

HALACHICALLY SPEAKING



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CHOLOV STAM & CHOLOV YISROEL



One of the most common areas of *halacha* which people have different customs is in regard to drinking *cholov stam*. What is *cholov stam*? How is *cholov Yisroel* made? Do government regulations permit the drinking of non-Jewish milk? Do those who are stringent have to be concerned when a product is made on dairy equipment? Does a married woman have to follow her husband's custom? In this issue we will discuss the many *halachos* which apply to this topic.

Milk Made by a Non-Jew

Chazal made a *gezeirah* that any milk which is milked by a non-Jew is forbidden to drink.¹ There is no concern that the non-Jew may² switch the *kosher* milk with non-*kosher* milk, since one can easily tell the difference between the two, rather the concern

1. Refer to Shach Y.D. 118:8 why *cholov stam* is a *d'rabbanan*.

2. Even if it is a far chance, since there is a chance it is forbidden (Chochmas Adom 67:1, Chelkes Binyomin 115:1).



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is that some non-*kosher* milk may be mixed into the *kosher* milk.³ Milk which is not under a Jew's supervision is called *cholov akum*.

Side Effects from Non-Kosher Milk

Many *poskim* say that *cholov akum*,⁴ or other milk which was not properly supervised⁵ are included in items which stuff up one's heart (spiritually).⁶

Jew Looking at the Production

If a *Jew* saw the production of the milk then the milk is considered *cholov yisroel*.⁷ The *Jew* also has to make sure that the container used is not the same one used for non-*kosher* milk.⁸ In addition, if the *Jew* comes in and out of the room during the milking process, the milk is also considered *cholov yisroel*,⁹ since the non-*Jew* expects the *Jew* to come in at any time he would be scared to mix in any non-*kosher* milk.¹⁰ Additionally, a non-*Jew* has to understand that the milk is for the *Jew*, and non-*kosher* milk may not be mixed into *kosher* milk.¹¹

Sitting outside

B'dieved if the *Jew* did not see the whole beginning and end,¹² or the *Jew* did not see the utensil¹³ it is still considered *cholov yisroel* as long as he was sitting outside.¹⁴ However, this is only if there is no non-*kosher* milk in the plant.¹⁵ A *Jew* who came at

3. Mesechtas Avodah Zarah 35b, Rambam Hilchos Machalal Asuros 3:13, Tur 115, Bais Yosef, Shulchan Aruch Y.D. 115:1, Levush 1, Chochmas Adom 67:1, Aruch Ha'shulchan 1, see Teshuvos V'hanhugos 1:480, 2:385. This is even if the non-*Jew* is disgusted by mixing cow's milk with non-*kosher* milk (Darchei Teshuva 115:8, Kaf Ha'chaim 16). Refer to Divrei Yatziv O.C. 27 (end).

4. Refer to Rama Y.D. 81:7, Kashrus 2:pages 354-355.

5. Sharei Halacha U'minhag Y.D. 10:pages 37-38.

6. Refer to Tashbatz 1:48, Chasam Sofer O.C. 1:83, Meishiv Dover 1:20. Refer to Maharshag 2:143 and Rav Poalim (Sod Yeshurin) 4:6 if one is forced to eat non-*kosher* food if a "stuffed up heart" still applies.

7. Mishnah Mesechtas Avodah Zarah 39b.

8. Rama 115:1, Levush 1, Shach 7, Chochmas Adom 67:1, Kitzur Shulchan Aruch 38:13, Kaf Ha'chaim 13.

9. Taz 3, Shach 4, Pri Chadash 3, Aruch Ha'shulchan 4.

10. Levush 1, Shach 8.

11. Shulchan Aruch Y.D. 115:1.

12. Bach 115, see Shach 6.

13. Shach 8, Chochmas Adom 67:1.

14. Tosfas Mesechtas Avodah Zarah 39b "tanina," Shulchan Aruch 115:1, Levush 1, Shach 2, Taz 4, Aruch Ha'shulchan 3-4, Chelkes Binyomin 115:11. Refer to Maharshdam Y.D. 52, Chelkes Binyomin pages 135-136 biurim "im." Refer to Aruch Ha'shulchan 7. Refer to Chelkes Binyomin 115:25.

15. Prisha 3, Taz 7, Shach 4, Chochmas Adom 67:1, Kaf Ha'chaim 115:6, 10, Aruch Ha'shulchan 4. Refer to Taz 4, Shach 8, Aruch Ha'shulchan 7.

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the end of the milking has not made the milk *cholov yisroel*.¹⁶

If there is non-*kosher* milk in the plant the *Jew* must be able to see the milking process. However, if the *Jew* sits outside in a manner that he would be able to see the milking if he stood up then it is considered *cholov yisroel*.¹⁷

The reason less of a watching is required if we know that no non-*kosher* milk is found in the facility, is because since there is no non-*kosher* milk present we are not concerned the non-*Jew* will mix in the other milk. However, the non-*Jew* may still exit the facility and get non-*kosher* milk. Therefore, we are lenient some what and do not require the *Jew* to see the actual milking, but we require him to sit outside and see that the non-*Jew* does not go anywhere.¹⁸

There is a well known opinion of the *Pri Chadash*¹⁹ who maintains that there is no issue of *cholov stam*, when there is no non-*kosher* milk present in the entire city. This reasoning would also apply where non-*kosher* milk is more expensive or in higher demand than *kosher* milk. Nonetheless, most *poskim* disagree with this ruling,²⁰ and hold that since the *gezeira* was made that a *Jew* has to see the milking, if this is not met, the milk is not permitted. The *Chochmas Adom*²¹ adds since the *Rishonim* and *Achronim* did not mention the opinion of the *Pri Chadash* it is a proof that his opinion was not accepted by them.

According to the opinion of the *Chasam Sofer*²² even if one is certain that nothing was added to the milk one may not drink the milk. He reasons that once the *gezeira* was made it became like a custom and one can not retract it.

Who is considered a *Shomer*?

A small boy or girl is considered a watcher in this regard and if a young Jewish boy

16. Rama 115:1, Levush 1, Aruch Ha'shulchan 8. Refer to V'Yan Dovid 1:117-118.

17. Mesechtas Avodah Zarah 39b, see Tosfas "iy." Tur 115, Shulchan Aruch 115:1, see Chelkes Binyomin 115:12. There is still a need for the *Jew* to be there although there is no non-*kosher* milk in the facility (Aruch Ha'shulchan 4). There is no leniency to say otherwise (Aruch Ha'shulchan 5). Refer later in the issue regarding the opinion of the *Pri Chadash*.

18. Refer to *Chochmas Adom* 67:1, Aruch Ha'shulchan 3-4, Chelkes Binyomin 115:8.

19. Pages 115-116 (old). See *Darhei Teshuva* 115:6 who quotes others who hold like this opinion. Refer to *Radvaz* 4:75, *Tashbatz* 4:32, *Shulchan Aruch Hamekutzar* 137:18:footnote 39, *Chazon Ish* Y.D. 41:4. See *Sdei Chemed* *mareches cholov shel nuchri* 8:page 45.

20. Refer to *Matei Yehonsson* 115, *G'ra* 115:4, *Birchey Yosef* 115:1, *Chasam Sofer* Y.D. 107, *Pischei Teshuva* 115:3, *Darhei Teshuva* *ibid*, *Aruch Ha'shulchan* 5-6, *Kaf Ha'chaim* 16, *Igros Moshe* Y.D. 1:46 (end), *Kinyan Torah* 1:38, *Minchas Yitzchok* 3:4:10, *Yalkut Yosef* 9:pages 86-87, *Teshuvos V'hanhugos* 1:480, *Yechaveh Da'as* 4:42, *M'Bais Levi* 8:page 42, *Shevet Ha'Levi* 6:110:page 108, Chelkes Binyomin 115:11 in depth, *Vihiy B'nosa* page 455. See *Tashbatz* 3:143.

21. 67:1 (parenthesizes). See *Aruch Ha'shulchan* 5.

22. Y.D. 107. See *Sdei Chemed* *ibid*. See *Kashrus* 2:page 338 who quotes many *poskim* who do not hold like the *Chasam Sofer*.



or girl watches the milking in any way, the milk is considered *cholov yisroel*.²³ The reason is because a non-Jew would still be scared to be seen mixing in non-*kosher* milk.²⁴ Some *poskim* say the minimum age for this child is nine years old.²⁵

Government Regulations²⁶

Aside from the opinion of the *Pri Chadash*, a very famous opinion of *Harav Moshe Feinstein zt"l* on this topic is the following: In a place where a government maintains strict restrictions and gives penalties²⁷ to those who mix other milk into cow's milk it is considered as if the Jew is present at the time of the milking. Knowing is like seeing,²⁸ and we know the non-Jew is in fear of being caught altering the cow's milk.²⁹ This milk which is produced under government control is commonly referred to as *cholov stam*.³⁰ Others disagree with this *heter* and maintain that even if there are government regulations and penalties it is not considered as if the Jew saw the milk, therefore, this milk is considered *cholov stam* and may not be consumed.³¹ One of the reasons for the disagreement is because government regulations can not be considered as if the *Jew* was there at the milking. In addition, the government regulations may not create the same fright (*mirses*) as if a *Jew* was at the production.

Harav Moshe Feinstein zt"l said that although many *frum* Jews and *Rabbonim* are lenient, and G-D forbid to say that they are doing wrong,³² a *ba'al nefesh* should be

23. Rama 115:1, Levush 1, Aruch Ha'shulchan 5, Kaf Ha'chaim 19. Refer to Darchei Teshuva 115:15.

24. Rama and Levush *ibid*.

25. Taz 5, Shach 12, Kitzur Shulchan Aruch 38:13, Aruch Ha'shulchan 9, see Chochmas Adom 67:4 who says if the child is sharp he can be six years old. Refer to Chelkes Binyomin 115 biurim "v'afilu" pages 146-147.

26. In the United States Government, officials inspect dairy plants three to four times a week, and take many samples of the milk to guarantee that the product offered to the public meets legal standards of purity, bacteria count etc. Although they do not check to see if any non-*kosher* milk was added, based on the other tests they do, they can indicate immediately if any non-*kosher* was placed into the cow's milk. (Refer to Journal of Halacha and Contemporary Society 5:page 98:footnote 21). Refer to http://www.oukosher.org/index.php/learn/daf_ha-kashrus for updated information on today's government inspections.

27. Even if the fine is small (Igros Moshe Y.D. 1:48, see Reshoot Cholov Goy pages 40-41). Although penalties may not be enough to avoid the mixing of other milk into cow's milk, the bribing of the workers in telling them to do other than the norm would be too much money and we are not concerned about that (Igros Moshe *ibid*).

28. Refer to Igros Moshe Y.D. 1:47, and Reshoot (Cholov Goy) page 33.

29. Igros Moshe Y.D. 1:47-49.

30. Refer to Reshoot *ibid*:page 63.

31. Refer to Minchas Elazar 4:25, Melamed L'hoel Y.D. 36:4, Zekan Aron 2:44, Emes L'Yaakov page 308, Minchas Yitzchok 1:138, 2:21, 10:31:15, Be'er Moshe 4:52, Teshuvos V'hanhugos 1:441, 2:373, Shevet Ha'Levi 4:87, Kinyan Torah 1:38, Chelkes Yaakov 34, Yalkut Yosef 9:pages 90-93, Sharei Toras Habayis page 98, Hakashrus K'halacha page 419:footnote 42, Chelkes Binyomin 115:16.

32. This *teshuva* was written in 1954 and now there is a huge abundance of *cholov yisroel* it is hard to say that Harav Moshe Feinstein zt"l would still have his position (Harav Yisroel Belsky Shlita).

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stringent. However, one who is lenient has what to rely on.³³ *Harav Moshe Feinstein zt"l* was stringent for himself.³⁴ Others say this was only said if you can not get *cholov yisroel* easily, but if *cholov yisroel* is available then one should buy it.³⁵ Based on this and other reasons, the custom in *Eretz Yisroel* is to be stringent since there is readily available *cholov yisroel*.³⁶ Nonetheless, the custom of many people (outside of *Eretz Yisroel*) is to rely on the opinion stated here.³⁷ It would seem that one who is lenient and goes to *Eretz Yisroel* to learn does not have to adopt their custom and refrain from eating *cholov stam* which he may have brought from America.

How Far does the above *heter* go?

It is very important to point out that the aforementioned *heter* of *Harav Moshe Feinstein zt"l* only applies to countries which have government regulations on the milk production. Countries that do not have this would not have the *heter* of *Harav Moshe zt"l* and one would not be able to consume non-supervised milk.³⁸ This was an issue that was raised in the Jewish community in South Africa since no one fears the government.³⁹ When traveling to this country or to similar destinations, one should contact the *kashrus* organizations in these locations.

Young Children and Women

According to some, one can be lenient in regard to *cholov stam* for young children and women within thirty days of giving birth.⁴⁰ However, many say one should avoid giving such milk to a child who does not need it.⁴¹

33. Igros Moshe Y.D. 1:47-49, Y.D. 2:31, 35, Y.D. 4:5, see Chazon Ish Y.D. 41:4, Teshuvos V'hanhugos 2:385.

34. Igros Moshe Y.D. 1:47. *Harav Moshe Feinstein zt"l* was lenient for his family (as related by *Harav Aron Felder Shlita*).

35. Igros Moshe Y.D. 4:5, *Sefer Pischei Halacha (Kashrus)* page 107 who brings a teshuva from *Harav Moshe Feinstein zt"l*, *Chelkes Binyomin* 115:16. The *Melamed L'hoyel Y.D.* 33 says *cholov stam* is permitted for light headed people. See *Minchas Yitzchok* 10:31:15 who says those who fear the words of *Hashem* are very careful from consuming *cholov stam*. Refer to *Kerem Ephraim* 115:pages 106-108 in depth.

36. *Techumim* 23:page 464. See *Darchei Teshuva* 115:6. Some are lenient and consume American *cholov stam* products which are imported to *Eretz Yisroel* (www.koltorah.org).

37. In addition the major *kashrus* organizations hold of *Harav Moshe's heter* and give a *hechsher* based on it (KOF-K, OU, see OU document K-60). The Star-K does not give a *hechsher* on *cholov stam*. The Star-D is *cholov stam* but it is not directly affiliated with the Star-K (based on a conversation with Rabbi Rosen).

38. Refer to OU document A-93. The OU has a policy that they check every company, beforehand to see if they have a fear of government and then they will accept the milk, even if the government does not actually check it, such as China, Poland, Lithuania, and Ukraine (Based on a conversation with Rabbi Epstein from the OU). Some say this means from Mexico (*Rivevos Ephraim* 8:11:1).

39. *Teshuvos V'hanhugos* 2:385.

40. *Teshuvos V'hanhugos* 1:441, 2:373, *Emes L'Yaakov* page 308. see *Lev Avraham* 74, *Rivevos Ephraim* 8:11:1, see *Toras Hayoledes* 8:footnote 5.

41. *Lev Avraham* 74, *Shraga Hameir* 3:21, *Hakashrus K'halacha* page 419:footnote 42, *Minchas Yitzchok* 10:31:15,



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Giving to those who are Lenient

One who eats *cholov stam* is permitted to give *cholov stam* to a person who does not eat it (i.e. for *Mishloach Manos*).⁴²

Non-Frum Jew

The custom is that one may drink milk from a cow that a non-*frum* Jew milked,⁴³ while the opinion of others is to be stringent.⁴⁴

Powdered Milk

Most milk products are not made with regular milk, but they are made with milk which is turned into a powder, namely milk powder.⁴⁵ Such products include chocolate and baked goods. This is very relevant to those who hold of *cholov yisroel* and wish to eat such products.

Some *poskim* are lenient and permit powdered milk even for those who are *makpid* on *cholov yisroel*.⁴⁶ One of the reasons is because the *gezeira* was on milk not milk powder. In *Eretz Yisroel* many were lenient to rely on the above opinion, but this has changed and the *kashrus* agencies now use powdered milk from *cholov Yisroel* sources.⁴⁷ *L'maseh*, many *poskim* feel that if one is *makpid* on *cholov yisroel* he should be *mapkid* not to eat powdered milk.⁴⁸

Dairy Equipment

One who is careful to use *cholov yisroel* because he is *machmir*, can still eat foods which were cooked in non – *cholov yisroel* equipment.⁴⁹ One of the reasons is since the

see *Minchas Yitzchok* 1:138, 2:21, 3:4:10. The same would apply to one who is sick and is in need of *cholov stam* (*Yalkut Yosef* 9:page 91).

42. *Emes L'Yaakov* page 308:footnote 45.

43. *Igros Moshe* Y.D. 1:46, 2:47, *Minchas Yitzchok* 9:25, *Kovetz M'Bais Levi* 8:page 81:footnote 4, see *Shevet Ha'Levi* 9:165, *B'nisiv Hachalav* page 32 quoting the opinion of *Harav Elyashiv Shlita*, and page 35 quoting the opinion of *Harav Wosner Shlita*, *Yalkut Yosef* 9:pages 93-94, *Chelkes Binyomin* 115:pages 133-134 biurim "oved." Refer to *Darchei Teshuva* 115:4. There is a discussion in the *poskim* if a non-Jew milks a cow owned by a non-*frum* Jew if this is considered *cholov yisroel* (Refer to *B'nisiv Hachalav* pages 32-35).

44. *Teshuvos V'hanhugos* 1:480. Refer to *Minchas Yitzchok* 10:31:15, *Encyclopedia Talmudit* 15:page 174.

45. Regarding the *kashering* of a Spray Dryer to make powdered milk see *Mesora* 4:pages 35-5 1 in great depth.

46. *Har Tzvi* Y.D. 103-104 in great depth, *Zekan Aron* 2:44, *Chazon Ish* 41:4, *Shearim Metzuyanim B'halacha* 38:12. Some say that the *Chazon Ish* zt"l was lenient for sick people (*Orchos Rabbeinu* 3:page 77:33, see *Tzitz Eliezer* 16:25). Refer to *Kerem Ephraim* pages 113-115.

47. *Techumim* 23:page 464, *B'nisiv Hachalav* page 40, see *Yalkut Yosef* 9:pages 96-98.

48. *Harav Yisroel Belsky Shlita*, see *Shearim Metzuyanim B'halacha* 38:12, *Teshuvos V'hanhugos* 2:373, *Opinion of the Star-K (Kashrus Kurrents)*, *Tzohar* 3:pages 33-34, *Shulchan Aruch Ha'mekutzar* 137:18:footnote 40, *Chelkes Binyomin* 115:pages 132-133 biurim "cholov."

49. *Harav Yisroel Belsky Shlita* in the name of *Harav Yaakov Kamenetsky zt"l*, see *Bais Avi* 4:180:pages 364-365,

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custom is to treat *cholov stam* as a *chumra*, the *chumra* was only said by drinking milk but not milk equipment.

What exactly does D.E. (Dairy Equipment) mean?⁵⁰

The D.E. designation means that the *kashrus* agency has verified that the ingredients used in this product are all *pareve*. However, the product is produced using heat on equipment that is also used to produce hot products with dairy equipment without any *koshering* in between. The D.E. designation is not allowed unless the *kashrus* organization has verified that the company's standard cleaning procedures are such that there is no concern that the residual dairy from a prior product might make the product in question dairy according to *halacha*.

Kashering

A utensil which had *cholov stam* in it has to be *kashered* with *hagalah*⁵¹ before using the utensil for *cholov yisroel*.⁵² The same would apply if the milk was sitting in a utensil for twenty four hours.⁵³

While Traveling

When one is in a place where there is no *cholov yisroel* he can be lenient and drink *cholov stam* even if he is normally *mapkid* on it.⁵⁴ Some say when going to a non-Jewish store to buy coffee and the store has *cholov yisroel* milk there, the *Jew* should make sure the non-Jew opens the milk in front of him, because the non-Jew may put in *cholov stam*.⁵⁵ One who is not *mapkid* on *cholov yisroel* obviously does not have this concern.

Married Woman

A single woman who ate *cholov yisroel* because she thought it was *ossur* does not have to be *matir neder* if she gets married to a person who eats *cholov stam*.⁵⁶ It is advisable

Shearim Metzuyanim B'halacha 38:12. Refer to Igros Moshe Y.D. 2:31 (end) who is stringent. The customs of Harav Yaakov Kamenetsky zt"l and Harav Yisroel Belsky Shlita is to personally be stringent with the above (telephone conversation with Harav Yisroel Belsky Shlita).

50. Some *kashrus* organizations do not write D.E. but dairy when in fact it may only be D.E.

51. Teshuvos V'hanhugos 1:480.

52. Rama 115:1, Shach 14, 17, Chochmas Adom 67:5, Aruch Ha'shulchan 11. Refer to Darchei Teshuva 115:18-19. Refer to Hagolas Keilim pages 194-195. See Darchei Teshuva 115:19 if you need *bitel b'rov* or *shishim*.

53. Taz 7, Aruch Ha'shulchan 11, Kaf Ha'chaim 22.

54. Igros Moshe Y.D. 2:35. Refer to Emes L'Yaakov page 308:footnote 45 (be *matir neder* first). Sdei Chemed ibid:pages 45-45b. See Minchas Elazar 4:25.

55. Ohr Yisroel 20:page 186.

56. Rivevos Ephraim 8:303:2.



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when one gets married to decide if one wants his family to also be careful about *cholov stam*.⁵⁷

Cheese from *Cholov Stam*

Harav Moshe Feinstein zt"l says even one who is *makpid* on using only *cholov yisroel* nowadays should be aware that it is only a *chumra* (since the government makes sure that no other milk is mixed into the cow milk).⁵⁸ Furthermore, one does not have to take the *chumra* a step further and be stringent not to eat cheese which was made from non-*cholov Yisroel* milk.⁵⁹ Nonetheless, the *minhag* of many is that one who does not use *cholov stam* does not eat cheese made from *cholov stam* either.⁶⁰

Hataras Nedarim

One who did not drink *cholov stam* because one thought it was forbidden and now wants to drink it because one realizes it is permitted does not need to be *matir neder*. One who did so because of a *chumra* has to be *matir neder* if one wants to undo the *chumra*.⁶¹ (However, if one holds like the above mentioned *Chasam Sofer*, then *hataras nedarim* is questionable).

Cholov Yisroel Today

In earlier years and in far out locations, 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.

Today, 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. In order to assure that *mashgichim* are present or available for every single milking session, which are performed round-the-clock, each of these facilities has a team of two or more *mashgichim*, so that there is always someone on call. 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

57. Harav Yisroel Belsky Shlita.

58. Igros Moshe Y.D. 1:47-49, see Chazzon Ish Y.D. 41:4.

59. Igros Moshe Y.D. 3:16:pages 240-241.

60. Harav Yisroel Belsky Shlita. Refer to Shach 115:18, Chochmas Adom 67:6.

61. Igros Moshe Y.D. 1:47. One who is on a business trip and has no *cholov yisroel* can be lenient and drink *cholov stam*, but he should do *hataras nedarim* (Emes L'Yaakov Y.D. 115:footnote 45).

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basis during milking.⁶²

Non-*cholovyisroel* farms which schedule special *cholov yisroel* productions dedicate specific days for *cholov yisroel* production with a *kashrus* agency. 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 will remain present or pop in and out throughout the day while the milking occurs.⁶³

Video Camera

Today with the advent of modern technology one does not have to be present at the milking but a video camera can be set up in the milking area to see the production from all angles. Many say that this is sufficient to consider this *cholov yisroel* and there is no need for the *mashgiach* to actually be present during the milking.⁶⁴

Surgery on the Cows

Around twenty or so years ago a milk controversy arose which was the following: Milk cows suffer from a displaced abomasum which is caused by an excess gas in the stomach. The surgery to prevent this is to puncture the abomasum which is the *kevah* in a number of different places. Some were concerned that this can make the milk non-*kosher*. However, based on many different reasons (beyond the scope of this article) the major *kashrus* organizations permit this.⁶⁵

Bishul Akum on Milk

Since milk is pasteurized before being bottled and sold. The question arises if milk is subject to the *halachos* of *bishul akum*, since the milk is drinkable without pasteurization.

Pasteurization and Raw Milk

Pasteurization is done to the milk because otherwise it is a danger to drink it raw. The dangers present in raw milk are: *escherichia*, *listeria*, *salmonella*, *yersinia*, and *brucella*.⁶⁶ The pasteurization process uses heat to destroy harmful bacteria without significantly changing the milk's natural value or flavor. Although some want to say that raw milk is healthier since the pasteurization kills nutrients, this is not the case.

62. Refer to OU document A-93.

63. Article from Rabbi Gordimer from the OU available on www.oukasher.org.

64. Refer to B'nisiv Hachalav pages 54-56 in depth.

65. For a detailed discussion on this topic refer to OU document B-25, Mesorah 10:pages 62-73 where the opinion of Harav Yisroel Belsky Shlita is expressed in depth, Mesora ibid:pages 73-78 expressing the opinion of Harav Moshe Heinenman Shlita (Star-K), an article from Rabbi Gordimer from the OU available on www.oukasher.org, B'nisiv Ha'chalav pages 11-19, Shevet Ha'Levi 9:154, Journal of Halacha and Contemporary Society 54:pages 93-113, see Kashrus 2:pages 348-349, Chai Ha'Levi 4:44, and Vihiy B'nsoa pages 457-458 who take a different view.

66. www.fda.gov.



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Some studies say that although raw milk is potentially dangerous, if it is handled the proper way it can be safe and healthy.

Halachic Literature

The *Rambam* in *Machalos Asuros*⁶⁷ says that since raw milk is drinkable raw one is permitted to drink it after a non-Jew cooked it. This is also the opinion of the *Mahrasham*,⁶⁸ the *Shearim Metzuyanim B'halacha*,⁶⁹ and the *Shevet Ha'Levi*.⁷⁰

The *Minchas Yitzchok*⁷¹ says those who are lenient refer to their times when milk was commonly consumed raw, but this changed today, and milk is not consumed raw by most people, and, there is a dispute in the *poskim* if something which is eatable raw by "some people" has the status as edible raw. The opinion of many of the *poskim* is that it has to be the custom of most people to eat the specific product raw,⁷² and accordingly raw milk would have a problem of *bishul akum*.

However, the *Minchas Yitzchok* says one can be lenient for other reasons. 1. The cooking is done through steam and many *poskim* hold that steam is not subject to the *halachos* of *bishul akum*.⁷³ 2. The pasteurization is made in a company setting.⁷⁴

Whey

During the cheese making process, after milk is coagulated, it is cut into small pieces and heated to allow most of the non-coagulated fluid to separate from the milk. The fluid which has not curdled is drained off the cheese as liquid whey which is called in *halacha* "*nisyubei d'chalba*."⁷⁵ This liquid is a mix of protein, lactose, minerals and water. There is a discussion in the *poskim* if *mei cholov* (which some hold is an *issur d'oraisa* to

67. 17:14.

68. 2:262.

69. 38:6.

70. M'Bais Levi 8:page 30.

71. 10:67.

72. Refer to Birchei Yosef Y.D. 113:1, Pri Chadash 113:2, Darchei Teshuva ibid, Chochmas Adom 66:4, Aruch Ha'shulchan 113:12, Kaf Ha'chaim 10, Shevet Ha'Levi 5:93:page 97, Chelkes Binyomin 113:6.

73. Ben Ish Chai Chukas 2:22, Achiezer 4:36, E'ven Shisiya Y.D. 50, Bais Avi 3:115, Yabea Omer Y.D. 5:9, Halichos Olom 7:page 131, Minchas Yitzchok 3:26:6, pinion of the OU as stated in document A-21, A-23 (end), A-41, also document A-60:7, opinion of Harav Aron Kotler zt'l (Halacha Berurah Vol 6 Issue 5), Daf Hakashrus Jan. 1993, see OU document A-5. Refer to OU document A-47:4 says to only rely on steam not being included in the *gezeirah* of *bishul akum* if there is a *tzorech* to do so (Harav Yisroel Belsky Shlita). Regarding the stringent opinion refer to Shem Aryeh Y.D. 22, opinion of Harav Chaim Ozer zt'l (Bishul Yisroel page 30), Shevet Ha'Levi 2:45 (end), 9:162, Chelkes Binyomin page 105, opinion of Harav Elyashiv Shlita quoted in OU document A-56, and in Shevus Yitzchok (Microwaves etc) page 65, opinion of the Chazzon Ish zt'l as stated in Orchos Rabbeinu 3:page 79:41, Teshuvos V'hanhugos 3:247:page 270, opinion of Harav Falk Shlita as expressed in Bishul Yisroel page 47.

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

75. Refer to Shulchan Aruch Y.D. 87:8.

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drink) is referring to whey or a different component of the milk product.⁷⁶

The Cooking Process

The cheese from which the whey is removed from is cooked to approximately 90°F which is below *yad soledes bo*. Ricotta cheese is made by cooking whey but is *kosher* since it is made from permitted whey.

Opinions of the *Poskim*

According to many *poskim* although whey is a direct result of the cheese making process, it is not subject to the *halachos* of *gevinas akum*. The opinion of *Horav Moshe Feinstein zt"l*⁷⁷ is that all whey is permitted even if the cheese from which it was made from was not *kosher* and even if it was cooked higher than *yad soledes bo* and therefore absorbed some of the taste of the cheese. The reason is because the *gezeira* of *gevinas akum* was only in regard to actual cheese and not by-products.⁷⁸ On the other hand the *Shevet Ha'Levi*⁷⁹ maintains that when non-*kosher* rennet is used then the whey is permitted, but the cheese in which the whey will come from has to be cooked less than *yad soledes bo*. The opinion of the major *kashrus* organizations is to accept the later opinion⁸⁰ and not let the cheese cook in a temperature hotter than 120°F.⁸¹

76. Refer to Shulchan Aruch Y.D. 81:15, Shulchan Aruch Y.D. 87:8, see Shach Y.D. 81:12, Darchei Teshuva 115:1.

77. Igros Moshe Y.D. 3:17. Refer to Techumim 23 pages 466-467 on this issue who says the custom in *Eretz Yisroel* is that whey is only made from *cholov yisroel* milk. See Kerem Ephraim 115:pages 115-117.

78. Igros Moshe *ibid*.

79. 4:86.

80. Opinion of Harav Yisroel Belsky Shlita. Refer to OU document A-132. This is only in a situation if *kosher* rennet was used and not non-*kosher*.

81. This number is the opinion of Harav Aron Kotler zt"l.



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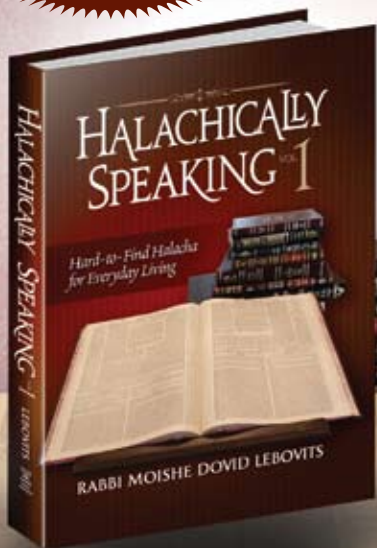
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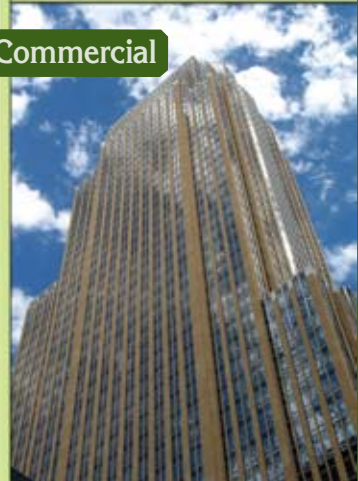


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