

Memorandum

DATE: Feb 1, 2010
FROM: Rabbi C. Goldberg
TO: RCs
CC: Rabbi Genack
Rabbi Elephant
RE: **OU Policy on Worms in Fish**

Rabbi Eli Gersten arranged a conference call for Rav Belsky and myself to discuss the current situation regarding the worms in wild salmon and other fish on Tuesday Jan 26th (a conversation with Rav Belsky on the 28th lead to some further clarifications and amendments from the previous memo).

Rav Belsky confirmed unequivocally that OU policy remains that there is no checking necessary and no prohibition of the worms found in wild salmon and other fish, in accordance with S"A Y"D 84:16 for the following reasons:

1. Shulchan Aruch does not limit the permissibility of tolayim (parasites) found in the flesh of fish to any species of tolaas. The halacha states that a tolaas found in the flesh of a fish is mutar because of the rule of minei gavli [Chulin 67B], (that the parasite found in the flesh of the fish is permissible since it grew bigger in the fish) [Rav Belsky cited Rashi in the Gemara as using the term "gavul" to mean that it "became bigger", and he understood this to mean even if the **worm** originated and was visible to the naked eye outside of the fish, it would be permitted if it grew in the fish flesh], Rav Belsky felt there is no reason to believe the tolayim present today are any different from the tolayim discussed in Chulin and S"A.. Rav Belsky felt this reason itself was sufficient to permit the matter, but added additional reasons to permit as follows.
2. On his audio presentation for OU Radio last year (available for review at <http://www.ouradio.org/index.php/ouradio/comment/9742/>), Rav Belsky noted that Shulchan Aruch did not require one to be an expert in the tolayim found in the fish flesh to know how they got into the flesh, either from the viscera or from some other source. Rav Belsky further feels that it is irrelevant whether the tolaas entered from the viscera or from some other way, whether it happened when the fish was alive or after it died. As proof, he notes that S"A (ibid) says that tolayim which come after the death of the fish are permitted. Rav Belsky felt these tolayim must have come from the viscera, because there was no other reasonable source for tolayim entering a fish after death.
3. Some are concerned that the tolayim found in the flesh are actually the forbidden tolayim found in the viscera (Shulchan Aruch forbids the tolayim found in the viscera). Rav Belsky felt this claim is not based on any significant research. Rav Belsky felt that his own inquiries from qualified experts indicate that the opposite is true, and that the tolayim in question are found in the flesh while it was alive. Furthermore, Rav Belsky feels even these tolayim would be permitted (see point #2 above).
4. Rav Belsky confirmed that the size of the tolaas when it is swallowed by the fish is not relevant (even if it is visible while swallowed by the fish and visible when it migrates from the viscera). He also felt that reports that the tolaas is typically 5 mm is an exaggeration of the larger end of the spectrum recorded. He believes that nearly all of these tolayim when they are swallowed are

between 1-2 mm long and quite thin (Rav Belsky felt they would be considered ayno nireh laynayim [halachically invisible]).