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הלכה ברורה

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Examining Foods for Insect Infestation (Part Two)

Reviewed by Horav Yisroel Belsky

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Food Cooked Without Initially Performing an Inspection

If food that requires an inspection was cooked without being inspected at all, and the food falls under the second category mentioned above of *מיעוט המצוי*, it should be inspected at that point prior to consuming the food. Any insects that are found must be removed, and the food may then be eaten. If it is no longer possible to perform an inspection once the food was cooked, the food may be eaten without inspection.⁷

If one was able to perform an inspection and found three or more insects, the food may not be consumed as is, for there is a suspicion that there may be more insects present which have not yet been found, and those insects are not *botul* since they might be whole entities. Similarly, if the food belongs to the first category, the food may not be consumed since it is frequently infested.⁸

There are several options to save at least part of the food in certain situations. If the food was cooked with a soup, the soup can be strained through a cloth, and the liquid part of the soup may then be eaten, while any solids may not. Dishes such as stews and salads cannot be salvaged in such a situation, and would not be permitted to be eaten.⁹

Discovering a Worm in a Sliced Fruit

If while cutting open a fruit one cut through an insect, the knife should be washed off with cold or lukewarm water.

Nullifying Intentionally

We mentioned above that there exists a concept in *halacha* called *bitul*, annulment. Any *issur* that is less than a certain proportion and gets totally lost in a mixture and cannot be recognized is considered *botul*. In many areas of *halacha*, if the *issur* is less than 1/60th of the entire mixture, it is considered *botul*. *Bitul*, however, does not apply to complete creatures. Therefore, even if one tiny insect is totally lost in a food, the entire food may not be eaten. If, however, there is reason to believe that during the processing of the food the insect did not remain whole, one may be lenient and consider the insect *botul*.¹

The rule of *אין מבטלין איסור לכתחילה* tells us that one may not nullify any *issur* intentionally. Moreover, if an *issur* was intentionally nullified, the food might not be permissible to be eaten.²

Processing Foods Which May Contain Insects

Many *poskim* permit one to process foods belonging to the second category of *מיעוט המצוי* without checking for insects, if during the processing any insects present would definitely become *botul*. Some *poskim* maintain that even in such an instance one should preferably perform at least a superficial examination prior to processing. If there is any doubt as to

whether the insect will become *botul*, all agree that the food may not be processed without thoroughly inspecting it first for infestation.³

For example, it is permissible to either grind or puree foods that belong to the category of *מיעוט המצוי*, since if there are any insects present, they will definitely disintegrate and become *botul* in the process. Some foods, such as jam, may not be made without first performing an inspection, since an insect might remain whole and therefore not become *botul*. Similarly, it is forbidden to cook such fruits or vegetables without first inspecting them for infestation, since it is not certain that the insects will fragment during the cooking process.⁴ One who wishes to enhance the taste of a soup with such fruits or vegetables (e.g. dill and parsley leaves) but does not wish to spend the time needed to perform an inspection, may place the fruits or vegetables in a vegetable cloth bag. This allows the taste of the fruits and vegetables to seep into the soup, and at the same time, prevents any insects from getting mixed in. The taste of any insects that may be present is definitely *botul* in the soup.⁵

In all situations, foods belonging to the first category must be thoroughly inspected, since, as we have explained, it must be assumed that the food is infested, and it is therefore forbidden to nullify it intentionally.⁶

Please Note: Due to the intricacy of the material discussed in each issue, and the brevity of its treatment, a *Rov* should be consulted for a final *psak halacha*. In addition, this publication does not intend to be *מכריע* on issues that are a *machlokes haposkim*. Although we have usually brought the dissenting views in the footnotes, we have selected for simplicity sake to incorporate into the main text the views of the *Mishnah Berurah*, R' Moshe Feinstein, R' Shlomo Zalmen Auerbach and several other preeminent *poskim*. Please send all questions and comments to 1341 E. 23rd Street, Brooklyn, NY 11210 or email to halachaberurah@thekosher.net

The temperature of the water should not exceed 110°F.¹⁰

The fruit may be eaten only after the part of the fruit where the insect was found is completely removed, so that no trace of the insect and its blood remain whatsoever.¹¹ There is no *issur of baal tashchis* to throw away the remaining fruit if one feels repulsed by it. The same holds true regarding any fruit or vegetable that is infested and one has no appetite to clean out all the insects and eat it.¹²

Foods Aged for Twelve Months

Chazal permitted foods which have been aged for twelve months or more, since by that time any insects in the food would no longer be alive and would have decomposed and disintegrated.¹³ This is relevant to several types of dehydrated spices that are aged for that period of time.¹⁴ (An additional reason to permit dehydrated spices is due to the fact that in the course of the dehydration process the insects get dried out to such an extent that they are no longer considered insects. Moreover, they tend to fall to the bottom and are not packaged with the spices).¹⁵ It must be ascertained, however, that the food was kept in an airtight environment where no insects could have developed at a later time. Even though these insects would have developed while the food was not attached to the ground, they would still be forbidden if they emerged from the spices in a manner where they would *halachically* be considered creeping insects.¹⁶

There are some foods, such as frozen and salted foods, that are preserved in a manner which prevents insects from decaying. This *heter* would not apply to such foods.¹⁷

Heated Foods

The heat produced when roasting or baking foods tends to cause any insects that may be present to disintegrate. This effect, however, is not guaranteed.¹⁸

Some *poskim* maintain that one may only rely on the effect of roasting or baking when the food in question is not frequently infested with insects. If the food in question is not often infested, then even if there is a significant suspicion that there may be insects present (i.e. they belong to the category of *מיעוט המצוי*), it may be roasted or baked without any prior inspection.¹⁹ It must be noted that such heat causes the decay of insects only if the insects are not

in a moist substance. For example, if one intends to bake bread or cake using water or flour from places where insects are commonly found, an inspection must be performed prior to baking, and one may not rely on the heat of the baking to dissolve the insects.²⁰

Justification for Laxity of the General Masses

Above we described two novelties which make insect-infested items very unique. Firstly, since insects can be discovered through a legitimate inspection, they are not considered part of a mixture and are not subject to the laws of *bitul*. Secondly, even when an insect is totally lost in a food and is totally unrecognizable, there exists a concept that a *בריה*—a complete creature cannot become *botul*. This reflects the view of most *poskim*. The *Aruch Hashulchan*, however, takes issue with these two novelties.

The *Aruch Hashulchan* maintains that although after a legitimate inspection one can reveal all hidden insects, nevertheless, since the insects are not readily detectable, it is considered a mixture and is subject to the laws of *bitul*. Insects may not be readily detectable either due to the large bulk of produce, or because of the way it is hidden inside the clusters of the vegetables. However, as mentioned above, most *poskim* maintain that if insects can be discovered after a legitimate inspection, the insects are considered to be an independent entity and are not part of the mixture, and would therefore not be *botul*.²¹

The *Aruch Hashulchan* further conjectures, that although there is the concept that a *בריה*—a complete creature, cannot become nullified, there are grounds to be lenient concerning insects in produce. (It is beyond the scope of this publication to delve into this issue). It is worthy to mention that the *Aruch Hashulchan* only mentioned this last point in order to justify the general conduct of people to be lax in this regard and not perform more than a superficial inspection. Additionally, as we noted, most *poskim* disagree and maintain that even regarding insects in produce, the laws of *bitul* do not apply.²²

Some *kashrus* agencies rule leniently concerning clustered vegetables, and consider them a mixture. However, they only permit them if there is a doubt concerning the existence of insects (i.e. they belong to the category of *מיעוט המצוי* discussed above). The policy of most *kashrus* agen-

cies is to be stringent and require an inspection to be performed.²³

Commercially Pre-Washed Vegetables

Numerous companies wash their vegetables in vegetable washing machines to clean them from any impurities including insects. Although many washing machines may reduce the number of insects contained in the vegetables, they are not guaranteed to get rid of every single one of them. It may depend on how infested the produce is, and what type of vegetable is being washed. Clustered vegetables, for example, tend to conceal and retain their insects even after being washed rigorously.

In some companies, the cleansing process is meticulously performed several times. Often, the produce is initially randomly inspected to determine the level of insect infestation. When processing leafy vegetables, the core and outer layers are removed since that is where the insects normally dwell. Discolored leaves are also usually discarded. The vegetables are agitated with high powered water jets and sprays. The vegetables are washed with freezing cold water, chlorine, and other chemicals. After the washing process, the vegetables are dried with special instruments. In some situations, the vegetables are double washed.²⁴

Many *poskim* maintain that although the washing machines may not completely remove all insects from the vegetables, nevertheless, if they get rid of most of the insects, no inspection is required. Although insects are generally found in such produce and they should therefore require inspection prior to eating, no inspection is needed since the washing machines transform the vegetables to a state where insects are rarely found. In order to establish this actuality, the produce being washed must be checked continuously by randomly selecting vegetables, and verifying that this is indeed true.²⁵

As mentioned above, although the washing processes are effective, they are not absolute. The permissibility of relying on the washing processes can depend on the washing process utilized. The process may differ from company to company, and may vary depending on the type of vegetable being processed.

Even with all the various washing processes, insects are commonly found in some commercially produced washed vegetables. A competent *halachic* authority

who is well versed in the area of industrial *kashrus* should be consulted prior to relying on any particular brand of washed vegetables.²⁶

Those Who Can Be Relied Upon to Perform an Inspection

Both men and women can be relied upon to perform an inspection. The inspector, however, must be knowledgeable in the proper method of checking, and must have comparatively good eye sight (i.e. even with corrective lenses). Children should preferably not be relied upon to perform an inspection. Any person who does not take heed to the severity of the *issur* of consuming even a single insect cannot be trusted nor relied upon. This includes non-religious Jews and *goyim*.²⁷

In mass productions, *mashgichim* should be appointed to supervise the checking to ensure that it is done properly and not compromised in order to accelerate the output speed.

Proper Inspection

The proper checking of fruits and vegetables is an art, and if mastered well, can turn an arduous task into a fairly simple one. It calls for familiarity of the types of insects at hand, including their size, shape, color, and where in the food they are usually found. Quite often, people have confidently declared that certain produce was completely free of insects, whereupon a seasoned examiner was able to reveal countless insects. It is therefore incumbent upon every person to familiarize themselves in this area. Observing someone proficient in this field is obviously a very good idea.

A common example where natural human instincts lead to an incorrect inspection is with regard to the examination of iceberg lettuce. Inexperienced examiners take a strong light and shine it on the same side of the lettuce that they are examining. However, since the insects are the same color as the lettuce, they are easily camouflaged and can go unnoticed. The proper method is to place the lettuce leaf between one's eye and the light. A light box may be very useful. The lettuce leaves are translucent and will allow the light to shine through. The insects are not translucent, and will therefore appear as dark dots on the leaf.²⁸

Washing Procedures

Often, due to time constraints, ineptness in the art of inspection, or the large quantity needed, there isn't sufficient time to meticulously examine each vegetable. A choice between two washing procedures can be employed for certain vegetables to ease the burden. No inspection would then be necessary.²⁹

1. For soft (e.g. lettuce or cabbage) and hard (e.g. celery) surface vegetables, one can brush the leaves using a vegetable brush under a faucet of running water. The entire surface on both sides of each leaf must be carefully brushed. Any folds must be opened.
2. Alternatively, one can fill a basin with soapy water and then allow the leaves to soak in the solution for a few minutes. The soap will loosen the gluey grip the insects have on the vegetable. Care should be taken not to overload the basin so that the leaves can float freely. After soaking, a quick rinse with a strong spray of water on both sides of each leaf would suffice to remove any insects. Any folds should be opened while rinsing. The soap will not leave any aftertaste or ruin the vegetable, so one should not hesitate utilizing this method. Indeed, this method is used by large caterers and stores to swiftly process large amounts of vegetables. Additionally, there are specialized soaps for washing vegetables that are available for purchase and can maximize the proficiency of this method.

Worms in Fish

Worms can be found either in a fish's stomach, flesh, between the flesh and the skin, or they can cling to the outside of the flesh. Obviously, the worms that cling to the outside of the flesh are forbidden to be consumed. Such infestation is commonly found in carp. Placing the fish in vinegar or a salt solution is helpful to remove these worms. Preferably, these fish should be cleaned by trained fishermen, as proper cleaning is arduous and requires skill.³⁰

Chazal differentiate between the worms found either inside the flesh or between the flesh and skin, and the worms found inside the stomach of the fish. Worms found inside the stomach are forbidden. These worms had developed outside the fish, and were swallowed by the fish. On the other hand, worms found in

the flesh of the fish or between the flesh and the skin of the fish are worms which developed inside the fish and are therefore permitted. These worms can grow up to approximately 1.5 inches long, and can vary in color from cream to brown. These worms are commonly known as cod worms. White fish commonly contains such worms.

Recently, in light of scientific discovery, there was an uproar concerning the permissibility of consuming worms found inside the flesh of fish or between the flesh and skin of fish. Scientists have determined that these worms undergo a life cycle. The cycle begins with adult worms that live in the stomach of marine mammals such as seals, dolphins, or whales. Their eggs pass into the sea, and when they hatch, the microscopic worms (i.e. larvae) are eaten by small fish. These small fish are eaten by larger fish, and the worms are released into the stomach of the fish. The worms pierce through the stomach wall and enter the flesh of the fish. These fish (if not caught first) are then eaten by a marine mammal, which completes the life cycle and begins a new one.

In light of this evidence some wished to forbid these worms since we now know that they actually develop outside the fish and are thus forbidden. However, most *poskim* maintain that *Chazal* were well aware of the natural life cycles of the various species, and still permitted these worms. Some explain that since these worms are microscopic, at the time they are swallowed they are *halachically* considered to be non-existent, and are considered to have developed within the fish. Moreover, some explain that *Chazal* only forbade ordinary worms swallowed directly by the fish and not worms that develop as part of a lifecycle.

In conclusion, most *poskim* permit worms that are found inside the flesh or between the flesh and skin.³¹ However, it is important when filleting the fish to cut out the stomach while it is whole, so that the worms don't crawl out and get mixed with the fish. A number of local fish store workers have been seen chopping up the fish without paying much attention to the fact that the stomach splatters open and the worms come into contact with the fish, cutting boards, and knives. This commonly occurs when they recklessly process white fish at a rapid pace. Consumers should be wary of this, and should only purchase from fish stores where the workers are interested in proficiency rather than productivity.³²

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שדעת הגר"מ פיינשטיין זצ"ל, הגר"ש אויערבאך זצ"ל, ועוד גדולי פוסקי זמנינו שמותר, וכן שמעתי מהגר"י בעלסקי שליט"א והגר"ש מיללער שליט"א שהדבר פשוט שמותר, אכן ע"י שו"ת שטת הלוי ח"ד סי' פג, ובח"ז סי' קכ"ג, שחושש לאיסור, וע"י בדיקת המזון כהלכה בדעת הגר"ש אלישב שליט"א. וע"י קונטרס אור ישראל בגליון טבת תשנ"ו שהאריך בזה.

מדישה אצל מומחים. 32.

25. כך שמעתי מכמה פוסקי זמנינו שאין חיוב בדיקה חל על פירות אלו, רק כל היכא שמצוי במאכל תולעים צריך לבדוקם קודם אכילה, ואם לא מצוי במצב זה יכול לסמוך על הרוב אף שקודם רחיצה היה צריך בדיקה במצב ההוא, ואינו דומה למש"כ הרמ"א בסעי' ח' שצריך לבדוק כולם אף שאחר שבדק רובא דרובה לא נחשב מיעוט המצוי, שהתם י"ל דמהיכא תיתא שאינו מצוי עוד ולכן עדיין נשאר עליו חובת הבדיקה, ורק במכונה יכול להחזיקו שמוציא רוב מהם.
26. מדישה אצל מומחים.
27. ע"י ש"ך שם ס"ק ל"ה שנשים נאמנות אף אם יש טרחה בבדיקה, וע"ע ט"ז שם ס"ק י"ב, וע"י ערוה"ש סעי' פ"ב שממנינו לא שמענו אפילו על צדיקי וגאוני עולם שלא יסמכו על נשותיהן הכשרות בבדיקת תולעים, וע"י בכרתי ופלתי שהחוש מעיד שיש לסמוך יותר על בדיקת נשים שמעינות הרבה יותר מאנשים הנחפזים לצאת לעסקיהם, ע"ש. ובענין קטנים ע"י מ"ב סעי' תל"ז ס"ק ט"ו שנאמנים על בדיקה דרבנן הואיל והוא בידו, מ"מ ע"ש בס"ק י"ח שלכתחלה אין לסמוך עליהם בדבר שיש בו טירחה, וע"י בשר"ת בית שלמה יר"ד סי' קנ"ו שה"ה בבדיקת תולעים, וע"י בדרכי תשובה ס"ק קנ"ב, וע"י בדיקת מזון כהלכה בפ"ו שמאריך שם בענין זה.
28. מדישה אצל מומחים.
29. שם.
30. ע"י חכמ"א כלל לח סי' כח, וע"י חז"ר יר"ד סי' י"ד אות ר' ו' ו' וע"י בסוף מדריך לבדיקת תולעים מהגר"פ פאלק שליט"א.
31. ע"י מס' חולין סו', וע"י שו"ע סי' פד סעי' טז ונו"כ שם, וע"י ספר בדיקת המזון כהלכה פ"ג סעי' יב בהע' 22. וע"י שו"ע שהביא

- שליט"א והגר"ש וואזנר שליט"א.
13. ע' שו"ע סי' פ"ד סעי' ח'.
14. ע"י מדריך לבדיקת תולעים.
15. כך שמעתי מהגר"י בעלסקי שליט"א וע"י רמ"א בסי' פ"ז ססעי' י', וע"י פ"ת שם, וע"י בדרכי תשובה ס"ק ס"א בד"ן יבש.
16. דאל"ה יש חיוב בדיקה כמבואר בסעי' ח' שם, וע"י בסעי' ה' שם, וע"י בשר"ך שם סקט"ו דחיישינן שמא פירשו לדופני הכלי מבפנים, ודוקא כבוד של משקה אמרינן שמותרים ככה"ג, ע"ש.
17. ע"י שו"ע שם סעי' י"ב בענין מרקחת, וע"י דרכי תשובה שם ס"ק קנ"ח וק"ס שה"ה צוקער או במשקאות חריפים, ע"ש. וע"י שו"ת אג"מ א"ח ח"א סי' קפ"ה בענין קפוי במקרה.
18. ע"י חכמ"א כלל לח"ט, אכן ע"י דרכי תשובה שם ס"ק ק"ב שכמה אחרונים לא נתיאז להו לסמוך על חום התנור.
19. וע"י בדרכי תשובה שהביא שו"ת יד יוסף שהכריע בין אם מצאו שם תולעים או רק מסופק אם מותלע ע"ש. ולכאורה כל שמוחזק בתולעים נחשב ודאי שם, ע"י ש"ך בס"ק כ"ט.
20. ע"י בינת אדם סי' ל"ו סקנ"ב, וע"י דרכי תשובה שם.
21. ע"י ערוה"ש סי' ק' סעי' יג"ח, וע"ע שם בסעי' ז' בגדר תערובות, וע"י לעיל בציון 12 שהארכנו בזה.
22. ע"י ערוה"ש שם, וע"י מש"כ לעיל בציון 12.
23. הגם שהערוה"ש מקיל אף בודאי מתולעת כיון דשייך בו ביטול, מ"מ יש מקילים כדבריו רק להחשיבו תערובות, אבל בד"ן בריה לא מקילים, אבל כשיש ספק אם נמצא שם אזלינן בספק דרבנן לקולא. מ"מ כמו שהדגישו לעיל שרובה סוברים שלא נחשב תערובת ולכן אין בו ביטול מן התורה ובספיקו אזלינן לחומרא, ואף היכא שרוב אינם מתולעים יש בה תקנה דרבנן לבדוקן כיון שלא שייך בהן ביטול.
24. מדישה אצל מומחים.

1. ע"י יר"ד סי' צ"ח בהגדרת דין ביטול וחילוקים בין יבש ולח ומין במינו ומין בשאינו מינו, וע"י שם בסי' ק' בד"ן בריה שלא בטל אף באלף. וע"י ט"ז שם ס"א שכיון שנקטינן שביטול בריה הוי דין דרבנן כל שיש ספק אם הוי בריה הולכין בספיקו להקל, מ"מ ע"י ש"ך בסי' פ"ד ס"ק ל"ב שאם בישל תבשיל שיש בו תולעת ויש ספק אם נימוך או לא אין להקל בזה, וע"י פ"מ שם שלא הוי ספק השקול, ע"ש, ולכאורה כל שאיכא למתלי שאינו בריה באופן גמור כ"ע יודה שמותר אף שאין כאן ודאית.
2. ע"י שו"ע סי' צ"ט סעי' ה' לכללי הדברים.
3. כך שמעתי מכמה פוסקי זמנינו ע"פ מש"כ בשר"ך סי' פ"ד סק"מ דהיכא שהוי ספק ביטול איסור וגם אינו מכוונן לבטלו מותר, ולכאורה יש להקשות ממש"כ השו"ע שם בסעי' ט' שאיירי בענין סוג פירות שנחשב מיעוט המצוי וכתב א"ע עבר ובישול, שלמה אין מותר לבשל לכתחלה דהוי רק ספק ביטול, וי"ל שהתם אפילו אחר הבישול אין בו ודאי ביטול והתבשיל מותר רק מטעם ספק ולכן בצד שהוא שם אסור לבטל לכתחלה, אבל בציון של הש"ך איירי שאחר טחינה ודאי יבטל, וכמה פוסקי זמנינו הסכים לזה.
4. ע"י הסבר החילוק בהערה הקודם.
5. כך שמעתי מכמה פוסקי זמנינו.
6. ע"י ש"ך בסי' פ"ד ס"ק כ"ט.
7. ע"י שו"ע שם סעי' ט' ונו"כ שם.
8. שם.
9. ע"י שם, וע"ע בסעי' י' שם.
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11. ע"י ט"ז סי' צ"ו ס"ק י"ג.
12. ע"י בדיקת המזון כהלכה פ"ד ה"י בשם הגר"ש אלישיב

In the next issue:
A Practical Guide to Inspecting Fruits and Vegetables

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