

Kashrus

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Counting Up to Shavuos: Sefiras Ha'Omer & Shehechyanu

By:

Maran HaGaon Rav Yosef Dov Solovetchik Zt"l

Transcribed by: Rabbi Menachem Genack

We recite the blessing of *Shehechyanu* before performing most mitzvot that are applicable only at certain times during the year, thereby expressing our excitement and gratitude to God for allowing and helping us reach this moment. *Sefirat ha-Omer* stands out as an exception to this rule in that we do not recite *Shehechyanu*. Ba'al ha-Ma'or (Pesachim 28a) offers an explanation for this omission. *Sefirat ha-Omer* as it is performed today is *zekher la-mikdash* --but only a general remembrance to the original practice in the *Beit ha-Mikdash*, not one that is meant to remind us of the actual past practice. This is demonstrated by *Amaimar's* custom (*Menahot* 66a) of counting only the days and not both the days and weeks as were counted in the time of the Temple. This general remembrance does not rise to the level of a performance that requires a *Shehechyanu*.

There are two types of such remembrances, one which recalls the glory of the *Beit ha-Mikdash* (such as taking the *lulav* for seven days, which reflects the performance in the Temple when it was intact) and another which reminds us of its destruction (such as putting ashes on the head of a groom under the *huppa*). Since *Sefirat ha-Omer* is not of the first type, it is therefore meant to remind us of the destruction of the Temple. We therefore do not recite *Shehechyanu*, which is an expression of joy. This may also serve as a source for the mourning nature of the *sefirah* period. It is not only a remembrance of the death of Rabbi Akiva's students but an expression of intrinsic nature of the contemporary mitzvah. According to this rationale, mourning should extend throughout the entire *sefira* period, which is in fact the opinion of the Ari *zal*.

Rambam however, assumes that the mitzvah of *Sefirat ha-Omer* is still biblically mandated today and does not differ in this sense from its status at the time of the *Beit ha-Mikdash*. It is possible to explain the lack of *Shehechyanu* even according to Rambam based on the understanding of the *Sefer ha-Hinukh* (number 306). The *Hinnukh* explains that the count expresses a sense of longing and anticipation for the ultimate goal of accepting the Torah at Sinai; it therefore expresses that we have not yet reached that goal. This is antithetical to the nature of *Shehechyanu*, which is recited to express gratitude for having reached a particular goal.

This understanding may also explain why the Torah has us wait until after the first day of Pesah to begin counting *Sefirat ha-Omer*. The *Hinukh* explains that the first day of Pesah is singled out for the specific purpose of remembering the miraculous Exodus that is in itself a testament to God's dual role as Creator and Controller of History. Since *Sefirat ha-Omer* is an expression of not having yet attained our intended goal, it is inappropriate to perform this mitzvah on the first day of Pesah and mitigate our happiness and joy over the actual Exodus. It is also perhaps for this reason that some people outside of the Land of Israel have the custom to recite *Sefirat ha-Omer* on the second night only after completing the seder so as not to mitigate the joy of the seder with our feelings of sadness for not yet having attained the ultimate goal of accepting the Torah. (Reshimot)

GUIDE TO AGED CHEESES

The Remo (Shulchan Aruch - Yoreh Deah 89:2) says that the minhag (for Ashkenazim) is to wait after eating hard cheese before eating meat, just as one waits after eating meat before eating dairy foods.

The poskim rule that, in order to meet this requirement and become a "six-hour cheese", a cheese must be aged for approximately six months or must have a very pungent taste.

The OU's poskim have adopted the well-known opinion of the Yad Yehuda that aged cheese which has been melted is not subject to the special waiting period. Our poskim also do not require one to wait after eating unintentionally aged cheese, meaning that the cheese was not aged at the factory for very long, but the cheese incidentally "aged" on a store or refrigerator shelf for six months. Only cheese which must be aged for six months by its manufacturer (or is very pungent) subjects one to the waiting period.

Common cheeses and the lengths of time for which they are aged:

- | | |
|---|---|
| • Bleu: 2-4.5 months | • Gouda: 3 months |
| • Brie: 3-6 weeks | • Gruyere: 7 weeks-3 months |
| • Camembert (French-made): 3-5 weeks | • Monterey: 2 months |
| • Cheddar: 2 months to 2 years or longer
(Sharp cheddar is aged for at least 5 months *) | • Mozzarella: 30 Days |
| • Colby: 1-3 months | • Muenster: 5-7 weeks |
| • Edam: 3 months | • Parmesan: 10-24 months or more * |
| • Emental (Swiss Cheese-Switzerland): 6-14 months * | • Provolone: 3-12 months (* If variety of Provolone which is aged approx. 6 months) |
| • Feta (from cow milk): brined 2-3 months | • Romano: 5-12 months * |
| • Feta (from goat or sheep milk): brined 3-6 months | • Swiss Cheese/American-Made: 3-4 months |

* = Must Wait After Consumption According to OU Poskim

Dealing with Dairy on Shavuos

Prepared By: Rabbi Avrohom Gordimer

Eating dairy on Shevuos

There is a widespread minhag on Shavuos to eat dairy foods. (Remo on Orach Chaim 494:3). The Mishnah Berurah (ibid. s.k. 12) proffers the famous explanation for this custom: that Bnei Yisroel, upon receiving the Torah on Shavuos, were unable to eat meat right after the Torah was given. There was no time to prepare and check shechitah knives, remove blood and cheilev (non-kosher fats) from meat, and kasher utensils needed to cook and prepare hot meat. Thus, it was necessary on that first Shavuos to consume cold milchige foods. We therefore commemorate this event by also partaking of dairy dishes on Shavuos.

The Remo himself offers another rationale for eating dairy food on Shavuos: The korbon (sacrifice) of Sh'tei Ha-Lechem, the "Two Breads", is commanded to be brought on Shavuos, therefore, we eat both dairy and meat foods, as this will require us to have two different breads (because we cannot eat the same bread with milchige and fleishige foods); the two breads necessitated by serving dairy and meat dishes, served on the table, which symbolizes the Mizbayach (Altar), commemorate the Korbon Sh'tei Ha-Lechem. (MB ibid s.k. 14)

There are some other, less-known explanations as to why we eat dairy foods on Shavuos:

Moshe Rabbeinu was taken out of the Nile on Shavuos and was thereafter brought to be nursed, and he refused to drink milk from non-Jewish women; the gematria of "cholv" (milk) is 40, representing the forty days that Moshe was on Har Sinai; one of the names of Har Sinai is "Gavnunim", similar to the word "gevinah" - cheese. The Chok Yaakov (OC ibid. s.k. 9) quotes the Kol Bo (s. 52) that the minhag is to eat both honey and milk on Shavuos, as the Torah is compared to honey and milk (Shir Ha-Shirim 4:11).

The custom of eating milchige foods on Shavuos, however, remains cryptic and is not mentioned by many halachic sources, and that is why there are so many possible explanations. (Note that the Remo explains the basis for the custom with a partial conjecture, "and it seems to me that the reason is...", rather than stating a definitive rationale, as this minhag is of unclear background.)

Eating meat after milk

What is the halacha if one makes Kiddush and eats milchige foods, planning to later eat a fleishige seudas yom tov? What if one eats a dairy yom tov seudah at midday and plans to eat a fleishige sholosh seudos later? How does one transition from milk to meat?

Although the details of this topic were discussed in *Hamodia* last year ("A Time to Eat and a Time to Wait" - June 5, 2005), here is a very brief review of the basics:

One should always wash his hands to remove any dairy residue on them. The poskim endorse this practice even if one's hands appear to be fully clean.

One needs to cleanse and rinse his mouth. It does not matter which is done first, but both must be done.

The above pertains only to one who had a milchige meal and then wishes to eat "meat" in the true sense of the word, such as beef, veal or venison. Poultry requires no washing of hands, cleansing or rinsing of the mouth when eaten after dairy foods.

If a person ate certain types of hard, aged cheese, the Ashkenazic practice is to wait before consuming meat for the same amount of time that one needs to wait after meat before consuming milk.

Is there any required waiting period if one eats dairy foods (other than hard, aged cheese) before partaking of meat? The Rishonim and poskim do not require one to wait at all, although the Zohar stipulates that one needs to wait an hour. Although halachically, one need not wait, many have the custom to wait for an hour or half an hour based on the Zohar.

Eating "Mezonos" After Kiddush

There is a fundamental principle of "Ain Kiddush ela bim'kom se'udah" - "Kiddush may only be made at (the site of) the meal". (Pesachim 101a, Rambam Hil. Shabbos 29:8, Shulchan Aruch OC 273:1) Some explain this to mean that Kiddush needs to function as an introduction to the se'udah. Regardless of the rationale, one who makes Kiddush without a meal (i.e. he does not eat a se'udah after Kiddush or he recites "meal", so that he fulfills the requirement of Kiddush bim'kom se'udah. The Mogen Avrohom (ibid. s.k. 11) and Aruch Ha-Shulchan (ibid. s.

8) explain that, according to the Ge'onim, one can eat what we refer to as "Mezonos" foods after Kiddush and satisfy the rule of "Ain Kiddush ela bim'kom se'udah". This interpretation of the Ge'onim's opinion has become widely accepted, and many poskim permit partaking of "Mezonos" foods after Kiddush and advise against satisfying the mitzvah by merely drinking a revi'is of wine. (See MB ibid. s.k. 25.)

The overall position of the Ge'onim is one of dispute, as the simple interpretation of "Ain Kiddush ela bim'kom se'udah" is that one must actually have his se'udah - a full meal with bread - upon making Kiddush, and some therefore advise that one is best not relying on the Ge'onim's approach. (See Aruch Ha-Shulchan and Bi'ur Halacha ibid.; Hag. Rabbi Akiva Eiger on Mogen Avrohom ibid. s.k. 10.) This is why some people do not eat at Kiddush receptions after shul, unless they wash and eat Lechem Mishneh. However, the more prevalent practice is to rely on the Ge'onim's view and make Kiddush followed by cake or other "Mezonos" foods. (Some hold that if one makes Kiddush and then eats Mezonos foods, he must make Kiddush again later on at his actual se'udah.)

If one follows common custom (the opinion of the Ge'onim), it would seem that he can satisfy the minhag of consuming milchige food on Shavuot by eating cheesecake after Kiddush on Shavuot morning. However, it is not so simple.

The approach of the Ge'onim only postulates that Mezonos food eaten after Kiddush satisfy the requirement of Kiddush bim'kom se'udah when the amount of Mezonos food is at least a k'zayis. (See MB s.k. 21 on OC 273.) The problem is that many types of cheesecake have very little flour, and one does not typically consume a k'zayis of the dough or flour part of a slice of such cheesecake in the requisite period of k'dei achilas p'ras - "the time it takes to eat a piece of bread" (2-11 minutes; ask your Rav). Thus, cheesecake with minimal dough/flour content would not seem to qualify as the Mezonos food to eat after Kiddush.

So, too, even though the b'racha rishona for cake and pie is "Mezonos", even when the majority of the cake or pie consists of filling or fruit rather than flour, there is an exception when the flour or dough part of these desserts serves merely to hold the filling or fruit in place and is not intended to provide flavor (OC 208:2). Some cheesecakes are virtually all cheese, and they have a paper-thin layer of tasteless dough which merely keeps the cheese in place. This situation would warrant reciting a "Shehakol" and would likely not enable one to consume the cheesecake directly after Kiddush. (See OC ibid. s. 9 and MB ibid. s.k. 45.)

Should one wish to have cheesecake after morning Kiddush, the solution would be to either purchase a cheesecake that has sufficient dough/flour (a k'zayis worth that will be consumed within the shiur of k'dei achilas p'ras), or to also eat a k'zayis of another type of Mezonos food (e.g. cookies, pastry or cake) making sure to have a k'zayis of the Mezonos food in a period of k'dei achilas p'ras, as above. In case one wants to consume a shehakol cheesecake, one should first eat a mezonos item right after the Kiddush prior to eating the shehakol cheesecake.

Dairy Meals on Yom Tov

When the Beis Ha-Mikdash stood, the mitzvah of Simchas Yom Tov (Rejoicing on Yom Tov) was fulfilled by partaking of the Korbon Sh'lamim. However, when there is no Beis Ha-Mikdash, the mitzvah of Simchas Yom Tov is expressed in alternative forms. (See Pesachim 109a.)

The Beis Yosef and Shulchan Aruch (OC 529:2) opine that there is no mitzvah to eat meat on yom tov in the absence of the Beis Ha-Mikdash, whereas the Bach and others hold that one should eat meat, even though it is not from a Korbon Sh'lamim. The Mishnah Berurah concurs with the Bach. (See Bi'ur Halacha ibid.) The Bach and Mishnah Berurah seem to hold that one fulfills the mitzvah of Simchas Yom Tov even without eating meat, but that there is an enhancement of the mitzvah when meat is consumed.

The Rambam (Hil. Yom Tov 6:18) states that - in addition to eating the Korbon Sh'lamim - the mitzvah of Simchas Yom Tov is fulfilled by men partaking of meat and wine, women wearing fine clothing and jewelry, and children partaking of treats. Some poskim interpret the Rambam as mandating two levels of Simchas Yom Tov: an objective one, consisting of eating Sh'lamim, as well as a subjective level, such that all people should experience the simchah of the festival as they personally prefer. Accordingly, eating meat is just an illustration of what generally causes simcha, but there is no mitzvah to eat meat per se. Therefore, the mitzva of simchas yom tov can be fulfilled by engaging in any act that brings one to simcha. The Tur (OC 529) quotes the Rambam, and one can assume that he agrees with this interpretation of the Rambam's position.

When applied to Shavuot, one who follows the Bach and Mishnah Berurah should ideally eat a fleishige meal rather than a milchige one on yom tov morning, although he nonetheless technically fulfills the mitzvah of Simchas Yom Tov with a dairy se'udah so long as he enjoys it. One who goes according to the Rambam and Tur would be advised to eat whatever type of meal he most prefers. The issue here is that most people really prefer meat meals to dairy meals, and it would therefore be best for such people to consume a fleishige se'udah for yom tov. (According to the Rambam and Tur, if one likes chicken as much as beef, he can eat chicken as his main course, whereas the Bach and Mishnah Berurah seem to hold that beef is preferred, as they note the idea of simchah being identified with basar, meaning "meat" proper.)

One should consult his personal moreh hora'ah as to how to conduct himself.

Understanding Shemittah

By: Rav Herschel Schachter

According to tradition, it took Yehoshua seven years to conquer Eretz Yisroel, and another seven years to divide it among the various tribes and individuals. The Talmud tells us that only after these fourteen years, when the conquest of the land had been completed, was it endowed with *kedushah*, holiness, with respect to the observance of the various agricultural mitzvos. Thus, the fifteenth year after the entry into the Land of Israel was the first year counted for the purpose of determining the *shmittah* and *yovel* cycles. Every seventh year thereafter was to be observed as *shmittah*, the sabbatical year, and after seven such *shmittos*, the fiftieth year was to have special observances as *yovel*, the Jubilee year.

Towards the end of the period of the first Temple, ten of the Twelve Tribes of Israel were exiled. The Torah states concerning the Jubilee year, "You shall proclaim liberty to the land and to all its inhabitants." The Talmud derives from this statement that the *yovel* laws are binding only when all the tribes are present in the Land of Israel. Accordingly, during the last years of the first Temple period, the special mitzvos of the *yovel* were no longer Biblically binding (*mid'oraisah*).

Many years later, after the destruction of the second Temple, the rabbis of the Talmud had a dispute regarding the interpretation of the Torah passages referring to *yovel*. If there is neither a majority of the world Jewish population present in the Land of Israel, nor a representation of each of the tribes, the *yovel* year will not be observed Biblically. Would the Biblical *mitzvah* of *shmittah* be similarly precluded? The accepted view is that of Rabbi Yehuda Hanasi, that the *mitzvah* of *shmittah* is Biblically binding only when the majority of the world Jewish population is living in *Eretz Yisrael*, and there can be an observance of seven *shmittos* leading to a *yovel* year. As a result, it is generally accepted today that the laws of *shmittah* are binding *mid'rabonon*, according to Rabbinic law, not Biblical law, since we do not yet have the majority of the world Jewish population living in *Eretz Yisrael*, nor can it be established that there is representation of each tribe present today in Israel.

About a hundred years ago, a group of European *gedolim* (sages) suggested the following *kula* (leniency) regarding the observance of the *shmitta* laws. The Talmud states that there are sections of Syria which have the sanctity of *Eretz Yisrael mid'rabonon*, and that in those areas, selling the land to non-

Jews canceled the entire need to observe the *shmittah* laws. It was therefore reasoned that since today in all of *Eretz Yisrael* the entire observance of *shmittah* is Rabbinic in nature, the sale of the land to non-Jews should cancel the laws of *shmittah*. This process became known as *hetter mechirah*, the permission to use land based on its sale to non-Jews.

Throughout the years there were many *gedolim* who rejected the *hetter mechirah* for a variety of reasons. The Chief Rabbinate in Israel, however, officially accepts it and arranges for the sale. Yet, as the years go on, an increasing number of individuals have become aware of the questionable nature of the *hetter mechirah* and have chosen to avoid relying on it.

Even those *gedolim* who allowed the sale of the land for the purpose of canceling the laws of *shmittah*, did so only because of the unusually difficult economic circumstances then prevailing in Israel. Rabbi Joseph B. Soloveitchik zt"l was of the opinion that for those living in America it is improper to use products that rely on the *hetter*. Moreover, his father, Rabbi Moshe Soloveitchik zt"l, was of the opinion that *Eretz Yisrael* today is the possession of the entire Jewish people and as such, simply does not lend itself to any sale. **Products under OU supervision do not rely on the *hetter mechirah*.**

While many aspects of *shmittah* observance apply only to the farmers, relating to the various forms of agricultural work on the land, there are also several issues which affect consumers and the public at large.

One major issue facing the consumer is that of *sefichim*. *Sefichim* are grains and vegetables which grow by themselves during the *shmittah* year and which may not be eaten. There is a dispute among the Tanaim as to whether this prohibition is Biblical or Rabbinic in origin. The prevailing opinion is that *sefichim* are prohibited *mid'rabonon*. The basis for this prohibition was the concern that some farmers might violate the *Shmittah* laws, plant new crops and claim that the crops had grown on their own. To prevent this potential abuse, even those crops that grew by themselves, *sefichim*, were prohibited.

Fruit is excluded from the *sefichim* prohibition because it is not general practice to plant fruit trees each year.



Questions You Should Ask

- If you are traveling to Israel during or immediately after a Shemittah year, ascertain that the hotel, restaurant or vendor from whom you buy produce is careful concerning *shmittah* observance.
- Ask how leftover fruits, vegetables and grain products should be discarded.
- Are the baked goods made with imported grain, or should you be concerned about their *shmittah* status?
- What is the appropriate usage of derivatives of produce, such as wine, grape juice and olive oil?
- Because fragrant table flowers must also be considered in terms of *shmittah*, does the florist provide proper certification?
- If you purchase flowers or products outside of Israel, ascertain that there is appropriate *shmittah* certification on those products requiring it. This question should also be asked concerning *esrogim* for Sukkos.

Sefichim grown in the fields of non-Jews were never included in the prohibition, because a non-Jew could not possibly have been in violation of the *shmittah* laws. However, much of the produce brought to market is of questionable origin, though it is claimed to have been grown on non-Jewish farms, and it is not known whether it was grown on Jewish or non-Jewish farms. The Chazon Ish addresses this problem by applying the principle of *s'feka d'rabonon lekula*: i.e., since the whole prohibition of *sefichim* is Rabbinic in origin, when a doubt exists as to whether a particular vegetable grew in a Jewish or non-Jewish owned field, a lenient ruling possibly may be adopted and the questionable produce may be eaten.

Another issue of concern to consumers relates to *kedushas peiros sheviis*, the sanctity of the seventh year's produce. Food possessing *kedushas peiros sheviis* may not be wasted, even for a *mitzvah*. For example, one who overfills the wine cup to be used for Havdalah, deliberately spilling the wine, may not use *shmittah* wine for Havdalah. Food particles with *kedushas sheviis* must also be treated with dignity. Thus, leftover fruits, vegetables and grain products may not be thrown out, but rather must be saved until it becomes unfit for human consumption.

Additionally, food possessing *kedushas sheviis* may not be sold commercially. This restriction has given rise to the institution of Otsar Beth Din, the storehouse of the rabbinical court, a mechanism by which farmers may have their crops distributed to consumers.

Finally, food with *kedushas sheviis* must be eaten in *Eretz Yisrael* and may not be exported. Kosher Consumers outside Israel must therefore be alert to avoid purchasing food which may possess *kedushas sheviis*. (It should be noted that some Israeli companies use ingredients which they imported from outside Israel, thereby circumventing the problem.)

There is halachic disagreement concerning the status of produce which definitely grew on non-Jewish farms. Does it possess *kedushas sheviis*, or not? The opinion of Rav Yosef Karo (author of the Shulchan Aruch who lived in *Eretz Yisrael* in the 1500s) is that produce grown in non-Jewish fields does not have *kedushas peiros sheviis*. This opinion was accepted for several centuries and remains the accepted opinion in Jerusalem. The opinion of the Chazon Ish (based on the opinion of the Mabit, a contemporary of Rav Yosef Karo) is that *kedushas sheviis* applies even to produce grown in non-Jewish fields. There is a growing minority in Israel today that follows the view of the Chazon Ish.

As this brief overview has shown, the historical and Biblical origins of *shmittah* have given rise to numerous contemporary issues of significance to farmers and consumers. Specific practical questions will undoubtedly arise for American consumers as well as for visitors to Israel. Rabbinic guidance concerning these questions should be sought.

Contemporary



By: Rabbi Avrohom Gordimer

Chalav Yisrael

Milk and dairy products are increasingly available with *cholov Yisroel* certification. This article will explain what *cholov Yisroel* means and how facilities operate in order to produce *cholov Yisroel*. Let's take a look.

History

In order to prevent the mixture of milk from non-kosher animals into kosher milk (i.e. cow milk or milk from other kosher species), *Chazal* prohibited us to consume "milk which was milked by a gentile without a Jew supervising" (*Gemara Avodah Zarah* 35b; *Shulchan Aruch Yoreh Deah* 115:1). Even if a gentile farmer has no non-kosher species of animals present when he milks his cows, his milk is nevertheless prohibited by this *gezerah* (rabbinic prohibition) unless there is Jewish supervision to assure that milk from non-kosher animals was not mixed in (*Shulchan Aruch* *ibid.*).

Chazal enacted the ban on unsupervised milk even when standard milk is normally kosher. On a *D'oraisah* (Biblical) level, if the majority of milk available in a given market is derived from kosher animals, one would be permitted to purchase that milk without further concern, based on the principal of "*rov*" (one can rely that a product has the status of the majority). Notwithstanding the principal of *Rov*, unsupervised milk was subject to the aforementioned rabbinic prohibition. Thus, unless it can be fully verified that milk is from kosher species, it is prohibited without Jewish supervision. (*Chochmas Adam* 67:1) Like all prohibited foods, unsupervised milk renders *kelim* (food vessels) non-kosher when cooked in them, etc. (*Shach* YD 115 s.k. 17).

Today, we commonly refer to milk under Jewish supervision as "*cholov Yisroel*" ("Jewish milk"), whereas milk lacking Jewish supervision is called "*cholov Akum*" ("gentile milk") or "*cholov stam*" ("regular milk"). More on this in the text box.

Basic Cholov Yisroel Requirements

Halacha stipulates that if a milk farm is Jewish-owned, there is no need for special supervision, even if a gentile does the milking, so long as there are no non-kosher animals on site and there is no gentile house interceding between the milking area and the Jewish residence (or office, in modern times). (*Shulchan Aruch*, *Remo* *ibid.*)

When a farm that has non-kosher species provides milk for Jewish consumption, there needs to be an on-site *mashgiach* who is able to watch the milking at all times (although he can be *yotzei v'nichnas*, sporadically entering and leaving, and is not required to actually watch the milking throughout). A farm that has only kosher animals needs a *mashgiach* outside its entrance to prevent non-kosher milk or animals from entering. Here also, the *mashgiach* need not be there at all times; *yotzei v'nichnas* supervision suffices. In all cases, the *mashgiach* must be present before the milking commences in order to check the milking equipment to ascertain that it has been cleansed of any residual

unsupervised milk. (*Remo* *ibid.* and *Shach* s.k. 8) Additionally, nearly all *Poskim* require the *mashgiach* to be present to observe the beginning of the actual milking, even if there are no non-kosher animals at the farm. (*Remo* *ibid.*, *Shach* *ibid.* s.k. 5-6, *Taz* *ibid.* s.k. 4, *Chochmas Odom* 67:1, *Aruch HaShulchan* 115:7)

The *Shach* (*ibid.*) explains that our reliance on *yotzei v'nichnas* supervision is based on the halachic principle of *mirsas*, which means that the farmer is afraid to adulterate kosher milk with non-kosher milk out of fear of being caught in the act by the *mashgiach*. Thus, spontaneous in-and-out supervision suffices.

How is *cholov Yisroel* supervision conducted?

In earlier years (as well as in present far-flung locales with few Jews), a Jew would go to a non-Jewish farm, inspect the milking pails for cleanliness (or bring his own pails), supervise the milking of one or two cows, and then transport the milk back home. In modern America and many parts of Western Europe, where large Jewish populations rely on having a constant supply of *cholov Yisroel* available, and farms often have hundreds or many thousands of cows, things are very different.

There are two formats for contemporary *cholov Yisroel* farming: Farms which are exclusively *cholov Yisroel*, and those which do special *cholov Yisroel* productions only upon request.

Exclusively *cholov Yisroel* farms have full-time *mashgichim* who literally live at the farms. (The lives of these *mashgichim* are very difficult, as they are isolated from regular Jewish communities.) In order to assure that *mashgichim* are present or available for every single milking session, which are often 'round-the-clock, each of these facilities has a team of two or more *mashgichim*, so that there is always someone on call. During milking, the *mashgichim* are free to move about the farm and leave for short breaks, but they are typically stationed in or at the entrance to the "milking parlor" – the room where the milking occurs. Some kashrus agencies insist that their *mashgichim* insert cards into punch-clocks at the milking parlor every so often in order to guarantee that they will be present at the parlor on a very frequent basis during milking.

Non-*cholov Yisroel* farms which schedule special *cholov Yisroel* productions dedicate specific days for *cholov Yisroel* production with a kashrus agency, upon which a *mashgiach* will arrive at the farm for a specified period, first inspecting the facility to assure cleanliness of equipment from unsupervised milk, and then remaining present or popping in and out throughout the day while the milking occurs.

In general, *Poskim* have ruled that *yotzei v'nichnas* supervision requires the *mashgiach* be present at the beginning of the milking, come in unannounced at least once in the middle, and come back at the conclusion of the milking. This applies to each milking session, typically lasting eight hours or so. Some kashrus agencies may require more frequent visitation. Farms which are exclusively *cholov Yisroel* may have more constant *mashgiach* presence due to the need to have full-time, year-round *hashgocho*, although – in



theory – the *mashgichim* need not be on-site the entire time.

Modern and advanced technology has afforded *cholov Yisroel* supervision some innovative benefits. Rather than having *mashgichim* on-site, many farms outside of the US utilize full-time video screening, in which video cameras are installed in the milking parlors from all angles so that someone at the office of the kashrus agency involved can see exactly what is happening at any given instant. *Poskim* widely concur that this is an acceptable method of supervision.

Some milk farms in Europe are referred to as “robotic farms”. In these facilities, each cow has a computer-chip tag attached to it, which identifies the cow. When the cow goes to its feeding trough, the tag is read by a computer, and electronic, mobile suction cups programmed to fit to the specific cow’s udders automatically rise to attach themselves to the cow and extract milk. This process is fully-robotic; the only human involvement is to collect milk from the tank where it flows upon milking and to do routine maintenance once or twice per day. This system milks cows for twelve hours straight, unlike the typical eight-hour milking at manual farms. Some have suggested that far less kashrus supervision is needed at robotic farms, as the computerized system will not milk anything other than the cow specified in its data, thus assuring that non-kosher animals are kept out. However, one prominent *Posek* has argued that the closed-system features of robotic farms do not address the possibility of adulteration of milk elsewhere in the facilities. Nonetheless, the potential technological benefits of robotic farming for *cholov Yisroel* supervision warrant further investigation.

tziyunim *ibid.* 51-54.)

On the other hand, the *Rambam* and *Shulchan Aruch* rule that butter made from unsupervised milk farmed by gentiles is permissible (*Hil. Ma’achalos Asuros* 3:16, YD 115:3), and the *Remo* (*ibid.* 115:2) rules likewise regarding cheese that has Jewish supervision for the cheese-making process but not for the milking. The reason for these exceptions is that we are confident that a gentile does not make cheese or butter from non-kosher milk (e.g. pig or camel milk), as such milk does not properly form into cheese or butter. We see from these *halachic* positions (disputed by some *Geonim*, *Rishonim* and *Poskim*) that reliance on systems of verification other than literal on-site *hashgacha* suffices. This rationale could very well be a factor for leniency with *cholov stam*, where government controls may serve as verification via *mirsas*, even without relying on Reb Moshe’s interpretation of *anan sahadei*.

Furthermore, many – if not most – milk farmers produce milk for sale to all end-users, having in mind that cheese and butter companies are likely to use their milk, and the basis for permitting milk farmed for cheese and butter use could thus be a factor, obviating any issue posed by a lack of government control at milk farms.

Nevertheless, as mentioned earlier, not all agree that government supervision creates a sufficient level of *mirsas*, and much milk is farmed for direct consumption, not for cheese or butter use. So, too, unsupervised gentile milk farmed for cheese or butter use is not permitted until it is actually made into cheese or butter. (*Remo* YD 115:2)

It is noteworthy that the *Aruch Ha-Shulchan* YD 115:5-6) unequivocally rejected leniencies of his day regarding unsupervised milk, stating that (short of the cheese and butter rule) gentile milk is only permitted within the parameters postulated by *Chazal*, requiring on-site Jewish presence.

Additional Hashgocho Requirements

Aside from being present at milking, *cholov Yisroel mashgichim* perform many tasks which are necessary to assure the kosher integrity of the milk. In farms that are not exclusively *cholov Yisroel*, *mashgichim* must first inspect the equipment, which involves removing the seals that secure the milk tank and visually checking that there is no unsupervised milk present from before the *cholov Yisroel* production.

When the milking is over, the *mashgichim* must lock and seal the milk tank with special *hashgocho* locks and/or seals. Once the milk is ready to be transported to a dairy for further processing, the *mashgichim* (even at exclusively *cholov Yisroel* farms) need to verify that the truck used is kosher (i.e. that its holding areas are clean and have been kashered, if the truck is also used for unsupervised milk or other non-kosher materials). They then need to seal all of the truck’s openings where milk is pumped in, so that the truck cannot later load up more milk from unknown sources after it has left the farm, and they must subsequently inform the *mashgichim* at the dairy to where the milk is shipped of the exact seal numbers and other identifying markings, so that the *mashgichim* at the receiving dairy can be sure that the truck’s loading areas have not been opened since it departed from the farm.

It is imperative that the *mashgichim* at the farm and dairy maintain logs to record all seals used and received. All quantities of milk shipped and received must also be logged and cross-checked by the *mashgichim* as a further safeguard.

Shabbos Issues

Milk cows need to be milked every day. How do *mashgichim* supervise milking on *Shabbos*? How can seals be affixed and recorded?

In cases of special *cholov Yisroel* productions at normally-unsupervised farms, *mashgichim* typically schedule productions for weekdays. Full-time *cholov Yisroel* farms pose problems, though, as the cows need to be milked under supervision every day – including *Shabbos* – when the *mashgichim* cannot seal trucks, record seal numbers, etc. In these cases, the *mashgichim* are present to supervise *Shabbos* milking, and they issue seals to the gentile workers before

Shabbos, recording the seal numbers and identifiers in advance. Then, on *Motzei Shabbos*, the farm *mashgichim* contact the *mashgichim* at the dairy to inform them of the seal numbers and identifiers. Furthermore, it is necessary to make sure that the milk and trucks are gentile-owned or to take other steps to prevent *chillul Shabbos* (such as Jewish-owned trucks transporting milk on *Shabbos*) by the *cholov Yisroel* company.

At the Dairy Plant – How is the milk handled and processed after it leaves the farms?

The vast majority of dairy processing facilities (milk bottling plants, butter, ice cream and cheese factories, etc.) which manufacture *cholov Yisroel* products are not dedicated to *cholov Yisroel* production most of the time. As with many farms, these facilities schedule special *cholov Yisroel* productions with kashrus agencies, in which *mashgichim* come to the plant before a *cholov Yisroel* campaign, kasher the equipment from unsupervised milk (or otherwise non-kosher) use, and supervise the *cholov Yisroel* production as necessary, checking *cholov Yisroel* truck seal numbers and all other necessary data to assure that the milk received is truly *cholov Yisroel*.

Cholov Yisroel products are commonly more costly than products made with unsupervised milk. When one thinks of the effort and expense in *cholov Yisroel* production, he can begin to understand all of what went into the seemingly simple product he often so mindlessly purchases and enjoys.

Chalav Stam

Cholov Yisroel is a topic of great *halachic* dispute. Some *Poskim* rule that milk in many countries no longer needs special supervision, while other *Poskim* disagree and require supervision. What are the arguments for each side of this *machlokes*?

In a famous series of *teshuvos* (*Igros Moshe* YD 1:47-49), Rav Moshe Feinstein argues that all milk in the US has the *halachic* status of *cholov Yisroel*, as the government inspects all dairy factories to assure that there is no milk from non-kosher species, and the dairy companies therefore have fear (“*mirsas*”) of being caught and penalized. Thus, we are certain that their milk is 100% from cows and is fully free of adulteration with milk from non-kosher species. This certainty is considered to be virtual *halachic* witnessing – “*anan sahadei*” – and it thereby fulfills the requirements of *cholov Yisroel*, being *halachically* equivalent to the Jew actually observing the milk being processed. Reb Moshe was far from the first *Posek* to rule leniently on such milk (see *Chazon Ish* YD 41:4), but his lengthy *teshuvos* are the most elaborate on the topic. Although Reb Moshe states that a *ba'al nefesh* – one who can take stringencies upon himself – should consume only *cholov Yisroel* in the traditional sense, he clearly rules that all domestic milk meets *cholov Yisroel* requirements.

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In light of Reb Moshe’s *p’sak*, American Jewry began to classify traditionally-supervised milk as “*cholov Yisroel*”, regular domestic milk without *mashgichim* present as “*cholov stam*” – “regular milk”, and milk from sources which do not have sufficient government regulations (such as many third-world countries) as “*cholov akum*” – the type of milk banned in the *Gemara*.

Reb Moshe (ibid. 1:49) addresses one seeming gap in his argument, which is that although there is government supervision and regulation at processing dairies (which bottle milk, make ice cream, etc.), there are often no such regulations at the actual farms which provide milk to processing dairies. Since the *halacha* is that milk made without supervision is rendered as *assur* (prohibited) and cannot later obtain permissibility (*Remo* YD 115:1), Reb Moshe was challenged as to how milk from unregulated farms could later be permitted when used at dairy processing plants which are subject to government inspection. Reb Moshe ruled that milk does not become prohibited as *cholov akum* until it reaches the Jewish consumer (“*he’gia l’yad Yisroel*”); prior to that, when in non-Jewish hands, the milk is not encumbered by any *issur*. Thus, he maintained, milk at (non-Jewish) farms is not *assur* while it is yet there, and when it arrives at the point of processing, from whence it is sold to Jewish consumers, it is already under government supervision.

Those who disagree with Reb Moshe’s position argue on several grounds. Firstly, the principle of *anan sahadei* may very well not mean that Jews are *halachically* considered to be viewing the event; rather, *anan sahadei* likely means that the event is treated as fact, with a full degree of certainty as if it were performed with witnesses, although none are considered to be present in any sense. Thus, the rabbinic requirement for physical presence or observation of milking would not be fulfilled. Secondly, the concept of “*he’gia l’Yad Yisroel*” is a major *chiddush* (novel idea), not necessarily well-established in general. Furthermore, there are those who question whether government inspection creates the same level of *mirsas* as on-site *mashgichim*. (See *Chelkas Yaakov* 2:37-38; *Chelkas Binyomin* YD 115 s.k. 16 and and *tziyunim* ibid. 51-54.)

On the other hand, the *Rambam* and *Shulchan Aruch* rule that butter made from unsupervised milk farmed by gentiles is permissible (*Hil. Ma’achalos Asuros* 3:16, YD 115:3), and the *Remo* (ibid. 115:2) rules likewise regarding cheese that has Jewish supervision for the cheese-making process but not for the milking. The reason for these exceptions is that we are confident that a gentile does not make cheese or butter from non-kosher milk (e.g. pig or camel milk), as such milk does not properly form into cheese or butter. We see from these *halachic* positions (disputed by some *Geonim*, *Rishonim* and *Poskim*) that reliance on systems of verification other than literal on-site *hashgacha* suffices. This rationale could very well be a factor for leniency with *cholov stam*, where government controls may serve as verification via *mirsas*, even without relying on Reb Moshe’s interpretation of *anan sahadei*. Furthermore, many – if not most – milk farmers produce milk for sale to all end-users, having in mind that cheese and butter companies are likely to use their milk, and the basis for permitting milk farmed for cheese and butter use could thus be a factor, obviating any issue posed by a lack of government control at milk farms.

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