

Voice OF THE VAAAD

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RESURRECTION OF BONES IN FOOD PRODUCTION:

One of the many fascinating aspects of food science is the ability to extract ingredients from a variety of unsuspected sources. Looking at a simple chewy candy, the human eye cannot possibly see the diversity of organic, chemical and animal byproducts contained within. This article will attempt to give a brief overview of the halachic background behind accepting specific animal byproducts into commonly eaten foods.

Collagen is the main structural protein found in the various connective tissues of animal bodies.¹ From it we can extract gelatin, which is commonly used in food, medications, drug and vitamin capsules, photographic films, and cosmetics. Gelatin in food may be used as a stabilizer, thickener, or texturizer, as well as in fat-reduced foods to simulate the mouthfeel of fat and to create volume. Gelatin is also used for the clarification of juices, such as apple juice, and of vinegar.²

Is gelatin that is derived from a bone of a non-kosher animal permissible in kosher food production? This question has plagued halachic writers for centuries and has generated a variety of opinions. At first glance, it would seem that gelatin

extracted from non-kosher or non-slaughtered animals should be prohibited because of the general rule that all that comes from a non-kosher source will remain non-kosher.³ However, this rule may

not apply here. The Torah prohibited us from consuming specific non-kosher species, i.e. pigs, horses, catfish, etc., but does this prohibition equally apply to the bones and skins of these animals? Furthermore, even if it does, can their non-kosher status be changed via the chemical process used to extract gelatin?

The Rambam writes⁴ "One who eats from non-kosher

animals, its skins, its bones, its sinews, its horns, its nails... even though it is forbidden, he is exempt from punishment because these items are not fit for consumption." Commentators⁵ discuss if this statement implies that the prohibition on these items is Rabbinic. Rav Aharon Kotler zt"l⁶ writes at length to prove that the Rambam does in fact mean that there is never a full Torah prohibition on the consumption of bones from a non-kosher animal. Rather, if the bone is still unfit for human consumption it is prohibited Rabbinically. However, once the bone is transformed into an edible by-



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product, then it becomes prohibited from Torah law based on the principle that anything derived from a non-kosher source remains non-kosher. This opinion of how to understand the Rambam has been accepted by many leading poskim, leading them to forbid the consumption of gelatin.⁷

An argument put forth by some to actually permit gelatin from non-kosher sources is that gelatin becomes inedible during the manufacturing process. The Gemara⁸ records that non-kosher foods which become inedible lose their non-kosher status. It used to be the common practice to make cheese curd by adding the skin of a calf's stomach to milk, or by letting the milk sit in the calf's stomach. The Rema⁹ states that where the stomach has been salted and dried to the extent that it is dry as a piece of wood, and milk is subsequently added, one would be permitted to use the resulting cheese. Based on this logic some have suggested that gelatin should be permitted.¹⁰

However, many prominent halachic authorities rule that "dry as wood" non-kosher products that become rehydrated regain their former status as non-kosher.¹¹ Therefore, the leniency of the Rema is not applicable in our case.

Besides the halachic arguments not to accept gelatin from non-kosher sources, there is a practical concern as well. Even according to the lenient opinions, gelatin from non-kosher sources is permitted for consumption only if the gelatin is dried out completely. But the drying process is not necessary for the production of gelatin, only for its preservation. Since there are many applications of gelatin beyond the food industry, there isn't a commercial need to preserve the bones or hide. The global demand for gelatin is immense¹² and therefore the leniency of dried gelatin is not germane.

Rav Yechezkel Abramsky zt"¹³, after writing at length that there is a halachic basis to permit gelatin produced from hard-bones of non-kosher animals, concludes with the following: "Since until now it has been accepted that gelatin is forbidden... it is not an unwarranted fear that if we will issue a responsum permitting gelatin, it will strengthen the hand of those who profess the erroneous view that Halacha is in the hands of rabbinic decisors, as is clay in the hands of the artist..."

It should also be noted, that the majority of gelatin available today on the global market is not produced from animal bones. The most common way to manufacture gelatin today is from pig hides.¹⁴ Most halachic authorities rule that one cannot be lenient in such a situation because the halacha considers pig skins fit for human consumption.¹⁵

The consensus among the leading Kashrus agencies¹⁶ in the USA is not to accept gelatin as a kosher product unless it is from the hides of kosher slaughtered animals or produced from kosher fish skin or scales



“...anything derived from a non-kosher source remains non-kosher.”

What are the kosher alternatives for this versatile ingredient? The most common kosher gelatin used is marine gelatin (fish), as the skins and scales of fish contain relatively large amounts of collagen. This is easier from a kosher perspective since fish do not have to be halachically slaughtered. However, kosher certification is always necessary for marine gelatin because non-kosher fish are also used. An additional advantage, of marine gelatin is that fish skins and scales would otherwise go to waste, unlike cow hide which can become leather.¹⁷

Although there is now a market for kosher produced gelatin, producing it costs considerably more than producing non-kosher gelatin. For this reason, kosher gelatin is generally only found in products

marketed specifically to the Jewish market. The manufacturers pay more for kosher gelatin and pass on those expenses to the Jewish consumers.¹⁸

There is another fascinating discussion in the poskim dealing with the following question: After we have produced kosher gelatin, what is its designation. Meaning to say if it is derived from kosher slaughtered animal hides/bones, is it considered a meaty product that may not be served with milk products? Or if it's produced from fish skins, does it retain its fish status and therefore should not be eaten or cooked together with meat?¹⁹

The halachic consensus arrives at an interesting conclusion. Gelatin produced from slaughtered kosher animals is treated as pareve and can be used in dairy products.²⁰ However, gelatin produced from fish retains its fish status and cannot be cooked or eaten together with meat.²¹

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BIKUR CHOLIM HOUSE NEWS

In a recent class given by **Rabbi Yosef David** of Aish HaTorah, he mentioned the great service provided in our community through the Ohel Rina & Michael - Bikur Cholim House. The house is a project of the Vaad Hoer of St. Louis, services families visiting St. Louis by providing them with a comfortable place to stay during their time in the area. The typical family coming is already overwhelmed emotionally and financially and are relieved to receive an invitation to stay in such a warm and inviting home.

Many of the participants of Rabbi David's shiur had yet to have heard of this great act of *chesed* being performed in our backyard. They immediately offered assistance with whatever might need to be done. Rabbi David contacted the Vaad Hoer office and arranged for the men to have a tour of the house. Within a few short weeks a group of volunteers gathered together with ample supplies and tools to fix up various items in the house. Not only did they volunteer their time and expertise to ensure a proper job will be done. They have pledged to continuously come back and do whatever they can to beautify the home. This remarkable act of *chesed* is much needed for the home.

Since the opening of the Ohel Rina & Michael in 2016, it has been occupied non-stop. Families from North and South America, Europe and Israel have been amazed at the level of hospitality offered to them free of charge in St. Louis. A comfortable home equipped with the necessary linens and towels, a kosher kitchen, as well as a stocked pantry. Moreover,

continuous offers from community members to join them for Shabbos meals, as well as home cooked dinners delivered to the hospital!

Besides maintaining the Ohel Rina & Michael, the Vaad Hoer maintains two other apartments to host visiting families. In addition, **Dr. Dovid & Gitty Greengart** have designated their basement as a suite for families visiting for medical needs. These apartments as well come fully stocked with all the necessary trimmings to ensure a comfortable stay.

Many community members are part of a Whatsapp chat, led by **Arik Levy** dubbed "VeAhavta l'reacha kamocho." This chat group is reminiscent of the ancient Jewish custom practiced throughout all European communities of old, to have a society established to tend to all the

needs of the sick. **Mrs. Miriam Florans** together with many other community volunteers are always ready to help all local St. Louis residents as well with their medical needs. Caring for the visiting families as well as local ones is a *zechus* our community is fortunate to do.

For more information or to donate to help the Bikur Cholim please call Rabbi Kowalsky at 314-690-1674 or visit www.bcstlweb.com.



Bill Green, Jeff Moulton, Bob Mondschein, Rabbi Yosef David and Yosef Kowalsky - Volunteering their time to spruce up the BC house on December 23, 2018



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1 <https://en.wikipedia.org/wiki/Collagen>

2 <https://en.wikipedia.org/wiki/Gelatin>

3 Bechoros 5b

4 Hilchos Maachlos Assuros 4:18

5 See Sefer Orach V'Simcha on Rambam ad loc. And Shach YD 87:22

6 Shu"t Mishnas Rav Aharon YD 16-17

7 Although differing in some of the details the consensus of Rav Aharon Kotler, Rav Y.E. Henkin and Rav Moshe Feinstein zt"l, was that regular gelatin obtained from non-Kosher or non-Kosher-slaughtered animals could not be accepted as kosher. See Kosher Food Production pg. 318

8 See Chavaas Daas YD 103:1 who writes at length to explain that there are two independent rules which come into play. One is *shelo k'derech achilaso* and the other is *davar hapagum*. In summary when a food item has become completely putrid it is categorized as *aino reuah l'ger* and is permissible even if it is chemically rejuvenated. However by something which has just become *pagum* if in fact it is rejuvenated to benefit the food, it will be able once again to prohibit the food.

9 YD 87:10

10 See Shu"t Achiezer 2:11,3:33:5 and Shu"t Har Tzvi YD 83

11 See Pri Megadim YD 87:33 and Shu"t Chasam Sofer YD 81. Rav Moshe Feinstein zt"l in Shu"t l'GM YD 1:37 and 2:27 concludes that it is a doubt if the rehydrated substance is permitted. See Shu"t Mishnas Rav Aharon ibid, who writes unequivocally that it is prohibited.

12 Annual production is approximately 400 tons! - <https://en.wikipedia.org/wiki/Gelatin#Production>

13 Quoted in Shu"t Tzitz Eliezer Vol. 4 in the introduction

14 https://en.wikipedia.org/wiki/Gelatin#Production_of_gelatin

15 See Mishna Chulin 122a, Rambam – Hilchos Maachlos Assuros 4:21. In Kosher Food Production pg. 318 the author writes, "One need look no further than the snack section in the supermarket to note "fried pork rinds" as a proof!"

16 See http://www.crcweb.org/kosher_articles/reliability_of_agencies.php

17 <http://www.ok.org/kosherspirit/fall-2015/fish-gelatin>

18 <https://oukosh.org/blog/consumer-kosher/gelatin-revisited/>

19 As the Shulchan Aruch (YD 116:2) rules it is prohibited, based on the Gemara that it is an unhealthy practice.

20 See Igros Moshe (YD 1:37) who explains that the process of drying out the hides removes their Rabbinic meat status. See also: https://www.kashrut.com/articles/gelatin_revisited/.

21 This is based on the principle that in matters related to danger we don't apply the laws of bitul (see Pischei Teshuva YD 116:3 – who brings various opinions on this matter). See <https://www.star-k.org/articles/kashrus-kurrents/1404/getting-into-continued-on-page-4-the-thick-of-things-gelatin/> where the conclusion seems to be that one may rely on bitul of the fish gelatin in the finished product. However, see http://www.crcweb.org/kosher_articles/fish_and_meat.php where the author concludes that in many cases the fish gelatin will not be batel in the finished product.

HALACHA CORNER

Q. As a rule, leafy herbs must be washed and checked prior to use. (See “Voice of The Vaad” issue #3 for details!) If one is preparing a “dip” which calls to purée the herbs, may one purée them without washing and checking them beforehand?

A. To answer this question we first must preface with some fundamental halachic concepts.

Firstly, the halacha is that prohibited items are nullified in a majority of permitted items² (sometimes requiring sixty times the prohibited matter). Secondly, *m'drabanan* a whole bug isn't nullified in a mixture³ (and in the case of fresh herbs, it is common for them to be harboring whole insects). Furthermore, *m'drabanan* one is not allowed

to arrange for a prohibited item to become nullified in a mixture⁴ (*ain mivatlin issur l'chatchila*).



While it is true that if one wanted to use fresh herbs, they would need to properly check them. A different process is in place when it will be pureed. As the standard way to prepare these dishes is to purée the ingredients, we do not say that it is as if one is intentionally causing a nullification of the insects by pureeing them⁵. Nonetheless the *poskim*⁶ recommend to first wash the herbs, thereby demonstrating a disinterest in the infestation.

It therefore would suffice in this situation to wash the herbs well and then puree⁷.

1 <https://ovkosher.org/voice-of-the-vaad-3/>

2 Shulchan Aruch YD 98:1-2

3 Shulchan Aruch YD 100:1

4 Shulchan Aruch YD 99:5

5 This is analogous to the case discussed in Shulchan Aruch YD 84:14 with Shach there #40.

See also Taz YD 99:7 and Pischei Teshuva 99:4.

6 See Halachos of Insects pg. 245 and opinion of Rabbi Gissinger at: <http://www.akokosher.org/audio/2018-Nov-Membership-Conf/Ask%20The%20Posek.mp3>

7 The halacha would be different if one intended to just avoid checking the produce by pureeing it.

VAAD NEWS: GITTI



The Vaad Hoer has delegated Rabbi Yitzchak Kowalsky to join an exciting program. In addition to his service as Senior Rabbinical Coordinator of the Vaad, he is currently training in the necessary halachos

for arranging a Get. This program, offered through the Rabbinical Council of America in conjunction with Eretz Chemdah in Israel, trains Rabbanim in the relevant halachos. Eretz Chemdah is renowned throughout Israel and the world as a premier institution for training Dayanim in all areas of halacha.

The program includes rabbis from the United States, Europe and Australia and was arranged with the help of the Montefiore Endowment Fund of London. The instructing Dayan issues a detailed learning unit each week, consisting of sources from the Gemara and Rishonim, through the Shulchan Aruch and its commentators, to contemporary

Poskim with an emphasis on practical topics. He also gives an interactive weekly hour-long shiur online. In addition, every summer there will be a week-long seminar with the Dayan at a North American venue.

The rigorous ongoing tests of Eretz Chemdah are administered by HaRav Zalman Nechmiah Goldberg shlit"á as well as the Chief Rabbinate of Israel.

Rabbi Kowalsky already has taken the necessary, prerequisite testing and has qualified to join this group studying to become proficient in the intricate halachos of Gittin. The course began in October 2018 and is slated to last for a minimum of two years. The

Vaad Hoer is sponsoring Rabbi Kowalsky to participate in this program, as it recognizes the utmost importance of having a Get arranged locally when the need arises.



KASHRUS ALERTS



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