

ENCYCLOPEDIA OF KASHRUTH

Volume 1

KOSHER MILK In Accordance with **JEWISH LAW**



By

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Author of over 70 Sforim (books).



New York 5740

We appeal to you not to disregard this book by putting it aside but to read it from time to time, as well as to disseminate it among relatives, neighbors, and friends. By doing so, you too will have a share in *zikuy harabbim*.

Please be aware that the publication of this booklet is very expensive. We would greatly appreciate it if everyone would contribute according to his ability, to enable us to continue our holy work.

May the L-rd grant us the ability to do His will with a pure heart, so that no pitfalls result from our work, G-d forbid, and that we should merit that G-d's name be sanctified in the world through us, and that we should all live to see the *ge'ulah sh'lemah* in our days, in the very near future. Amen.

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KOSHER MILK IN ACCORDANCE WITH JEWISH LAW

Compiled to inform our brethren of the reality of the situation concerning unsupervised milk of gentiles in places where the government prohibits mixing milk of non-kosher animals with that of kosher ones.

CONTENTS

1) Clarification of the fact that milk of non-kosher animals is mixed into cows' milk in all localities.

2) Views of the greatest authorities of past generations and those of contemporary authorities who rule against the use of the milk of gentiles even where there is no danger of non-kosher milk being added, and that it is impossible to permit it for any reason (except in cases of one's life being in danger, with the instruction of a rabbi).

3) Testimony and clarification of the aforementioned *geonim* and *tzaddikim* in articles encompassing the entire subject of milk and cream and other dairy products, both concerning the methods of their production and their status in halachah.

4) Incidentally, the fate of one fed on unsupervised milk, clogging of the heart and the brain, and rejection from the World to Come becomes clear.

5) The importance of this work for every Jew, especially for the rabbis, principals, *mashgichim*, and those who give *hechsherim*.

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משה פיינשטיין

ר"מ תפארת ירושלים

Endorsments

בנוא יארק

בע"ה

הנה ראיתי כמה מהספרים שנתחברו ע"י ידידי הרב הגאון מוהר"ר שלום יודא גראס שליט"א הרב רק"ק האלמין מברוקלין, ביניהם הספרים אכילת מצות בישראל ז' חלקים, אפיית המצות השלם ג"ח, שו"ת זבחו וזבחי צרק, אהלי ישראל, רבר משה, מזוהת שלום, מנחת יהודה, קדושת ישראל, נפש ישעי' ועוד, וכולם נכתבו באופן וצורה שראויה לבני תורה לעיין בהם, שהגאון המחבר שליט"א אסף וביאר בחריפות ובקיאות נפלאה, ההלכות והשקפות ששייכים לכמה ענינים שהעולם, ר"ל, נכשלים בהם, ואף שלא שייך לי מחמת טרדת הזמן, אלא לעיין קצת בספרים, וממילא לא שייך לכתוב הסכמה לגבי החלטת הדינים, מ"מ כבר אתחזק גברא, שיש לסמוך על הגאון המחבר שליט"א, שחיבר ספריו לכבוד השם ותורתו, וממילא אני מקוה, שכל שומרי התורה יעזרו להגאון המחבר שליט"א, שבאמת מצוה גדולה לחזקו ולתומכו בכל האפשרות.

וע"ז באתי על החתום לכבוד התורה ולומדיה,

ביום י"ח לחדש סיון תש"מ

נאום משה פיינשטיין

I have seen many of the Seforim authored by Rabbi Sholom Yehudah Gross שליט"א, Rabbi of Holmin, from Brooklyn, with whom I am well acquainted. Among them are the works entitled: *Achilath Matzoth B'Yisroel*, 7 vol.; *Afiath HaMatzoth Hashalem*, 3 vol.; *Responsa Zivchu Zivchei Tzedek*; *Oholei Yisroel*; *D'var Mosheh*; *Mezuzath Sholom*; *Minchath Yehudah*; and many others. They are all written in a manner and form worthy of the attention of Torah scholars. The author, a Gaon, has organized and explained each topic with extensive erudition and profound understanding. These Seforim document the laws and ideas concerning many areas of Halacha in which observance has, unfortunately, become lax. Shortage of time has denied me the possibility to properly review his works. I, therefore, am not in a position to endorse his legal decisions. However, this Gaon, the author, may be relied upon since he has already displayed his ability in this field, and has authored his works without any ulterior motives, only for the honor of G-d and His Torah. I, therefore, hope that all observant Jews will assist the learned author of these books, for it is a great Mitzvah to encourage him and support him as much as possible.

I, therefore, affix my signature in honor of the Torah and those who study it, on the eighteenth day of Sivan, 5740.

Moshe Feinstein

In the author's previous works, among them Responsa Zivchei Zedek, Afiath Matzot, Achilas Matza B'Yisroel, Nefesh Yeshaya and Minchath Yehudah, letters of appreciation and support were printed from Geonim and Tzadikim of our generation, the authorities upon whom the House of Israel depends.

Rabbi Eliyahu Zlotnick - Zecher Tzaddik'bracho

Member of the Rabbinical court of the Ada HaChereydit in Jerusalem

Rabbi David HaLevi Yungreis - Zecher Tzaddik L'bracho

Member of the Rabbinical court of the Ada HaChereydit in Jerusalem

Rabbi Yishayahu Yishai Hacohen Greenfeld - Zecher Tzaddik L'bracho

A Rav and author of Seforim in London

Rabbi Levi Yitzchok Greenwald - Zecher Tzaddik L'bracho

The head of the Rabbinical court of Kahal Arugat HaBosem

Rabbi Yisroel Yitzchok HaLevi Riezman - Zecher Tzaddik L'bracho

Member of the Rabbinical court of the Ada HaChareydit in Jerusalem

Rabbi Simcha Bunim Greenberg - Zecher Tzaddik L'bracho

The head of the Rabbinical court of Pressburg, later a Rav in Brooklyn

Rabbi Shimon Yisroel Pozen - Zecher Tzaddik L'Bracho

The Rebbe of Shopron

Rabbi Avrohom Yitzhok Kahan Shlita

The Rebbe of Kehilat Shomer Emunim, Jerusalem

Rabbi Avraham Meir Israel Shlita

The head of the Rabbinical court of Haniad

Rabbi Avraham Eliezer HaCohen Yalus Shlita

The head of the Rabbinical court of Philadelphia

Rabbi Avraham M. Britshtein Shlita

*The secretary of the Rabbinical court of Ada HaChareydit in
Jerusalem*

Rabbi Chaim Eliyahu Sternberg Shlita

A Rav and the Rosh Yeshiva of Machzikei Torah Haifa, Israel

Rabbi Yosef Greenwald Shlita

The Rebbe of Papa

Rabbi Yechezkial Grubner Shlita

A Rav in Detroit

Rabbi Moshe Feinstein Shlita

Rosh Yeshiva Mesifita Tifereth Jerusalem

Rabbi Moshe Stern Shlita

The head of the Rabbinical court of Debretzin

Rabbi Naftuli Hirtska Honig Shlita

The head of the Rabbinical court of Sharmash

Rabbi Refoel Silver Shlita

The head of the Rabbinical court of Freeman

Rabbi Sholom HaCohen Wein Shlita

The head of the Rabbinical court of Ohel

Rabbi Shlomo Halberstam Shlita

The Bobover Rebbe

Rabbi Shmuel Yehuda Panet

The head of the Rabbinical court of Daash

Rabbi Shmuel Zaev Miller

The head of the Rabbinical court of Arad



*Letter of Approbation
from Rabbi Moshe Stern, Debrecyner Rav Shlita*

Greetings to my dear friend, who wages the war of the Creator with heroism, Rabbi Sholom Y. Gross shlita.

I was very happy to learn that are engaged in the holy work of publishing booklets and pamphlets concerning matters of paramount importance and that you chose to collect quotations from the works of the greatest of the rishonim down to the latest of the acharonim in matters of mitzvos that people treat negligently, mitzvos that are sadly neglected in our times, without any why or wherefore, e.g. the mitzvah of mezuzah. People buy mezuzoth from dealers, most of whom, if not all of who buy, indiscriminately and sell their wares as meeting the highest standards of kashruth, regardless of the fact that the overwhelming majority of them are invalid. Likewise, people buy tzitzith without questioning who manufactured them and how they were manufactured. In these matters there are many pitfalls.

No less are the pitfalls in the field of foodstuffs, whose kashruth is in the hands of the manufacturers or the distributors, whom nobody questions. Everyone is brought like sheep to the slaughter. Who knows what they eat? I was asked about such places, which, after investigation, were discovered to have served food in treife utensils, whether one who inadvertently ate there must repent like one who committed an inadvertent sin, or whether he is considered as having been coerced to sin, since he relied on the supervision. I clarified in a lengthy responsum that they are accounted as people who committed a transgression through negligence, for, under no circumstances, may we rely on their hashgacha. You are doing wonderful work by making an outcry concerning this matter and by arousing the people to be

conscientious in their observance of kashruth and not rely on mere claims of kashruth. *Also, in the matter of shechitah and bedikah, you have collected quotations from the responsa of the greatest of the halacha authorities, useful information, statements which are 100% true.*

In regards to your query about eating walnuts during the summer, I must tell you the truth that I am very surprised that even the most Orthodox eat walnuts during the summer. I remember from the house of my father o.b.m., may G-d avenge his book, that we never ate old walnuts from Shavuoth until Hoshana Rabbah, because of fear of mites. (milben in Yiddish). Anyone with any fear of G-d, followed in his footsteps. In America, however, where the fear of mites is so much more, even G-d-fearing people eat them. It is beyond my comprehension. Even those who ate walnuts would pass them through fire to burn the mites, should there be any in the nuts.

Moreover, all kinds of roasted nuts, that are eaten in this country, e.g. walnuts, cashews, peanuts, and the like that are roasted in oil, must be investigated as to whether they are roasted in kosher oil, for there is a grave doubt in this matter. A reliable witness testified before me that he saw with his own eyes that the nuts were roasted in fat, which is considerably cheaper than oil.

As far as relying on the hashgachah of the OU, G-d forbid that we should do so, since those who are in charge of the OU do not follow the way of our holy rabbis and forebears, so how can we rely on them? It is appalling how many steps we have retrogressed! How low we have sunk!

We must also watch to strain tea bought in health stores without bags, for the same reason mentioned above, for fear of mites, if it lies for months in the store, similarly rice flour and the like.

In any case, it is very important, and almost as essential as "air to breathe" to arouse the public concerning kashruth. May Heaven grant you a double reward, for the entire matter of kashruth and the supervision of the foods entering everyone's kitchen is heartbreaking. May G-d help us for the sake of His name to rectify what is possible to rectify. If it is impossible to effect an improvement among the masses, since they have become accustomed to this situation and it seems to them as though it were permissible, let us, at least, repair the breaches in the wall as regards those who immigrated from Europe after the war, after the terrible expulsion. With anguish and distress at all we see around us I sign with hope for G-d's kindness and mercy, for the nation as a whole and for each individual.

The Days of Selichos 5738, Brooklyn, NY

[Rabbi] Moshe Stern

We have many more letters from the greatest rabbis of our time, but because of the expense involved in printing them, we have not included them in this volume. Those interested can find them in vol. 1, 2, and 6 of *Nefesh Yeshayahu*.



Acknowledgements

I cherish this opportune time to express my sincere indebtedness...more than words could convey or acknowledge...to a most wonderful newly acquired Friend Mr. Alexander Tepfer, Shlita of

**Computerized Quality Separation, Inc.
145 Hudson Street, New York, New York 11013**

His wholesome good naturedness, total dedication and expertise combined with his helpful and high degree of talent in a highly specialized field enhanced the beauty of the illustrations in this book especially introducing the cover, and improved the quality of the text. His sympathetic understanding of my educational aims and his ability to transfer them to the printed page are very much appreciated beyond the scope of understanding.

ALL those whom this book will pick up and therefrom learn the holy words of the Al-Mighty (due to the attractiveness of the cover) will so do solely due to the credit of Mr. Shiyah Alexander Tepfer, and as recompense for such I implore Heaven to grant him reward in accordance to benefit derived therefrom. In the merit of such dedication administered here, may the Al-Mighty bless his beloved ones, too, along with him with ariches yomim (long life), with health and happiness, Amen.



We wish to commend Reb Chaim Shmuel Friedman without whose strenuous effort toward perfection in some of the art work here-in contained, this work would not have achieved the full appeal enjoyed by all. His Heavenly-granted artistic talent is vividly displayed in bringing out the fine points we strenuously derive to obtain. May his future be bright together with his spouse and children to see true Yiddish nachas from them.



ACKNOWLEDGEMENTS

I wish to take this opportunity to mention my dear mother, the personification of "A G-d fearing woman — she is to be praised." Esther, תת"י, the daughter of Rabbi Zev Wolf Mutzen ז"ל, the *shochet* of Arad, (who passed away on the eighth day of Tammuz, 5715). I beseech the Almighty to grant her long life in health and happiness, and may she have *nachas* from her children and grandchildren engaged in learning Torah and fulfilling mitzvos, until the coming of the Messiah speedily and in our days, Amen.

May my beloved wife, תת"י Taube, the daughter of Rabbi Chaim Eliyahu Bittman, שליט"א be blessed with the threefold priestly blessing, for exerting every effort to stand by my side and help me fulfill my aims; she enjoys immensely seeing me free to engage in the Tōrah, to write novelae, and to author *seforim*. May her reward from the L-rd, G-d of Israel, be complete, and may we both merit to raise our lovely children to learn Torah, to enter the *Chupah*, and to engage in good deeds. May our children: Yaakov, Yeshayah Zev, Miriam Berochoh, Avrohom Chaim Elimelech, Chayah Soroh Feige, Pearl Malkah, Nissan Moishe, Dovid, Avigdor, Freide Bale, and Yoseph Yoel all merit long lives in happiness. I pray: Please, Almighty G-d, guard them from misfortunes and illnesses, and may we have much *nachas* from them. May they raise generations of upright Jews, blessed by G-d to be a glory to our holy forebearers.

I also wish to take this opportunity to express gratitude to the members of my congregation, Congregation Mogen Shaul of Halmin, and especially to the scholars of the kolel "Beis Yeshayah" of Brooklyn, who are dedicated to the study of the laws of *shechitah* and *bedikah*. They are all Torah observers and magnanimous people, who assisted me greatly in the publication of this book and other books. May G-d bless them, as well as all others who have assisted me in my holy task and grant them all the desires of their hearts for good.



ABOUT THE AUTHOR

Harav Sholom Yehudo Gross Shlita, is an internationally renown author, a most distinguished and erudite Talmudical and halachic scholar and research specialist, having written on crucial issues impacting upon our obligatory daily mitzvoh observances concerning the **Torah's** Commandments dealing with, **SHABBOS, MEZUZOS** and **TEFILLIN, KASHRUS, GAN EDEN (Paradise) etc., etc.**

He has provided all the necessary information required to enable an individual to lead a true Jewish life.

His numerous and multi-faceted seforim, some 42 works relating to Jewish Law - encompass the diverse and wide-ranging areas of Jewish halacha.

Though a rav of the European school of thought - Rabbi Gross is extremely knowledgeable of the technological manifestations of the modern era. Living in a period of great discoveries which daily create new problems in many areas of Jewish Law, e.g., the field of Kashrus and other important areas.

Rabbi Gross is not satisfied with the thoroughness of his halachic findings; indeed he made inquiries by contacting various departments of the Federal and State governments, as well as physicians, veterinarians, etc., to discern and establish the FACTS.

First, he informs and advises what is best for us and then provides specific information based upon the dictums of our past sages and halachaic authorities. In addition, where policies he has elicited direct governmental response to arrive at his own determination.

Every one of Rabbi Gross' seforim has been acclaimed, in writing by the greatest Torah authorities, who concur with the results of his findings, and who make an impassioned plea to all rabbis and leaders to unite under one banner and support his quests and ideals.

It is the author's sincerest desire and prayer that the reader will achieve an awakened and heightened spirituality enabling him to attain the stature of being a beloved child to our Father in Heaven, Is this not everybody's wish?



A SONG OF THANKS

From the depths of our heart, we wish to express our sincere thanks to the great rabbis who gave generously of their time, and took the trouble to review this book, remark about it, and correct it according to their profound understanding. Moreover, they offered me appropriate advice on how to publish this book in the best possible manner, both the legal and ethical sections, so that it would be acceptable to the public. May the Al-mighty fulfill all their wishes for good, and may they prosper wherever they turn, and be privileged to disseminate the words of the Torah and sanctify it, in the vineyard of Israel until the coming of the Messiah speedily and in our days, Amen.

INSTRUCTIONS TO THE READER

This book is the result of much toil and hard work in collecting the scattered material, from various sources, one of the most difficult tasks in this field. The reader should know that any complaints he has, are on the books from which I quote these statements. I am clear of any blame, since all my work was to pour from one vessel into another. This statement is old, similar to that found in the introduction of **Mesilath Yesharim**.

I request you to study all the statements quoted in this book, **the benefit you will derive from it is unfathomable**, , with **Hashem's** help, it is full of statements which will server as a remedy to the maladies of the soul and body. **By casually skimming over the material, this benefit cannot be realized.**

This holy tome is being published in the vernacular, in contrast with the practice of other generations, to print in the holy tongue, simply because it is human nature for one to be close to his mother tongue, the language he learned in his childhood. He will, therefore, find it easier to read in that language than in another language learned in later life, in which he is not so fluent.

Moreover, women and children will find it easy to read through. This is very essential for the desired result, that they take heed of the halachoth mentioned here, which apply to them. In addition to their own observance, they will assist their husbands and encourage them to follow suit, if it is not possible for the husbands to find time to persue this volume and study it thoroughly by themselves. In such cases, the wives will do the work for them.

May the words of **Sefer Chasidim** be fulfilled for us, that whoever repeats a statement made by those of earlier generations, they will pray for him and defend him in Heaven, (ch. 224).

May the merit of all the tzaddikim and saints quote here, with all the other tzaddikim stand us in good stead for us and for our posterity, so that we may cling to their ways and follow in their footsteps, to observer the holy practices transmitted to us by our forebears, and satisfy the Creator until the coming of our redeemer speedily and in our days, Amen.

Notice

We wish to note that we do not mean, G-d forbid, to find fault with any Jew. It is our mission to give assistance with practical examples from every day life to see that those Jews who truly wish to practice Judaism in the traditional manner, without compromise, but because of hurrying or lack of reflection do not notice the many pitfalls that come about daily, and therefore fail, are reminded that this is contrary to their desires and principles. We wish to show and explain to them that this is contrary to the statues of the Torah, and that through small deviations we endanger the entire structure of Judaism.

Simultaneously, we indicate these laws from Rabbinical teachings that these regulations are not merely pious practices, preferable behavior, or things which should be done from the outset, but stringent laws and regulations.

We present here a part of the introduction of the Sefer, Eis Laasos by the famous tzaddik, Rabbi Hillel Lichtenstein of Kalamaye, Hungary, o.b.m., which we deem appropriate for our booklet. This is what he said to his Safer:

“My dear sefer (book), that has cost me so much time from learning Torah and so many tears, I send you out into the world, and I exhort you to avoid neither large cities nor small towns. Do not say or even think, that in the brazen, impudent world of today, “Who will look at me? Who will take heed of my message? Where will I be able to accomplish anything? On the contrary, I will cause people to commit more sins, since they will regard me with disdain and mock me.”

“I say to you, dear sefer, that even according to your view, your mission will not be fruitless, for even if you are unsuccessful in your attempts to influence men, you may influence women, whose hearts are softer and who are more impressionable. Should you fail to influence the youth, you may influence elderly persons; if you fail to impress healthy people, you may impress those sick and wracked with pain, as well as those whose fortunes have taken a turn for the worse.”

“I, however, am convinced that you will succeed in **all** your travels. Fear not! Don’t worry! Do not be frightened off! Remember Abraham, concerning whom the Torah writes, “**And he believed in G-d**”. His belief was as strong as the Rock of Gibraltar. That faith is deeply rooted in his descendants as an inheritance, so that their name is always “**Maaminim b’ney maaminim**” (believers, the children of believers). I, therefore, am convinced that you will be very successful. Many Jewish children will kiss you, and many will shed tears while reading you. Even if certain elements

cast you to the ground and trample upon you, there will come a time when they themselves will pick you up and love you, because the time is drawing closer and closer when pepole will come to their senses and recognize the pure, unadulterated truth. Today, we find many who deviate from the teachings of the Torah, some completely and some partially. The morning of the redemption is at hand, when the *ruach hatumah*, the spirit of impurity, will be removed from the world, i.e. the *yetzer hara* will be completely eradicated, and the earth will be full of knowledge of the L-rd, i.e. the people will come to recognize the complete unadulterated truth. Then everyone will strive to follow all the teachings of both the written and oral Torah, the Bible and the Talmud with neither alterations nor abbreviations, but in the precise manner that they were observed from time immemorial, not as some groups claim, that their "rabbis" have the power to alter or disregard the *Shulchan Aruch*. Then, people will not allow themselves to be misled by various types of misleaders, or to be enslaved to such leaders who mean only their own monetary gain and their own glory. The time will come when the Almighty will fulfill His promise to "circumcise" our hearts, to remove the obstructions that clog our hearts spiritually. As the Bible teaches us, falsity lasts but a moment, whereas the true tongue will be established forever. I, therefore, assure you that you have no need to fear. You will surely succeed in disseminating and expanding the truth."



THE STATE OF KASHRUS

Not every "Hechsher" is kosher -- How the Kashrus "industry" is being exploited by people out for easy profits and quick wealth; a budding scandal involving perversion of Halacha; and a frightening helplessness to combat it.

An Issue of Burning Importance

A public-opinion poll and survey of the community held early last year showed that the overwhelming majority of Israelis eat kosher food at home, prefer and request kosher food where it is available outside their homes, and spurn Traife. Even those who do not attend shul regularly and who do not keep shabbos, avoid non-kosher food.

There are few patronizers of non-kosher butcher shops, or non-kosher restaurants -- if a kosher one is nearby. Kashrus is so deeply rooted in the national tradition that it has become second nature to every Jew. We are not discussing those individuals who are "orthodox" and observe all the Torah's mitzvot since they are in the minority. Rather, we speak of the majority, who are **not** in the orthodox camp -- the so called "independent" -- who are not Torah-observant. "Our family isn't religious", was a typical response of Israeli housewives surveyed, "but under no circumstances would I allow non-kosher food to come into my house. This is how I was brought up, and I cannot do otherwise.

The government, responsive to the will of the majority, supports religious services out of public funds and attempts, to the best of its ability, to assure a supply of kosher food to all who desire it. A network of religious councils spreads over the entire

land, employing rabbonim, shoachim, menakrim, mashgichim, etc.; Kashrus Commissions operate in every locality under the central Kashrus supervisory board attached to the Chief Rabbinate in Yerushalaim. Butcher shops and slaughter houses are supervised by Rabbonim and an army of thousands of helpers of various kinds, armed with legal standing and budgeted at millions of Israeli lira a year. It is their job and function (and not an easy one, to be sure) to assure that the housewife purchasing meat at a butcher-shop, or a ready-to-cook chicken in a supermarket, can be confident that the products are kosher beyond any doubt; and that a Jew who enters a restaurant exhibiting a certificate of Hechsher from the Rabbinate or local religious council need not fear that he will be fed Traifus. After all, the Israeli citizen pays good money for kashrus supervision, and is entitled to get his money's worth.

In the area of kashrus there can be no compromise, no apology, no begging forgiveness after the fact. Food is either kosher or Traifa; it cannot be "slightly treifa". A transgression in kashrus is in the category of the "offense that can in no way be corrected". Accordingly, one would expect rabbonim and religious people to adhere "rigidly" to the laws of kashrus in food production and supervision.

To our great misfortune and shame, this is not the case!

Many complaints have been heard in recent years about cheating in kashrus. The complaints have been echoed in the press; they have even reached the courts. They multiply year by year and even month by month. Mezuzos written on plain paper; tefillin from printing presses; camel meat sold as kosher; donkey meat mixed into frankfurters; soup flavored with lard in "kosher restaurants"; insect parts in imported food stamped "kosher"; these are everyday occurrences. In most cases the

consumer doesn't even know that he has been swindled, and that the real "bill" will be presented to him only in the World to Come.

This problem has become even more exacerbated and complicated due to the rapid development of the "prepared-food" business. The chicken is no longer slaughtered in front of you, so that if anything strikes you as suspicious you run straight to the rav with a sha'ala. Groceries no longer sell unpackaged products which are easily recognized, and their manufacturing processes widely understood. These are practically non-existent today. In their place we find, are the closed package and the sealed box -- try and figure out who prepared the contents of that package or box, and who it is that guarantees its kashrus! And even worse, those who are in charge have abdicated their responsibility.

Cheating by people who have no conscience, who look for easy profits, who want to "get rich quick", has even affected the "Kashrus and Hechsher industry". Conscientious rabbonim and mashgichim are helpless. Their cry of "foul" is merely an unheard voice in the wilderness. We can still tolerate when the shochet attends a triple "x" rated movie, but what do we do when he is known to frequent "houses of ill repute"...what do we say when the rabbis receive testimony that animals "shot" dead are stamped kosher....

Before us lies a small pamphlet, excellent in style and rich in content, which attempts to acquaint the general public with what is going on in the field of kashrus. Every earnest and sincere person will find it frightening. Its title is "Kashrus in Practical Terms". Its compilers, who call themselves the "Va'ad L'maan HaKashrus", are prominent, totally disinterested members of the community. They have enlisted the aid of orthodox

scientists with expertise in the food production processes. Their introduction states that their purpose is not to decree Halacha or to be a guide to kashrus but rather to open the window for a fresh breath of reality: the problems that Kashrus observance present.

The observer through this window immediately grasps the frightening proportions of their undertaking. The facts have been verified and found to be reliable, although no names are mentioned. They ask everyone to draw his own conclusions.

The basic conclusion which screams and begs for our attention is: We are eating N'veilos and Traifas. We demand kosher food; we pay extra for kosher food, yet we are being supplied with Traifa food.

Where does the pitfall lie?

Practically everywhere, Kashrus supervision is worthless. It cannot bring the cheaters and profit-hungry purveyors under its control. Practically no food item sold, whether in the marketplace or in a regular store, can we with certainty call kosher, from bread and falafel-dough, through wine, meat products, preservatives, and restaurant meals. Each of these (with a few exceptions) is at the very least, of doubtful reliability. The harsh question of kashrus is no longer centered in the privacy of the individual and the extent of observance by one private Jew over another. The problem today is centered in the factory which mass-produces food, and there the main goal is to produce in quantity, keep expenses down, and maximize profits.

CRIMINAL NEGLIGENCE

A product is more salable when it is stamped "kosher" since, as we have seen, the general public sincerely desires to eat kosher food. Without the "kosher" stamp, the product will remain unsold on grocers' shelves. Thus, along with the growth

of food factories has come the growth of "Hechsher factories". To rely on the "kosher" stamp without knowing who is responsible for it, is, according to the Vaad L'maan HaKashrus, innocence bordering on sin. Not every certification stamp can be trusted. Behind the facade of some criminal negligence can be found, while the goodwill behind others is fatally flawed by appalling ignorance.

Let us begin with bread and falafel dough -- the most basic and commonly used food of all: Even if we look away from questions of trumos, maasros, shviis, and challah, to which many don't give their due importance, we are still presented with problems. Mass production of bread requires the storage of huge amounts of flour, which are prey to insects that even the finest sifting cannot winnow out. A layman may be impressed by the shiny machines and general cleanliness in a bakery; but in fact, many insects find their way into the dough, and only an expert who gives his full time and attention to this problem can prevent it. Plenty cases of "foreign objects" in bread come before the magistrates....

Most of the bakeries use imported rising agents containing animal fat, even lard, and in one case - human hair.

In bakeries of Yerushalaim the Ministry of Health requires that a particular chemical whose origin and kashrus are unknown, be added to bread. In many bakeries, work begins before shabbos is out. Non-Jews, who obviously cannot be relied on for Kashrus, are employed in many bakeries. There is practically no control on the oil and other ingredients used in baked goods. This, when according to the Talmud, whoever eats an ant is punished with Malkos five times over!

Modern technology introduced into the wine and liquor industry, has created other problems, like tevel, orlah, shviis,

neta rivai, and a possibility of yayin nesech, as a result of the employment of non-Jews. Additives and essences to improve taste, color and bouquet create doubts about the brocha "Hagofen" and the use of wines for kiddush, havdala, and arba kosos. Dealing with these problems requires a level of expertise and close supervision, probably unavailable to many producers.

Even when food manufacturers mean well and sincerely try to adhere to the rules of kashrus, problems still exist where they and their mashgichim are simply ignorant of the composition of their ingredients. Thus, it has been discovered that a certain food coloring is made from worms. Cleaning and bleaching rice requires the use of glucose, whose origin is not always known. Raisins are sometimes coated with animal fat before drying. Some ground nuts are treated with glycerine made from animal fats; glycerine is also an ingredient of some cough syrups.

Chocolate at times contains "cocoa-butter" made from animal fat. Citrus-calcium for binding pills and candies is made from the fat of Traifa animals. To make margarine, chocolate, mayonnaise, ice-cream and other creamy food, imported glyceride-stearates from lard are used. Grains imported from Norway contain preservatives of unknown source, hence of doubtful kashrus. Cookies contain a high percentage of non-kosher eggs, ova and bloody eggs. It has been shown that garlic powder used in preservatives is not made of garlic at all, but of animal fat.

Behind the "kosher" sign in restaurants lie a scandalous perversion of Halacha and a frightening powerlessness to do anything about it. Mashgichim tell of animal parts arriving at restaurant and hotel kitchens, of kitchen help and waiters who mix up the dishes, of forbidden drinks served to guests, and of gross violations of the Shabbos. Cooks ignore the mashgiach in

the kitchen and make a joke out of kashrus. There are even stories of cooks preparing fleishige food mixed with milchigs, sometimes on the sly and sometimes by "arrangement" with the mashgiach and serving them to restaurant patrons.

The pamphlet of the Vaad L'maan HaKashrus states, "Every patron of a restaurant should not be impressed by the "Hechsher" certificate or the beard and payos of the mashgiach, but should look into the kitchen and see who the workers are." Compromises in Halacha, ignorance, negligence, stupidity, inattention and laziness -- these are what undermine the validity of most of the Hechsherim in Israel.

A famous frankfurter factory got a "reliable" hechsher, and the innocent public ate its products until -- the Board of Health accused it of making its frankfurters out of camel meat!

Although the Rav who gave the hechsher and his friend the mashgiach protested, the evidence presented by the Board of Health convinced the judges that the factory was indeed using camel meat!

A reliable person who studied one of the large kosher prepared-chicken centers with a good hechsher, reported the following: one worker "salts" approximately 100 chickens an hour; only the outsides are salted, and they remain salted only ten minutes instead of an hour. Inner organs and legs are not salted at all, yet they are sold in packages stamped "kosher". Leftover bits of fat are sold to frankfurter factories. 1800 chickens are slaughtered an hour. Three thousand chicken gizzards are inspected per hour. Impossible, you say? There are numerous witnesses who attest to this. What does a hechsher mean when the certifying rabbi, whose name appears on the label is dead for several years.

In private conversations, food producers, merchants and restaurant owners admitted that if supervision were more

stringent they would go along with it, but since things can always be "arranged" they don't feel they have to be more particular than those who give them a hechsher.

A hechsher is of small value if you can't depend on the producer or retailer. A merchant can easily cheat even the most reliable hechsher organization. Moreover, even orthodox merchants cannot be relied on if they are ignorant of the ingredients used in their wares, and the methods of production.

There was a butcher shop run by orthodox merchants who were trusted implicitly by their customers. The owner would sometimes say, "This meat is not for you," to one or another customer, which increased their respect and trust. He would discuss with his customers various sha'alos that arose in his shop and the Piskei Halacha that the local rav had decided. The impression created was one of total reliability. It turned out, however, that the local rav was not at all acquainted with the butcher; he had never even seen him, much less discussed Sha'alos with him! The butcher's stories were a complete fabrication -- a calculated attempt to develop customer trust at no cost to him.

Once many years ago a rumor went around Yerushalaim that horses and donkeys were being stolen and slaughtered, and their meat sold to the orthodox community. One person in particular was suspected, and he was called in by Rav Shmuel Salant z.t.l. for questioning. When the suspect understood what the suspicion was, he exclaimed, "Rabbi, how can you imagine such a thing? I may be a thief -- that's my living and, after all, everyone has to live -- but to give Jews treifos and n'veilos to eat? G-d forbid!"

Where are they now, the honest Jewish thieves of vesteryear?!?

Introduction

A Startling Discovery

I was always puzzled about the apparent discrepancy between the two versions of the milk situation in the United States of America.

On one side, we find the Aruch Hashulchan, whose words pierce our very beings, when we read,“(Aruch Hashulchan,Yoreh Deah 115) and I have heard that in America many non—Jews drink pigs’ milk because it is so plentiful.”

On the other side,we find the Chief Rabbi of Krasna o.b.m. who went to all lengths to compile a booklet refuting the arguments of certain Rabbis who permit the consumption of unsupervized milk (herein after refered to as **cholov akum**) of non—Jews on the grounds that the dairy companies fear to intermix any other milk lest the government learn of it and fine them heavily, thereby.

We find here two extremes:some advocate more stringency in America than in other countries because the gentiles drink pigs’ milk, and some believe that the situation in America is such that we need not fear any admixture of pigs’ milk, and that we may, therefore, drink milk indiscriminantly.

The obvious solution to this riddle is that at the time of the Aruch Hashulchan, there was no goverment regulation prohibiting mixing any other milk with cows’ milk, whereas presently the government prohibits it very strictly.

A number of years ago, however, I stumbled upon a startling discovery, which opened my eyes to the true situation. At that time, it fell to my lot to earn my livelihood in Rockwood, Pennsylvania, a small town, where no Cholov Yisroel was available. I traveled around the entire area to tens of dairy farms, both large and small, trying to purchase some milk for my daily needs, yet I found it impossible to buy even a drop. All the farmers had one excuse, that all their milk was already sold to a large milk company, and that they were, therefore, unable to sell milk to anyone else.

While talking to these dairy farmers, I was startled to learn from them the procedure of production and marketing of the milk.

Innocently, I questioned them about the numerous pigs I noticed on many of the farms. I asked them whether they sell pork in addition to cows milk. The owners (and many of the workers too) remarked that I was making a big mistake; that their sole business was milk production, but that in milk production, pigs are a dire necessity, without which they could go out of business, because quite often the companies that purchase their milk make pickups once or twice a week, and in order to preserve the milk, they add pigs milk, which has a property of preserving milk; for long periods of time.. Additionally, this mixture makes the milk more palatable.

I asked farmers in the entire area, and received this alarming report from all the small

dairy farms throughout the state, in addition to those in other states.

They also told me that the company buys from 147 dairy farms, and encompasses all of Pennsylvania, as well as a large portion of New York City and its suburbs.

Upon hearing this report, I was greatly alarmed to learn that all the irreligious Jews and many Orthodox Jews as well, who rely on the lenient ruling of certain Rabbis to permit gentile milk in America, have actually nothing to rely upon, because, according to these dairy farmers, there is a large distribution of pigs' milk mixed into cows' milk throughout the country, since it is self-evident that just as the farmers in Pennsylvanis preserve and distribute their milk, as farmers in other states likewise do, in order to achieve the two aims mentioned above, viz. to preserve the milk until it is picked up for marketing, and to increase the palatable effect. Since then, I literally could not sleep at night. my mission to publicize it throughout America. If I shirk my duty, I will be guilty of a serious sin. Perhaps it will also arouse our brethren in other countries to investigate the production and distribution of milk in their countries.

It is self-evident that this is one of the main reasons that I am publishing this book despite the staggering expenses involved.

I pray to the Al-mighty that through my efforts the public will awake from their lethargy, to fulfill their duty to do as follows:

- 1) The Rabbis who permitted Cholorv Akkum should publicize as much as possible, a retraction of their previous ruling. Perhaps it will help.
- 2) All Rabbis must strive to awaken all their congregants and all those upon whom they exert influence, to discontinue their consumption of Cholorv Akkum, and anyone who used it heretofore should ask a Rav the status of his utensils.
- 3) It is incumbent upon all principals and teachers of Yeshivos on all levels, and other people of influence, to arouse those under their influence concerning the serious situation of milk production and the pitfalls that have come about through drinking it. Every Rabbi is empowered to instruct his congregants concerning methods of repentance to atone for past sins, and methods of kashering the utensils used.
- 4) Scholars, laymen, affluent members of the community, and all others are required to do all in their power, both in their own homes and in others', as far as their sphere of influence extends.

Anyone who feels that this bulletin will be useful to him for any of the aforementioned, should apply to the publisher, who will supply him with them free of charge.

(Rabbi) Sholem Yehudah Gross

להתודע ולהגלות

בס"ד

חנוכה תשמ"ב

"את חטאי אני מזכיר היום". והלואי שמכתב זה יעלה לי לכפרה. דרכי מעודי לשאול פי הרבנים שאלות המתרחשים יום יום, ובכללם בניהון כשרותם של מיני מצרכים שונים.

ואהה!!! בימים האלו נרתעתי לשמוע מפי אחד מידידי רב וגאון שליט"א (העומד על מחקר הכשרות בתמידיות) ובידו מכתב אישית מבית חרושת גדול ליצור חלב לקטנים (פארמולא – Formula) ובו מפורש באר היטב שחלב הנקרא Nutramigen מכיל חלק חשוב בשר חזיר, שהוא דבר המעמיד וחלב חשוב מחלב עכו"ם.

אינו דומה ראיה לשמיעה ולא האמנתי לשמע אזני עד שידדי הרב הנ"ל הראה לי האגרת הזאת שבו מעיד בעל בית החרושת כי כן הוא.

השבץ אחזתנו וחיל ופלצות הקיפוני כי ידעתי בברור מהרבה מאוד בתי בני ישראל מהיותר חרדים שמשתמשים במשקה זו לילדיהם על סמך הוראת רב גדול אחד מפורסם פה בארא פארק המורה בקביעות לכל שואליו כי חלב זה מותר לשתותו בלי פקפוק – למהדרין מן המהדרין – וגם אני עד חי ששמעתי כן מפיו. לא אחשוב מחשבת פיגול כי הרב הגאון כוון ח"ו להכשיל ילדי צאן קדשים שלא טעמו טעם חטא בפיטום חזיר וחלב עכו"ם, כי הוא רב גדול ומפורסם מאוד. אולם, לדאבון לב, יצאה מכשול זה מתחת ידו על שנבהל להורות בדבר התלוי במציאות ונצרך לה ידיעה ברורה כי אין דבר זה מבואר בד' חלקי שו"ע, והרב הנ"ל הורה מאומדן הלב, ועי"ז כל העם בשגגה.

לתשומת לב! הכלים שנשתמשו בו במזון הנ"ל צריכין הגעלה. כל אחד ייתעץ עם מורה הוראה שלו האיך להגעיל. גם לי הי' הפסד מרובה מכל הכלים שא"א להגעילם, בנוסף טרחה גדולה בהגעלת כלים שונים ומשונים גדולים וקטנים.

משה גרינבוים

נ.ב. ירא הקהל וישפטו וילמדו סתום מן המפורש לבלי לסמוך על הוראת רב. רק בדברים התלויים בידיעת המציאות ידרשו ויחקרו בשבע חקירות ועוד שבע, על כל מין מאכל מיוחד שאין עליהם השגחה מובהקת טרם יכניסו אותם לבתיהם. וכל שיש בידו למחות ואינו מוחה כל הדמים הנשפכים בישראל אינם אלא על ידו. (שבת נ"ד ע"ב ילקוט פרשת שפטים).

Mead Johnson

צלום האגרת מבית חרושת

מאמע?

NUTRITIONAL DIVISION

EVANSVILLE, INDIANA 47712

November 5, 1981

צו ווייל איך קען נישט שרייען און
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 ווערטער, און איך בין הילפלאז, מעג
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Sincerely,



Roland J. Tuley
 Supervisor, Medical Information

RJT/ajs/134

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- 56) A warning to the public from the Beth-din Tzedek of Jerusalem, that in gentile butter, fat and neveiloth are mixed. This involves a prohibition for which the punishment is *kareth*, and for which there is no way of permitting, because there is much forgery. One must consult a rabbi concerning the dishes he used with such butter. One who sells such butter loses his trustworthiness (Publisher's note: A half year ago, in Toronto, a company was caught adulterating butter with fat. This was

publicized in the press. Whoever knows in which paper it appeared and the exact date, please notify me, in order to lead the public to righteousness)..... 89

JEWISH MILK ACCORDING TO THE HALACHAH TABLE OF CONTENTS ACCORDING TO TOPICS INTRODUCTION

- 1) In Europe, drinking unsupervised milk was always considered strictly prohibited, whereas in America, it became widespread. Some drink it because they are lightheaded. They found a place where people are not strictly observant and followed the practices of this country, thereby casting aside the prohibitions and customs observed by their forebears in their native land (Rabbi of Krasna o.b.m., cited in the introduction).
 - 2) Those who wish to permit unsupervised milk because the government punishes one who mixes in milk from a nonkosher animal, and, therefore, the reason for the enactment against drinking unsupervised milk does not apply, should not be relied upon (Decision of R. Akiva Sofer o.b.m., author of *Daath Sofer*; R. Jonahan Steif o.b.m.; R. Levi Yitzchak Grunwald o.b.m.; R. Shimon Yisrael Posen o.b.m.; Rabbi Naftali Hertzke Henig shlita; R. Yisrael Veltz o.b.m., and other authorities appearing below.
 - 3) This theory of relying on government control is unfounded and is not true because of many reasons (Decision of R. Levi Yitzchak Grunwald o.b.m. - 17; decision of R. Naftali Hertzke Henig shlita - 19; decision of *Chelkath Yaakov* o.b.m. - 20; decision of R. Yisrael Veltz - 21; decision of the Rabbi of Krasne o.b.m. - 13; decision of R. Eliezer Silver o.b.m. of Cincinnati - 22; *Reish Deah* - 18.
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- 1) Milk that was milked by a gentile with a Jew witnessing it, is prohibited either by the Torah or by the Rabbis, and "one who breaks the fence should be bitten by a snake" (*Responsa Chatham Sofer* - 1).
- 2) The Ashkenazic Jews, who follow *Rama*, have no basis to deal leniently in this matter (*Responsa Chatham Sofer* - 1; *Shvilei David* - 8).
- 3) No rabbi or rabbinical court has the power to repeal this interdict since it is an early interdict promulgated by the Rabbis of the Talmud, which remains in effect even if there is no danger of an admixture of nonkosher milk. Therefore, "one who breaks the fence should be bitten by a snake" (*Responsa Mahari Bruna* 18:78 - 3; *Tzemach Tzedek* - 7).
- 4) Every Rabbinic interdict, in addition to the reason given, has many other secret reasons, which were not revealed in the Talmud (*Aruch Hashulchan* - 4).
- 5) One who rules leniently in the case of gentile milk not supervised by a Jew, will bear the sin of the public (*Aruch Hashulchan* - 4).
- 6) From a frightful story it becomes clear that all the words of our Sages are like fiery coals, and that no one may deviate from them even the least bit (*Aruch Hashulchan* - *Responsum of Chelkath Yaakov* s.v. *and he told me* - 4).
- 7) Quotation from Grand Rabbi of Sanz o.b.m. that if no Jew witnesses the milking, the milk is interdicted just like any forbidden food or nonkosher animal (*Shulchan Hatahor* by Rabbi A. Roth o.b.m. - 5).
- 8) We may not permit it even in the countries where unclean animals are rare; this is the custom of all Sefardic communities (*Sedey Chemed* -)
- 9) *The interdict against gentile milk not witnessed by a Jew — no rabbi or court has the power to repeal, since it is an early interdict of the Rabbis of the Talmud, which remains in effect*

even if there is no danger of an admixture of nonkosher milk. Therefore, "one who breaks the fence should be bitten by a snake" (*Responsa Tzemach Tzedek* - 7).

10) The Ashkenazic Jews, who follow *Rama*, have no basis whatever, to rule leniently (*Sh'vilei David* - 8).

11) Allowances that may be made in cases of emergency (This does not refer to the case in which a Jew did not see the milking at all. See particulars). It is obvious that if it is possible to have a proper mashgiach, it is not considered an emergency (*Responsum of late Rabbi of Satmar o.b.m.* - 9).

12) Even in wartime, it was only permitted for children, and women who had just given birth, lest they be endangered (*Responsa Levushei Mordechai* - 10).

13) There are close to thirty authorities, early and late, who rule stringently in this matter (*Responsum of Rabbi Ch. A. Sternberg* - 11).

14) One must spend all his money to avoid drinking milk milked by a gentile without the supervision of a Jew (*Responsa Radbaz* - 12, *Sefer Ruach Chaim*).

15) If one has no milk except unsupervised, he must eat other foods and beverages (*Ruach Chaim* - 13).

16) In the merit of scrupulous observance, we will achieve complete redemption (*ibid.* - 14).

17) Those who were always strict in their observance and did not rely on the lenient rulings, are bound to continue this practice as though they had vowed to do it (*Responsum by Rabbi Moshe Feinstein* - 14).

18) For gentile cheeses there is no lenient ruling at all, yet by being lenient in the case of milk, people are lenient with cheese (*ibid.* - 14).

19) Gentile milk is prohibited according to the halachah and there is no way to permit it (*Responsa Rabbi Jonathan Steif o.b.m.* - 15).

- 20) Natives of Hungary must especially be careful to follow the decision of Chatham Sofer o.b.m. who ruled that Ashkenazic Jews are prohibited to drink gentile milk and that there is no way to permit it (*Responsa Rabbi Akiva Sofer* - 16).
- 21) If it is absolutely impossible to obtain kosher milk, we can be lenient for small children, sick people, women who recently gave birth, expectant mothers, and nursing mothers, who require milk urgently (*Rabbi Jonathan Steif* - 16).
- 22) Almost 70% of the farmers own pigs, they derive much profit from mixing pig's milk with cow's milk, because pig's milk is very fat. Also, since the small farms have milk pickups once every few days, the farmers mix in pig's milk, which serves as a preservative, as is well-known. Consequently, the theory of those who rule leniently has no basis whatever (*Responsum by Rabbi of Tzehlem o.b.m.* - 17).
- 23) The interdict against drinking gentile milk not witnessed by a Jew—no rabbi or court has the power to repeal, since it is an early enactment of the Rabbis of the Talmud, which remains in effect even if there is no danger of an admixture of nonkosher milk (*Rabbi of Shopron ob.m.m.* - 18).
- 24) One who looks for leniencies in the matter of gentile milk, corrupts his soul (*Rabbi of Sharmash* - 19).
- 25) The statement that in America the interdict of gentile milk does not apply since this continent was unknown at the time of its promulgation, makes no sense. Moreover, it brings to apostasy, to abrogate almost all halachoth such as the interdict of gentile wine and the like. It is not even necessary to refute the argument (*Rabbi N.H. Hoenig* - 19).
- 26) We cannot rely on chemical analysis where there is danger of prohibited foods (*Decision of Rabbi Yisrael Veltz o.b.m. quoting Ohel Yehoshua*, 24 - 21; *responsum of Chelkath Yaakov* - 20; *Responsa Maharash*, 1:27, cited in *Chelkath Yaakov ad loc.* - 20).

- 27) We may, in no way, deviate from ruling of Rama o.b.m., and he who forsakes him is virtually forsaking life itself (*Avodath Hagershuni*, *Knesseth Yechezkel*, *Noda Beyehudah*, *Teshuvah Me'ahavah*, *Penei Yehoshua*, all cited in responsum of Rabbi Yisrael Veltz o.b.m. - 21).
- 28) During the time of *Pene Yehoshua*, a rabbi ruled leniently contrary to a stringent ruling of Rama and he died within the year (Decision of Rabbi Yisrael Veltz o.b.m. - 21).
- 29) Strong proofs that one may not rule leniently contrary to the ruling of Rama (Decision of Rabbi Yisrael Veltz o.b.m. - 21).
- 30) A few hundred years ago, a great rabbi wanted to rule leniently for a Sefardic community, and all the greatest of his generation opposed him (Decision of Rabbi Eliezer Silver of Cincinnati - 22).
- 31) Self-sacrifice is necessary to protect our children from drinking gentile milk, and surely to protect ourselves (Responsum of Rabbi Ch. A. Sternberg - 23).
- 32) In practice, if a trustworthy physician insists that someone must eat a doubtfully kosher food, he should consult a rabbi to guide him in all details according to the case. Otherwise, he may cause the patient to sin. In this case, we must be very careful that our hearts do not become clogged (Rabbi of Krasna o.b.m. - 24).
- 33) We cannot base any ruling on the custom practiced in America (Responsa of Rabbi of Krasna o.b.m. - 24).
- 34) in the United States, someone ruled leniently because of government inspection. He erred by overlooking an explicit statement in *Torath Habayith* by *Rashba* (Responsum of Rabbi of Krasna o.b.m. - 24).
- 35) It has become a widespread practice that many women do not nurse their babies but feed them nonkosher milk produced commercially. Many young fathers, to whose attention this matter was called, confessed that they had no idea that it is not allowed (Rabbi of Krasna o.b.m. - 24).

- 36) I have a tradition that, in addition to the reason given for Rabbinical enactments, there are many hidden reasons (*Aruch Hashulchan*, *Diurei Chaim*, *Chatham Sofer*, cited by *Tohorath Yom Tov* - 25).
- 37) We have a tradition originating from Moses himself that unsupervised gentile milk is forbidden not solely because a gentile may mix nonkosher milk in it, but because of other, undisclosed reasons as well (Rabbi Chaim Halberstam o.b.m. which he was taught by his father-in-law, the author of *Baruch Taam* o.b.m., transmitted from generation to generation, originating from Moshe Rabbenu, cited by Rabbi of Helmetz - 25).
- 38) Even according to those who rule leniently with gentile milk unsupervised by a Jew, if there is no danger that the gentile mixed in nonkosher milk, the heart and brain, nevertheless, become clogged, and the person develops cruel traits (*Reish Deah*, 1—4, quoting *Netziv*, *Aruch Hashulchan*, *Chafetz Chaim* o.b.m., also Rabbinic sources, *Or Hachaim* cited *ibid.* 8—26.)
- 39) When prohibited foods are permitted because of danger to life, if possible, one should avoid *neveilah*, because it clogs the heart (*Netziv*, *Aruch Hashulchan*, *Chatham Sofer* 2—18).
- 40) It is preferable to desecrate the Sabbath rather than to eat prohibited foods (*Rosh Yosef*, *Shab.* 72-5.).
- 41) All *mitzvot* have two intentions: performance of the command and the purification of those practicing it. The latter cannot be achieved unless one actually practices it. If one intends to practice it but is prevented from doing so, he is, nevertheless, not purified by the intent to do the *mitzvah*. Similarly, it cannot be achieved by eating prohibited foods, temporarily permissible, which still clog the heart. (11).
- 42) Rashi, too, rules that even a food permissible from the start, clogs the heart (7). 43) If, by error, someone recited the

- kiddush over gentile wine, he did not fulfill the mitzvah (*Respnsa Levushei Morcechai, Minchat Elazar, Imrei David* - 7). 44) If one intended to perform a mitzvah and was prevented from doing so, it is regarded as though he did perform it, yet it is not actually like performing the mitzvah (Rabbi Elchonon Wasserman - 7).
- 45) One who has no kohser wine, may not recite the kiddush over gentile wine according to almost all authorities (-8-).
- 46) There is proof from *Tosafoth, Responsa Panim Meiroth, Or Hachaim* (9, 10, 11) that eating prohibited foods even unintentionally clogs the heart.
- 47) The gravity of prohibited foods is indicated by the fact that only in this field is a *tzaddik* assured of protection, as seen in many Talmudic sources (10).
- 48) Regarding atonement, *Chatham Sofer* rules more stringently in these matters than in other matters (*Responsa Chatham Sofer*, quoted in *Reish Deah* - 12).
- 49) According to *Vayoel Moshe*, one who follows the majority of the authorities to be lenient in the matter of prohibited foods, is likely to fall prey to clogging of the heart (13).
- 50) Immorality and eating prohibited foods are of equal gravity (14).
- 51) According to the greatest authorities, one cannot perform a mitzvah with food that was permitted for a sick person, such as gentile wine (*Yeshuoth Yaakov, Mahari Assad, Neta Sorek, Minchath Elezar* (15).
- 52) Proselytes and repentant Jews must be particularly scrupulous in their observance of laws of Kashruth (15).
- 53) The Sabbath is more easily superseded in the case of danger to life, than other prohibitions such as Kashruth (*Responsa Catham Sofer* - 16).
- 54) Even those who wish to rely on the authorities who rule leniently, must, nevertheless, withdraw from any possibility of

- ingesting prohibited foods (18). Whoever wishes to guard his soul and spirit should stay away from both (18).
- 55) Regarding prohibited foods, one must be extremely cautious, for, even if he eats such foods unwittingly, his soul becomes contaminated. Maharshal warned Shaloh before his marriage, to take great care in matters of eating (decision of Rabbi of Sharmash, citing *Or Hachaim* and *Shaloh* 19; *Reish Deah* in their name).
- 56) One who purchases pastries even from Sabbath observers is apt to stumble on the prohibition of eating nonkosher foods (27).
- 57) Boxes bearing the formula "Non-dairy" may, nevertheless, contain milk (27).
- 58) Chocolate and butter made without the supervision of G-d-fearing men is prohibited by the authorities because of the possibility of containing gelatin (27).
- 59) Colored sodas, e.g. cherry, lemon, orange, cola, etc., may possibly contain fat obtained from the intestines of the beaver (27).
- 60) There is no way to permit feeding children "Similac." (28) .
- 61) The sin of many who are fed Similac rests on the communal leaders (28).
- 62) Unfortunately, no one cares to perform this great mitzvah of supplying the babies with kosher milk (28).
- 63) One is obligated to lament in public the grave breach of drinking Similac (28).
- 64) The report that a certain rabbi permitted feeding children below the age of being educated, is completely unfounded and is causing tremendous harm (29).
- 65) Nonkosher milk clogs the heart even if one partakes of it but once (30).
- 66) What is found in the works of one authority to permit cream of gentiles does not apply to the cream made nowadays, since

now both sweet cream and sour cream are manufactured through technology, the circumstances under which all ways of permitting it do not apply (31).

67) Even sour cream made naturally cannot be permitted according to *Chazon Ish*; *Aruch Hashulchan*; *Tzemach Tzedek*, *Yoreh Deah* 75; *Sedey Yehoshua* 21; *Meorei Or*, *Ken Tahor* 49b; *Chaim Sha'al* 1:43 (31).

68) According to Rashi, it is definite that if a gentile milked his cows without being witnessed by a Jew, even if he has no nonkosher animals in his stall, it is prohibited, and concerning this Scripture states: He who breaks a fence shall be bitten by a snake (32).

69) Government control may not be relied upon at all (31).

70) According to United States government regulations, the ingredients printed on any container refer to 98% of the ingredients. The remaining 2% need not be disclosed (31).

71) In order to save even one person from drinking gentile milk, one may pray by himself all his life, without a minyan. If this, too, is impossible, he may refrain from praying completely (32).

72) One was plagued with doubts about the faith because once he had inadvertently drunk gentile milk (33).

73) One may not flavor foods with flavors of doubtful kashruth, in order to make it tasty for children (33).

74) In the time of *B'nei Yissoschor* o.b.m., people were very lax about *cholov akkum*, and the aforementioned gaon admonished his generation considerably (*Azahroth Mahartzah*).

75) Gentile milk, gentile cheese and the like are fundamentals of the law (35).

76) The Lord brings no pitfalls for the *tzaddikim* even as regards *cholov akkum* (35).

77) Saying of *Chatham Sofer* o.b.m.: Even if the majority drink...do not follow the majority to do evil (36).

- 78) One who eats with a gentile is like eating with a dog, and touching him is like touching a corpse (36).
- 79) One who invites a gentile to his house and serves him, causes exile for his children (36).
- 80) If one came across a food of doubtful kashruth and avoided it, he will merit to fulfill many mitzvot (37).
- 81) Whoever abstains from a doubtful prohibition, greatly enhances the sanctity of his soul (37).
- 82) Whoever refrains from eating foods of doubtful kashruth will become a chariot, so to speak, for the heavenly sanctity, and will merit all heavenly good (37).
- 84) Let no one delude himself into believing that he is a great scholar and knows well what is prohibited and what is permissible, since everyone has his own temptation and knows many devious ways to make prohibited things appear permissible (37).
- 85) Margarine requires strict supervision by an erudite and G-d-fearing rabbi, well-versed in the manufacture of this product. Otherwise, one may be trapped in a long chain of doubts, fats of *neveilo*th and *treifo*th — oil of nonkosher fish — manufactured in utensils used for nonkosher oils and not purged properly (41).
- 86) If the margarine was not made in a kosher factory, it is rarely kosher (41).
- 87) Through avoiding prohibited foods and foods of doubtful kashruth, one is rewarded infinitely, and he redeems himself and his descendants from Gehinom (42).
- 88) Whoever is careful about prohibited foods — his merit is recorded by Elijah, and the Holy One, blessed be He, and the King Messiah sign it (43).
- 89) It is impossible to grasp 1/1000 of the spiritual level of one who is careful about prohibited foods (43).

- 90) One must work very hard to train his children to avoid prohibited foods (44).
- 91) Fathers who did not train their children properly, suffer in Paradise because of their children in Gehinom (44).
- 92) There is a great obligation to save others from eating prohibited foods, and no excuse will save anyone (45).
- 93) Wonderful inspiration to stay away from prohibited foods and foods whose kashruth is doubtful, also to keep his children and his followers away from such foods (42-45).
- 94) A rabbi who grants a *hechsher* or a *mashgiach*, who does not supervise thoroughly, is regarded as feeding people *treifoth* (45).
- 95) Four frightening stories about *cholov akkum* (46). More about sour cream (47).
- 96) Sources for the obligation to admonish both for an individual and for the public, in Talmud, Zohar, Midrashim, and other holy books (48).
- 97) Booklet entitled "How Long," to inform the public about what is happening in America in matters of food (49).
- 98) All that is said about the severe punishments and deterioration caused by eating prohibited foods, from Rabbinic sources and later holy books (50).



INTRODUCTION

The rabbis of the Talmud and Midrash, followed by later sages of all periods, have dwelt at length on the peril hovering over those who do not abstain from non-kosher or doubtfully kosher foods. This is, however, not the place to cite quotations to that effect. (See **Nefesh Yeshayah** and **Minchath Yehudah**.) Nevertheless, I cannot refrain from reiterating what has already been stated concerning the interdiction against unsupervised milk of non-Jews, commonly known as **cholov akkum**.

I will, therefore, first quote a few excerpts from **Minchath Yosef**, second volume on laws of treifoth, in the introduction:

The **Akedoh, Parashath Shemini**, in the Sixtieth Gate, states as follows:

It is proper that we know that the foods the Torah prohibited, are not necessarily detrimental to a person's physical health, as some have written.... Rather, the Torah's intention is to safeguard our spiritual health, for one destined for the world to come, needs food different from one who is not so destined. These foods were forbidden, not because of their effect on the health and illness of the body, but because of their effect on the health and illness of the soul, upon which they produce contamination, undesirable nature, and deterioration of the person's desires; i.e. they produce desires for spiritually contaminating things, which contaminate one's mind and deprive him of his spirit of purity and sanctity.

Therefore, forbidden foods are referred to with terms of purity and contamination, since the reason for their interdiction is based on the spirit of contamination, the spirit of evil, and the

spirit of immorality that emanate from forbidden foods and adhere to those who eat them. One should, therefore, beware of them as he is wary of deadly poison....Scripture, therefore, concludes with the words: "For I am the L-rd your G-d, and you shall sanctify yourselves and be holy..." (Lev. 11:44). Since I am the L-rd your G-d, who participates in all your affairs, you must be holy, for otherwise, this participation is impossible. This is the intention of the **Midrash Tanchuma**, which states that the **mitzvot** were given to purify the people. This purification is achieved by living with awareness and abstinence and accepting the yoke of the heavenly kingdom by restricting oneself from many things his heart desires. This is what the rabbis referred to when they said that if one lives, he will die. On the other hand, if one dies, he will live. I.e. if one enjoys life in this world without exercising any restrictions, he will die in the world to come. If, however, one restricts himself from many pleasures in this world, he **will** live in the world to come.

A similar theme is found in *Sefer Ha-Ikkarim*, part 3, ch. 15; *Menorath Hamaor*, candle 1, part 2, ch. 1; in *Tzedah Laderech* (by Rabbenu Menachem, disciple of Rabbenu Yehuda son of Rosh), and in *Tifereth Yisroel* by Maharal, ch. 6. This originated from *Zohar*, *Shemini*, and *VaYeshev* (p. 191). CF. *Ohr Hachaim Shelach* 14:19

In **Parashath Shemini** (Lev. 11:43), Scripture states: "...And you shall not defile yourselves with them, lest you become defiled with them." This may mean that we Jews are required to beware lest any forbidden foods enter our mouths even unwittingly, for there is no difference between an intentional transgression and an unintentional transgression in

this respect, since the abomination of forbidden foods does its damage regardless of the intention or lack of it. The difference is only in the degree of deterioration of the soul. If one commits a transgression intentionally, his soul becomes an abomination, whereas if one commits the same transgression unwittingly, his soul merely becomes contaminated and clogged. The Torah states, therefore: **"And you shall not defile yourselves with them, lest you become defiled with them."** I.e. you shall not allow yourselves to become defiled with forbidden foods even unwittingly, since, in any case, you will become contaminated and your soul will become clogged (See Rashi. **Ohr Hachaim**).

This idea emanates from a reliable source, viz, the Holy **Zohar**, according to the explanation of **Reishith Chochmah**, **Shaar Hakedushah** ch. 6, that the forbidden foods, i.e. those that the Torah interdicted, are permeated by a spirit of contamination. Therefore, one who partakes of them contaminates his soul and shows that he has no share in holiness or in the G-d of Israel, for the contaminating foodstuffs become part and parcel of his limbs, and his soul is enwrapped therein. Consequently, he contaminates his soul and the soul that is enwrapped in the body. It is, therefore, imperative for a person to beware of any food that may have any taint of interdicted substances. Cf. **Reshith Chochma**, **Shaar Hayirah**, beginning of ch. 4; **Ohr Hachaim** Lev. 11:44 s.v. , Aharei Moth, 18:12.

Not only do forbidden foods have an undesirable effect on the body and souls of those who eat them, but also on the souls of his children. We read in **Menorath Hamaor** (candle 3, subdivision 7, ch. 4)...**"and when the Creator so desired to separate us from the heathens to become holy and to give us the holy Torah, embodying righteous commandments,**

statutes, and laws, and to purify us from the defilement of the primeval serpent, which is the defilement of lust, and to make us a wise and understanding people, and when He saw that some foods produce murky, thick and unclean blood in the brain, and others produce clear, clean, and pure blood in the brain, He separated us through His Torah, from many foods, which are interdicted for many reasons. Blessed be He, Who knows all secrets, before Whom the reason for everything is revealed, for He did not interdict them for His people for no reason. Concerning all of them, the Torah states: **"You shall not make yourselves detestable"** (Lev. 11:43). Scripture reveals to us that all these forbidden foods are abominable and detestable, producing bad blood, rendering one susceptible to many evils, and rendering the soul and body detestable. Since a man's blood is transformed into the drop of sperm that is the foundation of the child born of that union, it becomes apparent that the nature of the children depends on the diet of the parents. because of this, the Torah juxtaposed the section dealing with childbirth to the section dealing with dietary laws, to teach us that not only does defiled food create murky blood in the veins of its eater, but it causes even more harm to his posterity, whose entire being is based on the parents' diet. Immediately thereafter, follows the section dealing with the contamination of lesions of **tzara'ath**, to inform us that if one abstains from contaminated food, he will have children of a holy nature, otherwise, harsh curses will befall both him and his children because of the sperm cell that was created from his diet of forbidden food. (Ramban, Iggereth Hakodesh, quoted by **Reshith Chochmah, Shaar Hakedushah**, ch. 15, gate 3).

We find in **Mesilath Yesharim**, ch. 1: The Sifrei states: ...forbidden foods introduce actual contamination into a Jew's heart and soul, until the sanctity of the Omnipresent, Blessed be He, leaves him, and goes farther and farther away from him....This interdiction is more stringent than other interdictions, because it deals with food that enters the person's body and becomes part of his flesh....Consequently, any Jew endowed with any mental capacity should regard forbidden foods as inherently poisonous as having been mixed with poison, for in such a case, would a person be lenient with himself and allow himself to partake of such a mixture if there remains the slightest doubt of any harmful ingredients? He certainly would not, if he has any degree of intelligence... (**Minchath Yosef**).



PREFACE

According to the Talmud (**Avodah Zarah** 35b), the drinking of milk that was milked by non-Jews without Jewish supervision is prohibited by rabbinic enactment. This ruling is embodied in the **Shulchan Aruch Yoreh Deah** 115:1. The reason given by the Talmud is the danger that the non-Jew may mix milk of unkosher animals in the cows' milk that he sells. Nowadays, many people are lax in the observance of this law. Moreover many who do observe it, feel that it is not obligatory in this country. This came about because certain rabbis gave out lenient rulings in this matter without a firm basis. They claim that nowadays there is no fear of milk of unclean animals being mixed. From the following letters and responsa of both contemporary authorities and authorities of generations gone by, we will clarify the reasoning behind these lenient rulings and refute them. Since many people believe that the observance of this restriction is not obligatory, they do not hesitate to feed infants formulae made from milk of non-Jews, popularly known as **chalav akkum**, even without trying to feed the baby the best possible milk, both from the standpoint of kashruth and from the standpoint of health and nutrition -- its own mother's milk. In my book, **Minchath Yehudah**, I have elaborated on this matter, citing many **sefarim**, and also articles written by physicians and scientists, who agree unanimously that only mother's milk can assure a healthy future for the child in all his limbs and organs, and a strong resistance against various diseases, both common and uncommon.

Unfortunately, a large number of Orthodox Jews persist in their ways and do not take heed of the possible misfortunes to which the child, or even the adult who drinks **chalav akkum** is vulnerable. There is an appalling ignorance of the rulings of the

great rabbis of the past and present who lived in such countries as ours, and, nonetheless, interdicted the use of **cholov akkum**.

Consequently, I consider myself obligated to cite the decisions of contemporary rabbis on this matter. I hope that, after reading these decisions, no one will still feel that the interdiction of **cholov akkum** is merely a **middath chasiduth**, an act of piety.

First, I will present the rulings of the **geonim** of yesteryear concerning the interdiction of **cholov akum** in localities where there is no danger that the gentiles mix in milk of unkosher animals. Afterwards, I will quote the rulings of contemporary rabbis, who wholeheartedly support this view. In order to clarify the importance of this matter in our times, to inform the public of all that is involved in this matter, its stringency, and the necessity of its observance, I am citing the fiery words of the late rabbi of Krasna, Rabbi Hillel Lichtenstein o.b.m., in the introduction to his illustrious work, **Kavvanath Halev**, which he composed to combat laxity in this matter. Further on, I cite other excerpts from his work. Concerning feeding children **cholov akkum**, which has become very widespread even among the most observant, he went all out in his responsa on **Yoreh Deah** 9, where he dwelt at length on this matter and bewailed the failure of many people to observe this law.

The following is the beginning of the **sefer, Kavvanath Halev**:

May the L-rd be with us as He was with our ancestors, to awaken the hearts of our brethren to repair the breach in the observance of the prohibition of **cholov akkum**. This matter has become completely neglected and has become regarded as

permissible especially among those who have immigrated to America many years ago. It is well known that the vast majority of observant Jews living in this country have migrated from European countries where drinking **cholov akkum** was strictly forbidden, (and in most places even butter manufactured by non-Jews was not used). Yet, here, in America, they consider it permissible, either because of necessity, since other milk was not available, and they could not overcome the temptation to drink milk, or because of their lack of seriousness, for they came here and found a country in which laws were not strictly observed, and were influenced by local practices, thereby casting off many observances they and their forefathers had practiced in Europe. Still others were influenced by rabbis who promulgated lenient rulings... or condoned them, until even the rabbis and their disciples considered drinking **cholov akkum** as permissible. It went so far that observing this law came to be regarded as a pious act, and one who wished to observe it was looked upon as being haughty. The ears of one who hears this tingle, how is it possible that things our ancestors observed for generations upon generations should become treated so lightly, especially in a country blessed with religious freedom, where one may observe every law in the **Shulchan Aruch** without being prevented from doing so. I have not written this book to discuss this halachah, since it is well-known to any student of a yeshivah. I have written this merely to refute the view of those who rule leniently in this matter, and to prevent people from violating the law of the rabbis. This is with the endorsement of the greatest of our generation, who concur that there is no basis whatever, upon which to base a lenient ruling in the case of **cholov akkum**, either by dint of the halachah or by dint of an accepted custom. See **Chatham Sofer, Yoreh Deah** 107....

KOSHER MILK ACCORDING TO LAW

Foreword

In order to facilitate the reading of these letters, I have omitted the lengthy discussions and have cited only what is relevant to our aim. Omissions are indicated by symbols such as these: ..., and the sources are stated at the end of each quotation, thus enabling anyone to trace the sources and study the complete responsum.

The quotations are not arranged in any particular order. The index will facilitate finding the desired quotation.

Kosher Milk according to Halachah

1.

Responsa Chatham Sofer, Yoreh Deah 107:

Concerning your question whether cholov akkum was interdicted by the rabbis even in places where unclean animals are not usually milked, such as our countries, where even the non-Jews detest their milk, or whether the Rabbis merely informed us that there is danger that non-Jews mix in non-kosher milk. Hence, this applies only where non-kosher animals are milked.

The following is found in **Shaarei Dura**, quoted by **Pri Chadash** 114:

If a non-Jew milked a cow without Jewish supervision, even though no other animal was in the stall, the milk is prohibited, less injurious confusion of ideas result from this. One who

breaches the fence, i.e. who disregards rabbinical safeguards, should be bitten by a snake. This is Rashi's decision.

Consequently, milk that has been milked by a non-Jew without the supervision of a Jew is forbidden to us either by the Torah or by the rabbis, and one who breaches a fence should be bitten by a snake. And you, my son, watch yourself and do not abandon the teachings of your mother.

2

Beth Meir 115:

...Moreover, I wonder whether there exists a place or a city where no unclean animal is found. Therefore, this reason for permitting (**cholov akkum** because there are no unclean animals) is nonexistent.

As is well known, many wish to depend on this reasoning to permit **cholov akkum**.

3

Responsa Mahari Bruna 78:

Cholov Akkum was interdicted by "a number" whether there is an unclean animal or not, and one who breaches the fence should be bitten by a snake.

4

Aruch Hashulchan 115:5:

Many are not observant because a certain scholar ruled that one may be lenient where there is no milk from unclean animals. That scholar will bear his sin. Moreover, I will explain how all the words of our Sages are like burning coals. Someone confessed before me with a broken heart that once he was

traveling and stopped off in a big city to conduct his business transactions. During his sojourning there, he bought creamy milk. When he inquired of the storekeeper concerning the milk, he told him that he bought marrow taken from unclean animals in a non-Jewish butcher shop. He would dissolve this in the milk to make it creamy. When he heard this, he exclaimed, "How great are the words of our Sages!"

Indeed, I learned from my predecessors that every rabbinical enactment, in addition to the reason revealed by the Gemara, has many other reasons that were not revealed. One who heeds will receive a blessing from the L-rd, and his reward will be paid in this world and in the next.

5

Sefer Shulchan Hatahor by the sainted Rabbi Aaron Roth o.b.m., author of **Shomer Emunim**:

Many are very lax in their observance of the interdiction of **cholov akkum**. I heard quoted from Rabbi Chaim Halberstam of Sanz o.b.m. that if no Jew witnessed the milking, an interdiction rests on the milk just like any forbidden food. Moreover, the curd of the milk that remains after cheese has been made, is considered like blood, since milk is formed when the blood becomes murky and transformed into milk, and when cheese is made, the strength of the milk is removed, and the remainder reverts to its previous state of blood. This I heard quoted from the ARI of blessed memory. Similarly, with gentile butter, and surely with cheese, since they are not careful of this, that it is strictly forbidden, moreover perhaps they cooked it in a utensil used for forbidden foods, or caused the cheese to

become solidified by using a forbidden food. Concerning butter, it is known now that the mix in forbidden fat, for the gentiles are well versed in they field and know how to mix in all kinds of concoctions, as is mentioned in Darchei Teshuvah, amd there is a stict prohibition involved.

6

S'day Chemed - Asifath Dinim - Cholov Akkum 1

G-d forbid that we should permit it even where no unclean animals are found. This is the custom in all cities of the Sephardim even where no unclean milk is found.

7

Responsa Tzemach Tzedek, Yoreh Deah 76:

Even though in our country no unclean milk is found, we must, nonetheless take into consideration the view of Rabbenu Tam... that for that reason we must prohibit it lest one permit it in countries where there is unclean milk.

8

Shevilei David, Yoreh Deah 115:

After quoting the **P'ri Chadash**, who permitted it in cities where no unclean milk is found, and there is no reason to believe that something unclean has been mixed into the milk, he concludes: But we follow the decisions of Rama.

Rama's decision is well known, viz. that he prohibited non-Jewish milk without supervision, under any circumstances.

Responsum of Rabbi Joel Teitelbaum, Satmarer Rav, o.b.m.

In response to your question if the cows and the stall belong to a religious Jew, a Sabbath observer, whether we can permit the milk if a non-Jew milks and no Jew witnessed the milking, the Rama is explicit in his ruling that this sanction applies only if no gentile house intercedes. In our case, however, that the cows and the stall are outside the city and the milk is brought into the city, where many gentile houses come between the stall and the city, this cannot be permitted even according to the most lenient. What he quoted from the **Aruch Hashulchan**, applies only if a Jew was there at the time of the milking but did not arrive at the beginning of the milking. In that case, he ruled to rely on the lenient ruling in case of emergency. Since he does not rely on this except in case of emergency, it is obvious that he too, admits that many prohibit it. And, as mentioned before, this refers only to the case that the Jew arrived during the milking. If, however, the Jew did not arrive at all during the milking, even the **Aruch Hashulchan** does not permit the milk.

Indeed, even when the milk is permissible in case of emergency, it is clear that since the congregation is able to appoint a proper **mashgiach**, there is no longer a state of emergency. **Rama** states in **Orach Chaim** 257 that if anything is permissible after the fact, one must not be in the habit of doing it. This is because if one habitually does it, it is regarded as negligence and may not be permitted even after the fact...



10

Responsa Levushei Mordechai, second edition Yoreh Deah 57:

Only small children who cannot be given anything except this, and their lives are almost in danger if they do not drink it, and likewise, a woman who has given birth within thirty days, who must have milk, may be given **cholov akkum**. Other men and women, however, may not be fed **cholov akkum**. (This responsum was written to R'Yisrael Veltz o.b.m. who asked the question during the war, when kosher milk was extremely scarce, yet, nevertheless, he did not permit it except for those mentioned above.)

11

Responsa M'iel Shmuel 12:

It is a rabbinical enactment to interdict all milk milked by a non-Jew without a Jew's supervision. Therefore, even though there is no unclean animal in the herd, and there is no danger of anything unkosher being mixed with the milk, it is prohibited even after the fact.

12

Responsa Radbaz, vol. 1: 145

It is obvious that milk milked by gentiles without Jewish supervision is the same as any other rabbinical interdiction, and one must spend all his money until he finds kosher milk. He is not required, however, to endanger his life.

13

Ruach Chaim 129

If one is in a village among gentiles and he has nothing to eat or drink except **cholov akkum**, and if he abstains from

drinking it, his life will be endangered, he is surely permitted to drink it, since this case is no more stringent than that of a pregnant woman who smells food on Yom Kippur. If, however, it is possible to obtain kosher milk, he is surely required to spend all his money so as not to transgress the interdiction of drinking **cholov akkum**, or to buy other foods that he is able to obtain.

14

Ruling of Hagaon Rabbi Moshe Feinstein

This ruling was published in Toronto in 5728, and we present it as it appeared...

B.H. Elul 3, 5728

Shomrei Hadath - K'hal Machazikei Torah

IMPORTANT NOTICE!!!

Since the High Holy Days are approaching, and our brethren are especially scrupulous in their observance of **mitzvot**, we find it in place to arouse the community again concerning the appalling laxity even among the most Orthodox, in the observance of the law of Jewish milk and cheese, laws that all Jewish communities observed strictly throughout all generations.

Since many depend on the ruling of Hagaon Rabbi Moshe Feinstein to permit use of these products, we find it in place to publicize his letter to us specially on this topic, to rectify this error.

The following is a translation of his letter:

Many years ago, religious Jews in Toronto, with the agreement of the rabbis and all those conscientious in their observance of the **mitzvot** of the Torah and the Rabbinical

enactments, established a company for the production of milk and other dairy products, such as cheese, butter, and cream, with strict Jewish supervision. Recently, however, this matter has become sadly neglected. Since the kosher dairy products have become slightly more expensive, many Jews - even of those who formerly used the kosher products exclusively - have commenced to buy dairy products produced without any supervision...**and especially those who never depended on any reasons to deal leniently in this matter, but insisted upon Jewish supervision for their dairy products, since they observed this stringent ruling for many years, are bound by a vow not to use dairy products made without supervision.** Moreover, the reasons given for any lenient ruling, apply only to milk, not to cheese, yet those who use the unsupervised milk, use also the unsupervised cheese. **It is, therefore, of the utmost importance to strengthen this observance and to lend support to those active in this matter by assuring the continued existence of the kosher milk company in Toronto.** Since many people will purchase milk and dairy products produced with supervision, the price will automatically fall, and no one will find any difficulty in buying these products. As a reward for our conscientious observance of G-d's commandments and the enactments of our Sages o.b.m., we will all merit the **g'ulah sh'lemah**, the complete redemption that all of us are hoping for every day. Tammuz 28, 5728

(Rabbi) Moshe Feinstein



The following decisions are copied from Tohorath Yom Tov, vol. 7. The following letter was written by the late Pressburger Rav and Rosh Yeshiva, Rabbi Akiva Sofer Schreiber o.b.m.

Nissan 12, 5715

...I read your letter in which you state that many people who drink **cholov akkum** and eat gentile butter, refer to the responsa of Ribad, Yoreh Deah, 52. **It is appalling how they have distorted his words.** The question there was about butter during a year of drought and war. Upon the question whether there was danger of fat being mixed into the butter, he replied that a chemical analysis should be performed, as is delineated by Maharsham.... **All this was in a place where gentile butter was eaten.... No mention was made of milk.** Yet, lightheaded people who go all out to invent heterim to allow themselves to follow their hearts' desires, erroneously base their fabricated heterim on statements made by geonim and tzaddikim. One who wishes to save his soul should have no dealings with such people. The truth is that the greatest authorities ruled that **chalav akkum** is prohibited **even in places where unclean animals are not milked.** Refer to the following sources: **Teshuvah Me-ahavah; Chochmath Adam, Yoreh Deah, 67; Darchei Teshuvah** who quotes all those who ruled against the use of **chalav akkum.** Moreover, since we come from Hungary, we are obliged to follow the decision of **Chatham Sofer, Yoreh Deah 107,** who ruled that **chalav akkum** is an enactment made by a number of Sages, as is stated in **Shaarei Dura,** and is, therefore, prohibited even in places where no unclean animals are milked. He concludes there that we

Ashkenazim hold that it is interdicted by law and cannot be permitted by **hattarath nedarim**, nullification of vows. At the very end of the responsum, he concludes, "And now, my son, do not abandon the teachings of your mother." Consequently all heterim are of no avail.

16

Rabbi Yonoson Steif o.b.m.

Wed. Vayakhel-Pekudei, 5715

...Concerning the question whether we can permit drinking **cholv akkum** since the government penalizes one who is found to mix milk from unclean animals with cows' milk and take away his license to sell milk. As you mentioned, the **Levushei Mordechai, Yoreh Deah** vol. 2, ch. 57, cites **Chatham Sofer, Yoreh Deah** ch. 107, who writes that according to Rashi, the interdiction against gentile milk preceded the interdiction against gentile cheese, and then milk not witnessed by a Jew at the time of milking. Although the reason for the enactment was the possibility of the non-Jew adding milk of an unclean animal, when they made this enactment, they interdicted all milk, milked without Jewish supervision even in cases that there is no such possibility. If, however, it was made into butter, they did not prohibit it. As long as it is not changed, however, it is absolutely forbidden and renders bread, a stove, or utensils **treife**, since it was enacted by a "number" of judges. They later enacted an interdiction upon cheese because of the particles of milk lodged between the holes in the cheese, which were not changed from their original state, even though it is definitely milk from a kosher animal. Nevertheless, since no Jew witnessed the milking, it falls under the category of **cholv akkum**. He writes further that we Ashkenazim have accepted the more stringent ruling, and have no right to permit

it even with **hatarrath nedarim**, nullification of vows. It appears that if it is a vow, it is forbidden by the Torah, yet the vow was not accepted to give the interdiction the stringency of a rabbinical enactment. I have copied these quotations to let those who permit this milk know what they have to contend with.

If however, it is impossible to obtain kosher milk, and it is a dire necessity for young children, sick people, or pregnant and lactating women, or women who gave birth recently, the **Respnsa Levushei Mordechai** permits it. In Budapest, during the war, when it was impossible to supervise the milking, we permitted unsupervised milk for infants and the other aforementioned...

(Rabbi) Yonoson Steif

17

Rabbi Levi Yitzchok Grunwald, o.b.m., Rabbi of Cong. Arugath Habosem, B'klyn

...I was asked my view concerning **cholov akkum**, which some permit because the government penalizes one who adds milk of unclean animals to cows' milk, reasoning that because of this, the possibility because of which the rabbis prohibited **cholov akkum**, no longer exists. I state categorically that we cannot abrogate a , law stated explicitly in the Mishnah, Gemara, and **Shulchan Aruch**, with an unfounded theory. Now, in addition to the point brought up by the **Chatham Sofer** in his responsa on **Yoreh Deah**, ch. 107, quoted by **Pithchei Teshuvah**, ch. 115, that gentile milk was interdicted by a "number" of sages, and can, therefore, not be permitted even when the reason for the enactment no longer exists, or because it is regarded as a vow and is interdicted by the Torah,

I say that the theory does not hold water. One reason is that the prohibition was on milk that had no supervision during the milking. It was not on the creamery where the milk is pasteurized. That is an entirely different case. This is the case discussed in **Yoreh Deah**, ch. 118, about one who entrusts milk to a non-Jew, requiring one seal to assure us that he did not exchange it for non-kosher milk. Now it is well-known that the firms that pasteurize the milk and bottle it, buy from several farmers, some who own many cows and some who own few. Now, should the government inspector discover other milk mixed in with cows' milk, the owners of the company who are responsible for the milk they sell will be punished, not the farmers, especially since it is impossible to determine the source of the milk in question. Consequently, the individual farmers have no responsibility to the government. Thus, the theory is completely refuted. Moreover, the government inspectors are always vulnerable to bribery, making it very easy to avoid arrest for this offense.

Moreover, how does the one who proposed this theory know that the government objects to swine milk? Probably, they object only to something that is harmful to the health. Swine milk, however, is quite nutritious, especially since it is clean, the government has no objections to it. Furthermore, it is well known that approximately 70% of the farmers own pigs, especially thos who own few cows. Furthermore, it is well-known that when the companies buy the milk, they test it for its butter fat content, according to which the farmer is paid. Consequently, there is great profit involved for adding swine milk, since it has a very high percentage of butter fat. Furthermore, the small farmers who do not produce enough milk to warrant a daily pick-up, accumulate the milk for two or

three days, and then it is delivered to the distributing companies. They have, therefore, a great gain if they add swine milk, since it has a tendency to preserve the cows' milk into which it is mixed. This is a known fact. Consequently it becomes obvious that the theory to permit **cholov akkum** holds no water, whatever.

(Rabbi) Levi Y. Greenwald

18

Rabbi Israel Shimon Posen, Rav of Shopron, Brooklyn
Thursday night, Vayakhel Pekudei, 5715

...The Chatham Sofer's decision concerning **cholov akkum** is well-known, that the **P'ri Chadash** permitted it in countries where no unclean animals are milked, only for the Sephardim, who rely on the responsa of Radbaz, but for us Ashkenazim, whose ancestors have accepted the ruling of Rashi and of those who followed him, we regard this enactment as one made by a "number" and no **gaon** or **beis din** has the power to abolish it, for it is an ancient enactment which is binding even if there is no danger of a mixture of unclean milk, and one who breaches the fence should be bitten by a snake. See **Chatham Sofer, Yoreh Deah** 107.

19

Rabbi Naftali H. Hoenig, Rav of Sharmash, Brooklyn
B.H. Friday, Vayakhel-Pekudei, 5715

...I wish to reply to your second letter, in which you asked me about **cholov akkum**, which is dealt with leniently in your city. Although they are observant Jews, nevertheless, since some people proposed a theory that since there is government control over milk production, and a fine is exacted from any company that sells milk adulterated with any foreign substance,

cholov akkum may be used, they follow them and rely on their lenient decision. This matter has been discussed at length by many contemporary rabbis, and many responsa have been written about it, in which those who permit have been sharply criticized, as the **Pri Chadash** quotes the **Shaarei Dura** that one who permits **cholov akkum** where there is no non-kosher animal in the stall, is subject to the curse of "he who breaches the fence should be bitten by a snake." This is Rashi's decision as well. It is likewise well-known what the **Chatham Sofer** writes in his responsa on **Yoreh Deah** 107, that if the halachah is in accordance with Radbaz, and our ancestors, nevertheless, accepted the more stringent view, it becomes interdicted as a vow, which is a Biblical interdiction. If, however, the halachah is not in accordance with Radbaz, it is not a vow, but a Rabbinical enactment. The result is that if we adopt the more stringent view, viz. that the milk is forbidden, it is only a Rabbinical enactment. If, however, we adopt the more lenient ruling, viz. that the milk is not forbidden by law, but only by custom, it becomes a vow, which is a law of the Torah.

It is useless to discuss a halachah that has been dwelt upon and clarified by many authorities. Moreover, the theory that the prohibition does not apply in America where the government punishes those who mix in milk from other animals, has already been refuted and shown to be a mistake of those looking for lenient rulings. Furthermore, the famous gaon, Rabbi Jacob Braish (o.b.m.) in his responsa **Chelkath Yaakov**, has clarified this matter with clear irrefutable proofs.

In reference to what those who permit **cholov akkum** claim that a clear knowledge is tantamount to seeing, he brings proof that this is true only in certain instances in which knowledge is sufficeint without seeing. This reason does not apply in the

case of **cholov akkum**, where **actual seeing is required**. Moreover, it is probably that the large companies are not afraid of the government, since they have connections through which to avoid conviction...I, therefore, state that **anyone seeking the truth, who does not want to blind his eyes, will surely admit that there is no basis for permitting cholov akkum even on the grounds that there is government control to punish those who adulterate the milk, and anyone who treats this matter lightly is included in** "he who breaches a fence should be bitten by a snake." Anyone who has not yet been defiled by eating forbidden foods should obey our Sages not to contaminate his soul with cholov akkum, and anyone seeking to purify himself will receive divine assistance.

Concerning what he heard that a certain rabbi claimed that the enactment concerning **cholov akkum** does not apply in this country since the country of America did not exist when the enactment was promulgated, you are right in your statement that it makes no sense and can bring about the abrogation of almost all Rabbinical enactments, such as the prohibition of wine of gentiles and the like. There is really no need to refute this theory, because the Rabbinical enactments were not promulgated on certain countries by name, and even according to him, America was actually existing then, although its location was unknown. Indeed, the laws are meant for Jews wherever they live, as the **Chatham Sofer** writes, and as we find in **Shulchan Aruch Yoreh Deah** ch. 115 in **Taz** and **Shach** to forbid the milk even after the fact, if a Jew did not witness the milking from beginning to end, even if there is no non-kosher animal present. Refer to **Shach** and to **Beur HaGra** who quotes him as saying that if the Jew does not look into the pail before the milking, the milk is prohibited even after

the fact, as we find in **Smak** and **Mordechai**, that for this reason, the Jews must sit there. This is found also in **Issur v'hetter ha-aruch**. See also **Yad Ephraim** who cites **Tashbetz** vol. 3, ch. 143, that the interdiction of **cholv akkum** is not a safeguard but actually a doubt of a prohibition of the Torah, perhaps non-kosher milk was added. People testified before me that after camels are milked, and moisture is left in the pail, they milk kosher animals into the same pail, and it is also possible that they intentionally mix a considerable amount of non-kosher milk. See also **Gilyon Maharsha**, **Shulchan Aruch** ibid. par. 1.

Since all the arguments of the ones who permit **cholv akkum** have been refuted completely, I find no need to reiterate what all authorities have already written. It is, therefore, necessary to admonish the public concerning this, for it is well-known that our Rabbis stated that forbidden foods clog the heart, as Scripture states: **V'nitmeithem bam**, and you will become contaminated with them. Our rabbis expound this as **V'nitamthem bam**, and you will become clogged up with them. Forbidden foods also do much harm to future generations. See **Ohr Hachaim** (Lev. 11:43).... This may mean that we Jews are required to beware lest any forbidden foods enter our mouths even unwittingly, for there is no difference between an intentional transgression and an unintentional transgression in this respect, since the abomination of forbidden foods does its damage regardless of the intention or lack of it...and a person must be extremely careful with anything that is in the category of a possible abomination, and how much more does one have to be wary in such times that the air and the lands have become polluted....

Shelah, too, writes that when he went to get married, he asked his teacher, Maharshal, to bless him and to instruct him. He admonished him to be very careful to behave with sanctity in two things: viz. that his desire for food be pure and holy, and also his marital relations, for these two things are important essentials in the preservation and building of the body. Therefore, anyone who seeks lenient rulings in the case of **cholov akkum** is destroying his soul, since all authorities agree that there is no basis for such a ruling, and anyone who sanctifies himself down below, will become sanctified above. (Rabbi) Naftali H. Hoenig

20

Rabbi Mordechai Yaakov Braisch, author of **Responsa Chelkath Yaakov** and **Sefer Hachizayon v'hatikkun**, Rav of Zurich o.b.m.

...I was asked to express my opinion concerning the milk distributed by the large American dairy corporations, since the government penalizes anyone convicted for adding milk of unclean animals to cows' milk, and they close the entire establishment because of this crime, whether the milk is permissible, as a well-known rav in America ruled. His ruling is based on the fact that the milk producers are afraid to adulterate the milk. Therefore, even if we do not accept the ruling of the **Pri Chadash**, we can permit cholov akkum in this country....Therefore, if anyone wishes to avail himself of this permission, he may surely do so. If anyone wishes to follow the more stringent ruling, he is not considered haughty, but one who follows the more lenient ruling should not be considered as being loose in his observance of Rabbinical enactments. This is the essence of his opinion.

Indeed, all his proofs are inadequate to override a law mentioned explicitly in the **Shulchan Aruch** and the **poskim** down to the latest authorities, and which was observed heretofore in all places where Jews are scattered, as we will explain below after first discussing the source of the law as it is explained in the **Shulchan Aruch** and in the **poskim**....

Rabbi Moshe Soloveichik, the grandson of Hagaon Rev Chaim Soloveichik o.b.m. related to me what he heard from a learned Orthodox Jew from Switzerland, who lives in the Alps. Every day he saw a servant girl carrying two pitchers of milk down the mountains in the hot summer. He asked her how she could carry it down during the hot summer without it becoming sour. She answered that she adds a little donkey milk which, although more expensive than cows' milk, prevents the milk from souring. Even though the Swiss government punishes one for adding donkey milk to cows' milk, she was, nevertheless, not afraid, either because she had an excuse that she did it to preserve the milk, or because the small amount she added was undetectable through chemical analysis performed by the government inspectors. According to Raavad and Rashba, quoted by Ran in **Avodah Zarah**, **Beth Yosef** 115, the Rabbis did not differentiate between an amount that is discernable in taste and an amount indiscernable, lest people deal lightly with this prohibition. Obviously, he does not mean to build his decision on this episode, but it indicated that with any reason it is possible, even nowadays, to add non-kosher milk to cows' milk (especially now, that technology and physics have advanced so far that is possible to convert black to white and vice versa, and to cause cheese and butter made of non-kosher milk to congeal, even though the Gemara says that non-kosher milk will not congeal). If we permit unsupervised milk today,

later when there will be a real probability of a mixture of non-kosher milk, people will not believe us when we tell them that they are not allowed to drink unsupervised milk. They will argue, "Until now we have drunk all brands of milk. Why the sudden change?" We find similar cases in the Talmud, e.g.

Betzah 5b....We find a similarity in the **Pri Chadash, Yoreh Deah** 116 concerning **gevinath akkum**, cheese manufactured by non-Jews, wherein he states that even in such places where they curdle the milk to make cheese, exclusively with grass, the cheeses are, nonetheless, prohibited, since the time may come that they will change the process, or because of some reason they may change the process and curdle the milk with the skin of the stomach of **neveilos**, animals killed in a non-kosher way. We find also in **Responsa Tzemach Tzedek, Yoreh Deah** 76: Gentile cheeses are not permissible to be eaten even though in our country milk of unclean animals is not common, it is proper to consider the ruling of Rabbenu Tam, who prohibits the cheeses because of the danger of snakes piercing into them and depositing venom. Even though snakes are not common nowadays, for which reason we allow uncovered liquids to be drunk, we, nevertheless, must consider the ruling of the **poskim** because of the many reasons mentioned in this matter (See **Beth Yosef** who quotes **Smak**), and we must observe this enactment lest it be neglected in places where snakes are common, likewise, we must observe it lest it be neglected in places where unkosher milk is common....

Additionally, it is well-known that all Rabbinical laws have secret reasons in addition to the reasons mentioned explicitly in the Talmud. **Aruch Hashulchan** discusses this matter at length with great enthusiasm. Consequently, if a non-Jew milks a cow without a Jew being present, the milk is prohibited in any

case. The ruling of **Chatham Sofer, Yoreh Deah 107**, is well-known that according to Radbaz vol. 4, ch. 75 (also **Chut Hameshulash** of Tashbetz, Tur 1, ch. 32, and other **poskim**, quoted by **Sdey Chemed** vol. 16, article on milk), who rule that milk was not prohibited by a “number”, since we have practiced the more stringent ruling of **Rama** and other **poskim** to forbid it, it is regarded as a vow, and has no chance of nullification. Consequently, the lenient ruling becomes the more stringent ruling...The aforementioned **Sday Chemed**, although defending the **Pri Chadash**, concludes that we may not permit the use of **chalav akkum**, as has been practiced in all Sephardic communities, even though milk from non-kosher animals is uncommon, as is explained by **Tashbetz**: According to what people say, that the gentiles do not milk donkeys or mares, because these animals suffer harm from milking, and they wish to spare their livestock, also because it is repulsive to them, and because they believe it to be inauspicious, we need not fear to use their milk except in places where camel milk is common. As mentioned above, **Tashbetz** was one of the **poskim** who ruled that milk was not prohibited by a “number”, and therefore, permits it where non-kosher milk is uncommon. Others, who disagree, do not dispute the fact that milk from other unclean animals is uncommon. Nevertheless, all Sephardic communities practiced the more stringent ruling even in places where no camels were kept.

Sdey Chemed quotes **Tzemach Tzedek** ch. 75, that even in a recently settled city, if the origin of the settlers is known, they must follow the practice of their native city (**Pri Chadash, Laws of Festival Customs, Rama Choshen Mishpot 331**).

4) We find also in **Responsa Chacham Tzvi**, ch. 135 in the middle of the responsum: **Ram** discusses at length the matter

of estimates, ruling that we are not knowledgeable in establishing estimates as the Rabbis of the Talmud were. Consequently, we cannot grant a favorable verdict to the plaintiff without conclusive evidence, or with an estimate mentioned in the Talmud, or with an estimate so conclusive that there can be no other explanation for the matter. The greatest of our generation, Rabbi Shmuel Aboab, supported his view, saying that this view has a firm basis. We can deduce that just as this is true in the case of monetary cases, so it is in the case of things permissible and prohibited, that we cannot rule leniently because of an estimate....

Perhaps for this reason, the Rabbis did not want to permit milk unless a Jew **saw** the milking, not with knowledge or estimates, since the definition of what is regarded clear knowledge and what is regarded an estimate is ambiguous, and every conclusive estimate can be called a clear knowledge, and, similarly, every estimate can be called conclusive. Since milk plays an important role in human nutrition, and it is used and produced by all, they made no distinction and forbade it in all cases, that as long as no Jew witnesses the milking personally, or if no non-kosher animal is in the herd, and no Jew sits outside to ascertain that no milk is brought in, the milk is not permissible. If a Jew watches from outside, however, this is regarded as seeing the milking, for they did not require that he see the udder in the hand of the milker. We find in the **Gemara (Avodah Zarah 39b)** that if the Jew sits next to the herd, it is obviously permissible, also that if the Jew goes in and out, that the gentile is afraid to mix in non-kosher milk. In these cases, when the gentile knows that the Jew is interested to supervise the milk, we are assured that the gentile will not add any non-kosher milk and no false conclusions can result from this law.

With outside knowledge or indications, however, one can easily err to permit the milk through inconclusive evidence. The Mishnah, therefore, specifies, "Milk of a gentile"... Obviously, this was an essential of the decree **that a Jew must do the milking**. In any case, the fact is that, according to the **Shulchan Aruch**, the later **poskim**, and Jewish custom for many generations in all locations, gentile milk is not used unless a Jew sees the milking, either because it was prohibited by a "number" or because it became a vow, as in aforementioned Chatham Sofer, even with an estimate, an indication, or knowledge that no non-kosher milk was added, as is Rashi's ruling quoted by the **poskim**. Indeed, Rashi concludes his responsum that one who drinks **cholov akkum** even if no non-kosher animal is in the herd, should be bitten by a snake....

Returning to our subject, let us make clear that the **decree against cholov akkum** was promulgated even if there are no non-kosher animals in the herd and even if he milks for cheese. In these cases, there is definitely an estimate and knowledge that there is no non-kosher milk being mixed in, yet it is explicit in the **Shulchan Aruch** and the **poskim** that the milk is not permissible, and so has been practiced for many generations. It is, therefore, self-evident that fear of government inspection does not constitute any greater proof. It is surely no more conclusive than the evidence in the case of Rabbi Shimon ben Shetach, who saw one man chasing another into a ruin. When he entered, he found him holding a sword dripping with blood and the murdered man still moving (**Sanhedrin** 37b). Yet the **Gemara** rules that such evidence and the likes are unacceptable both for monetary cases and for capital cases. Surely it is not considered seeing, otherwise it

would surely be acceptable. If so, who can take upon himself to weigh the evidence of the fear of government inspection and to decide that it is more conclusive than such evidence provides to nullify a rabbinical decree, or perhaps, even a Biblical prohibition of violating a vow. On the contrary, it is reasonable to assume and believe that the companies do not fear questionable government inspection, because they have connections through which they can free themselves.

5) Besides all this, we must establish the extent of government inspection, if and whether the government sends an inspector regularly to the places where the cows are milked. Obviously, they do not. The extent of the inspection is that probably experts analyze the milk chemically from time to time to determine whether the milk contains any milk from other animals or water (also prohibited by law). If so, let us imagine a situation where there is no government inspection or prohibition to mix milk from other animals with cows' milk. The only way to determine the status of the milk is chemical analysis. To permit *cholov akkum* because of chemical analysis is unheard of. How many responsa have been written concerning foods which possibly contain non-kosher ingredients, as to whether we can rely on a chemist to permit them! Refer to *Responsa of Maharash* (1:27), who displays extraordinary erudition in collecting various theories to permit oil reputed to contain non-kosher ingredients. He concludes that even though the *Shulchan Aruch* rules that nowadays we cannot rely on a non-Jewish baker to taste food and tell us whether there is a taste of non-kosher food that was inadvertently mixed into it, that is only in the case that something non-kosher is known to have fallen into the mixture. In our case, however, in which we do not know definitely that

non-kosher food was mixed into the oil, we may rely on the non-Jewish chemist....Consequently *cholov akkum*, which the rabbis interdicted because of a mixture of non-kosher milk, until it is proved that it is permissible, is considered that there is definitely a non-kosher ingredient, and the chemist is definitely not believed. It is obvious that if someone drinks *cholov akkum*, and after drinking it, Elijah the prophet appears and informs him that it contained no non-kosher milk, he has still committed a transgression, as we find in *Chulin* 6a, where the Gemara asks how it could be possible that the rabbis prohibited a mixture of *demai*, produce bought from an unlearned farmer, who is lax in his observance of separating tithes, and Rav Assi should have eaten such a mixture....Apparently, even if this *demai* had been tithed, he would still have been guilty of an infraction of the law by eating it.

6) As mentioned before, if there is a definitely non-kosher ingredient, a non-Jew is not believed. Consequently, the non-Jewish chemist would not be believed to tell us that the *cholov akkum* does not contain any milk of non-kosher animals, as delineated in *Responsa of Maharash*. Hence, even in those places in which there is government inspection, viz. that from time to time chemical analyses are performed, since we cannot rely on the analysis, and they themselves cannot determine definitely that a minute quantity of other types of milk is not present, it is, therefore, obvious that, on this theory, we cannot nullify a rabbinical enactment and defile ourselves with forbidden foods. We Jews in Switzerland, therefore, go to great expense to obtain kosher milk, as do the Jews of England and Antwerp. I assume that the Orthodox Jews of America, too, know how to beware of *cholov akkum*.

In the monthly called "Haposek" (Cheshvan-Kislev-Teveth, 5713), a rabbi "discovered" the responsum of *Tashbetz* and permitted *cholov akkum* in countries where there are no camels. As far as an enactment decreed by a "number", he relied on *Magen Avraham* 690. He forgot, however, that this is qualified by *Magen Avraham* 468. Consequently, his entire theory is baseless.

(Rabbi) Mordechai Yaakov Braish

21

Rabbi Yisrael Veltz o.b.m.

(This too I found - a clarification of the law governing milk of non-Jews not supervised by a Jew during the milking where the government is strict concerning mixing in milk from any other animal. This was written by the well-known gaon and tzaddik, who was first a *dayan* in Budapest and later in Jerusalem. He composed this responsum for a scholar who inquired of him concerning this matter. It was printed in *Hanesher* no. 10.)

1) I am writing this in reference to my debate with a young scholar concerning the halachic status of milk milked by a non-Jew without Jewish supervision nowadays in large cities where people buy milk in stores, in places where the government punishes those who add any other substances to cows' milk, whether the milk still falls under the category of *cholov akkum*, which the Mishnah interdicts. Let it be known that there is no difference between our times and Talmudic times, for the Sages did not differentiate, since the halachah is accepted that the milk is interdicted even if there are no unclean animals in the herd and there is no danger of non-kosher milk being added to the cows' milk, even in cases of scarcity of milk. Since Rama rules that the milk is not permissible, we have no right to

override his ruling. See *Sefer Shevilei David*, *Yoreh Deah* 115:1. After quoting *Pri Chadash* who ruled that *cholov akkum* is not something interdicted by a "number", but only because of the danger of a mixture of milk of non-kosher animals, hence, when this danger is not present, the milk is permissible, he concludes that we follow Rama. See also *Beth David*, who deals at length with this question and rejects the opinion of *Pri Chadash*.

2) Greater than this we find in *Cheshek Shlomo Hechadash*, ch. 5, that he was asked whether beans could be permitted for Passover during inflation, when all other food was very expensive. He emphasized the fact that, if we do not permit them, people will not enjoy the festival as much as they should. He answered that apparently we cannot permit it since Rama rules that it is prohibited.

Even though the prohibition of beans on Passover is merely a stringency that our ancestors took upon themselves a few hundred years ago in Germany and in Poland, he, nevertheless, writes that we cannot override Rama's ruling. Consequently, this young scholar's argument, that since nowadays there is little chance of this mixture because of the aforementioned reason, we need not adhere to the interdiction of *cholov akkum*, except as an act of piety, especially since the majority of the public cannot endure it, does not hold water. How were his eyes blinded from seeing the ruling of Rama. If he meant to say that the Rama's ruling is too stringent, this is worse than the first possibility, for who is to judge the Rama? Who is smart enough to defy the words of the teacher of all Israel, whose words are like fiery coals? Does he not know that the Torah of Moshe was accepted by all Jews no matter where they live, and that one who separates himself from him separates himself from life. This is nothing more than stupidity and haughtiness.

3) It is possible to defend him, that perhaps he holds that nowadays many people are weak and are regarded as sick people not dangerously ill, for whom we may permit an infraction of a rabbinical law according to *Magen Avraham* 328:9. *Magen Avraham*, however, refers to *Rama Yoreh Deah* 155, who states categorically that drinking anything prohibited rabbinically, is forbidden even for the sick if they are not dangerously ill, especially one who walks around but suffers from pains, who is not considered ill. See *Levushei Mordechai*, second edition on *Yoreh Deah*, ch. 57, who writes that during wartime, when kosher milk was very scarce, I tried to find a way to permit drinking cholov akkum on the basis of the *Shiltei Giborim* on the *Mordechai*, quoting *Mahari Nikula* o.b.m. I presented my theory before the author, but he rejected it, as you can see in the sefer. He concluded, however that for young children a rabbinical enactment may be overridden for their nutrition, for young children who are used to drinking milk, are virtually imperiled by abstaining from it. Likewise, a woman within thirty days following childbirth, as in Tractate *Shabbos*, end of chapter *Mefanin*, may partake of *cholov akkum*. For others, however, I have no power to permit it.

Obviously, he means only for those who walk around without a support. But for a sick person lying in bed, we may permit unsupervised milk if he requires it for his cure and no supervised milk is available. (See *Darchei Teshuvah* 155:23) Under other circumstances, however we do not have the power to override the Rama's ruling. The following is a quotation from *Avodath Hagershuni* (ch. 48) concerning a rabbi who dared decide a matter contrary to Rama: Who is greater than Moshe? I.e. Rabbi Moshe Isserles, by whose words we live, and whoever separates himself from him,

separates himself from life itself. We cannot override his decisions except with irrefutable proofs and with the concurrence of the greatest of the greatest of the generation. See also the quotation from *Sefer Kenesseth Yechezkel* (ch. 63), who writes as follows: G-d forbid that we should deviate from the decisions of the holy mouth of the Rama, whose words have been accepted by all inhabitants of Poland and Germany to follow his decisions like the Torah of Moshe, and whoever transgresses it is transgressing the Torah and deserves a rebuke.

See also *Teshuvah Me-ahavah* vol. 3, *Yoreh Deah* 320: I heard from my teacher, the gaon, teacher of all Israel (R. Ezekiel Landau, author of *Noda Biyehudah*) o.b.m....but we took upon ourselves and our posterity for ever to follow Rama. Moshe is true and his Torah is true, and you may not deviate from it.

5) I wish to add one more incident which I read in the introduction of *Sefer Torei Zahav*, by the author's grandson: I heard from my sainted grandfather o.b.m. that the following happened to his father Maharat Shaier o.b.m. in Frankfort on the Main. At that time, he was very poor, living in dire poverty. He was approached by a wealthy man who promised to enrich him if he would permit a certain thing about which the earlier authorities disagree, and the Rama writes in *Shulchan Aruch* "We should be stringent". He refused to accept the money for deciding against Rama. He was wont to say that since Rama decided to be stringent in this case, if this man would give me his entire house full of silver and gold, I would not be able to override the words of that tzaddik. Later he asked the well-known gaon and tzaddik, the author of *P'nei Yehoshua*, whether he had dealt properly by refusing the money. The

gaon replied, "You did the right thing, and may you gain strength. G-d forbid that one should decide against Rama." The wealthy man later approached another *rav*, who complied with his wishes. The result was, however, that that *rav* did not live out the year. This should serve as a lesson to everyone.

6) Now I see that the entire structure that this young scholar is building, has no foundation, since he wishes to say that the farmers are afraid of the government that punishes for mixing anything with the milk. I read in *Responsa Ohel Yehoshua*, ch. 24, that he heard from several experts that a small percentage such as 2% cannot be detected by chemical analysis. If so, in our case, since the entire fear is that the gentile will mix in a minute quantity, as the *Shach* writes on *Yoreh Daeh* 118, otherwise it would be a Biblical prohibition, consequently, the gentile has no reason to fear government inspection. The final word is that all those who fear G-d should lend no support to those who permit something the *Shulchan Aruch* and Rama rule against categorically. As a reward for this, we will merit the uplifting of Jewish prestige and the salvation of our entire people in the very near future.

(Rabbi) Yisrael Veltz, Dayan and Rabbi in Budapest

22

An excerpt from a responsum by the chief rabbi of Cincinnati, Ohio. Rabbi Eliezer Silver o.b.m.

...I have noticed that certain rabbis, basing their decision on invalid reasons, have come to deal leniently with a halachah mentioned in the Talmud, the *Shulchan Aruch*, and by the *rishonim*, early halachic authorities, viz. that milk of non-Jews, whose milking was not witnessed by a Jew, is interdicted. According to Rashi and many other *rishonim*, it is a very early

enactment, preceding that of gentile cheeses, and not subject to any lenient ruling. According to many authorities, it is even a Biblical interdiction, like that of a vow, but almost all authorities rule against its use. Several hundred years ago, a rabbi from among the Sephardim took it upon himself to permit it, and all the geonim of that generation opposed him, until he remained alone with his ruling. A similar occurrence happened to another rabbi more than one hundred years ago, when all Orthodox communities stood their ground and did not permit it. Some even prohibited the use of milk of a *mechallel shabbos*, a Sabbath desecrator, and that of an unobservant Jew, as is delineated in the works of the *acharonim*, the later halachic authorities. Many even prohibited it if a Jew made cheese or butter from it. Yet, now there have arisen rabbis, who, contrary to the ruling of all the *rishonim*, permit it because of reasons unacceptable to a Torah scholar. They base their ruling on the credibility of the courts and the milk producers' fear of them. Even if such a reason were applicable to the halachah, in this case, it is completely erroneous, for who knows better than I how easy it is to bribe the courts, who, for a small bribe, will sell everything? I have witnessed this time and time again. Consequently, the courts are completely unreliable.

But the truth of the matter is that no degree of reliability can alter the halachah which was decided by our early sages such as Rashi, Rashba, and others. Even Radbaz prohibits it because its observance has become a vow, and all the geonim of generations stood their ground, not to permit gentile milk, such as Chatham Sofer and others, who forbid it. The final analysis is that there are many more reasons to prohibit it than to permit it. Chas vechalilah to rely on those who rule leniently in this halachah and permit the drinking of *chlov akkum*.

Unfortunately, in our days many unwarranted *heterim* are

being promulgated. I, therefore, appeal to my fellow Jews to refrain from permitting any foods forbidden either by Torah law or Rabbinical law. Do not to defile yourselves with any of them.

(signed)

(Rabbi) Eliezer Silver

23

Responsum of Rabbi Chaim Eliyahu Sternberg , Rav and Rosh Yeshiva of Beth Hamidrash and Yeshiva Machazikei Hadath.

1) ...Concerning your question whether *cholov akkum* is permissible where there is no danger of an admixture of milk of non-kosher animals, I reply categorically that there is no basis for permitting it. Since I see that several rabbis do permit it, I wish to clarify the matter thoroughly. First of all, let it be known that there are approximately thirty *rishonim* and *acharonim* who rule stringently on this question... and they do not permit it even in cases where there is no chance of an admixture of non-kosher milk.

2) The source of this law is the Mishnah (*Avodah Zarah* 35b): The following are things coming from gentiles which are prohibited, but benefit may be derived from them: Milk that has been milked by a gentile without a Jew witnessing him. It is apparent from the Gemara that the reason of the interdiction is the fear of non-kosher milk mixed with it. This is stated explicitly in the *Shulchan Aruch* (*Yoreh Deah* 115): Milk that has been milked by a gentile without a Jew witnessing him is forbidden, perhaps he mixed non-kosher milk into it.

3) In the explanation of this, there is a dispute between the authorities whether this is a Torah law or a rabbinical enactment. *Tashbetz* (vol. 3, ch. 183) writes that the law is not

an enactment and a safeguard, but a doubt of a violation of Torah law, for there is a chance that the gentile mixed in non-kosher milk....*Responsa M'il Shmuel* (ch. 12) concludes, however, that it was a rabbinical enactment and a decree to interdict any milk that a gentile milked without Jewish supervision, even if there is no unclean animal in the city and there is no fear of an admixture of non-kosher milk, and it is forbidden even after the fact. *Pri Chadash* (ch.115) quotes *Shaarei Dura*, that it is interdicted because of a rabbinical enactment and a safeguard, lest confusion develop from it. And one who breaches a fence (i.e. one who defies a rabbinical enactment) shall be bitten by a snake. *Beth Meir* quotes *Pri Chadash*, who permits *cholov akkum* where there are no unclean animals. He writes that he doubts very strongly that there is any such place. Consequently, the sanction has no practical application. *Matteh Yehonathan* writes that the accepted halachah is in accordance with *Mordechai*, quoted by *Beth Yosef*, that it is a rabbinical enactment. Therefore, even nowadays, when it is unusual to milk unclean animals, the milk is, nevertheless, prohibited, since the rabbis did not differentiate.

4) See also *Minchah Belulah* on *Yoreh Deah*, who writes that those German Jews who are not conscientious in their observance of the law pertaining to gentile milk, commit an unforgivable sin.... Whoever has the power to protest must do so.... Also, *Teshuvah Me-ahavah* writes in his preface (p. 6) that this law must be strictly observed. See also *Responsa Chik'kei Lev* (*Yoreh Deah*) ch. 30 and responsa *Har Hamor* (ch. 71)....

5) *Aruch Hashulchan* (115:5) writes that many are lax in their observance of this law because a certain scholar

promulgated a decision to permit it where there is no milk from non-kosher animals. That scholar will bear his sin. The following illustrates how all the words of our Sages are like fiery coals: Someone came to me brokenhearted to confess his sin. He related to me that he had traveled to a certain city on business. During his sojourning there, he bought creamy milk from a gentile merchant. They asked the merchant where he obtains so much creamy milk. He replied that he buys marrow of unclean animals in the butcher shop, which he dissolves in the milk, rendering the milk very creamy. He then cried out loudly and bitterly, "How great are the words of the Sages!" Indeed, I have a tradition that all rabbinical enactments, in addition to the reason revealed, have many secret reasons which the Rabbis did not reveal. The one who heeds will receive G-d's blessing and will be paid his reward in this world and in the World to Come.

6) It appears to me that for this very reason the rabbis did not state in the Mishnah that gentile milk was prohibited because of the fear of an admixture of non-kosher milk, since the Rabbis made this an established law even in places where no non-kosher milk is found. *Shach* (Laws of *s'fek s'feka*, 17, 18, 19) states that *gevinath akkum*, gentile cheese, is more stringent than other rabbinical enactments, since they made it like a definite Biblical prohibition. *Ginzie Yosef* comments that this applies to *cholov akkum* as well. *Beth Yosef* and *Torath Chattath* (ch. 81) write that one who drinks *cholov akkum* is punished by disciplinary flogging.

7) The question is, how did the *poskim* decide that *cholov akkum* is prohibited even where there is no non-kosher milk, when the Gemara states clearly that it was intedicted because of the possibiltiy of the mixture of non-kosher milk. It appears

to me that the rabbis o.b.m. foresaw that the Jews would be scattered all over the face of the earth, some to countries where non-kosher milk is common and some to countries where it is not. If they would permit gentile milk where non-kosher milk is not common, those in other countries would surely follow suit and drink it as well. Likewise, if at one time unclean animals are not milked, at a later time, they may be. People would continue to drink it as they and their parents had previously done, not knowing that their parents had drunk *cholov akkum* because there was no non-kosher milk at the time. They, therefore, enacted a safeguard for all generations and all localities, as *Shach* and *Ginzei Yosef* stated.

8) *Chatham Sofer* (*Yoreh Deah* 107) writes that it is obvious that *Rashba*, *Kesef Mishneh*, *Issur v'heter ha-aruch*, *Rama*, and *Schach* unanimously agree that milk that was milked by a gentile was enacted upon by a "number" of Sanhedrin, and as such, cannot be repealed, even if we know definitely that no non-kosher milk is found in this place. He writes further that since our ancestors have accepted that opinion, for us Ashkenazim it is prohibited, without any possibility of nullification (See *Magen Avraham* 551:7). It appears to me that it is a vow according to the law of the Torah itself, even though, in detail it is no more stringent than other Rabbinical decrees, that is because they accepted it on that condition, but it is indeed binding as a Biblical law....

9) According to what I wrote above, it is understandable why *Chatham Sofer* ruled so stringently on *cholov akkum* to give it the status of a vow that has no nullification. It appears to me that this is because non-kosher milk is not found in all countries nor in all times, and if it is not found in one place or time, it is found in another, and if at this time the gentiles do not

mix non-kosher milk, they may do so at a later date. The rabbis therefore, made a general safeguard and an enactment, and were strict about it everywhere and at all times, thus making it like a vow. For this reason, the *Chatham Sofer* dealt so stringently with *cholov akkum*. It is, therefore, obvious that *there is no way to permit cholov akkum, even where no non-kosher milk is found, or where it is found, but the gentiles do not mix it into cows' milk.*

10) We must especially be strict since the *Darchei Teshuva* states that in America pigs' milk is drunk. There is, therefore, grave danger in all types of milk that gentiles add pigs' milk, and there is no *heter* (sanction) according to the vast majority of *rishonim* and *acharonim* such as *Rashba*, *Issur v'hetter ha-aruch*, *Kesef Mishneh*, *Rama*, *Shach* and all the other opinions stated above (including *Chatham Sofer*). *The Lubavitcher Rebbe o.b.m. in Responsa Tzemach Tzedek (Yoreh Deah 76) writes explicitly that even though there are no unclean animals in our country, we must observe this ruling because of other reasons. Likewise, Mahar Bruna (ch.78) writes that cholov akkum was prohibited by a number of Sanhedrin in all places, whether or not unclean animals are milked there and one who breaches the fence shall be bitten by a snake. Also the chief rabbi of Krasna (o.b.m.) compiled a book specially on this question, entitled Kavvanath Halev, in which he clarifies that there is no possibility of permitting cholov akkum even in places where non-kosher milk is uncommon, since our forefathers accepted it upon themselves, making it a vow that has no nullification, and a thing that was enacted by a "number", which has no repeal. This is clear and accurate.*

11) *How our hearts ache, that in this generation many do not observe the prohibition of cholov akkum, and are*

especially lenient with children, allowing them to defile themselves with *cholov akkum*, G-d forbid! We are all familiar with the Rama's ruling (Yoreh Deah 91) that a Jewish wetnurse may not eat any forbidden foods, for this will harm the child in his old age, G-d forbid! One must exert great effort and sacrifice to guard his children from *cholov akkum* and surely to guard himself, because forbidden foods bring the influence of the food into all 248 limbs and 365 veins and contaminate them. They also clog the heart, as our Rabbis stated in Yoma 39. We must, therefore, strive to remove the pitfall of *cholov akkum*, in order that we merit to be sanctified with divine sanctity.

(Rabbi) Chaim Eliyahu Sternberg
Rav and Rosh Yeshiva of Cong. and Yeshiva Machzikei Hadath

24

Opinion of Rabbi Hillel Lichtenstein of Krasna o.b.m., author of *Responsa Kavvanath Halev*.

(This well-known *gaon* and *tzaddik* did a remarkable thing by clarifying at length and elucidating the section of the Talmud and the *rishonim* and *acharonim* who deal with this halachah in his book entitled *Kavvanath Halev* (later incorporated into *Responsa Kavvanath Halev*) which he published shortly after his arrival in America, to rebuke those who created a breach and promulgated lenient rulings concerning practices of paramount importance including the sanction to drink *cholov akkum* in the United States on the basis of unfounded theories. We will not dwell on his words but cite a few excerpts therefrom.)

(In reference to Rashba's ruling:)

1)...and I heard that here in New York someone erred to

learn from this to deal leniently with *cholov akkum* because there is strict government control and severe penalties for the one convicted of adulterating the milk. This is definitely an error, since in *Torath Habayith Ha-aruch*, *Rashba* writes the exact opposite.

(End of section 2:)

2) Until this point, we are unable to establish that milk was not prohibited as a *davar sheb'minyan*, and to deduce from this that it is permissible in this country because of the severe penalty meted out for adulterating milk. The truth of the matter is that on the contrary, it is obvious that it was prohibited as a "*davar sheb'minyan*", and therefore, there is no basis for any lenient ruling....In any case, our previous statements are sufficient to emphasize the stringency of the matter and to point out that there is no basis for any lenient ruling, either because of the halachah or because of an accepted custom.

3) G-d willing, we will explain in a special pamphlet that one cannot base anything on the local customs of America. Rather, in all matters we must observe, do, and fulfill the holy Jewish customs that our forefathers practiced in the lands of their dwellings, without any changes....

4) (End of section 3:)

...and any rabbi who gives out a lenient decision is instructing contrary to the law of the Torah, and one should not learn from....May the L-rd save us from them and their multitudes! May He help us to upraise the honor of His Name, to rebuild the ruins of our people, to observe, do, and fulfill every custom of our forefathers! We will uphold them and not neglect them....

5) It is indeed appalling that some wish to create a new Torah in America.... Furthermore, it is a grave sin to change the

customs of our ancestors. And do not abandon the teaching of your mother.

Responsa Kavvanath halev, ch. 9:)

It has been brought to my attention that it has almost become a custom among many of our brethren that here in New York and in many other cities, most women do not nurse their children. A few days after the baby is born, it is given *cholov akkum* in a commercially prepared formula, by order of the physician, since this is made specially for infants....When they become a little older, some feed them various foods, and even ground up meat sold in jars, which is perhaps, or definitely *treife*. This is generally done on the doctor's advice. The doctor is usually a non-Jew or a non-observant, light headed member of our people, upon whose word we cannot rely, as is delineated in the works of the *acharonim*. It is obvious that if the doctor says that there is a fear of danger, no mitzvah is to be observed if it puts one in danger....The doctors themselves told me, however, that they never said that the children's lives are in danger if they do not eat these foods, but only that they may become ill if they do not receive the nourishment of these *treife* foods....

7) When I saw the great pitfall of these practices, I began to arouse some of my acquaintances and friends concerning this matter. They confessed that they were completely unaware of the stringency of the prohibition. They obeyed me immediately to refrain from allowing their children to become contaminated with *treife* foods...for we must fear the danger of the heart becoming clogged up, and one who causes his friend to sin, is worse than one who kills him. One must, therefore, consult a *rav*, who will instruct him in each particular case.

In paragraph 5, he concluded that on every occasion, one must ask a *rav* for instructions.

(I have already compiled two books, discussing at length the pitfalls, the punishment, the importance of avoiding feeding children products of doubtful kashruth. These books, entitled *Minchath Yehudah* and *Menuchath Sholom*, have been cordially accepted by all Orthodox circles. Pub. note.)

25

The Helmetzer Rebbe, in his work *Tohorath Yom Tov* concerning matters of sanctity and purity.

In vol. 7, after presenting the views of all the *poskim* of our generation, some who have since passed from this world, the author sums up his proofs with the following:

1) From all the aforementioned, it has been clarified that there is no basis for permitting *cholov akkum* even where there is government control. It would seem unnecessary to dwell on this matter, since it has already been clarified before the publication of this book, in the works of the earliest *acharonim* to the latest. Only because in this generation there are many who seek *heterim*, and who strive to invent theories to justify those who permit it, it was deemed necessary to clarify this halachah anew, to refute the errors made in this field. In addition to the aforementioned, it is well-known that, in addition to the reason the Rabbis give for the prohibition of milk that was milked by a gentile without a Jew witnessing him, viz. the possibility of the gentile mixing in non-kosher milk, there are other secret reasons that the Rabbis did not reveal. There is no way of penetrating to these secret reasons or of fathoming them. This is, however, a tradition.

2) It is well-known what the holy gaon of Sanz, the author of *Diurei Chaim* o.b.m., testified in the name of his father-in-law,

Rabbi Baruch Tummim, the author of *Baruch Taam*, o.b.m., as follows: I received three traditions from my father-in-law, the rav of Leipzig, o.b.m., who in turn heard it from his teacher, after being passed from generation to generation, originating from Moshe Rabbenu. One of these was that milk that was milked by a gentile without being witnessed by a Jew, was prohibited not because of the fear that the gentile would mix in non-kosher milk. This is merely the reason revealed to the people. There is, however, a secret reason for the prohibition of *cholov akkum*.

His words are as faithful and beautiful as they were when they were heard from Moshe Rabenu. A similar statement was made by *Chatham Sofer* o.b.m. in his *derashoth*, as follows:

For Moshe Rabbenu, the erudite sage, became saddened and grieved upon perceiving that in later generations, the Jews would be enticed by the gentiles to spend their time studying strange disciplines, until finally, the gentiles would intermingle with us in this field. They would then commence to expound upon the Torah in a most uncomplimentary way, asking, "Why was milk of unclean animals interdicted? Because it brings about illness and clogs the heart. All this follows science, and Moshe was a wise man to know all this. But, if so, it is foolish to prohibit milk that was milked by a gentile without a Jew witnessing him." They will probably make similar statements concerning all *mitzvoth*. If they were wise, they would understand *that all these mitzvos have other reasons, lofty and exalted, and everything has angels appointed over it, who do good or bad. Then they would understand that all safeguards enacted by our Sages, and all their decrees have a root in heaven above.* (See *Rosh HaShanah* 19a: Words of kabbalah are like words of Torah)

I added these two statements because I think that if they do not heed the first sign, they would heed the second sign. Even those who wish to debate the issue and justify their views, will be forced to accept the testimony of these two great princes of Torah. It is well-known that in many places we find the statement: If it is a tradition, we will accept it. If it is derived by reasoning, however, it can be refuted. For, even if it is possible to refute someone's reasoning, one cannot refute a tradition. I, therefore, appeal to you, my dear friends, to resolve from this day forth to abstain from drinking *cholov akkum*, and you will be blessed with all good things.

26

The following responsum is translated from the recently published book entitled *Breish Deah*, ch. 17. We cite it because of the many important facts that relate to our subject.

1. Since we find that the overwhelming majority of *geonim* and *tzaddikim*, both contemporary and of yesteryear ruled against the consumption of unsupervised milk of gentiles even if there is definitely no admixture of prohibited substances, if one wishes to rely on the authorities who permit, he should bear in mind that, in addition to the prohibition itself, in which he may be trapped, he must realize that he is endangering his heart, mind, and soul of being spiritually clogged up, and of suffering the results of this clogging. The words of Rashba, Ritva, and Ran at the end of the chapter entitled *Cheresh*, are well-known, as well as the words of Rama in *Yoreh Deah* ch. 81, followed by *Pri Chadash* and *Birkei Yosef*.

2. Moreover, it is not clear that according to the rabbis who permit it, there is no clogging up of the heart and mind by drinking this milk. For example, see *Imrei Hatzvi* (*Taanith* 31), who cites a wondrous quotation from the Netziv (Rabbi Naftali

Zvi Yehuda Berlin) dean of Yeshivah of Wolozhin:...for even though the Torah permits it and one is required to eat *neveilah* when in danger if there is no alternative, it is still preferable to avoid it if at all possible, for, even in such a case, *neveilah* clogs the heart.

3. A similar statement is found in *Responsa Arugath Habosem*, ch. 138, that even according to the *poskim* who permit drinking milk on Passover from cows that ate both *chometz* and other feed on Passover, we must still be concerned about the heart being clogged and cruel traits developing because of this milk.

4. There is clear evidence to this from *Rosh Yosef* (*Shabbos* 72) that if one is coerced either to desecrate the Sabbath or to eat non-kosher food, he should choose violation of the Sabbath...

5. If so, it follows that as regards clogging of the heart, since, in any case, he derives benefit from non-kosher food....

6. ...this view matches the view of the *poskim* quoted below (15), that if a sick person is permitted to eat forbidden food, he should, nevertheless, not perform a *mitzvah* therewith, since, even though this food is temporarily permissible for him, because of his illness, since the aim of a *mitzvah* is to purify a person, this cannot be achieved through prohibited food, which has the opposite effect.

7. With this, we can easily understand the words of *Shei'oh*, 100, that when he was parting from his teacher, Rabbi Shlomo Luria, known as Rashal, the latter admonished him concerning two things: food and morality, to be very strict in these fields, for everything depends on these two matters. Now, if we say that eating prohibited food inadvertently does not clog the heart, why should he be so careful? It is, therefore, obvious

that the power to clog the heart is present even if one eats non-kosher foods inadvertently. Even without knowledge of the prohibition, the soul suffers from non-kosher foods. This is proof to our theory....

8. It appears to me that this identical idea is found in *Ohr Hachaim, parashath shemini*, on the verse, *You shall not make your souls detestable*, upon which he comments: Perhaps Scripture means that Jews must be careful lest non-kosher foods enter their mouth even without knowledge, for in this case there is no difference between intentional and non-intentional sins, because in unintentional sins as in intentional ones, the defilement does its damage to the person's soul even without thought, and a person must, therefore, be careful and conscientious with everything that enters the area of possible contamination, especially in these times when the air is polluted in all countries.

We find too, in *Tanya, Likutei Amarim*, ch. 8, that if one eats non-kosher food even unintentionally, the Torah and prayer resulting from that food, do not ascend into Heaven....

9. It is, therefore, obvious that the heart becomes clogged even though one is not punished for committing the sin...

10. ...It is, likewise, obvious that, according to our theory, a *tzaddik* does not require any special divine protection lest he stumble on any sin, since it is not his intention to commit it, but as regards prohibited foods, which clog the heart even if eaten unintentionally, it is disgraceful for a *tzaddik* to experience such a misfortune, which will mar his sanctity...

11. ...There is an allusion to this in *Kidushin* 81b: Now, if one who intended to eat kosher fat and inadvertently ate non-kosher fat needs atonement.... This too, follows the same reasoning.

12. ...If so, according to *Rosh Yosef* mentioned above, and also, according to those *poskim* who hold that even if one is compelled to eat non-kosher foods, his heart will become clogged, of what avail is it for those who wish to rely on the opinion of those who rule leniently in the case of *cholov akkum*? Their reliance will avail them only so that if the halachah is really in accordance with the rabbis who rule stringently, it will be considered as though they were compelled to drink *cholov akkum*. We have, however, proven that even in such a case, the heart becomes clogged. See also *Mesilath Yesharim* ch. 11. "And you will understand..."

15. According to the aforementioned, that even in a case in which non-kosher foods are permitted because of danger or similar reasons, one should, nevertheless, strive to use only kosher food, we can understand the ruling of *Yeshuoth Yaakov* 272:2, that even though we follow *Shach* (*Yoreh Deah* 155: 10) and *Magen Avraham* (328:9) that one who is dangerously ill may drink forbidden wine, he may not use it for *kiddush*. He presents proof from *Kiddushin* 37a, that even though a prohibited food is permitted, one cannot discharge his duty of a *mitzvah* with it. Similarly, we find in *Responsa Mahari Assad*, ch. 160, that one who is ill but not dangerously so, if physicians prescribe wine, and he has no kosher wine, he may drink gentile wine. He may not use it, however, for *Arba Kosoth* on Passover. We find the same thing in *Responsa Neta Sorek* and (*Orach Chaim* ch. 11) and *Minchath Eleazer*, vol. 3, ch. 23. From a superficial approach, we see no reason for these rulings. If one may eat prohibited foods, why may he not fulfill a *mitzvah* with them? On the contrary, we find the opposite in *Responsa Chatham Sofer Orach Chaim*, ch. 65, that wine which is permitted only because of a great loss, even a very

pious person may not refrain from using it for a *mitzvah*, i.e. if no other wine is available. The only answer can be that these rulings are based on the idea that prohibited food and drinks clog the heart and mar one's sanctity even if they are permitted for any reason such as illness. It is, therefore, improper to use them for a *mitzvah*, since they are repugnant to be used for any sacred purposes, as the prophet Malachi exhorts the people, "Would you present it to your governor?..."

18. In any case, according to the warnings and admonitions of *Shelah*, *Ohr Hachaim*, and other holy books, to stay away from any possibility of transgressing a prohibition and to flee ninety-nine possibilities of permissibility because of one possibility of prohibition that one may stumble upon, there is no doubt that unsupervised gentile milk fits into this category even if we accept the ruling of those who permit it. This is in addition to the fact that it is prohibited beyond a doubt for all Ashkenazim who follow Rama. Also, for those who wish to permit it, where it is at all possible to avoid it, one should not accept this ruling, since all the reasons for the lenient ruling are fictitious, baseless reasons, and one may not rely on them to build a foundation to permit *cholov akkum*. Therefore, one who guards his soul should stay away from this view and similar ones, and he who heeds will be content and tranquil and merit life in both worlds, even to eternity.

27

Important warning about *cholov akkum*

(From *Sefer Nefesh Yeshayah* on prohibited foods)

Egg Yolks of Non-Kosher Chickens

Those who buy pastries from bakers, even from Sabbath observers, are unaware that, in most cases, they inadvertently

eat eggs from non-kosher chickens. For pastries, egg yolks are required. Most bakers purchase them indiscriminately from any factory that distributes canned egg yolks. Virtually all such factories, in order to eliminate the bother of opening the eggs, buy them from chicken slaughter houses, where the egg yolks are removed from the chickens after the slaughter. In large cities, hundreds of thousands of chickens are slaughtered daily.

Such egg yolks are sold to the firms that distribute canned egg yolks. There are even religious bakers who believe that all egg yolks come from eggs opened in the factory, but these egg yolks are *beitzei neveloth*!

According to New York State Law, if the butterfat is removed from the milk, the container must bear the words, "non-dairy", even though the remainder of the milk is present, and, as regards kashruth, is definitely dairy. Many foods are sold bearing the words, "non-dairy", yet containing casseinate or lactate, both milk derivatives. Some products bear the insignia *cm*, meaning milk or part milk. People use such cream for desserts, as a topping for fruits, cakes, etc, and should know that they are *milchig*. It is self-evident that we are discussing products that do not come under the category of *cholov akkum*. Otherwise, they are prohibited because of *cholov akkum*. (*Hamaor*)

28

We now present a responsum from Rabbi Moshe Stern שליט"א, chief rabbi of Debrycin, concerning *cholov akkum* and "Similac". (This letter already appeared in my book, *Encyclopedia of Kashrus No.2*)

You inquired as to the halachic status of the formula prepared from *cholov akkum*, know commercially as

“Similac” and other similar formulae, given to infants who are not breastfed.

I reply categorically that there is no *hetter* for the use of such formulae. If qualified physicians insist, however, that the infant is ill and must have such a formula, then, for the want of any alternative, one may give it, just as other sick people may eat prohibited foods if they must have that particular food.

One of the most inexcusable shortcomings of the Orthodox Jewish community today, is its failure to develop and produce a kosher formula. It is already over twenty years since our people have emigrated from Europe - that brand plucked from the fire of Hitler's crematoria - to settle in America. Yet, no kosher formula has been produced for the poor, unfortunate infants who for some reason, cannot derive their nourishment from their mothers' milk. On the other hand, thousands of dollars are squandered for all kinds of nonsense. We make weddings costing \$50,000. Lately, people celebrate bar-mitzvahs in fancy halls, spending \$10,000. Wedding gowns cost hundreds of dollars, and the women insist that they may be worn but once. G-d forbid that a woman should be seen at two weddings wearing the same gown! For every wedding, the poor husband, whether he likes it or not, has to spend astronomical sums of money to satisfy his wife's desires that she acquired from reading repulsive magazines (dirty, low caliber, decadent, ugly and repugnant magazines). Yet, to our great dismay and disappointment, when it comes to save the future generations there is no money. There is no money for developing a kosher formula for the myriads of innocent infants. What will we answer on the day we are

called to account for these children? When the rabbis and leaders of this generation are asked why they permitted the hearts of all these children to be clogged up with formulae derived from *cholv akkum*. How did you not shudder from the words of Rama, that this is harmful to the children in later years? What will the great rabbis of our generation answer, - those whose words are heeded, and who have the power to enforce their wishes - to the *bath-kol* that emanates from Mt. Horeb and announces, "Woe to the people for the neglect of Torah"? I.e. for the neglect of the Torah of the *Magen Avraham* (343:2), that even though the court is not obliged to prevent children from partaking of forbidden foods, such foods nevertheless, harm them spiritually.

I cannot conceal the fact that hundreds of young men virtually wept before me that they were compelled to feed their poor, innocent infant sons and daughters the spiritually contaminating formula known as "Similac". On countless occasions I preached from the pulpit and stormed about the neglect to take steps to save innocent infants from being fed a formula derived from *cholv akkum*, but my words went unheard and unheeded like a voice in the wilderness. I repeat my appeal to adopt this sadly neglected *mitzvah*, to prepare a formula from *cholv Yisroel* for those infants whose mothers are unable to nurse them, and to save the coming generation from spiritual decadence inherent in this transgression.

Again I wish to announce and emphasize that anyone who has the ways and means to initiate an action toward the development of a kosher formula, will be rewarded doubly from Heaven, for who knows whether in the near future, his son or grandson may require it? If so, he will be directly

benefiting himself, his family, and his contemporaries, and the merit of the public will be ascribed to him.

I have often wondered how it is possible that, although the number of children and youths engaged in learning Torah has far exceeded the number that used to learn in Europe, we do not achieve the expected results. According to the *Midrash (Koheleth Rabba 7)*, out of every thousand who enter the *cheder* to learn *chumash*, one becomes a rabbi able to decide matters of halachah. Yet, we see that out of ten thousand, not even one is capable of this. This can be attributed only to the fact that these children are fed formula from *cholorv akkum*, which harms them spiritually in later life thus preventing them from realizing their full potential.

I testify before Heaven and earth that many times I tested children of ten years and over, and noticed that many of them had the potential to become great scholars. After several years, however, they declined, and their potentials never materialized. This, too, is definitely due to the sin of the community, as discussed before. I, then, found the words of the sainted **Chatham Sofer** in **Shemini**, on Lev. 11:43, 44:

אל תשקצו את נפשותיכם בכל השרץ השרץ, ולא תטמאו בהם
ונטמתם בהם, אני.

“You shall not make yourselves detestable with any swarming thing that swarms, and you shall not defile yourselves with them...”

The soul is a portion of the Almighty from above. It is, consequently, not susceptible to defilement by eating digestible foods, for how can a completely spiritual, ethereal being become contaminated from food? The body,

however can indeed become contaminated from such foods, and become clogged to the extent that it is unable to absorb the holy teachings of the Torah, since the brain becomes cloudy, and no holy words can enter an unclean place. But, if a person hallows himself, his soul becomes purified thereby, for it is a holy portion of the Almighty himself, and sanctity clings to sanctity. Therefore, Scripture states: **"You will not make your souls detestable with any swarming thing that swarms, and you will not become contaminated through them."** I.e. the swarming things have no power to make you detestable and to contaminate your soul from above, but **"you will become unclean through them."** I.e. you will become unclean and clogged through them, not the soul, "For I am the L-rd your G-d", and the soul is My portion, therefore, **"you shall hallow yourselves and you shall be holy"**. If you hallow yourselves, you will be holy, for I am holy, and sanctity clings to sanctity, but **"you will not defile your souls."** This matches very closely what we have said heretofore.

Now I will raise my voice to appeal to all my brethren, believers descended from believers, people holy from birth, stay no longer in the dark! Shout in the synagogues! Gather in the streets of Williamsburg and Boro Park, Flatbush and Bensonhurst, Monsey and New Square, Lakewood and Cleveland! Wherever you live, awaken and be strong! Do not rest until, with united forces, you succeed to rectify what has been neglected for over twenty years. I am confident that, with G-d's mercy and with the merit of the public, we will succeed.

Parashath R'eh, 5 731, Brooklyn, N.Y.

(Rabbi) Moshe Stern
Chief Rabbi of Debrycin

29

View of Rabbi Avrohom Meir Israel, Rabbi of Haniot

I have read the booklet, *Minchath Yehudah*, written by my dear friend, the great rabbi who is righteous and brings the people to righteousness, excelling to Torah and fear of G-d, a colossus of knowledge, Rabbi Sholom Yehudah Gross, rabbi of Cong. Magen Shaul of Brooklyn, N.Y. The book contains clarifications of halachoth and admonitions concerning kashruth. Rabbi Gross has already made a name for himself with his magnumopus, *Nefesh Yeshayah*, through which he has literally performed wonders, to wean our brethren away from contaminating foods, that mar the soul, as the rabbis stated: Do not read *V'nitmeisim bom* - and you will become unclean through them, but, *V'nitamtem bom* - and you will become clogged up through them. He performed an especially laudable deed by dwelling at length on the issue of baby formulae, e.g. *Similac*, fed any infants despite its *cholov akkum* contents. It is well-known (*Sotah* 12b) what our rabbis said about Moshe Rabbenu, that he refused to take milk from non-Jewish nurses because he was destined to speak with G-d. See also *Shulchan Aruch Yoreh Deah* 81:7, *Rama* and *Shach*, that one should not give a child to a gentile wet nurse, because her milk clogs up the heart, and it will harm the child when he grows up. For this very reason, *Responsa Beth Yehuda, Yoreh Deah*, ch. 45, states that even a newborn infant may not be fed non-kosher milk. One must beware of feeding children foods prohibited by Rabbinic enactment, as the *P'ri Chadash* (*Yoreh Deah* 116:11) states. See also *Chatham Sofer* (*Orach Chaim* 83, *Responsa Shoel Umeishiv*, first edition 1:206). The *Shach* and *P'ri Chadash* (81) write that even in cases of illness, as long as there is no danger, children may not be given non-kosher milk (and

because in our times this is not observed, the children stray from Judaism and become impudent. What can we say for our times?). We surely may not feed them anything prohibited by the Torah.

As a result of being careful not to feed young children any prohibited food, when they grow up, a spirit of purity will envelope them, as Rabbi Chanina said (*Chulin* 24b): The warm water and oil with which my mother anointed me during my childhood, stood me in good stead in my old age. With G-d's help, I explained this as follows: Washing a child with warm water is imperative for his health, as is stated in the mishnah and the *Gemara* (*Shabbos* 134). Anointing with oil, however, is imperative only to help heal a wound. For healthy children, however, it is not a dire necessity. R'Chanina wished to illustrate that his mother took extremely good care of him during his childhood. She not only gave the extremely necessary care of washing him with warm water, but she even bestowed upon him such care that could be dispensed with such as anointing with oil, to insure him of good health. It was this care that stood him in good stead even through his old age.

I once heard from a famous *tzaddik* a homeletic interpretation of the *Gemara* (*Berachoth* 48a). The Talmud states (as he interpreted it) a cucumber is known by its syrup. I.e. everyone is known by the food he was fed as an infant.

I wish, therefore, to assist the author of this book, for in it contains many important facts and ideas to make the public aware of their obligations to the Torah. I pray that G-d grant him success, for the merit of the public is attributed to him. Beyond a doubt, it is a great *mitzvah* to aid him as much as possible, and as a reward, may we speedily experience the

ingathering of the exiles and the ultimatae reward for the upright and G-d-fearing.

Friday, *Parashath Shemini*, Nissan 27, 5737

Rabbi Avrohom Meir Israel, Chief Rabbi of Heniod

P.S. In view of the fact that a certain Boro Park rabbi stated in public that small children below the age of being educated may be fed foods prohibited by the Rabbis, without fear of the heart becoming clogged up spiritually, I wrote this to make the readers aware of the facts.

Quoted in *Minchath Yehudah*, p.4:

30

Decision of Harav Hagoen Hatzadik World R'enown Torah Authority recognized cheif Rabbi of Brooklyn, N.Y.

An excerpt from *Responsa Mishneh Halachoth*, vol. 8 (still in manuscript), by the well-known posek, author of *Mishneh Halachoth* in eight volumes. I personally received this from the author, who wrote this regarding the seriousness of a single drink of *cholov akkum*.

...but I cite proof from the *Midrash* quoted by *Tosefot*, *Avodah Zarah* 10b, s.v. *He said to him...* It is clear from the *Midrash* that non-kosher milk contaminates even if a child is fed it only once..

(Rabbi) Menashe Klein

31

Incidentally, I find it appropriate to present here an excerpt from *Responsa Mishneh Halachoth*, by the aforementioned author, what he wrote concerning sweet cream and sour cream made by non-Jews. In this responsum, he expresses his view concerning milk in the United States and other countries,

which some rabbis seek to permit because the dairies fear government inspection. He concludes that one should not rely on them.

Chapter 103

Concerning sweet cream and sour cream of non-Jews, and *cholov akkum* where the milk companies fear the federal government.

To the same correspondent as above

1) You asked me to express my humble opinion about cream. In our country, we have two types of cream: 1) light sweet cream used for coffee, and 2) heavy sour cream, eaten with cheese and the like. You inquired whether a Jew may consume them or whether they fall under the category of *cholov akkum*. Many people use them, even those who abstain from drinking *cholov akkum*. They claim that cream is like butter, and they rely on the *Chochmath Adam* (67:3) who writes as follows: *Kutach* of non-Jews, that is called *shemant*, if it is thick, some prohibit it and some permit it on the grounds that non-kosher milk does not solidify. It is, therefore, similar to butter and less stringent than butter, since in butter there is fear of milk between the holes, not as in heavy cream, in which there is no fear of this since it becomes purified by the majority of the milk, as *Taz* quotes (112:9) from *Derishah* and *Bach*, and the *Shach* concurred. You, however, discussed this matter with erudition and *proved that they permitted only kutach, and you brought proof of this.*

2) *I say that your decision is correct, and that cream is unlike the kutach mentioned in Yoreh Deah ch. 112 and the discussion of Taz, and Shach in Nekudoth Hakesef, because of the reasons you wrote. Moreover, the cream made here in America is not made by letting the milk stand in a vessel until*

the cream goes up to the top naturally, in which manner we say that non-kosher milk does not solidify, and it does not float up since it does not congeal. The domestic cream, however, is made from sweet milk through a machine that removes the cream when it is still sweet. Then they take the cream, chill it and add powders and other milk. Through this process, the cream thickens and sours. This is, obviously, unlike naturally made cream....

4) Consequently, there is no question concerning light sweet cream, since this is milk itself, only slightly thickened. It surely falls into the category of *cholov akkum*, but even the heavy sour cream „since it is not thickened naturally but through technology, through refrigeration and powders, who can say that this is not milk itself? Even milk from non-kosher animals can be thickened in this manner. The Rabbis meant that it cannot congeal by itself, but with powders it is possible to congeal even milk from non-kosher animals.

If so, we must always fear the presence of non-kosher milk. Furthermore, there is always the danger that the powders are manufactured from non-kosher ingredients. Even if we say that cream was not included in the enactment interdicting gentile milk, this is not really cream, but thickened milk, since it did not solidify by itself but by means of technology.

5) I wish to add that it appears from your letter that you hold that only the cream produced naturally, i.e. cream that congeals by itself, since non-kosher milk does not congeal, would be permissible, just like butter. The truth of the matter, is, however, that naturally made cream, too, is prohibited. This is as based on the ruling of *Radbaz* that as long as the milk does not solidify like cheese, it is still considered milk. Since our cream is never as hard as cheese, it falls under the category of

cholon akkum. Additionally, *Ritva* holds that non-kosher milk can partially congeal. If so, there is danger that the cream contains non-kosher milk which has partially congealed. *Radbaz* follows this reasoning.

6) You should know that I am not the first to prohibit cream. See *Responsa Maharsham*, vol. 3, ch. 164, in which he was asked by someone in Paris whether he might eat gentile cream. He came to the same conclusion by dint of the *Responsa* of *Radbaz* that cream falls into the category of *cholon akkum*. See also *Mordechai*, *Avodah Zarah* ch. 2, 826 in the name of *geonim* that on rare occasions even butter can be made of non-kosher milk...*Responsa Maharit Tzahalon* ch. 81, writes that congealed milk may be purchased from non-Jews to use to congeal other milk, for non-kosher milk does not congeal. *Maharsham* comments that this is only if it congeals completely. Our cream, however, since it does not congeal completely, it is prohibited.....He concludes that gentile cream is prohibited. Later rabbis follow his decision in their *responsa*.

Chazon Ish, too, prohibited cream. It appears also that *Aruch Hashulchan* prohibited it since he relates a frightening incident about a Jew who bought cream and later discovered that it was mixed with fat from pigs.

See also *New Responsa of Tzemach Tzedek*, *Yoreh Deah* 75, *Responsa S'deh Yehoshua* 21, *M'orei Ohr*, vol. *Ken Tahor*, p. 49b; *Responsa Chaim Sha-al* 1:43: *Shiurei Tohorah* ch. *cheth*, par. 16. According to them, there is no way of permitting sweet cream or sour cream. *Aruch Hashulchan*, *Yoreh Deah* 115:28, is in doubt, and is inclined to permit cream in cases of necessity. His statement is very difficult to follow in view of his previous statement par. 6.

7) Maharsham concludes that it is possible to be lenient if we take the whey from the cream to a chemist to test it whether there is anything mixed in it, and a professional will not spoil his reputation by lying. Obviously, we can rely on this only if we test every container. Even though we have tasted cream from this company many times, or even from this farm, it is insufficient, since it is possible that sometimes they mix in non-kosher milk, and sometimes they do not. In that case, this decision has no practical application.

8) Moreover, the efficacy of chemical analysis is a controversial issue. Many *poskim* do not accept it for verifying the presence or absence of prohibited substances. Moreover, since we have proven that cream is regarded as milk, and is prohibited under the decree of *cholov akkum*, how can we permit if after the fact? Would we rely on such analyses to permit *cholov akkum* itself? If Maharsham does indeed rule that *cholov akkum* is permissible under such circumstances, why does he mention cream instead of milk? Consequently, I cannot fathom the conclusion of Maharsham, since he rules that cream is regarded as milk. Also, Radbaz rules that cream is like milk, as mentioned above...

9) Moreover, the view of *P'ri Chadash* has been rejected. Many disagree with him and outnumber him, as is discussed in *Responsa Chatham Sofer*, (*Yoreh Deah* 107), which you mentioned. Likewise, this is the ruling of all the *acharonim*, the *tzaddikim* whom we follow. See *Aruch Hashulchan*, *Yoreh Deah* 115, where he dwells at length to strengthen our accepted ruling that the rabbis prohibited *cholov akkum* in all cases, not like *P'ri Chadash*, since the mishnah makes a general statement: Milk that a gentile milked without a Jew seeing him is prohibited. This is the view of Mordechai, Smak, Issur

V'hetter ha-aruch ch. 45, *Tur*, *Shulchan Aruch* (*Kesef Mishneh*), *Shach*, *Taz*, *Bach*, *Derishah*. I found also in *Responsa Mahari Bruna* ch. 78, where he discussed utensils in which milk that may have been *cholov akkum*, was cooked. He states categorically, that *cholov akkum* was prohibited by a *number*, and is prohibited even where there is no unclean animal in the herd, and there is no reason to fear that non-kosher milk has been mixed.

10) *Shaarei Dura* ch. 82 quotes Rashi, who rules that gentile milk was prohibited by a *number* even if there is no unclean animal in the stall, lest confusion result, and one who breaches the fence (the Rabbinical safeguard) should be bitten by a snake. *Pri Chadash* quotes this *Shaarei Dura*. *Chatham Sofer* (*Yoreh Deah*) ch. 107, comments that the *Shaarei Dura* does not refer us to the source of his statement that Rashi considers *cholov akkum* a thing prohibited by a "number." He conjectures that perhaps it is a responsum, then he shows that Rashi, *Avodah Zarah* 35a, alludes to it. Other *acharonim* dispute his interpretation of Rashi. I have discovered in *Siddur Rashi* ch. 607, as follows: *Milk that was milked by a non-Jew without a Jew seeing him, even if he knows that there is no unclean animal in the stall, is prohibited. Concerning this, Scripture states: And one who breaches a fence shall be bitten by a snake.* We find this also in *Responsa of Rashi* (New York) ch. 152, in exactly the same wording. Later I noticed that the publisher refers to this responsum. Hence it is clear that Rashi ruled that *cholov akkum* was prohibited by a "number", as stated in *Shaarei Dura*....

11) It, therefore, appears obvious that the theory that the gentile is afraid, does not apply unless he knows who is supervising, and every minute he is checking on him and his

deeds, and he has the choice of doing or not doing, and he has no way out. Government controls, however, is a very general thing, a law of the land. Sometimes they seek the offenders, and sometimes they do not. Even if they seek them, it is possible to avoid detection. If they are apprehended, they can deny being at fault. Moreover, in most cases the inspectors accept bribes and will let him go. The truth of the matter is that the company cannot be responsible for all their workers, guaranteeing that they will not mix in any other milk. The workers are really not afraid of the government or of the company, since each one can blame the other. If after all, they do catch someone and convict him, the fine is approximately \$25, an insignificant sum for a large company. For such a fine, we cannot say that the company is afraid of the government. It is a daily occurrence that companies are caught violating the law by putting ingredients into their products even though the government prohibits them, and they are not afraid of being caught.

We have heretofore discussed the theory that the government prohibits mixing non-kosher milk with cows' milk, I personally investigated the law, and I discovered that the law prohibiting mixture applies only to 98%, i.e. every company must reveal 98% of the ingredients of each product it produces. For example, a milk company must put 98% pure milk into its containers. The remaining 2% need not be revealed. This is the company's secret, the additives and preservatives that do not exceed 2%. Therefore, a company may mix in as much as 2% pigs' milk without stating it. Even if the chemists detect it, the companies will not be penalized for it. Obviously, the theory that the companies are afraid of the government is completely false. Not only is this so according to those authorities who rule

that non-kosher milk is prohibited even if it is a minute quantity, but even if we hold that it becomes nullified in sixty times as much kosher milk, here we only have fifty times as much, at the most. There is very much to say on this matter, especially since nowadays technology has advanced to such an extent that almost anything can be mixed and very rarely detected. I, therefore, believe that there are no grounds for permitting *cholov akkum* in America.

Even Rabbi Moshe Feinstein, writes that he personally drinks only *cholov Yisroel*. He told me personally that no *cholov akkum* enters his house...

(Rabbi) Menashe Klein

32

I was asked whether it is permissible to keep a *mashgiach* over milking in a village where there are no Jews, and he will be compelled to *daven* without a *minyan*.

Answer:...unsupervised gentile milk is *treifa*. In order to save even one Jew from eating *treifa*, one may *daven* all his life without a *minyan*. If he is unable to *daven* at all, he is exempt from prayer, since one who is engaged in one *mitzvah* is exempt from another *mitzvah*. Indeed, there is no *mitzvah* greater than that of saving a Jew from eating *treifa*, surely when it involves countless hundreds. It is, therefore, absolutely imperative that the congregation go to the expense to send a Jew to supervise the milking and the pasteurizing, and may the L-rd protect you from the pitfall of eating *treifos*, G-d forbid!...

(Rabbi) Levi Yitzchok Grunwald (o.b.m.) chief Rabbi of Cong.
Arugath Habosem

(From *Sefer Nefesh Yeshayeh*, on Kashruth)

Dear...

I received your excellent book, which I perused with great pleasure. I was pleasantly surprised to discover that there is still a person engaged in matters of such paramount importance as leading the public away from prohibited foods. I blessed G-d for giving His world into the hands of guardians. May you be granted the ability to lead the public to righteousness both in the field of kashruth and in other basic matters for years to come.

Since you asked that anyone who has any articles or letters pertaining to kashruth should send them to you in order to benefit the public and to publicize the words of the wise, I am enclosing this page. Its contents are: 1) An excerpt from a discourse in *Chasidus* by the late Lubavitcher Rebbe, Rabbi Yosef Yitzchok Schneerson o.b.m., in which he relates an incident concerning the Baal Hatanya o.b.m.; 2) a letter written in Yiddish written by the Lubavitcher Rebbe, to a woman who asked him his view on food for children....

With blessings...

Menachem Zev Greenglass

B.H.

...The evil inclination has weapons that work from a distance. That means that he can lead people to sin when they are completely unaware of it, and he kills the person spiritually.

There is a well-known incident of a Jew who came with his son-in-law, an accomplished scholar, to the *Baal Hatanya* in Liozna, and complained that his son-in-law, who had heretofore scrupulously observed all *mitzvoth*, suddenly began to experience doubts in faith, and that he was very upset about it. The Rebbe (*Baal Hatanya*) told him that his son-in-law had

inadvertently sinned by drinking *cholon akkum*. He prescribed for him a method for rectifying his sin, through which he regained his spiritual health.

Cholon akkum and the likes are the weapons of the *yetzer hora*, the evil inclination, which shoot their arrows from a distance, and kill or cripple a person spiritually (from a *maamar Chasidus* of Rabbi Yosef Yitzchok o.b.m., in *Sefer Hamaamarim -Yiddish*).

B.H. Blessing and Peace!

I am writing this in reply to your letter in which you write about your children's health, and conclude with an inquiry concerning food not strictly kosher, which is expected to give the children an appetite.

In general, strict observance of kashruth in foods (as is explained in many places) pertains not only to the observance of the *mitzvah*, but since every food eaten by a person produces blood and flesh for the body, which is tied up with the *neshamah*, the soul, the kashruth and refinement of foods effect the character and traits of the one who eats them. It, therefore, follows that the more refined and clean the food is, the more refined one will be in his character and his traits. If this is so as regards adults, how much more must it affect children, whose character is in the process of being formed. Therefore, the direction in which they are led is very important.

In view of the above, my view is self-evident, that since the situation is one that does not involve the health of the entire body, but merely a question of making the foods tastier and more nutritious, we may not diminish the strict observance of kashruth in foods. It is surely possible to find other means of

giving the children a better appetite without sacrificing the strict observance of kashruth.

May G-d help you and grant you success in all that has been discussed above.

With blessing for good tidings,
(From a letter from the Lubavitcher Rebbe,)

34

Statement by the sainted Rabbi of Dinov, Rabbi Zvi Elimelech Shapiro o.b.m., author of *B'nei Yissoschar*.

Milk that was milked by a non-Jew without being witnessed by a Jew, is prohibited. Although the common people are not strict in this matter, G-d forbid that we should be lenient (*Azharoth Mahartzah*), quoted in *Nefesh Yeshayah*, p. 50).

35

Statement by renowned saint and sage, Rabbi Chaim Yosef David Azulai o.b.m., known as *Chidah*.

The holy Jewish people are not suspected of eating prohibited foods that make the soul an abomination, also gentile cheeses, prohibited by the great Sanhedrin even if they were curdled by means of grasses, similarly milk that was milked by a non-Jew without a Jew witnessing him, for these are basics of the law (*Lev David* by *Chidah*, ch. 16, quoted in *Nefesh Yeshayah*, p. 145).

An Incident Illustrating the Ingenuity of Hagaon *Chidah*
It is related concerning R'Chaim Yosef David Azulai - known as *Chidah*, that he left Eretz Yisrael as a messenger to the Diaspora, to collect funds for the poor of Eretz Yisrael. He boarded a ship which he shared with a merchant who brought with him a large cargo of *treife* cheese to be sold in Italy.

This merchant was fully aware that Rabbi Azulai was world-renowned, and that his name bore weight throughout all Jewish communities, and that if he could obtain a *hechsher* from him for his cheeses, his enterprise would be very successful. He approached the Chida every day and requested him to give him a *hechsher*. He even offered him a huge sum of money and simultaneously threatened him with terrible consequences if he would refuse. Obviously, the Chidah sent him away empty-handed. The merchant hired several strong-arm men from among the sailors. They came upon Rabbi Azulai in the middle of the night and threatened to throw him overboard if he would not grant the requested *hechsher*. When the rabbi saw that his life was in danger and that there was no way out, he immediately wrote a *hechsher* stating that the cheeses were kosher for the most strictly observant Jews.... He concluded the *hechsher* with the date, Tuesday of the week in which we read the verse (Exodus 12:11), "*And thus shall you eat it, your loins girded...*" in *Sefer Sh'moth*, 5108. When the merchant reached Italy, he publicized that he had cheese for sale, kosher for the most orthodox, with a *hechsher* from the great and famous gaon, Chida. As was customary, the merchant was requested to appear before the local rabbi to present his *hechsher*. The rabbi perused carefully the apparently valid *hechsher*. When he reached the date, he became puzzled. Why did Rabbi Azulai specify that this verse appears in *Sefer Sh'moth*? Doesn't every schoolboy know this?

The rabbi thought a little deeper until he hit upon the idea that the letters of the word, שמות were sometimes used as the initials of שנים מקרא ואחד תרגום Recite twice the verse and once the Aramaic translation. He consulted Targum Onkelos on this

verse and discovered that the Hebrew words, מתניכם חגורים are rendered as חרציכון יהון אסורון, Which can also mean, "Your cheeses will be prohibited."

The rabbi ordered the merchant imprisoned in the congregational jail pending investigation. After a thorough examination, the merchant confessed that the *hechsher* had been exacted from the *Chida* through coercion.

Because of the *Chida*'s prodigious ingenuity, the rabbi and rose and pronounced the benediction: "Blessed...Who bestowed of His wisdom to those who fear him." (*Sipurim Niflaim mitzaddikei Yisrael*, 11).

36

regarding drinking Coffee or tea in trafe restaurants.

Responsa Noda Biyehudah, Yoreh Deah 36: Concerning coffee cups of non-Jews in their coffee houses, your decision was correct. There is no doubt that one may not drink from them, since they were surely used on that very day with *cholorv akkum*. Even though they fall into the category of *k'li sheni*, a second vessel, i.e. not the vessel in which the liquid was cooked on the fire, but a vessel into which it was poured, it is, nonetheless, prohibited from the start. The *Taz* and *Rashal* rule against the use of a *k'li sheni* used for prohibited liquids. The *Shach*, too, forbids it from the start in earthenware vessels. Concerning what your correspondent replied that learned men drink in houses of non-Jews, let me tell you that if they are learned, they are not pious, and they are thoughtless people. My final decision is that when someone is traveling and stops at an inn, he may use these cups. Since there are no others, it is regarded as being after the fact. In the city, however, where

Jewish vessels are available, it is prohibited. If one pours from a *K'li rishon*, i.e. from the pot that is standing on the fire, it is prohibited even after the fact.. I already spoke of it here . Although Rabbi Meir Fishelis suggested that perhaps these people are lenient in this matter because they follow the *P'ri Chadash*, who permits *cholov akkum* where unclean animals are not common, I did not wish to go into that question and to permit it on those grounds. One who can exert influence to urge people to refrain from drinking in these places. will be rewarded greatly.

In our congregation, the pious yeshiva students refrain from drinking in gentile houses, and even the laymen who retain some knowledge of Torah from their studies of their youth, are careful in this respect. We have no power to prevent the populace from drinking in these places, because they see certain unscrupulous people doing so.

37

If a person comes across any food of doubtful kashruth, such as milk not definitely supervised by a Jew during the milking, or any food of doubtful kashruth because he is not sure that it was examined for worms or bugs, if it is one of those foods that require examination, and he abstains in honor of his Maker, he should have in mind to fulfill the positive *mitzvah* (Deut. 30:19), *And you shall choose life*, meaning that one must abstain from a possibility of violating a prohibition. This is counted among the 613 *mitzvot* according to Rabbenu Yonah, as quoted by *Sefer Chareidim*. He should slowly utter this verbally. If according to the halachah, it is permissible, but he wishes to go farther than the halachah requires, he fulfils the verse (Exodus 18:20): *And the deed that they should do* which alludes to the positive *mitzvah* to go beyond the letter of the

law, and which is counted as one of the 613 *mitzvot* by *Smak*. If he comes upon a food which may contain a mixture of prohibited food and permissible food, such as milk and meat, he should then have in mind to fulfill the negative *mitzvah* of (Exodus 23:19), *You shall not cook a kid in its mother's milk*, which includes two prohibitions: the prohibition of cooking meat with milk and the prohibition of eating or deriving benefit from meat cooked with milk. These two are considered as one.

Likewise, if one is eating, and he has two kinds of food on the table, although it is possible for him to eat them both, yet because of the Creator's commandment, he abstains, or if he was served food containing fat instead of butter, or a knife not to be used with this food, or the likes, before he rejects the food, he should have in mind to fulfill the negative commandment, *Lo thevashel gedi bachalev immo*, which includes both cooking the combination and eating or benefiting therefrom.

Similarly, if one comes across milk, butter, or cheese, and he is in doubt whether a Jew was present at the time of milking, as it is known that the rabbis prohibited it for fear of milk from an unclean animal, which is prohibited by the Torah from the verse (Lev. 11:4): , *But this you shall not eat*, which includes anything derived from an unclean animal. Likewise, an egg of a non-kosher bird is prohibited from the verse (Ibid. 17): , *And the daughter of the ostrich*, which the rabbis expounded as referring to her egg. This includes the eggs of any non-kosher bird, which, like the ostrich eggs , are prohibited because of something derived from an unclean being, as is delineated by *Rambam, Laws of Prohibited Foods*, ch. 3, and in *Chulin* 64. When one abstains from eating this, he should have in mind that he is fulfilling the rabbinical prohibitions in order to beware

of transgressing a Torah prohibition, since non-kosher eggs are prohibited by a negative commandment of the Torah, which the rabbis expounded from the verse: *V'eth Bath ha-yaana*. If one finds a blood spot in an egg, which is prohibited because of the blood of fowls, prohibited by the Torah (Lev. 7:26):, *And you shall eat no blood either of fowls or cattle*. If it appears on the chalaza of the egg, the place the embryo commences to form, the egg is prohibited by the Torah (*Shulchan Aruch*).

38

A short excerpt bearing much significance, concerning *cholov akkum*, collected by the well-known gaon, author of *Yalkut Me-am Loez*.

a) The Law of Milk Milked by a Gentile

Everyone should know that milk from an unclean animal is prohibited to be drunk, for anything that comes from an unclean being is unclean (*Tur and Shulchan Aruch Yoreh Deah*, ch. 115; *Rambam, Prohibited Foods*, 3:1). Because of this, if a gentile milked a cow, and no Jew witnessed the milking, the milk is prohibited, i.e., if the gentile milked the cows in his own house, we may not purchase the milk, because we fear that it is milk of an unclean animal. Even if we know definitely that the gentile has no unclean animals in his house, but all his animals are kosher, such as cows and goats, we, nevertheless, fear that he brought milk from elsewhere, where unclean animals are found, and mixed it with his milk. There is no case that gentile milk is permitted except if the Jew stands there during the milking (*Shach and Pri Chadash, Keneseth Hagedolah* in glosses of *Beth Yosef 2, Pri Toar and Lechem Hapanim*. See also *Torath Chattath and Radbaz*, ch. 75.). If the gentile does not admit him into his house, the Jews must stand outside by

the door and see the milk pail to ascertain that it is completely clean of any drop of milk present from earlier milkings. In this manner, we may drink the milk if it is known definitely that the gentile has no unclean animals. If we are uncertain whether he has any unclean animals, however, it does not suffice that the Jew stands outside; he must see the milking from beginning to end.

b) (*Rama* *ibid*, index of *Keneseth Hagedolah* at the end of *Sefer Kol Ben Levi* ch. 159) And if one bought milk that a gentile had milked and that no Jew had witnessed, and cooked it in a pot, the pot becomes *treife* and must be *kashered* even if there was only a possibility that the milk was *cholov akkum*. (*Taz*, *Lechem Hapanim* quoting *Issur v'hetter Ha-aruch*, index of *Keneseth Hagedolah* *ibid*.) Even if he did not cook the milk, but let it stand in the pot for twenty-four hours, it makes the pot *treife*, and must be *kashered*. Today, people take this law very lightly, and may drink *cholov akkum* as though it would be completely permissible. They are unaware that there is a possibility of transgressing a Torah prohibition, just as we many not eat fat which is not known whether is *chelev* (non-kosher fats found in the animal) or *shuman* (the kosher fats of the animal). Even if we grant that the milk is of a clean animal, we are not free from violations, for we have transgressed the rabbinic decree which the tannaim set down when they said that milk that has been milked by a gentile without a Jew seeing him, is prohibited. (*Keneseth Hagedolah* in glosses of *Beth Yosef* 7, 9 quoting from *Issur v'hetter ha-aruch* and *Shaarei Dura* from *Rashi*). Therefore, anyone who drinks such milk, violates the Biblical injunction, *Do not disregard the teaching of your mother* i.e. to treat the rabbbincial enactments lightly. concerning him, it is written: *And one who breaches a fence shall be bitten by a snake*. We may not drink gentile milk

except under the conditions delineated above. Now, those who argue that we need not fear non-kosher milk since it is more expensive than cows' milk, are making a mistake, since this applies only if one approaches a gentile and wishes to purchase donkeys' milk because he requires it for medicinal purposes, in which case he will surely be charged more for it. If no one buys it for that purpose, however, he will surely not refrain from milking his donkeys (*Pri Toar* from *Rashba*. See *Pri Chadash* ad loc.). He will, therefore, surely mix it with this other milk, and when he milks his cows, he will milk his donkeys too (*Pri Chadash* ad loc.). This reasoning is valid only in places where they sell kosher milk separately and non-kosher milk separately, and non-kosher milk is sold for a higher price because it is fatter. Then we say that they will not mix the two, because the non-kosher milk is sold at a higher price. In places where only one type of milk is sold, without specifying, this argument is not valid. We, therefore, fear that the gentile has mixed in milk from a non-kosher animal.

c) (*Rama* ad loc.) And milk of a gentile is prohibited, whether the gentile milked it or whether a manservant or a maidservant of a Jew milked it, as long as a Jew did not see him milking. If they sent a Jewish boy of nine years of age, or if he is a very intelligent boy, even less than nine years old, we may drink the milk that the servant milked, for he is afraid to mix non-kosher milk, lest the child inform about him (*Moharivash* ad loc.) Milk that a non-Jew milked before a Karaite — if the Karaite wishes to drink of this milk, the Jew may also drink. If the Karaite does not drink, however, even though he claims that the non-Jew milked it from a kosher animal, he is not believed, and the milk is prohibited (*Yalkut Me-am Loez*).

d) Rashi (Exodus 2:7) tells us that Pharaoh's daughter sought a wet nurse for Moshe rabbenu from among the

Egyptian women, but he refused their milk. Since he was destined to speak with the Shechinah, he did not want to suck from an unclean being, since he was destined to prophesy to Israel what he heard from the Shechinah.

Ramban writes that the Torah prohibited certain species of animals, since the unclean species engender a cruel nature in a person. Since Israel is a holy nation, they must be imbued with kindness. Moreover, the Holy One, Blessed be He, is destined to speak with every individual Jew, as it is said (Joel 3:1): *And your sons and daughters will prophesy*. Since the L-rd will speak with them; how is it possible that the Shechinah will speak to one whose mouth has become contaminated by eating unclean foods? The Torah alludes to this with the words, *, to say to them*. I.e. since G-d will speak to them in the future, they may contaminate themselves with unclean species. (*Kedushath Levi, Parashath Shemini*).

We find this same idea in *Sefer Chomath Anach*, Shemoth 12: It is possible that it is as the sages said, that the reason that Moshe Rabbeinu was burnt in the mouth — he picked up a coal and put it into his mouth — was that Bathya, the daughter of Pharaoh, gave him at first to an Egyptian wet nurse. Although he refused to suck, a drop of unclean milk did fall on his lips. That spot was later burnt, since he was destined to speak with the Shechinah and had to be clean even of mere contact with unclean milk.

Cheeses of Gentiles

Let it be known (Rambam, Prohibited Foods, ch.2; Pri Chadash ibid.9) that milk of unclean animals does not solidify, and if milk of an unclean animal is mixed with that of a clean animal, the milk of

the clean animal curdle but remains with the whey. If so, curdles, whereas the milk of the unclean animal does not curdle, gentile cheeses should be permissible, since the non-kosher milk does not curdle, but the rabbis of the mishnah prohibited gentile cheeses for another reason, since the gentiles insert into the milk the entire stomach of the animal, with the skin..Hence there are two transgressions involved, one of which is the mixing of meat and milk, since the skin of the stomach is considered meat (Tos. Avodah Zarah Perek Ein Maamidim, Taz ad loc.9)..Consequently, they curdle the milk with meat..Although there is sixty times as much milk as meat, it does not become nullified as in the case of other prohibited foods, for we have a rule that a thing which solidifies is not nullified; i.e., anything used to solidify or curdle other substances, is not nullified even if there are sixty times as much permissible substances, for this is the main part of their mixture.

The second reason for which the cheeses of gentiles are prohibited is that they insert the skins of the stomachs of *neveiloth*, animals that have been killed by methods other than *shechitah*. There are, therefore, two prohibitions involved in gentile cheeses: the mingling of meat and milk and *neveilah*.

(*Tur* and *Shulchan Aruch* quoting *Rambam*) Even if we know for a fact that they did not curdle the cheese with the stomach of an animal but with grass, for there are some places where they curdle cheese with grasses, it is prohibited (this appears from *Rambam's* wording, as understood by *Lechem Mishneh* ad loc., also *Torath Chattath* *ibid.*, *Pri Chadash* 14 and *Megillath Sefer* p. 64) when the rabbis or the mishnah enacted a prohibition on gentile cheese, they prohibited it in all cases, whether it was curdled through animal skins or through grasses. Therefore, anyone who eats milk of gentiles or cheese of gentiles, is meted out disciplinary lashes.

(*Keneseth Hagedolah* in glosses of *Beth Yosef* 29 and *Sefer B'nei David* ch. 32 of Forbidden Foods) And the cheese of the Karaites has the same status as cheese oheir observance of the separation of meat and dairy, they insert the stomach with the skin. Consequently, there are two prohibitions involved: that of mingling meat and milk, and that of *neveilah*, since their *shechitah* is invalid. Even if they swear that they made the cheese in a kosher manner, they are not believed and the cheese is prohibited just like cheese of gentiles (*Yalkut Me-am Loez*).

40

Butter of Gentiles

Let it be known that in butter of gentiles there is no reason to fear the abovementioned forbidden foods, since it is not made with the stomach of animals. Likewise, there is no reason to fear that non-kosher milk is mixed with the kosher milk, since non-kosher milk does not solidify. The Sages of the Mishnah, therefore, did not prohibit it, and it is permissible. Some communities, however, abstain from using it, for perhaps the gentile mixed in a small amount of non-kosher milk, which did indeed, not solidify. (*Pri Chadash* ibid. 22) Even in those places, where it is not permitted, if they fry it until it melts, is permissible, for then, there is no danger of any kind.

(*Pri Chadash* ibid. 21, *Keneseth Hagedolah*, glosses on *Tur* 11 quoting Mahara ibn Ayish) Likewise, the cream of gentiles, if it is sold dry, it is permissible because of the reason stated above regarding butter. If it is sold in a bowl, however, ...it is prohibited (*Keneseth Hagdolah* ibid in glosses on *Beth Yosef* 56 Cf. *Pri Chadash* 21) And it is prohibited in both cases. (*Keneseth Hagedolah* in glosses on *Tur* 14, *Matteh Asher*, vol. 1, ch. 33) *Ricouta* (made of whey, cooked until it becomes solid) of gentiles is prohibited to eat.

Yogurt of gentiles is prohibited, even though we stated above that milk of unclean animals does not solidify, this applies only to cheese and milk, since the curd solidifies, and the water remains, but in yogurt we see that even the water solidifies. This indicates that the solidifying agent is extremely potent. We can, therefore, deduce that even if milk of an unclean animal is present, it would solidify. Hence yogurt made by gentiles is prohibited. What some do, viz., they pour the yogurt into a vessel into which they pour water and leave it there to drain, is of no avail, since the prohibited substance remains in its place.

(*Responsa Nachalath Shivah* 20, *Lechem Hapanim*) If blood came out with the milk, we may not purchase this milk. If it remained in a vessel for twenty-four hours, the vessel, too, is prohibited to be used, and must be *kashered*.

Even though we have stated above that butter of gentiles is permissible (*Pri Toar* ibid. 8), recently a book was printed by a very great man named R' Chaim ibn Attar o.b.m. who writes in his book that he heard from reliable witnesses that the technology has advanced to such a stage that, in order to produce more butter, they mix in camels's milk with cows' milk, which, they claim, yields more butter than cows' milk alone. Since the butter manufactured in this manner is slightly green, the observant Jew must beware of butter with a greenish tinge, since the rabbi heard this report from two qualified witnesses (*Yalkut Me-am Loez*).

See *Darchei Teshuva* 115:40, which I will quote in brief: Nowadays artificial butter, known as margarine, has been invented. It is manufactured from fat and from the marrow of the bones of dead animals, yet it resembles real dairy butter in

its smell and its appearance so that it is completely undiscernable. At a rabbinical convention in 5661 in Uhel, attended by approximately seventy-two rabbis, it was decided that even those communities that permit the use of gentile butter, should innovate a prohibition on purchasing it, even from the villagers who bring it to sell in the market and say that it is from their cows. This is not because of the rabbinic enactment, but simply because of a danger of a Biblical prohibition. This was printed in a notice to admonish the public that from that day on, no one should use such butter.

At present, there is another kind of artificial butter made from coconuts, which people use even during meat meals (the wrapper should be placed on the table when this margarine is being served at a meat meal, just as a sign must be made when eating almond milk with meat, *Yoreh Deah* 87:3) Even the most strictly observant Jews use it. It must, however, be manufactured under the supervision of a G-d fearing rabbi (*Mezuzath David*).

41

The following is a quotation from *Shimushah shel Torah* by the late Rabbi David Feldman of Manchester.

Margarine

What we call margarine was called in the works of the *acharonim*, the late authorities, *kunst butter*, i.e. synthetic butter. It is used with both meat and dairy dishes. It is produced primarily from coconuts or other plants. *It should not be used unless it has been ascertained that it is made under the strict supervision of an erudite and G-d fearing rabbi*, since the *treife* margarine is made from fats of *neveiloth* and *treifoth*, i.e. animals that have died or were killed by methods other than *shechitah*, or sick or injured animals that could not have lived

for twelve months. Even if the margarine is of vegetable origin, and it is stated on the container that it is made of vegetable fats, we are still not sure that it does not contain any forbidden ingredients. Unless it is produced under proper supervision, there is always the possibility that oil of non-kosher fishes is mixed in or that it is made in the same utensils as the non-kosher product.

A few years ago I was invited to review the manufacture of kosher margarine that was under the supervision of a prominent rabbi. The factory was used all week for non-kosher margarine, except one day every one or two weeks, when they would *kasher* the machinery for the manufacture of kosher margarine. Monday morning I went to the rabbi's house, from where we both went to the plant to supervise the *kashering*. The rabbi told me that he had stipulated with them that when kosher margarine is being manufactured in one machine, that all the other machines should rest since all the pipes are connected and open into one another. He ordered also that all the utensils be cleaned and allowed to rest for one whole day before they are *kashered*. They finish working at the end of the week and then allow the machines to rest on Sunday. Monday morning they *kasher*. After we arrived at the factory, they commenced to *kasher* the large cauldron. I looked at it and noticed that the fire was not going under it, only through the steam pipes they would inject hot air into the water to make it boil. Meanwhile the water started to bubble violently as though it were boiling. The rabbi pointed with his finger, "Now look how it boils and bubbles." I rolled up my sleeve and put my hand into the bubbling water. The rabbi stood astounded at what I did, like Rab Nachman's daughters, who would stir the pots with their hands, (*Gittin* 45a). Really, it was not boiling at

all, just that through the steam that emerged from the pipes, the water bubbled. Indeed , there was no *kashering* at all.

(A similar incident happened to me in a matzah bakery, where they wanted to *kasher* some utensils. They would customarily insert the steam pipes into a huge cauldron of cold water. When the water started bubbling, they would throw in the utensils to *kasher* them. I stood there a long time, until after they removed the steam pipes from the cauldron, the water would continue to boil and bubble by itself. Then I permitted them to put in the utensils. I ordered them also to insert red hot stones into the cauldron, so that the water would not cool off immediately after removing the steam pipes.)

Afterwards I turned aside and noticed that in one of the corners they were making non-kosher margarine. Obviously the rabbi reprimanded them and did whatever he did, but he previously had relied on the stipulation he had made with the company and did not watch them closely. I washed my hands of the matter, convinced that no *hashgachah* of an ordinary rabbi or *mashgiach* is reliable, even if he is a G-d fearing man, unless he is well versed in the production of this product.

A short time ago, I received a letter from a rabbi concerning the impression he received from his visit in a margarine factory, of the manufacture of the margarine itself. More than 90% of the process is done with cold materials. Immediately after the oils and the other ingredients are mixed, the mixture is cooled in a refrigerator. From then on, everything is made in cold open vessels or machines that can be taken apart. (He makes virtually no mention of any pipes in which there could be a chance of any *treife* oil remaining.

On the other hand, the difficult part is the material used, viz. the various oils from which the margarine is manufactured. Although they are all vegetable oils, virtually all of them undergo a process of refining in a refinery. This process is implemented with extreme heat, high above the boiling point. Moreover, even when they give their assurance that these oils are refined in machines and utensils designated exclusively for vegetable oils, there is no assurance that they do not use them sometimes, in cases of emergency, for refining whale oil, the only *treifa* ingredient in the non-kosher margarine. *Hashgacha* in this matter is impossible because it would involve all oil refineries in the country. Indeed, this casts a doubt on all sorts of vegetable oils, almost without exception, unless we take into

consideration the various means of permitting this and the views of those lenient in these matters, e.g. the reasoning that gentiles are strict with cleanliness, and that most utensils were not used within the past twenty-four hour period, a craftsman will not spoil his reputation, emergency is tantamount to after the fact, and to add to this theory that whale oil gives an inferior taste to other oil, and even after refining, it still gives other oils, an inferior flavor. As is known, non-Kosher margarine, even of the highest quality, is inferior to and cheaper than the kosher product. Accordingly, we would have virtually no way of permitting any vegetable oil. This is the end of the letter.

I read a similar report in the name of a reliable man, a dealer in oils, who frequents large factories. He, too, reported that the overwhelming majority refine whale oil in cases of emergency. His advice was to try to obtain oil from countries where whale oil is not found.

If the only question were the fact that the oil is made in vessels that were previously used for non-kosher oils, since it is used in all Jewish homes, and it is impossible to prevent people from using it, we would be forced to find ways of permitting it and to take into consideration that the first kosher margarine is considered *kashering* the pipes and the machinery, and becomes nullified among the rest of the kosher margarine. However, what that rabbi assumes that "they are all vegetable oils" I doubt very seriously. I heard from a dealer from another country that a factory owner showed him hydrogenated whale oil, which was white just like vegetable oil, and there was no difference discernible between it and vegetable oil either in appearance or smell. It looked exactly like the fat known as "cooking fat" used for cooking. Perhaps, though, there is a difference in the flavor even after the refining.

Moreover, during my visit at the margarine plant, I saw many boxes of non-kosher margarine, which looked exactly like the kosher. These boxes were stacked on wagons, and could easily be switched with the kosher margarine. It is very probable that it is switched since it is cheaper than the kosher margarine. Moreover, it can easily be mistaken for the kosher margarine before the outer wrapper is attached to it. (In these countries, people accept a wrapper as a seal indicating *kashruth*. A wrapper is comparatively easy to remove and replace. According to *halachah* (*Yoreh Deah* 118:1, two seals are necessary to prevent substituting non-kosher for kosher. I recall that in Germany the seal was pressed into the margarine and the letters of the word "kosher" were embossed from the margarine itself. This is very easy to initiate) and one must watch closely that at no time the margarine is out of the *mashgiach's* sight.

In view of all the aforementioned observations, it is apparent that there is no kosher margarine completely clear of any doubts. I, therefore, complain to you, the charitable members of our people. Why do you stand from afar? Why do you not heed the rabbis who appeal to you to establish a kosher factory for the production of oil and margarine, to extricate ourselves from doubts and fears? Why must we rely on stacks of lenient rulings in questions of Torah prohibitions? By doing this, you can lead the public to righteousness, and your reward will be very great! (*Shimushah Shel Torah*, quoted in *Nefesh Yeshayah*, pp. 315-318)

42

We conclude with our chapters from my book, *Menuchath Shalom*, which contain words of awakening to observe kashruth as strictly as possible.

What we achieve through self-sacrifice for kashruth:

(from holy books)

1) Every day we observe the laws of kashruth because the Almighty commanded us, in addition to our achievement that our soul remains holy, and does not become defiled, and we save ourselves from the fires of Gehinnom, we receive reward just as though we had fulfilled a positive commandment (as the Rabbis say, that if one refrained from committing a sin, he receives a reward like one who performed a mitzvah) and not only one commandment, but corresponding to the number of prohibitions involved in the foods from which he abstained, e.g., if one abstained from eating food that may possibly contain many combinations of prohibited foods, each type of prohibited food counts for a mitzvah. Thus one can accumulate through his lifetime thousands and millions of mitzvot.

Whenever a person performs a *mitzvah*, he creates an angel. Consequently, along with the thousands and millions of *mitzvot* one is accredited with by observing the laws of kashruth scrupulously, he also creates myriads of holy angels who defend him so that he should merit all good things (in addition to his other *mitzvot*).

2) Through observance of kashruth, one brings upon himself the holiness from above (*Yoma* 39), and one becomes hallowed according to that measure in the World to Come (ibid, If a person hallows himself below, they hallow him in the World to Come) and he who guards himself all his life, despite difficulty, will surely merit that the sanctity of his soul will increase to limitless heights.

3) His name is recognized in heaven for its beauty and praise, and the Creator Himself testifies before the heavenly hosts concerning his behavior.

4) Through guarding oneself from prohibited foods, one merits for himself and posterity, for whom his merit will be remembered by Hashem.

5) Through this, one merits to have children, *tzaddikim*, G-d fearing people, strong enough to overcome the evil inclination.

6) One should know, too, that by combatting the *yetzer hora*, even a simple Jew, who is not a scholar, will merit to have the divine light become a crown on his head in the World to Come, just like the greatest Torah scholar, may our lot be like his! (*Chofetz Chaim* ch. 9)



43

The Pleasure of Paradise

1) In *Medrash Ruth* (5) we read: Years ago, if a person performed a *mitzvah*, a prophet would record it. Now, if a person performs a *mitzvah*, who records it? Elijah records it, and the King Messiah and the Almighty Himself sign it!

2) This is definite that those who scrupulously observe the laws of kashruth will just as well, have their merits recorded by the Messiah and Elijah, and in the future their deeds will be revealed before everyone to be praised, as the Targum states at the end of *Koheleth* (Ecclesiastes), that in the future everything will become known, both the sins as well as the merits. How much will a person rejoice for each time he exerted self-sacrifice for the observance of the laws of kashruth, for which he will merit the greatest honor, and his name will be a sign for Jews to all eternity.

3) Imagine, dear brethren! How far do people seek to aggrandize their names among their fellow men! How much money do they spend? How much health do they sacrifice? How much trouble do they go to in order for their name to be known to world Jewry, although people say that every sensation lasts three days and then goes off the agenda? Today one person is great and plays an important role, and tomorrow another one is on top, the next day still another one. Surely after leaving this world, nothing will remain of all these mundane honors, at most, one will receive a little less reward because of all the honor he received in this world (*Sefer Chasidim*).

4) But those *mitvoth* which a person performs through toil and hardship, and about which nobody knows, e.g., self-

sacrifice for kashruth, G-d will reveal and publicize in the future, which will bring endless honor and pride not only for one or two days, but for eternity!

Then we will sigh upon seeing the reward for every bite we abstained from during our lifetimes, thinking, "What a fool I was when I had the opportunity to abstain so easily from products whose kashruth was doubtful! How did I allow such a opportunity to slip through my fingers?" "How much money would we give an angel to allow us to return to this world to observe kashruth just a little stricter! Just to observe with a little more stringency even when it was not really required! But, such a thing does not exist! That opportunity is irretrievable!

5) Therefore, dear brethren, have pity on yourselves! Now you are all alive! Only now do you have the golden opportunity to hallow the Creator's Name by abstaining from all sorts of doubtful and strange products, for which the reward is too great to be fathomed. As mentioned above, do not let it slip between your fingers! Have pity on yourselves! No one lives forever! Everyone will have to give an account!

6) One who abstains from all sorts of prohibited food with self-sacrifice, must remember another thing! He must remember that instead of the pleasures he gave up when he did not wish to derive pleasure from any doubtful food, G-d will make a banquet for the *tzaddikim* in the World to Come, at which, as it is known, all the *tzaddikim* of all generations, starting with the Patriarchs, to Moshe Rabbenu, King David, the Messiah, the prophets, and the *tzaddikim* and sages of all times will be present.

7) Then, only those who watched closely, not to partake of any prohibited foods, will be admitted to this grandiose banquet. Those who did not, will, against their will, be expelled from this holy group.

8) How much praise and thanksgiving will the observant Jew offer up to the Almighty, Who enabled him to carry on the struggle against the *yetzer hara* and not to succumb to his pressure, despite the fact that others capitulated, since it was this *mitzvah* only that brought him the great privilege of partaking of the banquet of the *tzaddikim* (*Chofetz Chaim*).

9) The Medrash entitled *Othioth d'R' Akiva* describes in detail the honor that will be afforded each individual at the banquet (in addition to the honor of being present at a gathering of all the *tzaddikim*). We will cite that account in the following paragraphs.

The midrash states as follows: Everyone according to his honor; i.e., according to his spiritual level, will be dressed in regal robes and a royal crown, accompanied by jewelry worn only by monarchs.

1) Everyone will sit on a golden throne, and before everyone will be a table of pearl. In each one's hand will be a golden cup studded with gems and pearls, filled with the elixir of life, and all the delicacies of paradise will lie before them on this table.

2) Before each person will stand three angels to serve him. Each angel will have rays of light emanating from his head, lightning emanating from his mouth, and the brilliance of his countenance will shine from one end of the world to the other, just as the brilliance of the sun.

3) The heavens will open their gates and rain dew upon the heads of the *tzaddikim*, dew of pure, fragrant balsam oil, whose fragrance will permeate the world from one end to the other.

4) Millions of angels will stand before them, holding violins, drums, and trumpets, and will play before them. The Creator Himself will be there, also.

5) Concerning this era, King David prophesied: Fortunate is the people who has it so; fortunate is the people whose G-d is Hashem. (Psalms 11:15)

44

Admonition concerning Educating the Children to Observe Kashruth Strictly

1) The sainted Chofetz Chaim writes: (*Davar B'itto - Shaar Haachavah*) In addition to the obligation lying upon every person to beware of transgressing the *mitzvoth* of the Torah, a father has an obligation with much more responsibility (just as, when parents marry off a child, they spare no time, expense, or bother, to ascertain that everything is at its best, with all the minutest details, surely in matters pertaining to heaven, e.g., Torah and mitzvoth, a persons's real wealth, we may not scrimp or spare energy, or expense, so that the child will grow up fed with Torah and the fear of heaven, and fear of transgressing any prohibition just as one is afraid of fire, and not to give in to any whim or desire to eat or possess anything he wants.)

2) Refer to the blessings of the Torah, which we recite daily. We say, "Please make pleasant, O L-rd our G-d, the words of Your Torah... and let us and our children be..." We pray that the words of the Torah shall be pleasant in our mouths and that

the Torah shall not go away from our children and grandchildren. Now, if the father does not take care to see what the child eats (at home, in *cheder*, at a *kiddush*, *Bar-mitzvah*, wedding, relatives' homes, and the like), how can he have the audacity to request such a thing, which is inconsistent with his deeds?

3) In addition to all this, if the father puts great effort into raising his children with only kosher food, this indicates that all the toil and sweat that he put into their education and training was purely for the sake of the Almighty, i.e. in order that the children become His faithful servants and his reward will be great.

If on the other hand, the father is careless in watching and training his child, this indicates that he is not concerned with the honor of heaven, and the entire education he gives his children is no different from the education that beasts and cattle give their offspring. For that, he receives no reward whatever.

4) The truth of the matter is that neglect in this field, i.e., allowing the children to eat whatever comes into their mouths, is a diabolical plot of the *yetzer hara* to deprive him in a short time, of the great reward he would receive for all the years he suffered hardships and toil to raise and nourish his children, and all this is in addition to the reward itself for watching what the children eat and drink, for which the parents are rewarded as well as the children (*Chofetz Cahim* in *Davar B'itto*, *Shaar Haachavah*, end of ch. 1).

5) A shudder seizes all of one's bones, and a shiver permeates the entire body when one concentrates on the brief profound, rich, godly words of the *Chofetz Chaim*, which cast a brilliant ray of light into the foggy path of educating children in the field of kashruth.

A new world of fresh ideas flashes into one's mind, and occupies one's thoughts when one learns that the reward for all the toil and trouble one experiences while worrying for the welfare of his children, together with the long chain of pain, disappointment, distress, sleepless nights, and the strength and health it costs until one sees, with G-d's help, the children grown up, upright, healthy, learned and imbued with the fear of G-d depends upon the attention the parents pay to what the children take into their mouths.

6) Upon hearing such a thing, who can take a bite into his mouth or close his eyes as long as he is not completely assured that everything that he and his children eat, is not only 100% kosher, but 1,000% kosher!!

Our rabbis teach us in *Pirkei Avoth*, (5:26), "*According to the effort, so is the reward.*" It is well-known that the most difficult years of a person's life are the years of child rearing. We sweat to earn the morsel of bread; we go to all lengths to make sure that the children are healthy and strong; we toil to make them *talmidei chachomim*, G-d fearing men. We grieve from looking for fitting matches for our children. All this swallows up the best years of our lives.

It is, therefore, self-evident that the reward for raising our children is fathomless and of extraordinary proportions.

And now, if we approach this problem with indifference and feed them such foods as "Similac", even though there is no question of danger to their lives (See *Minchath Yehudah*, at length), and afterwards we buy canned and bottled foods at random, we take with our own hands, our share in the world to come and submerge it in the well of convenience, i.e., freedom from nursing and from preparing baby food at home, and because of this little bit of trouble, we lose both worlds. It is, indeed, heartbreaking!

8) At this time, one may harbor thoughts that even though he loses his reward for rearing his children, he has, at least, his own reward for learning Torah and performing *mitzvot*, which he has accumulated through the years. We wish, therefore, to cite the following statements of the *Chofetz Chaim* o.b.m., in which he states unequivocally that the parents in Paradise suffer because the children are in Gehinnom.

9) The *Chofetz Chaim* o.b.m. writes as follows:

You should know and remember that if a child turns away from the ways of the Creator, and comes to his final judgment before Him, even if his father, through his own good deeds, has merited a place in Paradise, he will suffer greatly because of this, since he will be taken out of Gan Eden and led to Gehinnom to witness his son's suffering, (as the rabbis stated, quoted by *Gra*, Proverbs 29:17).

10) Who can fathom the suffering one endures at such a time, and the pain and agony one experiences? If one sees that his child has a pain in any part of his body, the parent becomes upset about it. How much more will the father suffer when he witnesses the indescribably harsh punishments meted upon his child! How will he feel, for instance, when he sees his son's mouth being torn to pieces for eating prohibited foods. A second destructive angel rips his tongue. A third one breaks his hands, since they helped to bring the food to his mouth, as it is known that every destructive angel is created from the sin that was committed to spoil the organ with which the sin was committed. For example, if one committed a sin with his hands, a destructive angel is created, who will destroy his hands, and so it is with all limbs of the body. Finally, he is cast into the fire, and he screams, weeps, and wails, "Woe is me!"

Now, imagine how embittered the father will be at that time, and how he will cry from the depths of his heart, with no one to help him. Everyone must, therefore, take this matter seriously as long as he is still alive, to prevent his son from coming to this situation. Then the father will be content with his lot in Gan Eden. (*Davar B'itto, shaar haachavah*, ch. 2)

45

1) Who says we are obligated to save others from pitfalls?

The Chofetz Cahim answers this question in the following manner: A person should know that there is a vast difference between one who serves the Creator and keeps His commandments because he sincerely means to serve Him and one who serves Him for his own selfish interests, i.e., only with the intention of receiving reward for his *mitzvoth*. In the future, G-d's true servants will be revealed, as well as the false ones.

What is the criterion to know whether we serve the Creator sincerely or not? The answer is very simple. One who means sincerely to serve the Almighty, Who created him and Who always bestows kindness upon him, longs to see that everyone should serve the Creator and comply with His will, in order to enhance His honor, and that He should be honored by all people. If he sees that people do not follow the ways of G-d, he is very upset.

(There is a well known folk saying, that if everyone longed to serve the Creator as much as he longs for everyone to go to his rebbe, we would be on a much higher plane.)

2) One who means himself is much different. Even when he complies with G-d's will, he does not look around to see whether others, too, are serving the Creator. It concerns him very little that he sees people who are not serving Him.

The same is true as regards prohibited foods. If one says, "What do I care about somebody else?" (In addition to ignoring a positive *mitzvah* of *Hocheah tochiach*, you shall reprove), it is a clear indication that his entire service is only for himself.

3) In addition to all this, every Jew bears responsibility for his fellows. On Mount Sinai, every Jew, together with accepting the Torah and the *mitzvoth*, simultaneously took upon himself to perform deeds to encourage others to keep the *mitzvoth* of the Torah as one should.

4) Therefore, even the perfect person, who exerts great care and awareness to abstain from prohibited foods, even from a remote possibility of a prohibition, can possibly be summoned in the future, to the heavenly tribunal, and accused of eating pork, *neveilos*, *treifos*, and the like. Upon his insistence that no food having the slightest, remotest possibility of the most minor prohibition, ever entered his mouth.

5) He will be confronted with the question: "Did you not know that just as everyone is responsible for himself, he is also responsible for others?"

"Think back! How many times did you know that others were eating foods that you knew were prohibited? Why did you remain silent?"

Let no one think that the punishment is not so severe since others have a share in it, because if, for example, one is a co-signer for a loan of \$100,000, even if he has ten partners in this transaction, it is still a large sum of money (*Davar B'itto, Shaar Beth Yisrael*).

One must, therefore, strive with the utmost of his ability, to abstain, along with his household, his relatives, his close

friends, from all sorts of strange prepared food, e.g., "Similac", food in jars, salami, and similarly, canned, preserved foods, and to screen every type of food that enters his house.

As a reward for the *mitzvah* of scrupulous observance of prohibitions of foods, we will all be protected from all evil and live to see the complete salvation in the near future. We should be able to rejoice with our children and grandchildren, with all our limbs, without any suffering, only with pleasures.

Stories about Cholov Akkum and Other Prohibited Foods

An incident that occurred in Sanz during the lifetime of the renowned saint and sage, Rabbi Chaim Halberstam o.b.m., author of *Divrei Chaim*:

In the city of Sanz, in the Jewish quarter, there was a large house belonging to a baron. The house was comprised of many stores and apartments, where only Jews resided. I, Raphael, the writer, also lived in this house. The house had a large court, and a large stable where the baron's cattle were kept. One Jew would go there early every morning with his pails. They would milk into his pails, and he would take the milk home. In those days, the Rebbe would stay up all night to learn Torah, and also the young married men, among whom I was counted, would stay up all night in the *beth-hamidrash* to learn Torah. On my way home, I would see the milkman already milking the cows in the court. I would usually stop to buy milk immediately after the milking and drink it. One morning, I went out of my house to the court to purchase milk as was my wont, and was surprised to find the gentile woman milking by herself, without the supervision of the Jewish milk man, and all the gates of the house were still shut. Later in the day, I went to the *beth-din* the rabbinical court, and related the entire incident. They told me that I had not acted properly, for I should have called another

person so that we would be two witnesses, and it would be possible to fine the milkman for his negligence. They, therefore, instructed me not to discuss the matter today, for tomorrow he would surely repeat what he had done today. Then I should call someone else to accompany me, so that the *beth-din* would be empowered to remedy this matter. Sure enough, several days later, this performance was repeated. Again I saw that no Jew was present at the milking. I did as I was instructed, and called a second Jew to witness the fact that there was no supervision on the milking. Later on in the day, we went to the *beth-din* and testified before them that the gentile woman had milked for the Jewish milk man without his presence. The *beth-din* went immediately to the *rav* and related the entire incident. Then they summoned us two as witnesses, and we repeated our testimony before the *rav*. This created a tumult in the city, because many other merchants who sold milk, did not supervise the milking. The *rav* summoned them all and fined them. He stated as follows: "Three things were transmitted to me by my father-in-law, the chief rabbi of Leipnik o.b.m., which were given over from one man to another, originating from Moshe Rabbenu. One of them is that gentile milk that has no Jewish supervision is prohibited, not because they may mix in non-kosher milk, for that is merely the reason they revealed to the public. There is, however, a secret reason why *cholov akkkum* is prohibited. In Sanz there was a pious man named Reb Moshe Sh'muel, who while traveling, would eat only dairy products, not meat. When he heard this from the *rav*, he decided to abstain from dairy products as well. (*Sefer Darchei Chaim (Kol Hakathuv Lechaim)* 50, quoted in *Nefesh Yeshayeh*, p. 153)

To give the reader an understanding of the importance of cholov yisroel - milk and dairy products processed under the supervision of a Rabbinical authority as opposed to cholov akum - dairy produce with no such supervision, we present the following three stories. Hopefully, the reader will comprehend the underlying meaning in these tales: The necessity to guard oneself and his children from cholov akum as well as other forbidden foods.

1. A tale from the Baal Shem Tov.

The holy Rabbi, Rav Chaim of Kossov told this story of the Baal Shem Tov, the founder of Chasidus: There was once a woman who was childless, and would frequently come to the holy Baal Shem Tov for his blessing for children. Each time the woman would come, the Baal Shem Tov would remain silent and offer neither blessing nor consolation. The day came when the woman could no longer control her sorrow and grief and cried bitterly, begging the Baal Shem Tov to have pity on her and bless her with a child.

The Baal Shem Tov considered her for a long time and then informed the woman that she would indeed be blessed with a son in the coming year. He warned her, however, that she must bring the child to him as soon as the child reaches his second birthday, so that he will be able to bless him. The Baal Shem Tov's blessing was fulfilled and the woman gave birth to a baby boy nine months later.

After two years the woman returned to the Baal Shem Tov with her child as the Rabbi had instructed her. The holy Rabbi was overjoyed at seeing the child and kissed and hugged the boy. The Baal Shem Tov blessed the child and

sent him home with his mother. A short time after they arrived home, the child passed away. The women cried bitterly and would not allow herself to be consoled. When the mourning period was over, she traveled to the Baal Shem Tov to ask why her child, for whom she had prayed for many years was taken from her. The Baal Shem Tov comforted the women and then told her this story: "There was once a great king who was childless, and had no one to inherit his vast possessions. He inquired of all his ministers what he could do about this. They answered the king that only the Jews could call upon G-d in the king's behalf. Thereupon, the king decreed that the Jews pray on his behalf that he be granted a son, and if he did not have a child within a year, all the Jews would be banished from his kingdom as a punishment.

The Jews in the kingdom assembled in their synagogues and cried out to G-d for help and fasted and repented. In heaven, the cries of the poor Jews were heard by G-d, and a soul which had never been on this world volunteered to enter the body of a baby which would be born to the king and queen so as to save the Jews from being banished. That year the queen gave birth to a baby boy and the evil decree was averted.

The child grew up and was both handsome and intelligent. The best teachers were engaged by the king to teach the young prince. The child quickly outgrew each teacher with his sharp mind and quick grasp, and one of the most prominent priests in the country was brought to the palace to be the prince's instructor. The priest had but one condition: Each day he must ascend to heaven to converse with G-d and could not be disturbed, even by the king or the prince. The king naturally agreed, and the priest began

educating the prince. The prince learned much from the priest, but was extremely curious, as to how the priest ascended to heaven. One day he decided to hide while the priest talked to G-d and see what it was like. Hiding behind the curtains, the prince watched as the priest donned Talis and Teffilin and proceeded to pray in the manner of the Jews. The prince confronted the startled priest and asked him what this was. The priest told the prince his secret. "I am really a Jew and have always been." "I was forced to accept your religion in my youth, but in my heart I have always remained a Jew. I have, however, always prayed and learned Torah in secret. I beg of you not to reveal my secret to anyone, because it will surely mean my death."

The prince agreed to keep the secret on the condition that the priest would teach him Torah and all the other books that are holy to the Jews. The priest agreed and they began to learn Tanach, Shulchan Oruch, Gemora, and other holy books. The prince (who possessed the pure and holy soul G-d had implanted within him) took very quickly to his new learning, and soon became proficient in them. The day came when the prince informed the priest of his intention of converting to Judaism. He asked the priest to give him a plan which would enable him to do this. The priest told him to ask his father to let him travel through the kingdom to acquaint himself with the people and their ways. The king agreed and the prince left the palace. The prince ran away to a far-off land and became a Jew. He lived out his life learning Torah and died at an old age as a great Tzaddik. After the prince died and his soul ascended to heaven, a great disturbance occurred. The angels wanted to lead him straight to heaven without any trial or gehenom. The angels in charge of the gates of heaven would not let him enter,

since the early years of his life were lived as a non-Jew. Since this was not his fault, however, it could not be an obstacle. But, the fact remained that he nursed the first two years of his life at the breast of a woman who was not Jewish. It was then decreed that this pure and holy soul should return to this world for two years and be nursed by a Jewish woman, in order to perfect itself. The Baal Shem Tov concluded his story to the woman saying:

“You were destined from heaven never to have children. Since this lofty and holy soul was required to nurse from a Jewish mother for two years, This great privilege was given to you. The soul of the child you lost was that of the prince. You should be happy you were given the honor of helping that holy soul enter Gan-Eden.”

The woman thanked the Baal Shem Tov and returned home comforted.

II A tale of Rabbi Chaim of Zanz. z.t.l.

In the city of Sanz there was a large house located in the Jewish section. In the yard stood a few milch cows. Every morning, a Jew would come with his milk cans, into which the non-Jews would milk the cows while he watched. This milk he would sell to the townspeople. The holy Rabbi would many times remain awake learning the entire night and many of his disciples would also remain in the Bais-Hamedrash till the next morning. On their way home, the disciples would see the cows being milked and would take a drink from the fresh milk.

One morning one of the disciples passed by and saw a non-Jew milking the cows without any supervision. Understanding that this was a serious infraction of the law prohibiting cholov akum, the disciple quickly went to the

Bais Din to inform them. The Bais Din advised the disciple that he needed someone else, so that there would be two witnesses.

A few days later, the same thing occurred! The non-Jews were milking the cows without the Jew being there and without any supervision. This time the disciple called another disciple as a second witness and together they reported to the Bais Din. The Bais Din told the two disciples to go to the Rebbe and tell him the story. The Rebbe z.t.l. investigated the matter and found everything to be true. It was later discovered that many more milk-dealers were selling milk that had not been supervised. The Rebbe z.t.l. summoned all the milk-dealers, fined them heavily and made them promise never to do this again.

The Rebbe z.t.l. then told his disciples that his father-in-law, the Gaon of Leipzig had three traditions passed down generation to generation since Moshe Rabbeinu. One of them was that milk which was milked by a non-Jew without supervision is forbidden, not only because of the possibility of non-kosher milk (from an unclean animal) being mixed in, but at any time that a Jew did not supervise the milking. It is prohibited because of secret reasons not revealed by the Rabbis.

In Sanz lived a Jew named Reb Moshe Shmuel z.l. who never ate meat away from home, but only dairy foods. After hearing this story from the Rebbe z.t.l. he discontinued eating dairy away from home as well, and ate solely pareve foods.

III A tale of the Rebbe, Reb Bunim of Peshischo.

The Rebbe Reb Bunim of Peshischo would tell this story of how a person who is cautious as regard forbidden foods, is protected by Hashem from deceptions in kashruth:

There was once a large fair where many merchants gathered to sell their merchandise and where many people came to buy whatever they needed.

In one inn sat a group of Jewish merchants discussing ways and means to increase their profits. In the middle of their discussion, the waiter came in and asked what they would like for lunch. One merchant ordered coffee with milk for all of them, but one insisted that he wanted his coffee black, without milk. The waiter brought in the cups of coffee as they had been ordered. As the merchants drank their coffee, they began to ridicule the one who had ordered the black coffee. One man asked him why he did not wish to drink milk. He answered that it may not be completely kosher. They all laughed at his "foolishness." They all saw the cows standing in the yard. How could the milk come from anything but the cows?

When the waiter came in to remove the empty glasses and heard the merchants laughing about the milk, he asked them if they had enjoyed the milk in their coffee. They asked the waiter why this coffee should taste any different from other coffee. The waiter answered them that he mixed MULE milk in with the coffee to give it a sweeter taste.

All the merchants who had drunk coffee with the mule milk became pale and sick. They immediately begged forgiveness from the righteous merchant who drank the coffee without milk and realized how a chosid who guards himself from all forbidden foods is helped by Hashem. On such a person the phrase from Tehilim applies: To the righteous shall befall no sin.

A story concerning *cholov akkum*

(Which I heard from Rabbi Joel Ashkenazi o.b.m.)

The renowned *tzaddik*, Rebbe Reb Shmelke o.b.m., stayed overnight at an inn in a small village. The innkeeper served him with a glass of milk which he refused to drink. When one of his intimates inquired why the rebbe did not drink the milk, he replied that he did not see it. The man wondered, "The milk is standing right here on the table. How is it that the Rebbe does not see it?" To this he replied, "Our rabbis stated that milk that was milked by a non-Jew which a Jew does not see, is prohibited to be drunk; e.g., milk that a non-Jew milked, one who is a Jew cannot see. Therefore, I did not see the milk." They investigated the matter, and it was discovered that on that day no Jew had supervised the milking.



WARNING — DANGER!

Soon will arrive the vacation time when the Orthodox Jewish Community readies its move to the Catskills to benefit from the clean air and pure atmosphere, both physical as well as spiritual. It is, therefore, appropriate to warn the public concerning a practice that has spread among the Orthodox vacationers, especially in the yeshivah camps and in other religious institutions; the most religious, Chassidic elements, consisting mostly of learned Jews and yeshivah students. This practice virtually undermines the fundamentals of Judaism.

What is this breach? People are taking the liberty of purchasing milk from non-Jewish farmers, relying on the fact that a Jew is present during the milking.

The halachai problems encountered in such a practice are, as follows:

1) According to all the greatest halachic authorities, without exception, if the proprietor of the business is not reliable, surely if he is a non-Jew we may not give him an hashgachah. If any hashgachah is given it is worthless since the non-Jew has retained the capability to receive the customers through various devious ways. (See Responsa Divrei Malkiel, 3:22; Responsa Divrei Chaim 2: Addenda 40; Responsa Shaarrei Zedek, Yoreh Deah 156; Pithcha Zuta, Laws of Passover 11; Hachanah d'Rabbah 22; Responsa Arugas Habosem 325; Shulchan Hatahor 198b; Makrei Dardekei by R Hillel of Kalamai; Levushei Mordechai, vol. 2, Yoreh Deah 7; Responsa Zichron Yehudah, Orach Chasim 123, and other works.

Seventy years ago two hundred rabbis promulgated a strict interdict that no rabbi may give a hechsher (kosher certificate) to any product, even if he has a mashgiach on the premises; unless the proprietor is one hundred percent reliable in matters of kashruth in all respects (See Ginzei Yosef 18:2).

2) The owner can easily use the same type of containers for non-kosher milk (i.e. unsupervised milk) and deliver it to unsuspecting yeshivah students, learned Jews, and other Jewish customers — an occurrence which is virtually undetectable.

In the merit of our awareness of the need to refrain from prohibited foods, may we enjoy a healthy summer together with our children and our entire families, as we are taught by our holy Sages that the two are interdependent. (Zohar 3:42a; Shab. 33a, Ohr Hchaim, Sh'mini; Davar B'itto. Shaar Hahitschazekus; Yesode veshoresh Ha'avodah, Shaar Hab'choros, ch. 4; Chata, Sofer, Sh'mini; Imrei Tzddikim Diveri Geonim on Torah; Darchei Teshuvah 60:5, Azharos Mahartz'a, and others).

This all-encompassing sefer has the *haskama*/approbation of the leading Torah authorities including *Harav Hagaon Reb Moshe Feinstein shlita*, who writes: "The author, a gaon, has organized and explained each topic with extensive erudition and profound understanding.... *This gaon, the author, may be relied upon since he has already displayed his ability in this field....*"

The last part contains excerpts in *English* from the correspondence the author received from many of the largest companies in the Drug and Pharmaceutical industry. These letters indicate that it is questionable whether most medicines are kosher for *Pesach*, and also sheds light on their standard of *Kashrus* during the whole year.

According to the new information contained in these letters from the various companies, it is evident that one should not rely on the various published lists concerning the *Kashrus* of various medicines for *Pesach* as issued by the various Rabbinical organizations or individual rabbis. These lists were compiled without the knowledge of the new information written by the companies to the author!

The author has been working for years at great expense and effort in order to compile and publicize this information concerning the *kashrus* of medicines. These letters are but a small part of hundreds of letters the author has received from various companies.

This information concerning medicines is of great importance for anyone contemplating the use of medicine on *Pesach*.

The sefer also contains a discussion of the detailed research and diligent investigation concerning the accuracy of the *kashrus* of medicinal products (including capsules, drugs, powders, fluids, etc.) for use during the entire year, as well as on *Pesach*.

Besides considering the questionableness of the medicinal ingredients contained in animal products or derivatives, *Passover* use brings with it a series of doubtful ingredients (from the *kashrus* standpoint), such as legumes (*kitniyos*), e.g. corn starch, etc.

These two volumes will enrich your knowledge about baking and eating *matzoh* in order to celebrate the holiday of *Pesach* according to the *halacha*.

Rabbi Sholem Yehuda Gross is the author of the following seforim:

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