne within one year of the tree’s planting. Subsequently, the quality of the bendingen diminishes in the second season of growth, while the third season produces fruit of poor quality. Should bendingen be subject to the laws of *orlah* or not? It was decided by the great rabbis of *Tzfat* that since the tree bore fruit so quickly and the quality diminished rapidly, the eggplant is considered to be a vegetable.

Furthermore, the *Birkei Yosef* records this query as it was posed to *R’ Yosef Karo zt”l*, the author of the *Shulchan Aruch*. His answer was as follows: “The Holy *Ari z”l* ate *bendingen*, so it must be kosher!” Obviously, the *Bais Yosef* concluded that “*bendingen*” is not subject to *orlah*.⁶

In a recent responsa, a similar question was posed about the *orlah* status of a papaya. The *Gaon*, *R’ Shmuel Garmizon*, and the *Mahari Chalevo* cite a *Tosefta* that states that if a tree bears fruit within the first year of its planting, then that fruit is *halachically* considered a vegetable. Papaya can be harvested within eight to ten months of its planting. Since the papaya tree bears fruit so quickly, as in the case of eggplant, the papaya is considered a vegetable; the blessing recited over papaya is *borei pri hoadama*, and it is not subject to *orlah*.^{7,8} The *Rav Pe’alim* also notes that since the papaya tree is hollow, the *brocha* recited over papaya should be *ha’adama*. The *Kaf HaChaim*, *Rav Ovadia Yosef*, *Rav Mordechai Eliyahu*, *Mekor HaBracha*, *VeSein Bracha*, and *Pischei Halacha* all concur with the *Teshuvos Rav Pe’alim*’s decision.⁹

Fruits do not have to grow on a woody tree in order to be subject to the laws of *orlah*. Grapes are a classic example of a fruit which grows on a vine and is subject to *orlah*. Kiwi is a fruit that is a relative newcomer to the shores of the United States. Is kiwi fruit subject to *orlah*? Kiwi grows primarily in New Zealand, Chile and Italy; it was cultivated in the United States 40 years ago. The kiwi fruit grows on vines, similar to grapes. The vines are perennial and would be a candidate for *orlah*. However, since the kiwi plant requires three to five years before it matures and bears fruit, *orlah* is generally not a problem.

Where does *orlah* apply? The *Torah* clearly states that the *mitzva* of *orlah* applied upon entering *Eretz Yisroel* - “*Ki savo el haaretz.*”

M’doreisa, according to *Torah* law, *orlah* applies only to fruit grown in *Eretz Yisroel*. However, our rabbis teach us that the laws of *orlah* are not unique to fruit grown in Israel and the *mitzva* is observed in the Diaspora, as well! There is a fundamental difference concerning *orlah vis-à-vis* fruit grown in Israel and fruit grown in the Diaspora. In Israel, *orlah* fruit is prohibited *m’doreisa*. Fruit grown outside of Israel is forbidden to us as *halacha l’Moshe m’Sinai*, Divine tradition. If we have a question concerning whether or not a specific fruit grew within the first three years of planting, *sofek orlah*, the *halacha* is as follows: Fruit grown in Israel is considered *orlah* fruit and is prohibited;¹⁰ fruit^{11 12} grown outside of Israel is permitted. Today in Israel, fruit charts containing specific *orlah* information are distributed to help consumers identify *orlah* concerns.¹³

How does *orlah* apply to grafting? It is a known fact that trees, branches and root stock are commonly grafted. Grafting increases the productivity of fruit trees and helps repair damaged plants. It may also be used to cultivate or reproduce a unique fruit characteristic that develops, such as an unexpected variety that appears, e.g., Granny Smith apples or seedless fruits. Grafting is typically used to speed up or direct a tree’s growth, as well as further produce the unique variety. There are three popular methods of grafting: whip, cleft, and bark grafting.

All three methods incorporate a scion, the bud or branch to be grafted, which is connected to a rootstock. In whip grafting, the scion is connected to a branch of the fruit tree. In cleft grafting, the scion is connected directly into the root by carving a v-shaped opening in the root. In bark grafting, the scion is placed under the bark.

The *Shulchan Aruch* clearly prohibits grafting two separate, unrelated species, e.g., an apple scion to a pear rootstock. It is prohibited to graft a fruit-bearing scion onto a non fruit-bearing stock.¹⁴ Renewing the *orlah* count depends upon the rootstock. Grafting a similar stem to an existing rootstock is permissible, and the *orlah* count is not affected.¹⁵ When uprooting and replanting a rootstock to strengthen the tree or speed its growth, or replanting a shoot which grows on its own,¹⁶ the *orlah* count begins once again.

At the conclusion of the *orlah* cycle, the fruits borne during the fourth year are vested with special sanctity and are known as *neta revעי*. Before eating these fruits, this sanctity has to be transferred onto a coin, similar to the procedure used in tithing *ma’aser sheini*. Once the coin is vested with the sanctity of *neta revעי*, the fruit may be eaten. In the Diaspora, only grapes are imbued with this sanctity. We hope this article gives the kosher consumer a greater appreciation for these *mitzvos*.

1 Vayikra Rabbah 25

2 Vayikra 19:23

3 Yoreh Deah 294:2

4 A tree requires two weeks to root, plus thirty days to be considered a year. The day of planting does not enter into the count.

5 Orach Chaim 203:3

6 Birchei Yosef, Yoreh Deah 294

7 She’elos U’Teshuvos Yechaveh Da’as 4:52

8 See She’elos U’Teshuvos Rav Pe’alim She’ela 30 for additional reasons

9 For a more comprehensive treatment of the *shaila*, please refer to *R’ Chaim Jachter’s Halacha Files*, “The Appropriate *Berachah* for Papaya and Raspberries – Part Two,” 4 Adar 5766.

10 *Safek d’oraisa l’chumrah*

11 *Safek orlah b’chutz la’aretz l’koleh u’mataros*

12 Yoreh Deah 294:8 & 9

13 See related article, page 13

14 Yoreh Deah 295:6

15 Yoreh Deah 294:16

16 *ibid* Orlah 25

Charting the Course of Orlah

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Another approach is to view the *orlah* and non-*orlah* fruits available in the market as one large mixture. The *Mishnah*⁸ teaches that when *orlah* fruits become mixed together with non-*orlah* fruits, in a way that the two types are indistinguishable from one another, the *orlah* is nullified in a ratio of 200:1 or less. Thus, if it can be determined that the presence of *orlah* among all similar fruits is less than ½%, one may purchase the fruit.

A very restrictive approach determines that the presence of just one fruit-bearing tree among a species establishes a state of *kavuah* for all fruits of that species. Only a comprehensive traceback to a tree that is known to definitely not be *orlah* will permit the fruit.

The policy amongst most *mehadrin* kosher certifications in *Eretz Yisroel* is to permit the fruits of a variety only if the presence of *orlah* is less than ½%.

As growers become more sensitive to the demand for *orlah*-free fruit, they are taking measures to reduce the percentage of *orlah* in the market. One method used is to leave the saplings in tree nurseries for more than a year before being planted in the ground. According to some *Poskim*, the three year count begins from the original planting, so that after two years in the orchard the fruit is no longer designated as *orlah*. While the standard *Rabbanut* certification makes use of this leniency, the *mehadrin hechsheirim* do not. They require that three years be counted after the tree has been planted in the ground.

The published charts are updated twice a year, for summer fruits and winter fruits, indicating the percentage of *orlah* in the field for each type. Attention should be given to the different varieties within a species since they may differ. For example, one type of peaches may be 7% and another type only 1%.

8 Mishna, Orlah 2:1





The Kashrus of Tea WITH NO STRINGS ATTACHED!



BY RABBI BARUCH BEYER
STAR-K KASHRUS ADMINISTRATOR

Americans generally do not drink as much tea as the rest of the world. This may have something to do with a certain party they had in Boston a while back. That being the case, you might be surprised to learn that tea is second only to water in worldwide beverage consumption. In fact, some estimates place tea consumption in the billions of cups daily. That's a lot of tea. However, with recent health benefits being ascribed to tea, its popularity in this country is definitely on the rise. In this article, we will explore the world of tea vis-à-vis *kashrus* and *halacha*. First, a little background is in order.

BACKGROUND

Tea is a processed leaf. It is grown on a tea tree which, if allowed to grow wild, would reach 30 or more feet in height. On tea plantations, the main trunk of the seedlings is cut to produce a plant that grows more like a bush than a tree, to enable an easier harvest.

Tea is grown in temperate to tropical areas around the world, the majority coming from India, China, Sri Lanka and, of course, Japan. The early Chinese are credited with the discovery of pouring hot water over these leaves to make tea. Legend has it that the emperor, Shen Nung, would drink water only after it was boiled. He was sitting under a tea tree one day, while his servant was boiling up some water. Some leaves from the tree fell into the kettle and, as they say, the rest is history. The name 'tea' comes from the Chinese words Tchai, Cha, and Tay that are used to describe the drink as well as the plant. The botanical name for tea reflects its origins, *Camellia Sinensis*, roughly translated as Chinese camellia; *Camellia* is the plant family to which tea belongs.

PROCESSING

Tea production begins on the plantation, where leaves are still harvested by hand in the traditional way. There are some areas of the world where the harvesting is mechanized. However, because most teas are grown in difficult high altitude terrain, in addition to various other reasons, machines are not practical for most plantations.

Tea bushes are carefully pruned for three years. This produces a nice growth of "flush". "Flush" is the term used to describe the tender new leaves that are used to make tea. The plant continues to be pruned throughout its lifetime to ensure a steady growth of usable flush. Depending upon the climate, tea is harvested two or three times a year – and sometimes year-round.

Once the leaves arrive at the factory, most will go through a four stage process. The first stage is known as **withering**. The leaves are spread out to wither or dry, in order to remove as much moisture as possible from the leaves to make them more pliable. In most factories, this is accomplished by spreading the leaves out in the sun or in large trays made of netting or fine wire mesh, called withering racks. They are dried either in an open air shed by natural breezes or by forced cool air. This stage can take eighteen to twenty-four hours.

From the withering racks, the now softened green leaves move into the **rolling machines**. These machines break and twist the leaves, breaking up their cell walls, allowing the juices to be exposed to the air and cutting the leaves into marketable sizes. This is the beginning of the oxidation (or fermenting) of the tea, and the first important chemical change to occur. This step leads to the development of the essential oils that give the tea its flavor.

This chemical change continues and matures in the **oxidation room**. The tea leaves are spread out on a flat surface, usually on a tile or cement floor, in a cool damp room. As a result of increased

oxidation, after two to three hours, the leaves will turn the color of a bright new penny.

In the fourth and final stage, the tea progresses to the **driers**. Here it is dried by hot air to arrest the oxidation process and seal in the tea flavor. Almost all the remaining moisture is removed during the drying, which also serves to preserve the tea and keep it from getting moldy. At this point, the tea has assumed its characteristic black-brown color.

The above steps are typical for the production of **black tea**. This is the type of tea that most Americans drink. **Green tea** is made from the same leaves used in black tea; however, green tea skips the withering step and is instead immediately steamed. This keeps the leaves from oxidizing so they remain green. **Oolong tea** represents a compromise between black and green. In oolong, the leaves are allowed to oxidize only partially, turning a brownish-green color. Another type of popular tea is **white tea**, which is oxidized even less than green tea.

After drying, the tea must be graded. Tea grades are based on size, not quality. The leaves pass through sifters of various sizes to determine the grade. If the leaf is too large to fit through any of the sifters, it is sent back for additional rolling. It is interesting to note that the designation "Orange Pekoe" (pronounced peck-oh) seen on many packages of tea is actually nothing more than the basic grade for black tea. Pekoe is a Chinese term used to describe the tea buds. One explanation for the "orange" in the name is that it refers to the House of Orange from the Netherlands, a major player in the tea trade in the old days.

After grading and sorting, the tea is packed in crates and shipped worldwide to wholesalers and distributors. High-end tea will be sold loose or by the box. The mid- and lower-end tea is made into tea bags or instant tea.

TEA VARIETIES

Scented Teas: Genuine scented teas, such as Jasmine or Rose Congou, are made by forcing hot air over jasmine or rose blossoms that have been layered on top of the finished tea. This imparts the scent of the flowers to the tea, which also influences the taste.

The dried out petals are then mixed in with the tea for visual effect. This scenting process does not present us with any *kashrus* problems. Other teas of this type are Magnolia and Orchid.

One of the most famous scented teas is Earl Grey. The second Earl Grey of England picked up the original formula for this tea while on a diplomatic mission to China, back in the early 19th century. True Earl Grey employs bergamot oil sprayed onto the finished tea to achieve its unique flavor. Bergamot is a pear-shaped citrus fruit grown in southern Europe. Bergamot oil is a member of that group of fruit oils known as essential oils, which are derived from the fruits through pressing and distillation. Based on broad experience and knowledge of industry practices, oils of this type are considered kosher even when not certified as such. Other oils in this category, used widely in the food industry, include orange, lemon, and lime oil. Earl Grey tea that lists bergamot oil as an ingredient, with no additional flavors, would be acceptable even without a kosher certification.

Flavored Teas: Flavored teas, both regular and herbal, are processed in the same way. After placing the leaves in a rotating drum, the liquid flavor is sprayed directly onto the product. The procedure is done at room temperature, so there are usually no equipment problems from the perspective of *kashrus*. The one equipment issue that does occasionally arise is that the company



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may be using non-kosher flavors for non-certified teas on the same equipment. As long as the flavors are not compatible with the kosher flavors being used, this is not a problem. This is because the company has no interest in having divergent flavors mixed with each other, and they are careful to clean in between runs. As previously mentioned, because the process is cold, a cleanout is sufficient to prepare the flavor drum for kosher production. The major question we are faced with is the *kashrus* of the flavorings.

Food flavor chemicals represent one of the most challenging areas in *kashrus*. Since ingredients for flavors are derived from a myriad of sources, any product containing either natural or artificial flavorings requires certification. Flavored teas are no exception. STAR-K certification requires its *mashgichim* to make frequent unannounced visits to check on the *kashrus* of all flavored teas.

Dairy Tea: One important issue to keep in mind when purchasing flavored teas is to make sure to check if the product is certified *Pareve* or Dairy. There are several flavored teas on the market now that are reliably certified, but they are dairy. Since many people typically think of tea as a *pareve* beverage, they have become accustomed to drinking it with dairy or meat. Obviously, a dairy tea mistakenly consumed as a *pareve* tea can present several problems i.e. the kosher status of one's dishes, drinking it with or after a meat meal, and issues pertaining to *cholov Yisroel*.

Tea Bags: Traditionally, tea was brewed loose. In the early twentieth century, Mr. Thomas Sullivan of New York began selling coffee and tea in small silk bags that customers would place directly into boiling water. Eventually, paper replaced the silk. Today, after the tea is flavored in the factory (or in the case of non-flavored tea, after removal from the packing crates), it is placed in tea bags or smaller boxes for retail sale. There are no *kashrus* concerns regarding unflavored tea bags.

Herbal and Medicinal Teas: Popular herbal teas include Chamomile and Mint Teas. Echinacea tea is a well known medicinal. Generally made from dried herbs, leaves, and roots, they are intrinsically kosher and do not need to be certified. Herbs are typically dried on dedicated equipment in dedicated processing facilities, by having warm air blown over them.

The above is true for herbals and medicinals that are simply dried herbs. However, if additional ingredients such as flavors have been added, they would need to be reliably certified. One of the most popular brands of teas, "Celestial Seasonings," has many herbal and regular teas that have been certified by STAR-K since the mid-1980s.

Iced Tea: Most historians credit American tea plantation owner, Richard Blechynden, for inventing iced tea at the 1904 World's Fair in St. Louis. Trying to get fair goers to sample his hot tea on one of the hottest days of the year was no easy feat for Mr. Blechynden. Consequently, the enterprising businessman dumped a load of ice in the tea and became the father of one of the biggest innovations in tea.

It is estimated by the tea industry that 85% of the tea consumed in the U.S. is iced tea. Available today in ready-to-drink varieties, the standard procedure for iced tea production is very similar to that of other soft drinks.

The basic ingredient is concentrated syrup, developed by the soft drink company or specialty manufacturers. It is composed mainly of the flavor and color used in the drink.¹ This item must be kosher certified. The concentrate is sent to the bottler, where the other ingredients including water, sweeteners, and preservatives are added, and the drink is made. Based on knowledge of the soft drink industry, we can say that the processing and additional ingredients employed at the bottlers do not present any *kashrus* issues. Therefore, if it is

known that the concentrate is kosher certified by a reputable *kashrus* source, the finished product is also treated as kosher. This is true, even if the product does not bear a kosher symbol on the label.

This also applies to most soft drinks. However, iced tea and some fruit juice drinks display a few wrinkles in their production that change the rules. The issue revolves around the producer's desire to sometimes market a more premium product – in this case, one which is preservative-free – that can be sold for a higher price. Many people will pay more for a product that is not made with chemical preservatives, such as those found in iced tea, e.g. citric acid, potassium benzoate, phosphoric acid, and sodium citrate.

The most prevalent method employed in avoiding the use of preservatives is to pasteurize the product, as is done with milk. This kills the bacteria that the preservatives would normally control. This is a hot process and is a *kashrus* issue if the plant produces both certified and non-certified products. Therefore, when purchasing iced tea without preservatives, one should make sure that it has a reliable certification symbol on the label.

Instant Tea: A relative newcomer to the tea world, instant tea has been around only since 1953. Although the idea behind instant tea is a simple one, the technology employed to produce it is complex. The basic process begins by boiling strong tea that is put through various stages of evaporation, which continually concentrates the tea flavor. The tea essence is then extracted and filtered. This step could be repeated several times before the tea is vacuum-concentrated and sterilized. Finally, the product is spray-dried.

Since this process employs high heat at several stages, and it is not uncommon for equipment of this sort to be used for non-kosher applications, it would normally be assumed that all instant teas need to be reliably certified. However, this is not the case. This is because the collective experience of reputable *kashrus* authorities has shown that the companies that manufacture these products are dedicated to tea. We have no fear of the equipment being used for other potentially non-kosher foods. However, this holds true for unflavored teas only. Instant teas that contain flavors and other added ingredients require kosher certification.

PESACH

Although one might think that plain, unflavored tea would not require a special Kosher for Passover certification, technology and manufacturing practices sometimes change from week to week. Therefore, we recommend purchasing only those teas that are kosher certified for Passover. This is certainly the case with flavored teas and decaffeinated teas, where there are actual known ingredient issues that are potentially problematic for *Pesach*.

Another issue with potential Passover ramifications has recently come to light. While inspecting a large tea manufacturer in New England, a reliable *mashgiach* discovered that some batches of green and white teas were contaminated with gluten. This was especially true of teas grown and imported from China. Investigations revealed that the Chinese manufacturers were either adding gluten to the tea leaves to help arrest the oxidation process during the drying stage of production, or possibly producing the tea on equipment that was also used for gluten. In either case, a surprise source of *chometz* problems for *Pesach* had been identified, not to mention a potential health issue for those who suffer from celiac disease.

Extensive testing of several nationally known brands of green tea was conducted, and half the samples tested positive for presence of gluten. Admittedly, the amounts detected were quite small and would be *botul* according to *halacha*. Even so, these findings raise a red flag indicating re-examination of our previous assumptions about the permissibility of certain innocuous products, such as unflavored



¹ See *Kashrus Kurrents* article, "The Drinks of a New Generation."

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Insights from the Institute

SHAILOS FROM
THE INSTITUTE OF HALACHAH



RABBI MORDECHAI FRANKEL
DIRECTOR, THE INSTITUTE OF HALACHAH

Q: I am traveling, and there is no *keilim mikva* in this area. May I *tovel* new utensils in a lake or river?

A: Metal, glass and glazed ceramic utensils which are purchased from a non-Jew and are used in the preparation and consumption of food require *tevilah* before use.¹ A person may *tovel* utensils in “spring water” - water that flows naturally from under the ground. If a river has such water as its source, he can *tovel* his utensils in the river.² The river must contain at least forty *se'ah* of water, which calculates as 175 gallons of water.³ An ocean or sea is *halachically* considered to be “spring water”.⁴ Therefore, a person may *tovel* utensils in an ocean, sea, or river which has such water as its source. However, regarding a river which has “spring water” as its source, if it has recently rained so heavily that there is a possibility that there is more rain water (and rain water runoff) than spring water present in the river, he cannot *tovel* utensils at that time.⁵

A person may *tovel* utensils in a naturally occurring lake or a man-made lake which has naturally filled with rain water.⁶ As with spring water, the lake must contain at least 175 gallons of water.⁷ However, there is a major difference between *tevilah* in spring water and *tevilah* in a lake. Although *tevilah* in spring water is permissible when water is flowing, *tevilah* in a lake is valid only when the water is stagnant.⁸

It is common for lakes to have drainage pipes in order to prevent water from overflowing when it rains. When water is draining through those pipes, the water above the pipes is not stagnant; whereas, the water below the pipes is stagnant. If there are 175 gallons of stagnant water below the pipes, a *Sefardi* may *tovel* his utensils in all the water in

the lake,⁹ including the water above the pipes.¹⁰ However, an *Ashkenazi* cannot *tovel* his utensils in any of the water in the lake,¹¹ including the water below the pipes.¹²

A person may not *tovel* utensils in a man-made lake which had been filled with water that was piped in from a nearby water source.¹³ It can be hard to find out how a lake was filled, and difficult to ascertain that no drainage is taking place, so a person should avoid performing *tevilas keilim* in a lake without first investigating these issues.

To summarize: A person may *tovel* utensils in an ocean or sea. If it has not rained heavily recently, he may also *tovel* utensils in a river which has a sea as its source, or a river which flows naturally from under the ground. He should not *tovel* utensils in a lake without first investigating how it was formed; an *Ashkenazi* would need to investigate the drainage issues, as well.

¹ ע"י בשו"ע יו"ד סי' קכ פרטי הדינים
² שו"ע שם סי' א
³ בשו"ע שם מבואר שהמעין צריך ארבעים סאה מים, ובשיעורין של תורה כתב שאמה הוא 58 צ"מ, ולפי"ז שיעור מקוה שהוא אמה על אמה ברום ג' אמות הוא 586 ליטר. אמנם החמיר שם וכתב ששיעור מקוה הוא לא פחות מן 750 ליטר ובשעת הדחק עכ"פ לא יפחתו מן 648 ליטר.
⁴ שו"ע שם סי' ה
⁵ שו"ע שם סי' רא סעי' ב. וע"י היטב מש"כ בזה הגר"י בעלסקי שליט"א בשו"ת שלחן הלוי פרק כד אות לז.
⁶ שו"ע שם סי' ק יב
⁷ שו"ע שם סי' א
⁸ שו"ע ורמ"א שם סי' ב
⁹ שו"ע שם סי' ג
¹⁰ לחם ושמלה שם שמלה ס"ק פו ושו"ת אמרי יוסף ח"א סי' קל
¹¹ רמ"א שם סי' ג
¹² לחם ושמלה שם שמלה ס"ק פז ומרחשת ח"א סי' לט אות טז
¹³ שו"ע שם סי' ג

The Kashrus of Tea – WITH NO STRINGS ATTACHED!

CONTINUED FROM PAGE 5

tea. STAR-K policy regarding this issue has been to maintain our previous requirement of Kosher for Passover certification on tea.

SHABBOS

Since many people enjoy their tea on *Shabbos*, it would be appropriate to briefly mention the do's and don'ts of tea preparation on *Shabbos*. One should not use tea/herbal bags or loose teas on *Shabbos*. This is because tea is part of that group of foods known as *kaley habishul*, or easily cooked foods. These foods are considered so sensitive to heat that they will cook under circumstances at which other foods will not.

Therefore, the only way to enjoy tea on *Shabbos* is to prepare tea essence before *Shabbos*. The common practice is to make a very strong cup of tea prior to *Shabbos* by using several bags and pouring boiling water over them. It is preferable to remove the bags before *Shabbos*. This essence can then be added to a cup of hot water (*kli sheini*) on *Shabbos*. The preferred method, however, according to Rabbi Moshe Heinemann, *shlita*, Rabbinic Administrator of the STAR-K, is to place several bags into a pot of water and actually

boil them up on the fire prior to *Shabbos*.² This essence, minus the bags, can be stored in a cup and added to hot water.³

Alternatively, you may want to use instant tea on *Shabbos*. When using instant tea or coffee, the preferred method is to add the tea to the hot water (*kli sheini*), and not vice versa.

We can say that, for the most part, tea remains one of life's simple pleasures that can be enjoyed comfortably by the kosher consumer. But remember, tea is no different than many other foods – from a kosher perspective, the simpler the better. Once you venture out into the world of more complex tea products, proceed with caution... to avoid ending up in hot water!

² ואע"ג דיש מקום לחלק בין בישול עלי הטייאה שנשארים העלים ונותנים העלים בשבת בכלי שני, ובין היכא שכבר הסירו העלים מאתמול, שאז אין הנידון כי אם על המים שנצטננו, ובהמים אין בישול בכלי שני כמו שכתוב במ"ב שם ס"ק פ"א. אבל לפענ"ד הא ליכא, דגם טעם הנפלט מן העלים ג"כ יש לו ממשות. כמו שאנו רואים בחוש בה"אינסטנט טייא, שזהו התמצית מן העלים ונמס לגמרי כשנותנים אותו במים. וכמו שמצינו במלה ששייך בו בישול אע"ג דנמס. כמש"כ הרמ"א שם בסעיף ט', ה"ה בתמצית הטייאה. ואם אינו מבשל אותו ממש ע"ג האש מלפני שבת, יש חשש שלא היה מבושל כל צרכו. וכל שכן, אם רק עירה עליו מים ורוחצים מלפני השבת כמש"כ בשער הציון שם אות ס"ג. ובע"כ על התמצית המ"ב מדבר כשאמר דלערוך על עלי הטייאה יש בזה בודאי חשש אב מלאכה. דעל בישול העלים הוא מלאכה שאין צריך לגופה דפטור עליה כמש"כ המ"ב בס"י שט"ו ס"ק כ"ה. וזמנה שנפלט הטעם מן העלים אין ראייה, שכבר נתבשל, דגם בצונן מפליט טעמו ודחורתו וע"מ מ"ב סי' ש"ה ס"ק ס"ז. ע"מ מ"ב ש"ה סי' ד, ס"ק ל"ט ³



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CONSUMER PRODUCTS

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The Star-D is a kashrus symbol of the National Council of Young Israel (NCYI). The Star-K, in its relationship with the NCYI, administers the kashrus of the Star-D. All Star-D products are dairy cholov stam (non-cholov Yisroel).

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Chalak Beit Yosef for Sephardim

WHAT'S NEW AT THE STAR-S?



Bishul Beit Yosef for Sephardim

The recently launched STAR-S program for *Sephardim* was lauded not only for providing *Mehadrin* rice and frozen beans this past *Pesach*, but also for answering hundreds of consumer questions around the clock.

STAR-S is now working to provide for the year-round needs of the Sephardic community. *Bishul Beit Yosef L'Sephardim* Surimi for Sushi was produced for the China *Mehadrin* brand, in addition to a full line of hummus and salatim from Israel which is in the works.

Furthermore, canned vegetables – including potatoes – have been accepted for certification. *Rav Emanuel Goldfeiz shlit"a* is working alongside the *gedolei hasephardim* in the U.S. to ensure that STAR-S protocols meet the requirements of the entire community.

Due to a strong demand, certification will be provided for STAR-S *Chalak Beit Yosef L'Sephardim* beef and veal. This will pave the way for Sephardic-approved catering and restaurants.

Last but not least, *Pesach* production of STAR-S P *KITNIYOT* products has already been planned. For more information, or to apply for STAR-S certification, please call 410-484-4110 ext 217 or email rabbiholland@star-k.org.



Star-K Kosher Certification

A non-profit agency representing the Kosher consumer in promoting Kashrus through Education, Research and Supervision.

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This publication is
dedicated to the
memory of
M. Leo Storch,
of blessed memory,
through a grant from
Mrs. M. Leo Storch
& Family.

Subscriptions

\$10(USD) annually for 4 issues -US & Canada
\$15(USD) annually for 4 issues -Overseas

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