

# THE Daf HaKASHRUS



A MONTHLY NEWSLETTER FOR THE OU RABBINIC FIELD REPRESENTATIVE

## THE KASHRUS OF PAPAIN

*Presented at the Harry H. Beren ASKOU OUTREACH  
Passaic – Clifton session of ASK the OU Kosher (Passaic) Rabbis*

### RABBI GAVRIEL PRICE

RC, IAR Ingredient Review

**IN THE EARLY TWENTIETH CENTURY**, Belgian colonists in the Congo noticed that the Congolese were careful to store elephant meat in papaya leaves. Intrigued, they found that the papaya leaves, besides protecting the meat, tenderized it. Laboratory analysis demonstrated that a particular enzyme, called papain, was the agent of the process.

Belgian companies were later built around processing and selling papain from Congolese papaya plantations. New applications were discovered and papain is now also used as a clarifying agent in beer, as a softener in biscuits, and as a digestive aid (dietary supplement companies sell encapsulated papain). Processed papain now comes not from the papaya leaves but from the peel of the papaya.

All of this would seem pretty innocuous from a kosher perspective

except for the remarkable fact that the great majority of papaya is harvested from the first three years of the papaya tree's lifetime (the tree grows astoundingly quickly – up to eight feet in its first year – and bears fruit within 10-12 months. It trebles its height in the next two years and, although it can eke out one or two more seasons of fruit, is typically abandoned or cut down after three years). The Torah (*Vayikra*, 19, 23) prohibits fruits borne to a tree in the first three years of its existence. Although the prohibition, as recorded in Chumash, is limited to Eretz Yisroel, Moshe Rabbenu also taught, orally, that *orlah* applies outside of Eretz Yisroel as well. The Talmud (*Kiddushin* 39a) cites this teaching as a *halacha l'Moshe M'Sinai*, which means that Moshe learned this also at Har Sinai, but was not instructed to write it down (see *Shulchan Aruch* Y.D. 294, 8).

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## "AMERICA'S FAVORITE CANDY" GOES KOSHER

Ⓢ *Symbol on Package of Tootsie Roll*

**TOOTSIE ROLL INDUSTRIES, INC.** today announced that Tootsie Rolls, Tootsie Fruit Rolls, Frooties and DOTS have become kosher-certified by the Orthodox Union, the world's largest kosher certification agency. New packaging bearing the Ⓢ will be distributed nationwide beginning in the next few weeks.

"We take great pride in producing wholesome confectionery products with fresh ingredients of the highest quality. This will bring our iconic brands to an entirely new consumer base that can now enjoy our products," said Ellen Gordon, President, Tootsie Roll Industries.

The OU rigorously monitors all aspects of production. It supervises the process by which the food is prepared, examines the ingredients used to make the food, and regularly inspects the processing facilities to make sure that its standards are met.

"We are very pleased to have Tootsie Roll join with other leading confectionery producers who have attained OU certification in recent years. It was also gratifying for OU to guide Tootsie Roll through the certification process and bring these famous candies to the growing kosher market place," said Rabbi Eliyahu Safran, OU Kosher's Vice President of Communications and Marketing. "It was rewarding for OU Kosher's team, headed by Rabbis Dovid Jenkins and Abraham Juravel, as well as Phyllis Koegel, OU Marketing Associate, to corroborate with Tootsie Roll's team and bring the much sought after Tootsie Roll products to an ever-growing kosher market place."

The following products listed under their respective brand names, prepared by Tootsie Roll Industries, Inc., Chicago, IL are manufactured under the supervision of the Kashruth Division of the Orthodox Union and are kosher when bearing the Ⓢ symbol adjacent to each product as indicated below. Products designated below as Ⓢ are certified kosher pareve. Products designated below as ⓈD are certified kosher dairy.

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## PAPAIN

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The Torah prohibition recorded in Chumash, and applicable to Eretz Yisroel, is not simply duplicated, or extended, to chutz l'aretz. The Talmud notes a fundamental distinction between the two halachos: in Eretz Yisroel, *safek orlah* is prohibited. In chutz l'aretz, a *safek* is permitted.

There are two basic ways to define a *safek* in this case, and the distinction between them has ramifications for the kashrus status of papain.

One kind of *safek* is based on probability. Was a given papaya taken from the first three years of the tree's existence, or not? The halacha in chutz l'aretz is that if there is any possibility that a given fruit came from a tree that was not *orlah* – that is, had matured beyond three years -- then it is permitted. This is true even if, in any given crop, most of the trees are still within the first three years of their existence. Unless it's certainly from a (halachically) immature tree – that is, one whose fruits are *orlah* -- then we assume it's from a mature one (*Shulchan Aruch* Y.D. 294, 9; see also *Teshuvos Shivos Tzion* 49, cited in *Pischei Teshuva*, 294, 10).

A second kind of *safek* turns on whether a fruit is indeed a fruit. The prohibition of *orlah* is limited to fruits, and does not apply to vegetables. Even if a specimen was borne from a tree that we know for certain had been planted only two years ago, if we are not certain that it is really a fruit then the halacha is also that, in chutz l'aretz, it would be acceptable (see *Teshuvos v'hanhagos*, Rav Moshe Sternbuch, 3, 333, based on *Berachos*, 36a).

Let us assume, for the moment, that papaya is, halachically, a fruit. Operating with an understanding that

1. the economic life of the plant is 36 months
2. trees are planted throughout the year and
3. a third of a crop is replanted every year (to sustain consistent income)

any given papaya sold from this field will nevertheless be acceptable. That is because a halachic “year” is not always 12 months. If a tree is planted before 16 Av, the first “year” is considered to have elapsed already on the

first of Tishrei. Fruits grown after the 15th of Shevat another two calendar years later, (or about thirty months after the planting) (Y.D. 294, 5) are considered mature, and acceptable. Thus, a percentage of fruits, if only a minority, emerging from this crop can be assumed to have been picked between

30-36 months from when the tree was planted.

This line of reasoning permits a given papaya from such a crop, since any *safek* is already sufficient. Rabbi Eli Gersten pointed out however, that this *safek* may not apply to papain from this field, which is a blend of the papaya in a crop. When papain is harvested, farmers methodically

recover enzymes from all the papayas in a crop. The papain is collected and sent to a processing site to become blended and liquefied. Dr. Avraham Meyer, who visited the Congo several years ago, described the process as follows:

“A bib is tied around the middle of a papaya tree. The outer skin of the papaya is lightly scratched (if too big a cut is made it will penetrate the skin and the fruit will rot). The process can be repeated 5 to 6 times before the fruit begins to over-ripen and needs picking. The liquid falls into the bib, dries and is collected and sent to the factory. Each “garden” (so they call them) is scratched approximately every ten days to two weeks.

“At the plant the latex is dumped into a mixer where the various latexes are reliquified and blended and then passed through a rough filter. The product is placed on trays stacked in wooden frames and dried in the wood fired air drier.”

Thus papain creates a complexity not encountered with papaya: it is not a specific sample, but an aggregate, a *lach b'lach taruvos* of extracts. Chazal required that for such a *taruvos* to be acceptable, there must be 200 parts heter to one part *orlah* (*Rambam*, Hil. Ma'achalos Asuros, 15, 13; *Shach*, Y.D. 98, 26).

In our case, we know, based on the minhag of planting (and based on the size of the trees) that some fruit is *orlah*.

Rabbi Belsky explained that if, in addition, we know that the majority of fruits are *orlah*, then we must pasken on the *taruvos* that it is *orlah* – even though, paradoxically, we pasken on each fruit, individually, that it is not *orlah*. Since the *rov* is *issur*, we cannot apply the rules of *bitul*.

The second type of *safek* addresses not only papaya, but papain as well.

How do we define a fruit? There is some discussion among poskim as to whether the parameters defined in hilchos berachos are identical to that of *orlah*. In any event, they certainly provide a starting point.

The Talmud (*Berachos* 40a) states that if the tree trunk remains from year to year one makes a *borei pri ha'etz*.

היכא מברכין בורא פרי העץ היכא דכי שקלת ליה  
לפרי אתי גוזא והדר מפיק אבל היכא דכי שקלת ליה  
פירי ליתיה לגוזא והדר מפיק לא מברכין עליה בורא  
פרי העץ אלא בורא פרי האדמה.

If a tree trunk degenerates every year, or if it requires planting again, then halachically it is not a tree, and its “fruit” requires a *borei pri ha'adamah*. The papaya trunk remains from year to year and therefore meets this criterion of being a tree. However, gedolei acharonim have cited various other attributes that

disqualify a specimen from being a tree, all of which appear to apply to papaya. It cannot be a tree

### ... SAFEK TURNS ON WHETHER A FRUIT IS INDEED A FRUIT

- If it gives fruit within its first year, (*Birchei Yosef*, 294)
- If the fruit deteriorates after three years (*Birchei Yosef*)
- If the trunk is hollow (see *Leket Kemach*, 294)
- If the fruit comes from the top of the trunk, and not from the branches

Among the poskim who rule that papaya is a “vegetable” are Ben Ish Chai (*Rav Pa'alim*, 2, 30) and Rav Ovadiah Yosef (*Ye'chavah Da'as*, 4, 52) who extends this psak even to Eretz Yisroel.

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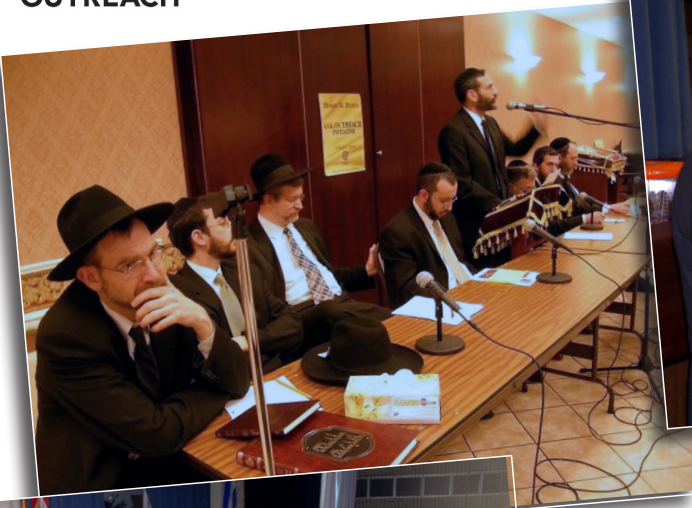






OUTREACH

## PASSAIC-CLIFTON

*A Pictorial Essay*

*Clockwise from top left:  
Rabbis Panel (from left to  
right) Rabbi Price, Rabbi  
Merzel, Rabbi Jenkins, Rabbi  
Guterman, Rabbi Paretsky  
speaking, Rabbi Gorelik,  
Rabbi Gersten, Rabbi Ferrell;  
Rabbi Loike makes a point  
during his Kosher Birds  
presentation; Section of the  
crowd of men, women and  
children; Checking vegetables  
with Rabbi Eisen*



## DAF NOTES

*Below is a sample of the many positive communications the OU received from Rabbonim and residents of Passaic-Clifton regarding the recent ASK OU Outreach Program held there.*

I want to thank for the most wonderful program which you presented in Passaic the last few weekends. I enjoyed all of them tremendously and wish they could go on indefinitely. I was very impressed with all the Rabbinic Coordinators and Rabbi Eisen and all their presentations. I want you to know that your work is truly appreciated. Sincerely, Cipi Brand

## PAPAYA

*continued from page 18*

However, *Shevat Halevi* (6, 165) raises questions on their proofs. Rav Shternbuch also concludes that papaya seems to be, halachically, a tree fruit. If grown in Eretz Yisroel, he rules that one should prohibit papaya as *orlah*. However, in chutz l'aretz he is lenient, based on the fact that, ultimately, there is an authentic *safek* as to its status; and, whenever there is a difference of opinion about the prohibition of *orlah*, we are lenient in chutz

l'aretz (*Berachos*, 36a). Thus, if a person grew a papaya tree in his backyard in Be'er Sheva, the papaya from, say, the first year would be prohibited. But if the tree grew in Brooklyn, the papaya would be permitted. Rav Gedalia Dov Schwartz (*Hadarom*, *Elul* 5747) is also lenient in chutz l'aretz. The OU poskim, Rav Yisroel Belsky and Rav Herschel Schachter concurred with this ruling. Thus our papain coming from the Congo

## TOOTSIE

*continued from page 17*

Crows	OU
Dots (several varieties)	OU
Flavor Roll (several varieties)	OU-D
Frooties (several varieties)	OU-D
Fruit Roll (several varieties)	OU-D
Chocolate Tootsie Roll	OU-D
Sugar/Corn Syrup Blend Tootsie Roll	OU

## DAF NOTES

Someone recently sent me the following email. I was very impressed by the message. Perhaps the thoughts below can help us in Kashrus explain to company personnel why we are so particular about the precise details of Koshizations and other Kashrus requirements. The Editor.



## EVERY DOT COUNTS

Dear Rabbi B.,

Why does the Jewish religion seem to fuss over insignificant details? How much matzo do we have to eat, which spoon did I use for milk and

which for meat, what is the right way to tie my shoelaces? It seems to me that this misses the bigger picture by focusing on tiny trivia. Is this nitpicking what Jews call spirituality? I actually already sent you this question over a week ago and didn't receive a reply. Could it be that you have finally been asked a question that you can't answer?!

Signed, Robert

Dear Robert,

I never claimed to have all the answers. There are many questions that are beyond me. But it happens to be that I sent a reply the same day despite the fact that I've been away from home on a rigorous speaking tour in the USA. The fact that you didn't receive it is itself the answer to your question. You see, I sent you a reply, but I wrote your email address leaving out the "dot" before the "com". I figured that you should still receive the email, because after all, it is only one little dot missing. I mean come on; it's not as if I wrote the wrong name or something drastic like that! Would anyone be so nitpicky as to differentiate between "yahoom" and "yahoo.com" <http://yahoo.com/> "No, it's not ridiculous. Because the dot is not just a dot. It represents something. That dot has meaning far beyond the pixels on the screen that form it. To me it may seem insignificant, but that is simply due to my ignorance of the ways of the web. All I know is that with the dot, the message gets to the right destination; without it, the message is lost to oblivion.

Torah observance and mitzvah fulfillment contain a world of symbolism. And every dot counts. When the mitzvot are performed with precision, a spiritual vibration is emitted throughout the universe, all the way to G-d's inbox.

If you want to understand the symbolism of the dot, study cyber tech.

If you want to understand the symbolism of Judaism, study Torah.

Yours always,

Rabbi B.



## KASHRUTH ALERT

**TATE'S BAKE SHOP OATMEAL RAISIN COOKIES** 7 oz. UPC #1029100125 produced by Tate's Bake Shop – Southampton, NY bears an unauthorized ©. The Orthodox Union does not certify any of Tate's Bake Shop's products. Consumers spotting Tate's Bake Shop cookies are requested to contact the Orthodox Union at

212-613-8241 or via email at kshalerts@ou.org.

**DYNAMIC HEALTH LIQUID JOINT ELIXIR** – All Forms produced by Dynamic Health Laboratories-Brooklyn, NY bears an unauthorized © and is not certified as kosher by the Orthodox Union.

**GODIVA** #73412 New Grand Celebration Basket on page 30 and #77315 Godiva Ultimate Collection on page 31 produced by Godiva Chocolatier, Inc. is mistakenly identified in the Godiva Holiday Catalog as © certified and is not certified by the Orthodox Union. Future catalogs will be corrected. Consumers placing orders will be advised that the product is not kosher.

**AYHANS FAMOUS MEDITERRANEAN BALSAMIC VINAIGRETTE DRESSING** 16 oz. UPC 92181-00006 produced by Ayhan's Mediterranean Brands, LLC – Port Washington, NY bears an unauthorized ©. Consumers spotting this product are requested to contact the Orthodox Union at 212-613-8241 or via email at kshalerts@ou.org.



## KASHRUTH ADVISORY

**GODIVA** has discontinued the pareve Godiva Liqueur AKA Godiva Liqueur Original. The new product, Godiva Chocolate Liqueur, bears an ©p. The old product still in circulation remains pareve. Consumers are advised to check the label names very carefully. Godiva Caramel Liqueur, Mocha Liqueur, and White Chocolate Liqueur are certified © Kosher and Dairy.



to our dedicated RFR in Cincinnati, OH **RABBI RAFFIE ZUROFF AND HIS WIFE** on the birth and Bris of their son Avraham.

to our devoted RFR in Scranton, PA **RABBI Y. GUTTMAN** on the birth and Bris of their son Mordechai Tzvi.

to our dedicated Rabbinic Coordinator **RABBI DOVID ARFA AND HIS WIFE** on the birth and bris of their son Sholom Simcha.

## CONDOLENCES

to **PESH KATZ** wife of **DR. SIMCHA KATZ**, dedicated OU Senior Vice President and Chairman of OU Kosher, upon the loss of her beloved father, Dr. David Flom, O"H, from Pittsburgh, PA.

to our devoted RFR at Prime Grill restaurant, **RABBI CHAIM MARYLES AND FAMILY** on the loss of his mother Mrs. Breindel Maryles O"H from Chicago, IL.

המקום ינחם אתכם בתוך שאר אבלי ציון וירושלים