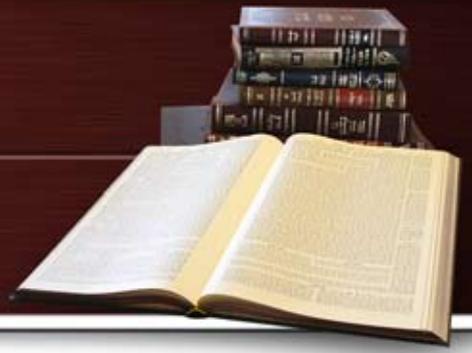


HALACHICALLY SPEAKING



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PAS AKUM, PAS PALTUR, AND PAS YISROEL (PART 1)

The *Issur*

Chazal wanted to protect the Jews from assimilating with the non-Jews¹ and therefore

1. Rashi Mesechtas Avoda Zara 75a “v’hashlakos,” Rambam Hilchos Machalas Asuros 17:9, Tur Y.D. 112, Levush 1, Chochmas Adom 65:1. Refer to Chelkes Binyomin 112:1, biurim on pages 3-4. The Aruch Hashulchan 113:2 says since bread has one reason and *bishul akum* has two reasons we are more lenient in regard to *pas akum*. Refer to Darchei Teshuva Y.D. 112:1 who says *Chazal* were more stringent by *pas akum* etc so one should not learn to other *issurei d’rabbanan*.



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enacted a *gezeira* that the bread of a non-Jew is forbidden for a Jew to eat.² This is known as *pas akum*.³ This *issur* applies even in a situation where assimilation is not a concern.⁴ This *issur* applies to men, women, and children.⁵

Non-Jew / Non-Frum Jew

The consensus of the *poskim* is that the bread of a non-Jew who does not bow down to *avodah zarah* is also included in this *issur*.⁶ According to some *poskim* the bread of a non-frum Jew is also included in the above *issur* and one is forbidden to eat it.⁷

Which Items are Included?

Only bread made from the five grains (wheat, barley, spelt, oats and rye) is prohibited since these are *chashuv*⁸ and will bring one to come close to non-Jews.⁹ Rice bread and corn bread are excluded from the *gezeira*.¹⁰ In addition, any other grains which are not part of the five grains mentioned above are also excluded from the *gezeira*.¹¹

If an item which is not included in the *gezeira* is mixed with an item which is included one should follow the *rov* (majority) of the ingredients.¹²

2. Mesechtas Avodah Zarah 35b, Shulchan Aruch .Y.D. 112:1, Ben Ish Chai Chukas 1:2, Chochmas Adom 1, Aruch Hashulchan Y.D. 112:1. See Chelkes Binyomin 112:1.

3. Bread baked by a non-Jew for himself may not be eaten by a Jew in any circumstance (Shulchan Aruch 112:2 quoted the opinion of the Rambam in Machalas Asuros 17:12, Chochmas Adom 65:2). However, others say that this is not *l'halacha* and if there is no *pas paltur* (commercial bread) then one can eat private bread (Shulchan Aruch 8, Shach 10, Pri Megadim Sifsei Daas 8, Kaf Hachaim 24, 49). The Aruch Hashulchan 18 says both opinions are not arguing.

4. Rashba 1:248, Rama Y.D. 112:1, Pri Megadim M.Z. 1. For example, if one has no child (Taz 1, Shach 4, Chochmas Adom 65:1, Darchei Teshuva 112:8, Kaf Ha'chaim 9).

5. Noam Halacha page 2. Some say that one may be able to be lenient for a Jewish child to eat bread of a non-Jew since there is no concern of assimilation, but one should not do so (Noam Halacha page 2:footnote 8).

6. Pri Megadim Sifsei Daas 2, Matei Yehonoson 112:1, Rav Poalim Y.D. 3:10, Darchei Teshuva 112:4, Kaf Hachaim 4, 6, M'Bais Levi 8:page 23:footnote 1. Refer to Chelkes Binyomin 112:7.

7. Refer to Pischei Teshuva Y.D. 112:1, Kitzur Shulchan Aruch 72:2, Darchei Teshuva 112:5, Kaf Hachaim 11, M'Bais Levi 8:page 23:footnote 2, Chelkes Binyomin 112:4, OU document A-133. See Maharam Shik O.C. 281, Igros Moshe Y.D. 1:45 who are not so convinced. Refer to Orchos Rabbeinu 3:page 79:40 quoting the opinion of the Chazon Ish. Refer to Yabea Omer Y.D. 5:10, Halichos Olom 7:pages 92-96 in depth. In regard to those who were brought up non-frum see M'Bais Levi 8:page 24:footnote 2, Chelkes Binyomin biurim "amamim" pages 1-2 where he is lenient. Also refer to Bishul Yisroel pages 412-413.

8. Taz 2.

9. Taz 2, Chochmas Adom 65:1, Kitzur Shulchan Aruch 38:3, Aruch Hashulchan 112:13, Chelkes Binyomin 112:8.

10. Rosh (Teshuvos) 19:21, Bais Yosef 112, Shulchan Aruch 1, Levush 2, Ben Ish Chai Chukas 2:1, Kitzur Shulchan Aruch 38:3, Aruch Hashulchan 13, Bishul Yisroel 37:2. No *bishul akum* applies to these foods either if they are not fit to be served on a king's table (Rama 112:1, Taz 3, Ben Ish Chai ibid, see Darchei Teshuva 112:12-15, Aruch Hashulchan 14).

11. Chelkes Binyomin 112:9.

12. Pri Megadim M.Z. 2, Darchei Teshuva 112:10, Kaf Hachaim 14.

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***Pas Paltur* - Bread Baked by a Baker**

Bread is the food which most people depend on for their sustenance.¹³ Therefore, some are lenient and say that bread which is baked by a professional non-Jewish baker known in *halacha* as *pas paltur*, may be eaten without it being *pas yisroel* (obviously it has to have a reliable *kosher* certification, because various shortening, and oils can be used to bake the product).¹⁴ According to the opinion of the *Shulchan Aruch*¹⁵ this is only permitted where Jewish baked bread is not available. This is the opinion of other *poskim* as well.¹⁶ However, the opinion of the *Rama*¹⁷ and others¹⁸ is that even if Jewish bread is readily available one may eat *pas paltur*.¹⁹ The *minhag* of many is that if even if there is *pas yisroel* available one can still eat the bread baked by a non-Jewish baker.²⁰

The *Chochmas Adom*²¹ says it is proper for a *bal nefesh* to be careful and not eat *pas paltur* since one can easily find bread baked by a Jew. The *Aruch Hashulchan*²² says in his land all are careful with this all year, except in far places where there are few Jews and there is no Jewish bakery. He concludes by saying that one who is hungry and has nothing else to eat can be lenient.²³ One who is more scrupulous in his *mitzvah* observance should adhere to the stringent view in this regard when possible.²⁴ If one who is careful to only eat *pas yisroel* finds himself by someone's house who is serving *pas paltur* he should be told it is *pas paltur*.²⁵

13. Tehillim 104:15, Shach 6.

14. Igros Moshe Y.D. 2:33, M'Bais Levi 8:page 23, See Pischei Teshuva 112:2, Darchei Teshuva 112:2, Halacha Berurah 6:3, Ha'kashrus K'halacha page 362, Pischei Halacha (Hebrew Kashrus) page 38, V'ihiy B'nsoa page 219.

15. Y.D. 112:2. This is not referring to *aseres yemi teshuva* (Shach 112:9, Mishnah Berurah O.C. 603:1).

16. Shach 8, Aruch Hashulchan 112:9. See Chelkes Binyomin 112:23. This is the custom in *Eretz Yisroel* (V'ihiy B'nsoa page 225:footnote 698, M'Bais Levi 8:page 24:6).

17. Y.D. 112:2. See Ben Ish Chai Chukas 2:2. For an explanation of the Rama refer to the Shach 8, Aruch Hashulchan 3. Even if this bread is fit to be served on a king's table it is permitted (Gr'a 112:4).

18. Levush 3, Kitzur Shulchan Aruch 38:1.

19. Some say one should only buy an amount that he needs and not more (Darchei Teshuva 112:26). While others argue (*ibid*).

20. Refer to Madrich page 90 quoting the opinion of Harav Elyashiv Shlita, Sappirim on Pas Yisroel page 1. The Igros Moshe Y.D. 2:33 says most people eat *pas* of a non-Jewish baker, Halacha File (Jachter) Pas Akum 2:page 7. There is an opinion in the *poskim* that bread baked on an assembly line is not included in the *gezeira* of *pas paltur* at all (refer to Mesora 1:page 93, Igros Moshe Y.D. 4:48). However, the majority of the *poskim* do not follow this opinion (See Pischei Halacha Kashrus page 117, Shevet Ha'Levi 6:108:6, Minchas Yitzchok 3:26:6, 3:72).

21. 65:2. If one eats *pas paltur* on the *derech* and has leftover bread when he comes home he may eat it even though he may have *pas yisroel* there (Refer to Betzel Hachochma 5:83).

22. 112:17. If one has nothing to eat then he may even eat the bread of a non-Jew who bakes in his house (if it has *kosher* ingredients) (Aruch Hashulchan *ibid*).

23. Refer to Darchei Teshuva 112:29.

24. Harav Yisroel Belsky Shlita. Refer to Ben Ish Chai Chukas 2:2 who quotes the custom of the *Arizal* who was stringent in regard to *pas paltur* even if there may be a doubt about it. See Darchei Teshuva 112:18, 25, Kaf Ha'chaim O.C. 168:36, Y.D. 112:31, 56, M'Bais Levi 8:pages 24-25.

25. Refer to V'ihiy B'nsoa page 223.



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One who does not eat *pas paltur* may give it to someone who does eat it.²⁶

Jewish Owned Bakery

The above *heter* to buy bread which was made by a non-Jewish company only applies to bread owned by a non-Jew, however, if it is owned by a Jew this would not apply²⁷ (if the Jew did not do anything to permit the fire).²⁸ This would apply even to those who are lenient and buy *pas paltur* (baker's bread).

Based on the above, a Jewish bakery would not be allowed to employ non-Jewish bakers where there is no *hashgacha* to ensure that the fire is being dealt with properly. However, the opinion of *Harav Moshe Feinstein zt"l*²⁹ is to permit bread baked in large commercial bakeries where it would not be possible to bake without the non-Jewish workers and there are no Jewish workers available.

Factory Setting

It is reported that *Harav Moshe Feinstein zt"l* said that when a factory cooks food in equipment that is not in found in one's home there is no concern of *bishul akum* (this would apply to bread as well).³⁰ Furthermore, the opinion of the *Birchei Yosef*³¹ is that in any factory there would be no *bishul akum* because one does not recognize the non-Jew and he won't come to *chasnus* (intermarriage). Many *poskim* say this can only be relied upon as a *snif*.³² The *Shevet Ha'Levi*³³ says in the name of the *Chazon Ish* to be stringent. The *Minchas Yitzchok*³⁴ is stringent as well.

Fit for a King's Table - *Oleh Al Shulchan Melachim*

Bread is the staple food for everyone and there were leniencies that the *poskim* mention because of it. One leniency by *bishul akum* is if a food is not fit to be served on a king's table it is not subject to the *halachos* of *bishul akum*.³⁵ This does not apply to bread, and even if

26. Kesav Sofer Y.D. 77. One who hears someone making a *beracha* on *pas akum* may recite *amen* (V'ihiy B'nosa page 224:12, Noam Halacha page 51:13).

27. Tur 112, see Shulchan Aruch 112:11, Shach 7, Taz 7, Kitzur Shulchan Aruch 38:5. The reason is that since the Jew owns the dough etc he can put it in the oven as well (Chelkes Binyomin 112:16. For an additional reason see ibid also see Pri Megadim M.Z. 7).

28. Pri Megadim Sifsei Daas 7, Chelkes Binyomin 112:103.

29. Igros Moshe Y.D. 1:45. Refer to Chelkes Binyomin 112:16.

30. Rivevos Ephraim 5:596 who says that Harav Reuven Feinstein Shlita said this was the opinion of Harav Moshe zt"l.

31. Y.D. 112:9.

32. Yabea Omer Y.D. 5:9:5.

33. 6:108:6.

34. 3:26:6. Refer to Chelkes Binyomin 113:4 (pages 77-78), Hechsheiros K'halacha page 370 quotes this as the opinion of Harav Mordechai Eliyahu Shlita.

35. Shulchan Aruch Y.D. 113:1.

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bread is not fit to be served on a king's table it is subject to the *halachos* of *pas akum*.³⁶

Pas Paltur is Higher Quality

The *Shulchan Aruch*³⁷ says a *heter* to eat *pas paltur* is if it is higher quality (in taste or appearance)³⁸ than the Jewish bread since then it is considered you do not have Jewish bread.³⁹ It would seem that the only time it would be permitted in this situation according to the *Shulchan Aruch* is if the *pas paltur* is better in taste etc, but if it costs less than the *pas yisroel* then one would not be able to buy the *pas paltur*.⁴⁰ Others say that if there is a big price difference then one would be able to buy the *pas paltur* over the *pas yisroel*.⁴¹

Days When one should Avoid Pas Paltur

■ During Aseres Yemi Teshuva

There is a well known concept that during *aseres yemi teshuva* one should pick something that he does all year and be careful to refrain from doing it during *aseres yemi teshuva*. This is in order to realize that these days are different than all year and one has to do *teshuva*.⁴² This only refers to things which are not prohibited to be done according to the letter of the law.⁴³ One of these items is refraining from eating *pas paltur*.⁴⁴ One who does not eat *pas paltur* all year anyways should pick something else to be stringent with during these days.

■ On Shabbos

There are those who try not to buy *pas paltur* foods⁴⁵ (even for a snack)⁴⁶ out of honor for *Shabbos*,⁴⁷ even if one normally eats it during the week. Therefore, people refrain from eating Stella Dora® cookies on *Shabbos*.⁴⁸

36. Harav Yisroel Belsky Shlita. Refer to Aruch Ha'shulchan Y.D. 112-13-14, Chelkes Binyomin 112:12, see biurim "v'gam einu." See Avnei Nezer Y.D. 1:92 where he implies otherwise.

37. Y.D. 112:5. See Kitzur Shulchan Aruch 38:1. This does not apply to bread baked by a non-Jew who is not baking for commercial use (Darchei Teshuva 112:57).

38. Levush 112:7, Chelkes Binyomin 112:46.

39. Aruch Hashulchan Y.D. 112:16.

40. Chelkes Binyomin 112:51.

41. Opinion of Harav Elyashiv Shlita quoted by Harav Shmuel Felder Shlita.

42. Levush 603:1.

43. Aruch Hashulchan 603:2.

44. Rosh Hashanah 4:14, Tur 603, Shulchan Aruch 603:1, Levush 1, Shach Y.D. 112:9, Darchei Teshuva Y.D. 112:38, Aruch Hashulchan 603:1, Kaf Hachaim 1. Harav Shlomo Zalman Aurbach zt"l said that one should concentrate on the meaning of *davening* during these days (Halichos Shlomo Moadim 2:3:4:footnote 13).

45. Refer to Magen Avraham 242:4, Elya Rabbah 10, Pri Chadash Y.D. 112:10, Shulchan Aruch Harav 242:12, Chai Adom Shabbos 1:4, Chesed L'alafim 3, Mishnah Berurah 6.

46. Shar Ha'tzyion 242:18.

47. Elya Rabbah 10.

48. Harav Yisroel Belsky Shlita.



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■ For *Lechem Mishnah*

If one has no *pas yisroel* then one may *pas akum* or *pas paltur* for *lechem mishnah*.⁴⁹

What is Considered Bread?

In order for something to be considered bread and subject to the *halachos* of *pas akum* and *pas paltur* it has to be from the five grains as mentioned above. In addition it has to be a baked item, and it must be a product on which one would recite *hamotzei* on (even if he is not *koveah seuda* on it), or a *mezonos* food on which one would have to *bentch* if he ate a large enough quantity referred to as *pas haba b'kisnin*.⁵⁰ The *Shach*⁵¹ and others⁵² say only a product which has thick dough would be subject to the law of *pas akum* or *pas paltur*. Others say that there is no difference between a thick or thin batter, and they are both subject to the *halachos* of *pas akum* or *pas paltur*.⁵³ The custom is in accordance with the latter opinion. According to some *poskim*, items which are deep fried are not subject to *pas akum* or *pas paltur* but to *bishul akum*.⁵⁴ The *Aruch Hashulchan*⁵⁵ maintains that even if one deep fries it, it is still subject to the *halachos* of *pas akum* etc and not *bishul akum*.

Included in *pas haba b'kisnin* are cakes, cookies, crackers,⁵⁶ bagels,⁵⁷ bagel chips,⁵⁸ pita,⁵⁹

49. Refer to Pri Megadim M.Z. 274:2, Mishnah Berurah 274:4, 242:6, Kaf Hachaim 274:14, Ketzos Hashulchan 82:badi 5, Chai Ha'Levi 4:25:2, Chelkes Yaakov 1:95, Tzitz Eliezer 11:23, Bais Hillel 22:page 28, Mitzvahs Lechem Mishnah page 117, Yabea Omer 8:32:2.

50. Taz 112:6, Bais Meir 112:6, M'Bais Levi 8:page 24:4, Chelkes Binyomin 112:64. Refer to Shulchan Aruch O.C. 168:6.

51. 112:18.

52. Rivash 28, Pri Chadash 112:6.

53. Aruch Hashulchan 112:31.

54. Shulchan Aruch O.C. 168:13, see Ben Ish Chai Chukas 2:15. Refer to OU Document M-7 quoting the opinion of Horav Shachter Shlita.

55. Y.D. 112:31.

56. Shulchan Aruch O.C. 168:8.

57. Aruch Hashulchan Y.D. 112:31, Kaf Ha'chaim O.C. 168:119, Shulchan Hatohar 169:19, Birchos Habayis 9:32, Chazon Ish O.C. 26:9, Bais Avi 5:7, Pischei Halacha 8:38, V'sein Beracha page 467, Sharei Ha'beracha 16:footnote 62. In regard to white bread and *bishul akum* on the egg topping see Rama Y.D. 112:6, Gr'a 14, see Aruch Hashulchan 112:21 who says it is a problem of *bishul akum* only if the egg is a thick layer. Harav Yisroel Belsky Shlita and others hold that one can rely on the fact that the layer of egg on white bread is a thin layer (OU document A-63).

58. Harav Yisroel Belsky Shlita, see Vezos Ha'beracha page 308, Shevet Ha'Levi 8:33, Sharei Ha'beracha page 525:footnote 75, see Pnei Ha'shulchan page 37.

59. Ohr L'tzyion 2:12:3:footnote 3:page 97, The Laws of Brachos page 376.

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melba toast,⁶⁰ *matzah*,⁶¹ pizza,⁶² and Ezekiel bread®.⁶³ Some items which are not included in the *halachos* of *pas akum* are many types of noodles, such as spaghetti, baked ziti, etc.⁶⁴

Cereals

Some *poskim* are of the opinion that Cheerios®, Grape Nuts® and Cap'n Crunch® all look like bread⁶⁵ and accordingly these products would be subject to the *halachos* of *pas paltur*. However, others say these items do not have an appearance of bread.⁶⁶

L'maseh, there is an uncertainty if Cheerios® has an appearance of bread and therefore, one should refrain from eating it during *aseres yemi teshuva*. However, all year-round we are lenient and do not give it a status of *pas paltur*.⁶⁷

Even if breakfast cereals are not bread items, but are considered cooked items, nonetheless, breakfast cereals are not considered a food which is served on a king's table, therefore they do not require *bishul yisroel* and a non-Jew may cook it etc.⁶⁸

Pretzels

A pretzel is a baked snack that is twisted into a unique knot-like shape. A pretzel is regular bread dough. Since they are hard and not eaten as a meal according to *Rav Hai Goan* the *beracha* is *mezonos*.⁶⁹

According to many *poskim*, since soft pretzels are made from bread dough the *beracha* is *hamotzei*. Therefore one who wants to eat this pretzel must wash and *bentch*. If the pretzel tastes like cake then a *mezonos* would be made, but such pretzels are not manufactured.⁷⁰

Based on the above information, soft and large hard pretzels which are made from thick

60. Harav Yisroel Belsky Shlita, see Mesora 1:pages 39-40, Vezos Ha'beracha pages 307-308, Sharei Ha'beracha page 600:footnote 356, Pischei Halacha pages 29, 278-280, also see page 276:41 who says the ones which are not round are like bread because they are eaten as a meal and the round ones are eaten as a snack.

61. Eishel Avraham Butchatch 168, Tzitz Eliezer 11:19, Minchas Yitzchok 1:71, Binyan Sholom pages 230-232. In regard to doughnuts see OU document A-105.

62. Noam Halacha page 32:15.

63. The *beracha* on this bread is *hamotzei*.

64. Rama O.C. 168:13, Shulchan Aruch Harav 168:17, M'Bais Levi 8:page 24:4, Yabea Omer O.C. 8:21, Yaskil Avdi 8:page 184:8.

65. Opinions of Harav Shlomo Zalman Aurbach zt"l and Harav Elyashiv Shlita quoted in Vezos Ha'beracha page 192 (4th edition). Refer to *ibid*: (5th edition: page 219) where he says only Grape Nuts® have an appearance of bread.

66. The opinion of Harav Sheinberg Shlita quoted in Vezos Ha'beracha page 192 (4th edition).

67. Harav Yisroel Belsky Shlita. Refer to Diyunei Halacha Parshas Hazeinu (Hebrew Notes).

68. Harav Yisroel Belsky Shlita. Refer to OU Document A-94, see Pischei Halacha (Kashrus) page 118:3 quoting the opinion of the author of the Be'er Moshe (Stern), Bishul Yisroel pages 177-178, Teshuvos from Harav Falk Shlita in sefer *ibid*: pages 29-31.

69. Chelkes Yaakov 3:173, Pischei Halachos 8:11, Vezos Ha'beracha page 22. Some say the *beracha* is *hamotzei* but these are not referring to our pretzels (Refer to Pri Megadim Eishel Avraham 168:39, Kitzur Shulchan Aruch 48:6, Birchos Habayis 9:32, Kaf Ha'chaim 168:119).

70. Harav Yisroel Belsky Shlita, see Vezos Ha'beracha page 468 who maintains it is *mezonos*.



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dough are subject to the *halachos* of *pas paltur* (or *pas akum*) according to all opinions. Some say since small thin pretzels are made with a thin batter they do not fall into the category of *pas paltur* according to the *Shach* and others mentioned above.⁷¹ If thin pretzels are not a bread item then it may be considered (cooked) *bishul*, but no *bishul yisroel* is needed because it is not fit to be served on a king's table.⁷²

However, the custom is that there is no difference between a small thin pretzel and large thick ones and if one is *makpid* on *pas yisroel* it would apply to these items as well.⁷³ If one has the custom to eat food baked by a non-Jewish baker then he can be lenient and eat any baked item, even a pretzel (see footnote regarding *aseres yemei teshuva*).⁷⁴

Pesach Cake

If *matzah* meal is not used in *Pesach* cake and it is made from potato starch etc the *beracha* is a *shehakol*. Therefore, one does not have to be concerned about its bread status since we do not consider it bread and one can eat such cake made by a non-Jew (which has a reliable *hechsher*).⁷⁵

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71. Sappirim on Pas Yisroel page 2. This is the opinion of Harav Shachter (OU) quoted in a document sent by Rabbi David Polsky (OU), and from a personal letter from Rabbi Dovid Cohn (CRC - Chicago). Even though thin batters may not be considered bread items, they may be considered cooked. According to the Shulchan Aruch by cooking, the Jews actions to the fire have no bearing, but the Shulchan Aruch would agree when it is thin mixture that a Jews involvement in the fire would help (Shevet Ha'kehusi 6:279, see Teshuvos V'hanugos 3:248).

72. Opinion of Harav Shachter Shlita (OU) – personal letter from Rabbi Dovid Cohen.

73. Harav Yisroel Belsky Shlita. See Hakhel 3:2:page 5.

74. There is more reason to be lenient regarding eating *pas paltur* pretzels during *aseres yemei teshuva*.

75. Noam Halacha page 33:footnote 28.



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POLICY/ UPDATES

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Any questions regarding this list should be addressed to Rabbi Moishe Dovid Lebovits at 1- 201-837-0500 ext 127 or mlebovits@kof-k.org

Company Name	Comments
Andrew Sapienza Bakery	All
Anthony and Sons Bakery	All
Automatic Rolls of Baltimore	All
Automatic Rolls of New Jersey	All
Bake – Rite	All
Bread Alone Inc.	All
Canada Bread	Only when the letters PY appear in the lotcode
Certified Bakery	All
Cookie Specialties	All
Cravers Choice	All
Crispy Bagel Co.	All
Food For Life	Except for the pita
Gabila Food Products Inc.	All
Ginsberg Bakery	All
H and S Bakery	All

Company Name	Comments
Hauswald's	All
Joeys Fine Foods	All
Kerry Ingredient Co.	Only a few items call the KOF-K
Marathon Baking	All
Mid Atlantic Baking	All
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all of Klal Yisroel a
Kesiva VeChasima Tova
and a Gut Yur*

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