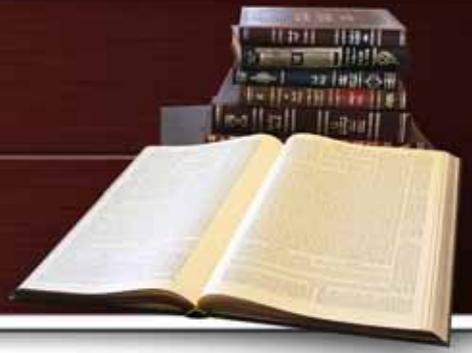


HALACHICALLY SPEAKING



► Authored by Rabbi Moische Dovid Lebovits
► Reviewed by Rabbi Benzion Schiffenbauer Shlita
► All Piskei Harav Yisrael Belsky Shlita
are Reviewed by Harav Yisrael Belsky Shlita

Volume 6 • Issue 10



FRUIT SMOOTHIES, JAMS AND YOGURTS

Summer - a time for cold drinks and frozen treats. Fruit smoothies are a popular treat. However, they often contain strawberries and other fruits that might harbor insects. Many *kosher* certified yogurts contain strawberries and raspberries. Are these smoothies and yogurts permitted? How about jams? These issues will be dealt with in this article.

Background

If more than fifty percent of the product has insects then it is *muchzak* with insects (most of the time one will find an insect in the item) and is prohibited *d'oraisa*. If the frequency is greater than ten percent (see below) then it is called a *miyut hamatzui*



אין לו
להקב"ה
בעולמו
אלא ד'
אמות
של הלכה
בלבד...
(ברכות ח.)

and is prohibited *d'rabanan*¹ without prior checking.² If the frequency is under ten percent then it is a *miyut sh'eino mutzui*, and no checking is required.³ Nonetheless, the *Chochmas Adam*⁴ says, “It is proper for a person to check what he eats because in this way one will save himself from many insects. I can testify on myself that many times I was saved from this [by checking first].”

Cooked

The *Shulchan Aruch*⁵ says that if food was cooked without checking then one should examine it afterwards. If this is not possible, then the food is permitted *b'dieved*.⁶ The *Shach*⁷ says this is based on a *sfek sfeika*. One *sofek* is whether there are any insects, and the other is that maybe they are smashed and may not be whole (see below regarding puree). The *Pri Megadim*⁸ clearly says that this would not apply to fruits or vegetables which are in the category of *muchzak b'toloyim* (insects) since it is an *issur d'oraisa* to eat such foods without checking.⁹ Some *poskim* argue and maintain that the reasoning of the *Shach* applies even if the fruit is *muchzak* to have insects.¹⁰ The accepted custom of many is to follow the *Shach* as explained by the *Pri Megadim* above.¹¹ Therefore, fruits or vegetables which commonly have insects, but are not *muchzak*, would be permitted according to the above *Pri Megadim*.

Pureed

The *Shulchan Aruch*¹² says that a “*berya*” is forbidden. This only refers to a whole creature, but a broken one is permitted. Furthermore,¹³ if a *berya* is crushed and its form is not recognizable, it is permitted.¹⁴ The *Gr'a*¹⁵ says that this *heter* does not apply

1. Refer to Shach Y.D. 39:8, Sifsei Da'as 84:28,
2. Shulchan Aruch 84:8, Gr'a 22. Refer to Igros Moshe Y.D. 1:35, Bedikas Hamozon K'halacha page 153.
3. Shach 84:23, Sifsei Da'as 23, Bedikas Hamozon K'halacha page 117. Refer to OU Guide to Preparing Fruits and Vegetables page 15, Rabbi Falk Shlita on Checking Fruits and Vegetables page 4.
4. 38:20.
5. Refer to Y.D. 84:9.
6. Refer to Mishkanos Yaakov Y.D. 17, Aruch Hashulchan 72.
7. Y.D. 84:29, see Taz 14.
8. Sifsei Da'as 29. See Chochmas Adam 38:5.
9. Chochmas Adam 38:5. Refer to Rashba 1:101.
10. Yalkut Yosef page 213. See *ibid*:pages 209-210.
11. Refer to OU document C-27.
12. Y.D. 100:1, Chochmas Adom 52:6.
13. Y.D. 101:6. See Shach 15, Be'er Heitiv 14.
14. Aruch Hashulchan 101:22.
15. 101:17.

כל השונה
הלכות
בכל יום
מובטח
לו שהוא
בן עולם
הבא...
(נדדה עג)

to the *issur* of eating insects. Most *poskim* argue with the *Gr'a*.¹⁶ This *heter* would not contradict the rule that is commonly known as *ein mevatlin issur l'chatchilah* (one may not purposely make *bitul* on an item).¹⁷ The rule only applies when we have intent to do so.¹⁸ Furthermore, the intention is to crush the fruit, not the insect.¹⁹ When a *hechsher* is given on a pureed product, the manufacturer does not crush the insects for us.²⁰ Therefore, it is not considered having intent to be *mevatel issur l'chatchilah*. The *Taz*²¹ does say that if there is an easier way to accomplish the same goal without being *mevatel* the *issur*, then it is not considered “not having intent to be *mevatel*.” Nevertheless, frozen fruits and vegetables often cannot be checked; therefore, the *Taz*'s stringency would not apply. However, fresh produce can be checked and one is obligated to do so.²²

Not Pureed – Jam

Many yogurts are flavored with pieces of fruit that are not pureed. We cannot apply the *heter* of a *berya* being crushed, since there might be an insect in this part of the fruit. The same issue is relevant to jams since the fruit is not pureed.²³ However, by the time the produce reaches the company which makes the jam it is not *muchzak* since the fruit is washed. Therefore, even raspberries can be made into jam without being pureed since it is a *miyut hamatzui*.

Frozen Produce

Frozen strawberries and raspberries can be checked, but it is more difficult to check for insects. Even if a product has many insects in the field, they are not *muchzak* by the time they reach the consumer,²⁴ especially since frozen strawberries are washed before they are frozen. Therefore, frozen strawberries are generally considered a *miyut sh'eino matzui*.²⁵

16. Yalkut Yosef Y.D. 84:page 244.

17. Shulchan Aruch Y.D. 99:2. The Shach 7 says this is an *issur d'oraisa*. Refer to Pischei Teshuva 3.

18. Refer to Shulchan Aruch 101:6, Chochmas Adam 52:9.

19. Refer to Shach Y.D. 84:38.

20. The reason why annulling an *issur* by bugs is more lenient than other areas is because usually one is gaining a piece of meat etc by annulling the *issur*, but by bugs it is done because of the bother to check and the bugs are disgusting to you (opinion of Harav Shlomo Zalman Aurbach zt"l quoted in Bedikas Hamozon K'halacha page 182).

21. Y.D. 138:14. See Ha'elef Lecha Shlomo Y.D. 186.

22. OU Guide to Preparing Fruits and Vegetables page 16.

23. The Steipler zt"l said if one checked jam for bugs (when possible) and did not find any he does not have to check every jar (Orchos Rabbeinu 3:page 74:23).

24. Refer to OU Document C-10.

25. As per Rabbi Dovid Bistricher Shlita (Rabbinic Coordinator - OU).



אין לו
להקב"ה
בעולמו
אלא ד'
אמות
של הלכה
בלבד
(פסות)

Bitul

Normally, a forbidden item is permitted in a mixture if there are sixty times more of the permitted amount than the *issur* (about 1.6% of the whole mixture). Since an inspection can detect an insect it is not considered a mixture, and is not subject to the *halachos* of *bitul*. In addition, an insect is a *berya* (when not cooked and crushed) and a *berya* is not *batul*.²⁶ The *Aruch Hashulchan*²⁷ offers the following reasoning as to why many do not check for insects: Firstly, insects mixed in vegetables are a mixture and are subject to the *halachos* of *bitul*. Secondly, he quotes a number of *poskim* who say that insects are *batul* in close to 1000. Lastly, he says that the laws of *berya* may not apply to something which is disgusting to a person, such as an insect. This is only a *limud zechus* on those who do not check produce before eating it.

Miyut Hamatzui

We have previously established that any fruit or vegetable with a ten percent possibility of infestation must be checked. This is the opinion of the *Mishkanos Yaakov*.²⁸ The *Rivash*²⁹ says the *shiur* is close to fifty percent. The *Shevet HaLevi*³⁰ holds that even produce with an infestation rate of under ten percent must be checked.

The earlier *poskim* do not discuss how to calculate the *miyut hamatzui*. Do we look at the infestation rate of each individual fruit, or do we focus on the amount that one normally buys or cooks at one time? In addition, do we figure according to the volume of food that one individual eats, or his entire family?³¹

The opinion of the *Chasam Sofer*³² is that one has to check every fruit individually to see if it has the *shiur* of *miyut hamatzui*. *Harav Elyashiv Shlita* holds that the *shiur* is calculated according to the amount of produce one buys.³³ *Harav Vosner Shlita* focuses on the amount of produce that one normally would check for insects. *Harav Shlomo Zalman Aurbach zt"v*³⁴ says that lettuce is calculated according to the head of lettuce.³⁵ *Harav Shachter Shlita* calculates according to an individual serving size. Therefore, if one insect is found in ten servings then it is called “*miyut hamatzui*.”³⁶ According to

26. Shulchan Aruch Y.D. 101:1.

27. Y.D. 100-13-18.

28. Y.D. 17.

29. 191.

30. 4:81.

31. Bedikas Hamozon K'halacha page 117.

32. Y.D. 2:77.

33. Refer to Bedikas Hamozon K'halacha pages 173-175, OU madrich pages 115-116.

34. Bedikas Hamozon K'halacha page 179.

35. Bedikas Hamozon K'halacha page 117.

36. OU documents C-23, C-68.

כל השונה
הלכות
בכל יום
מובטח
לו שהוא
בן עולם
הבא...
(נדה עג)

the *Chasam Sofer*, one can cook fruit into a jam because the chances of ten percent of every fruit being infested are not likely.³⁷ The OU will not certify a jam that contains fruit which is *muchzak*.³⁸ However, there is no practical application of this rule, since most jams use fruit which are a *miyut hamatzui*.³⁹ *Harav Yisroel Belsky Shlita* holds that the determination whether an item has a *miyut hamatzui* may only be calculated after it has been washed.⁴⁰

Conclusion Regarding Buying Smoothies, Jams and Yogurts With Strawberries or Raspberries⁴¹

Smoothies - This is the practical application of our discussion: Fresh strawberries are permitted since they are pureed. Therefore, there is no concern of “*ein mevatlin issur*,” since the strawberries are not pureed with the intent to crush the insects. Frozen strawberries are also acceptable, since frozen strawberries are considered a *miyut sh'eino matzui*. Both fresh and frozen raspberries are permitted even though they are a *miyut hamatzui*, since they are pureed.

Jams - Jams consist of cooked strawberries with other ingredients. Frozen strawberries are used in most cases. Since frozen strawberries are a *miyut sh'eino matzui*, they are permitted. In regard to raspberry jams, since frozen raspberries are a *miyut hamatzui* and are cooked, one can rely on the *sfeik sfeika* of the *Shach* mentioned above.

Yogurts – Frozen strawberries are used for manufacturing yogurts. We established that frozen strawberries are a *miyut sh'eino matzui*. Therefore, it is permitted to purchase yogurts with strawberry pieces.

Purchasing Smoothies at a Non-Certified Smoothies Store – Stand

Although we have established that frozen strawberries and raspberries do not pose any *kashrus* issues in smoothies, it is still not advisable to buy from a non-certified stand unless you know that cold smoothies are the only items they make on the machine, and no other fruit juices are added to the mix. By definition, some liquid has to be added to facilitate the pureeing of the fruits. One must make sure that only water is used, since some added fruit juices may be non-*kosher*.

DISCLAIMER: THE ABOVE ARTICLE IS NOT INTENDED TO PRESENT THE OPINION OF THE KOF-K ON THIS MATTER.

37. Rabbi Falk Shlita on Checking Fruits and Vegetables page 10:footnote 27:4. Refer to *Binas Adom* 37 who says if three bugs are found in one barrel it is *muchzak*. *Harav Shlomo Zalman Aurbach zt"l* seems to say that this would not be true if it is a fruit which has bugs (*Bedikas Hamozon K'ahalacha* page 182).

38. OU document C-27.

39. As per Rabbi Dovid Bistricher Shlita (Rabbinic Coordinator - OU).

40. OU document C-67.

41. I want to thank Rabbi Dovid Bistricher Shlita (Rabbinic Coordinator - OU) for his time in reviewing this article and providing me with the above information.



אין לו
להקב"ה
בעולמו
אלא ד'
אמות
של הלכה
בלבד
(פסות)

SPONSORED:
לרפואה שלמה
מרת רחל בת פעסיל



SPONSORED:
לזכר נשמת
מרת יענטא בת ישראל חיים ע"ה
הרב משה בן יששכר בעריש ע"ה
הרב יעקב אריה בן שבת ע"ה

NEXT ISSUE IY'H:

Refraining from Certain Foods During the Yomim Noraim.

Which Food, Until When and much more..

**SUBSCRIBE
FOR FREE**

and view archives @

www.thehalacha.com



HALACHICALLY SPEAKING

HALACHICALLY SPEAKING

► Halachically Speaking is a monthly publication compiled by Rabbi Moishe Dovid Lebovits, a former *chaver kollel* of *Yeshiva Torah Vodaath* and a *musmach* of *Harav Yisroel Belsky Shlita*. Rabbi Lebovits currently works as the Rabbinical Administrator for the KOF-K Kosher Supervision.

► Each issue reviews a different area of contemporary *halacha* with an emphasis on practical applications of the principles discussed. Significant time is spent ensuring the inclusion of all relevant *shittos* on each topic, as well as the *psak* of *Harav Yisroel Belsky, Shlita* on current issues.

WHERE TO SEE HALACHICALLY SPEAKING

► Halachically Speaking is sent to many *shuls* in NY and NJ. It is sent via email to subscribers across the world, and read daily by tens of thousands of people on www.theyeshivaworld.com.

SPONSORED BY:



KOF-K Kosher Supervision

To sponsor an issue please call

718-744-4360

© Copyright 2010
by Halachically Speaking

Flatbush Basketball League

**LOW
UNBEATABLE
PRICE!**

**HEIMISHE
Atmosphere!**

**For Yeshiva Boys
in the
4th thru 12th Grades**

- Tee-shirts for every team • Gyms in the heart of Flatbush •
- Corporate sponsorships available • Professional refs •
- 10 Games plus playoffs • All games on מוצאי שבת •

**Join your Friends from many
Yeshivas in Flatbush, Boro Park etc.**

**Bring
your own
TEAM!**

CALL: 718-338-1536

"Register NOW! Don't be left out"

KOF-K OFFERS KASHRUS SEMINAR IN CATSKILLS



SHIUR:
FAQ'S IN KASHRUS

WHERE: **CAMP AGUDAH (STAFF)**

WHEN: **JULY 23rd, 2010**
9:15am CAMP TIME

SHIUR GIVEN BY:
RABBI MOISHE DOVID LEBOVITS

Topics Include:

- Bishul Akum
- Pas Paltar
- Maris Ayin
- Hard Cheese
- Food Under The Beil
- Sharpees
- Chalav Stam
- D.E. (Dairy Equipment)
- Peppi Without a KOF-K and much much more...

HALACHICALLY SPEAKING



SHIUR:
FAQ'S IN KASHRUS

WHERE: **Twin Bridge Estates (Shul)**

WHEN: **WEDNESDAY, JULY 28, 2010**
9:00pm

SHIUR GIVEN BY:
RABBI MOISHE DOVID LEBOVITS

Topics Include:

- Bishul Akum
- Pas Paltar
- Maris Ayin
- Hard Cheese
- Peeled Eggs etc. left overnight
- Sharpees
- Chalav Stam
- D.E. (Dairy Equipment)
- Peppi Without a KOF-K and much much more...

FOR WOMEN ONLY

HALACHICALLY SPEAKING



To host a **kashrus seminar** in your shul or yeshiva call
Rabbi Moishe Dovid Lebovits
at **1-718-744-4360** or email mlebovits@kof-k.org

