

Kashrus



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Food Fit for a King:

Reviewing the Laws of Bishul Akum & Bishul Yisroel

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Bishul Yisroel Sephardi:

It is not uncommon for food manufacturers to call us with a keen interest in kosher certification without the the slightest idea what it takes to produce a kosher product. What complicates matters is that they would like to have a *kashrus* tutorial capsulized into a telephone conversation. Obviously, we can't give a thorough *kashrus* course over the phone, but we can categorize practical *kashrus* into three main areas: ingredients, equipment, and process.

Occasionally, there may be circumstances where both ingredients and equipment are 100% kosher. Through a violation of a rabbinic ordinance, some foods or food products would be prohibited, while other food products undergoing the very same process would remain 100% kosher. This disqualifying process occurs when certain foods are totally and exclusively cooked by an *aino Yehudi*, a person who is not required by the *Torah* to keep kosher. When a kosher raw chicken is boiled in a pot of water by an *aino Yehudi*, it is as non-kosher as chicken cooked in butter! Our rabbis call this disqualification **bishul akum**, literally, food cooked by a person not required by the *Torah* to keep kosher. There are two reasons why our *chachomim*, sages, enacted this ordinance: First, as a precaution against inadvertently eating non-kosher food; Second, as a prevention against unnecessary socialization that could lead to intermarriage.

In situations where *bishul akum* would present a problem, our *chachomim* have instructed us that this disqualification can be avoided by having the observant Jewish homemaker or a *mashgiach*, a kosher supervisor, perform an integral part of the cooking process, such as turning on the fire. When a *Yehudi*, an observant Jew, assists in the preparation, we say that the food is prepared through *bishul Yisroel*.

In order for the consumer to understand these important kosher laws clearly, we will delineate the circumstances where the prohibition of *bishul akum* does not apply.

I. Prohibition of Bishul Akum Does Not Apply To...

- **Foods that can be eaten raw.** This applies even to food that tastes better cooked or baked rather than raw (e.g., baked apples or applesauce). The reason why our *chachomim* permitted these dishes is because we can eat this food without the intervention of the *aino Yehudi*. We do not feel obliged to the cook for his assistance in preparation of these products, thereby lessening any social bond created by the food.

- **Foods whose form and taste do not change through cooking.** This applies even to food that would normally not be eaten without cooking (e.g., pasteurized milk or distilled water).

- **Foods that are still inedible and require more cooking to make the food edible.** This would apply to partial preparation by the *akum* and the finishing process by the *Yehudi*, or partial preparation by the *Yehudi* and the finishing process by the *akum*.

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If anyone ever visited New Orleans, one of the must-see tourist highlights in Metairie, a suburb of New Orleans, is a quaint Cajun wooden floor coffee shop known simply as Morning Call. Morning Call is a café that sold one product only - a delightful, deep-fried square doughnut that you smothered with heaps of confectioners sugar and enjoyed along with a delicious hot cup of French market coffee. These square doughnuts are known as beignets (pronounced ben y'ays). I don't know if a beignet matches a fresh jelly-filled *sufgania*, but beignets are a New Orleans favorite and Morning Call is still frying beignets.

When I was a member of the New Orleans *Kollel* many years ago, Morning Call was certified kosher by the local congregational rabbi, and at that time there was no Kosher Cajun restaurant to go to for a kosher bite to eat. The proprietor of Kosher Cajun was in 5th grade in the local *Torah Umesorah* day school at the time. Morning Call was the one and only.

As we examined Morning Call's beignet production, we realized that no *mashgiach* turned on the fires. In truth, beignets are probably not served at a state dinner and probably do not qualify as a cooked item that is *ole al shulchan melachim* requiring *Bishul Yisroel*. Although beignets are cut from a thick dough, which one would intuitively consider to be a baked product, since the beignet is actually deep-fried it may be *halachically* considered to be a cooked item.¹ This would subject the beignets to the laws of

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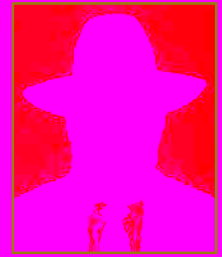
1. *Chayei Adom Hilchos Birkas Hanehenim* 54:6

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Bishul Yisroel Sephardi:



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*Bishul Yisroel*² and, for this reason, there was great *halachic* value to pursue this “pilot” *kashrus* project.

Why a “pilot” project? Because Morning Call’s oven pilot lights are never shut down; the long oven burners stay on 362 days a year, 24/7, except for three days a year: December 25, January 1, and Mardi Gras. At that time, I discussed the Morning Call issue with R’ Nota Greenblatt *shlit”a* of Memphis, TN, the leading *halachic* authority in the South for the last 60 years. R’ Nota told me that I had to convince the owners to turn off the fires, and that I should re-light the long burners each time they were turned off for the holidays – which was, indeed, the case. I scrupulously performed the re-lighting for a number of years until I left the New Orleans *Kollel*. This was my first *kashrus* assignment.

In retrospect, did the lighting of the fires accomplish anything? Absolutely. According to the opinions that beignets would require *bishul Yisroel*, *bishul Yisroel* was accomplished by my lighting the pilot light. According to those opinions beignets need to be *Pas Yisroel*, we now had *Pas Yisroel* beignets.³ What achieved this transformation? My lighting of the fire (i.e., the pilot light that ignited the burners).

Mechaber vs. Beit Yosef

It is interesting to note that there is unanimity between the *Bais Yosef*, *mechaber* of the *Shulchan Aruch*, and the *Rema* regarding the transformative abilities of *hashlochas kisem*, lighting the fire, throwing in a piece of kindling or stoking a flame when it comes to the laws of *Bishul Yisroel*.⁴

The *Bais Yosef* very clearly maintains that the lighting of the oven criteria applies only to *pas*.⁵ In order to perform a significant action to qualify for *Bishul Yisroel*, the *Yehudi* would have to actually put the raw dish into the hot oven or on top of a cold burner and light the fire when the uncooked item is resting on the burner so as to fulfill the criteria of *Bishul Yisroel Sephardi*. The *Rema* counters and posits that what qualifies as *pas Yisroel* would qualify as *Bishul Yisroel* as well, which is the *Askenazic* position.

How does this dichotomy manifest itself in industrial *kashrus* settings? An example would be a canning company that uses a hydrostatic or sterolamatic continuous cooker, which automatically feeds cans of potatoes or yams (products which are *ole al shulchan melachim*), or if the company uses a conventional basket retort where uncooked cans of potatoes are placed in baskets that are pushed into a “torpedo style” cooker. In such cases, lighting the boiler by a *mashgiach* would qualify for *Ashkenazi Bishul Yisroel*, but would be ineffective for *Sephardi Bishul Yisroel*. This would not be an issue for corn or string beans, which can be eaten raw (*ne’echal kmos shu chai*)⁶ and do not require *Bishul Yisroel*. However, in the case of a vegetable such as white potatoes or sweet potatoes, vegetables that are *ole al shulchan melachim* and are not eaten raw, the lighting of the boilers would be ineffective for *Bishul Yisroel Sephardi*.

Similarly, in a kosher restaurant or catering commissary certified by the best *hechsherim*, complete with the best *mashgichim*, the fires of the stove/oven, soup kettles, and braisers are religiously turned on before cooking even begins. The *Bishul Yisroel* is seemingly beyond reproach for

Ashkenazim, but not for *Sephardim*. Unless the *mashgiach* puts the uncooked food (that can’t be eaten raw and is *ole al shulchan melachim*, such as rice) directly onto the fire, or the raw roast beef or uncooked chicken into the oven to cook, the food will not qualify for *Bishul Yisroel Sephardi*.⁷

One way that has been found to address these challenges of *Bishul Yisroel Sephardi* in a factory commissary or restaurant is to have the raw items placed on the stove or in the oven before the fires are turned on. In this way, the action performed by the workers is not one of *bishul*, as there is not yet a fire.

Instantly Assur!

One very interesting *Bishul Akum* question arose in a factory setting affecting both *Sephardim* and *Ashkenazim*. The products in question were instant rice and couscous. Both products are totally cooked and dehydrated, with cooking instructions that call for re-cooking before eating. Does dehydrating a product a second time remove the *Bishul Akum* stigma of a product requiring *Bishul Yisroel*? This question is not new and was raised in the *Shailos U’tshuvos* of the *Avkas Rochel*, recorded by the *Yad Efraim*. In the *Teshuva*, the product in question was cooked wheat kernels, where the wheat kernels were cooked to a point that qualified for *Bishul Akum* and subsequently dehydrated to an inedible point requiring re-cooking. Was the original *Bishul Akum* prohibition nullified? Based on the *Avkas Rochel*, the *Yad Efraim* stated a resounding ‘Yes’. It seemed obvious that instant rice and couscous fell into the *Yad Efraim*’s profile. But, then the bombshell dropped!

It was found that both products – the instant rice and the couscous – could be fully hydrated and edible in cold water, no further cooking necessary! How did we deal with this new *Bishul Akum* revelation? In the case of the domestic instant rice, there was an easy remedy. Part of the *hashgacha* protocol involved the *mashgiach* turning on and constantly monitoring the multiple boilers of the rice company. In the case of couscous, the monitoring was more difficult and the question as to whether couscous is considered *ole al shulchan melachim* was posed to Rav Heinemann, *shlita*, Rabbinic Administrator of the STAR-K.

The first attempt at an answer was that couscous is not eaten alone; it is prepared with oil and other vegetables and should not be subject to *Bishul Akum* in its manufactured state. However, to that claim Rav Heinemann answered that even though couscous is prepared with other ingredients, if the couscous does not require further preparation, then the *Bishul Akum* status is not rescinded.⁸ Another approach was that couscous is a home food and is not served at weddings or fancy functions. After researching this question with caterers, the answer is that this is not an accurate statement. The question as to whether or not couscous is *ole al shulchan melachim* was posed to a reputable Sephardic *kashrus* certification agency, who emphatically maintained that couscous is not considered to be *ole al shulchan melachim*. However, as Mediterranean food has become more popular, couscous has come of age and is served at fancy functions. Therefore, to satisfy both sides of the coin Rav Heinemann required that the STAR-K *mashgiach* turn on the boilers for both the couscous and instant rice. Once again, this resolution only satisfies the *Rema* and not the *Bais Yosef*.⁹

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2. *Chochmas Adom* Y.D. 65:6

3. *Pas Palter* is bread baked by an *aino Yehudi* baker in a bakery business, as opposed to home-based bread of an *aino Yehudi*, which is forbidden. Y.D. 112:1 & 2.

4. Y.D. 112:7

5. Y.D. *Siman* 113:7 & *Rema* ibid.

6. Y.D. 113:1

7. Y.D. *Siman* 113:7 & *Rema* ibid

8. ענינו ונימוקו משום שכל מה שצריך לתקן בבישול כבר נעשה ומה שמעורבים בתוכו אח”כ בקר אינו מעלה מאיסורו.

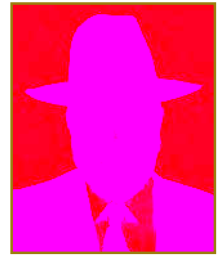
9. Y.D. 113:7



Getting Into HOT WATER

URNS AND PUMP POTS IN HALACHA

BY RABBI ZVI GOLDBERG,
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Remember when making coffee meant putting a kettle on the stovetop and waiting until it whistles? Today, electric heating has taken over the market in order to fill the need of having hot water on-demand.

Two of the popular types of electric hot water heaters on the U.S. market are the common aluminum urn with a plastic spout, and the relatively newer ‘pump pot’, which requires that you push down on the top plunger to pump out the water.

I. TEVILA

The *Torah* requires that utensils used for a meal be immersed in a *mikva* if they were in possession of an *aino-Yehudi* at any time. The *Talmud*¹ states that *mechamei chamin*, hot water kettles, also require *tevila*. Rav Moshe Feinstein² explains that there is a novelty in this ruling. One can argue that a kettle requires no *tevila* at all. The kettle doesn’t perform any meal preparation function since heated water has not really changed; it is just water that is hot. The *Talmud* is teaching that hot water is considered changed; hot water is of great importance to people, as it serves a completely different function than cold. Therefore, the kettle is regarded as a “meal utensil.”³

Responsa *Shev Yaakov*⁴ cites two reasons that some kettles of his generation (1700’s) did not have a *tevila* requirement. The first reason is that the kettles were made to be attached to the fireplace, making them an extension of the house. Since they were not movable utensils, they were free from an obligation to *tovel*. The second reason is that in those days, almost no one drank hot water from those kettles. They would use the hot water in foods which required further cooking.⁵ He describes a “minority of a minority” who used the kettles to make hot water for tea.

Following the opinion of the *Shev Yaakov*, some authorities argue that electric utensils do not require *tevila* since they are made to be attached to the wall; they work only when they are connected through a plug.⁶ However, most contemporary authorities disagree and hold that electric utensils require *tevila*.⁷

Our experience shows that electric utensils can generally be immersed without harming them. However, for safe operation one must ensure that all the water is removed after the immersion, and the urn is completely dried out for a few days before using it.

If the electric utensil is a type that will be destroyed through *tevila*, for example if it incorporates a computer chip and digital display, then *HaRav* Moshe Heinemann *shlit”a* rules that it does not require *tevila*.⁸ The logic behind this ruling is that there is a positive commandment to *tovel* utensils before use. If *toveling* will ruin the utensil, then one is considered *onus*, unable to perform the *mitzva* on this utensil.⁹

Process of *Tevila*

Remove all stickers and residue from the utensil, wet your hands in the *mikva* water, and recite the *brocha*.

Immerse the entire pot in the *mikva* water right side up, so that all the air pockets are filled and it is in contact with water on all sides, both inside and outside of the vessel.

The whole vessel must be submerged at one time. However, it is not necessary to wait until all the bubbles come out of the interior cavity (the part that is not visible and houses the wires). If the plug is removable, it should be removed prior to immersion. Otherwise, the plug should also be immersed¹⁰

Certified Pump Pots

Due to the difficulty in immersing pump pots and the fact that it usually voids the warranty, some Jewish manufacturers sell pump pots which they produce in a manner that frees the pot from the obligation to *tovel*. These bear certifications that state, “No *Tevila* Required”. Various *kashrus* agencies and rabbis have certified these pots, indicated by a sticker on the box stating the name of the certifier.¹¹

Certifying a pump pot poses the following *halachic* challenges:

1. Manufacturing Process

Let’s discuss the issue from the manufacturing side. These items are often made in the Far East by non-Jewish companies. How is the obligation to *tovel* bypassed?

There are basically two options:

1. The Jewish company acquires the metal parts and hires the factory to put it together, or
2. The factory leaves it unfinished and the Jewish company finishes it.

If using the first option, one needs to ensure that the parts are *halachically* acquired. Theoretically, the Jewish company could take possession of the metal parts and physically deliver them to the factory, in which case the Jewish company would surely own them. But that is not practical and, in reality, the Jewish company will pay for them and have them delivered by others to the factory. Payment alone may not be sufficient in the eyes of *halacha*,¹² and other methods of possession are employed. The intricacies of the laws of acquisition are beyond the scope of this article, but the certification hinges on the proper execution of this acquisition.¹³

Even if all the proper arrangements are made, how does the Jewish company guarantee that the pots made especially for them are the ones being delivered? Perhaps the manufacturer is substituting other pots made from his own metal? This problem is not easily solved unless a *mashgiach* is present to oversee production; however, not all certified pump pots are produced in the presence of a *mashgiach*.

The second option mentioned above is having the Jewish company complete the creation of the vessel. The part of the utensil which holds water should come unassembled and a Jew should assemble it, which would resolve the above issues.

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1. *Avoda Zara* 75b

2. *Igros Moshe* Y.D. 3:24

3. This is in contradistinction to a toaster, as Rav Moshe holds a toaster does not require *tevila* since the bread essentially remains the same. However, since there are dissenting opinions (see *Sefer Tevilas Keilim* pg 208), STAR-K policy is to *tovel* a toaster without a *brocha*.

4. *Siman* 31 (1742, Frankfurt-On-Main)

5. Such a situation would require *tevila* only as a stringency.

6. *Chelkas Yaakov* Y.D. 41, *Beis Avi* Y.D. 114

7. See for example the strong language of *Shevet Halevi* Y.D. 57:3 “*zeh hevel u’reus ruach*,” *Be’er Moshe* 4:100 and *Sefer Tevilas Keilim* pg 50.

8. See Responsa *Minchas Shlomo* 3:68:2, *Avnei Nezer* O.C. 418:11 and *Beis Meir* 120:11 in opinion of *Ramo*. Some pump pots and Keurig type coffee machines have digital displays and would be ruined through immersion. Others are not digital and are obligated in *tevila*.

9. Besides for the positive command, there is also a prohibition against using a utensil without *tevila* (*Be’ur Halacha* 323, *Sefer Tevilas Keilim* pg 102). However, this prohibition is rabbinic in nature, and when there is no positive command to *tovel*, the rabbis would not impose a prohibition of use. It is important to note that even in cases where one is obligated to *tovel* and did not do so, the food is still considered kosher.

10. See however, *Igros Moshe* Y.D. 1:57.

11. Certification would also ensure the pots are not smeared with non-kosher oil.

12. As an example of the issues, monies wired to the manufacturer may be considered no more than a check, which directs the bank to transfer money.

13. One must certainly be aware of the issue of *uman koneh bshvach kli*, the one who builds acquires a form of ownership. See *Igros Moshe* O.C. 3:4, who concludes that when the Jewish company pays the factory that hires the workers, it does not present a problem of *uman koneh bshvach kli*. See, however, *Chelkas Binyomin* 120:85.



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• **Foods that are not prestigious and would not be served at a king's table when hosting an official state dinner** (e.g., baked beans or corn flakes). These foods are permitted because a person does not experience deep feelings of gratitude and appreciation when someone warms up a can of string beans. Therefore, cooking non-prestigious food would not bring on feelings of closeness between preparer and recipient. Any food that would not be served at a wedding feast because it is not elegant (e.g., doughnuts) would certainly not qualify for *bishul akum*.

• **Foods which are generally not eaten together with a meal or are not eaten for healthy nutrition** (e.g., candy, or potato chips). According to many *poskim*, *halachic* authorities, these types of food would not be forbidden as a *bishul akum* product.

• **Foods of any combination whose main ingredient does not qualify for *bishul akum* would be acceptable as long as all the ingredients are blended together.** An example of such a product would be brewed coffee, which is a combination of water and roasted coffee beans. Cooked water does not qualify for *bishul akum*. Although roasted coffee beans cannot be used without brewing, coffee is a prestigious beverage which is served at weddings. Nevertheless, since the water is considered the main component of the beverage and the coffee is considered a flavoring, freshly brewed coffee would not be subject to the restriction of *bishul akum*.

• **Foods that are microwaved by an *aino Yehudi*.** *Bishul akum* does not apply to microwaved food. The rabbinical prohibition of *bishul akum* applies only to conventional cooking methods through fire (e.g., cooking, frying, roasting). Food prepared through microwaving is not included in the prohibition.

• **Foods that are prepared by brining or smoking** would not be prohibited.

Often asked *Bishul Akum* Questions...

• **Does *bishul akum* apply to canned goods?** The answer is that it depends. Canned soups and canned pasta would present a problem of *bishul akum* without proper supervision. Canned fruit would not present a *bishul akum* problem because fruit is usually eaten raw. As long as the fruit has been processed on kosher equipment with kosher ingredients, it would be permitted. Canned vegetables that are either eaten raw or are not elegant enough to be served at a state dinner would not have a *bishul akum* problem. Whole asparagus, when served alone, is a prestigious food. Therefore, canned whole asparagus should only be used with a reliable *hechsher* which surely addressed the *bishul akum* issue.

• **Is *bishul akum* subjective?** The *bishul akum* prohibitions can change depending upon the different culinary customs of the country in question. Canned mushrooms is an example of this subjectivity. In the United States, canned mushrooms do not require *bishul Yisroel* for the following reasons: 1) Mushrooms are eaten raw; 2) Canned mushrooms are not eaten by themselves in a prestigious manner; they are further processed in sauces or casseroles. Therefore, in the U.S. canned mushrooms would not be subject to *bishul akum* restrictions. In Israel, however, where mushrooms are not eaten raw and mushrooms are considered a prestigious food, the restrictions of *bishul akum* may apply. Interestingly, certain third world countries view potato chips as a prestigious food. The U.S. considers potato chips "junk" food.

Obviously, in countries where potato chips reach a king's state dinner, potato chips would also be subject to the laws of *bishul akum*.

• **Does *bishul akum* apply to rice?** Instant rice and minute rice are products that are fully cooked and then re-dried so that the product can be easily rehydrated (e.g., boil-in-the-bag rice). This product is subject to *bishul akum* at the point of manufacture because the rice was fully cooked and would be fit for a state dinner. Parboiled rice is steamed with the outer shell intact in order for the nutrients of the hull to be cooked into the kernel. The kernels are then pearled and sold as raw rice. A good example of parboiled rice is Uncle Ben's converted rice. Parboiled/converted rice would not be subject to the laws of *bishul akum* at the point of manufacture, since it requires further cooking which must be done by a Jew.

• **Does *bishul akum* apply to Rice Krispies?** The raw rice is pre-cooked before being popped into crisp rice. Would the pre-cooked rice be subject to the *bishul akum* prohibition? The Kelloggs' technical staff explained to the STAR-K that although it is true that the rice is pre-cooked before toasting, this pre-popped rice is rubbery and edible but not fit for a king's repast. Since the pre-cooked rice is technically edible, although not appealing, any subsequent process including popping and flavoring, would not subject the rice to the restrictions of *bishul akum*. Popped rice cereal is not *oleh al shulchan melachim*.

• **The White House State Dinner Policy** - The STAR-K asked the White House executive chef about the White House banquet policy regarding the use of canned products for state dinners. A specific question was, 'What is the policy regarding canned cranberry sauce?' We also asked whether potato chips are served at state dinners. The chef's response was as follows, "We would serve whatever the guest wants. However, we never served potato chips, nor do we ever use canned goods...everything is prepared fresh!"

Note 1: Even though the White House may never use canned foods, if the food was first cooked before the canning process, then at that time it is perfectly fit for use at a state dinner and the subsequent canning does not remove the proscription of *bishul akum*.

Note 2: If a product is disqualified due to *bishul akum*, the utensils are also considered non-kosher and have to be *kashered*. If stoneware or teflon-coated utensils were used, one should ask his *rav* for guidance on *kashering*.



II. *Bishul Yisroel*

As previously mentioned, when an observant Jew has played an integral part in the food preparation, that product is known as food that has been prepared through *bishul Yisroel*, literally, food cooked by an observant Jew.

The cooking processes requiring *bishul Yisroel* are: boiling, broiling, baking, frying, deep frying and roasting. Some examples of foods requiring *bishul Yisroel* include: soups, shish kebob, roasts and rice pilaf.

Notable exceptions are bread products that are baked commercially. Bread/cake products have separate laws governing their use.

The Process - The *bishul Yisroel* process can be achieved in one of two ways: a) The food is placed in a cold stove or

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cooking apparatus and then the *Yehudi* lights the fire; b) The fire or pilot light in an empty oven is first lit by the *Yehudi* and remains lit continuously. After the pilot light is lit, the food can be placed inside by anyone. The first method is the optimal one.

Often Asked Bishul Yisroel Questions...

• **If a pilot light is burning continuously, how long can it remain lit without *Yehudi* intervention and still be considered *bishul Yisroel*?** If the pilot light is directly heating the stove or the pot, as the old style pilot lights of a gas oven, the light can burn indefinitely and still retain *bishul Yisroel* status. If the pilot light indirectly lights the burner but does not add heat to the food, as the old style central pilot light of a gas cooktop, then a *halachic* authority needs to be consulted to determine if the burner needs to be lit each time (even the first time) by a *Yehudi*, even though the pilot light burns continuously.

• **Can *bishul Yisroel* be achieved by setting a timer that will ignite the oven at set intervals?** No. Since the *Yehudi* does not perform direct lighting of the oven, it would not qualify for *bishul Yisroel*. In commercial settings (e.g., hotels, hospitals or factories) where large boilers provide the steam for the cooking equipment, *bishul Yisroel* requirements would be fulfilled if the *Yehudi* flips a switch or presses a button that directly ignites a boiler.

If the action that is performed by the *Yehudi* causes an indirect lighting of the oven, that action may not qualify for *bishul Yisroel*. Hence, dialing a number that in turn trips a switch that in turn lights an oven would be considered a "*grama*", an indirect action that may not qualify for *bishul Yisroel*. Rabbinic guidance is recommended.

• **Would a glow bar or glow plug that was turned on by a *Yehudi* and was burning continuously qualify for *bishul Yisroel*?** The minimum *halachic* requirement for *bishul Yisroel* is "*hashlochas kismet*", literally, to throw a small wood chip into the fire. Any minor action that contributes heat to the cooking would qualify for *bishul Yisroel*. If the oven would be hotwired so that a plug or a glow bar could be placed into the oven cavity, turned on by the *Yehudi*, and left on permanently, the additional heat given off by the light bulb or glow plug (which is considered fire) would more than qualify for *hashlochas kismet* and would fulfill the requirements of *bishul Yisroel*.

• **If an oven that was lit by a *Yehudi* was subsequently turned off, but remained warm until being relit by an *akum*, would the *bishul Yisroel* status of this oven be nullified?** As long as the oven remains warm, the *bishul Yisroel* status remains intact.

Getting Into HOT WATER

URNS AND PUMP POTS IN HALACHA

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(Simply connecting electrical parts will not suffice.)

2. Chain of Ownership

Let us assume the pots have been produced in a *halachically* acceptable manner, and as they come from the manufacturer they are free from the obligation to *tovel*. Until it reaches the buyer's possession, the chain of Jewish ownership must be maintained. The certification is valid only if the Jewish manufacturer sells directly to the Jewish store which in turn sells to the Jewish customer. It is difficult for the certifying agency to control this aspect of certification. If there is any point where the pot is not owned by a Jew, even for a moment, then it would require *tevila*¹⁴ An example might be if your *aino-Yehudi* neighbor wants to buy a present for you. He goes into a Jewish store and buys a pump pot which he then gives to you. In this case the certification is no longer valid and yet the label still states that it is certified. Or, if eventually the Jewish store goes out of business and sells their entire inventory to an *aino-Yehudi*, the certification would not be valid. Lastly, the pots are sometimes sold online and that may also raise ownership questions.¹⁵

A possible solution would be that the label should state, "Certified when purchased directly from a store listed on the letter of certification". Each store owner would then be given a letter of certification listing all stores which are authorized, and the letter could be updated from time to time with current information.

Consumers should ensure that the pump pot has a reliable certification which has resolved the above issues or they should *tovel* the pot themselves. If there is any question as to whether *tevila* is necessary, *tevila* should be performed but without reciting a *brocha*.

If one has purchased a pot or any utensil which requires *tevila* and realizes at the last minute (e.g., on *erev Shabbos*) that it requires *tevila*, he may give it to an *aino-Yehudi* and then borrow it back from him. However, this solution may be employed for one day only. After one day, it must still be *toveled*

before use but without reciting the *brocha*.¹⁶

A person who buys any pump pot can avoid *tevila* in another fashion. If the pot is made to be dysfunctional (e.g., a hole is drilled in it and then fixed by a Jew, it is considered as if he has created it.) Or, if the actual pot is taken apart (not just the wiring) and it requires a Jewish craftsman for reassembly, it is considered created by the Jewish craftsman.¹⁷ However, these may not be practical solutions.

II. WORKPLACE

Urns and pump pots are often found in a workplace setting. A common question is whether its non-kosher usage precludes kosher usage of the item. For example, does one need to be concerned that a co-worker positioned the spout directly into a bowl of non-kosher soup mix, or that the steam rises from the bowl and goes onto the spout?

If one witnessed a co-worker placing the spout in a bowl of non-kosher food, the urn should not be used.

In many cases, however, one does not actually witness the co-worker placing the spout in the bowl but is concerned that it is a possibility. In those cases, one should make an assessment of this likelihood. Therefore, if the spout is sufficiently far away from the tabletop so it would be unnecessary to bring the bowl up to the spout, one should simply wipe the outside of the spout and run a little water through it before filling a cup. If the spout is so close to the tabletop that a bowl would not fit easily without touching the spout, one should not use the urn.

Regarding the steam rising from the bowl, for various *halachic* reasons one need not be concerned except to wipe the outside of the spout and run a little water through it before filling a cup.¹⁸

The simple kettle has evolved and provided us with more opportunities to keep the *Torah* laws properly. With careful consideration, we can enjoy another part of *Hashem's* bountiful world.¹⁹

16. *Shulchan Aruch* Y.D. 120:16 and *Taz* 18, M.B. 323:35. On *Shabbos* or *Yom Tov*, one may not *tovel* utensils. See M.B. 323:33.

17. *Sefer Tevilas Keilim* pgs. 112, 207.

18. Plastic does not become hot rapidly, and the spout may not be hot at all and will not absorb. If it does become hot, *Halacha* considers that steam is deflected by the heat of the spout. See *Chelkas Yaakov* O.C. 204.

19. Another very relevant question about urns is how to properly use them on *Shabbos*. With *Hashem's* help, we will address that in another issue.

14. *Shulchan Aruch* Y.D. 120:11.

15. It is difficult for a buyer to ascertain if the seller is Jewish. It is not unusual for commercial buyers to buy items in bulk online for resale. If a Jew sells it online on Amazon, and he 'commingles' the selling and it is 'Fulfilled by Amazon', one can question if he retains ownership rights.



Insights from the Institute

SHAILOS FROM
THE INSTITUTE OF HALACHAH



RABBI MORDECHAI FRANKEL
DIRECTOR, THE INSTITUTE OF HALACHAH

Q: I would like to send my young children to a backyard camp during the summer. The camp is offering an 'early-bird special' if I register my children now. If I wait until the summer to register, they will charge more. Is there any *ribbis* issue with registering now and receiving the discount?

A: *Ribbis* involves lending money to another Jew and charging interest. Doing so may violate a *Torah* prohibition or a rabbinic prohibition, depending upon the situation. If it is necessary to charge interest, the two parties may sign a document known as a "*heter iska*", which converts the loan into a business investment, thereby avoiding the prohibition of *ribbis*.¹ People are often unaware that a number of common transactions may violate the prohibition of *ribbis*. Here are a couple of examples:

1. Reuven buys an item with Shimon's credit card, and assures Shimon that he will pay the credit card bill. However, Reuven forgets to pay the bill on time, and the bank charges interest on the money owed. The following month, Reuven would like to pay the full amount owed. However, Reuven realizes that, when he bought the item with Shimon's credit card, the bank was really lending the money to Shimon, and it was Shimon who in turn lent the money to him. When he pays the bank, he is really paying Shimon, who in turn is paying the bank. As there was interest accrued, he would be paying Shimon that interest, which would be *ribbis*. Therefore, Reuven tells Shimon that he is unable to pay the interest owed, and Shimon will need to pay the interest owed to the bank. Even though Shimon was generous enough to allow Reuven to use his credit card, and Reuven failed to pay the bill on time, it is Shimon who will need to pay the interest to the bank in order to avoid the prohibition of *ribbis*.²

2. Reuven would like to buy a modest house for his young family. However, he is not old enough to have a long credit history and the bank is unwilling to give him a mortgage. Reuven's father, Yaakov, consequently takes out the mortgage in his own name with the intent that Reuven will live in the house and pay the mortgage bills. Once again, the bank is effectively lending the money to Yaakov, who is in turn lending it to Reuven. When Reuven pays the bill, he is really paying Yaakov who is then paying the bank. The bank which extended the mortgage is charging interest, and Reuven

will be violating the prohibition of *ribbis*. Reuven should, therefore, write a *heter iska* with his father at the time that the bank initially gives the mortgage.³

Let us now return to your question. There are a number of reasons why a camp may offer you an early-bird special. (i) The people running the camp may need money now in order to prepare for the camp. They need to buy the supplies and rent facilities. They are offering you a discount so that they have the money readily available, even though they will not be providing the service until the summer; (ii) The people do not want to commit themselves to running a camp all summer unless they know that there will be interest in the camp. In effect, they are paying you for giving them this peace of mind; (iii) The people running the camp know that, psychologically, people are more likely to spend money if they perceive that they are getting a bargain. Offering an early bird special is merely a marketing tactic.

Whether the early bird special is a *ribbis* issue may depend upon the reason that it is being offered. If it is for the first reason noted above, the camp is offering a discount so that you will pay them immediately and receive the service later, and you are effectively lending them the money until the summer. The true value of the camp is the non-discounted full price, and you are receiving a discount because of the loan; you are gaining from the loan, which is *ribbis*. However, if the early bird special is being offered because of the second or third reason previously mentioned, the people running the camp have no need to borrow money from you. They would

be equally happy if you put the money in an envelope and told them not to open it until the summer. Consequently, this would not constitute *ribbis*. Therefore, whether or not the discounted price is *ribbis* would depend upon the reason why the camp is offering the early-bird special.

When a person runs a camp and offers a discount for early enrollment, he himself may not be entirely clear as to the motivation for this. It is possible that, to some extent, all of the three reasons previously mentioned apply. Therefore, Rabbi Heinemann, *shlit"z*, suggests that camps avoid this type of advertising. If the camp does not call the discount an 'early-bird special', but merely advertises one fee for early enrollment and a larger fee for late enrollment, and the fee for early enrollment is equivalent to what similar camps charge, we can consider the early enrollment fee as the true value of the camp and the increased price of late enrollment as a penalty fee. As the person who enrolls early is paying the true value of the camp, this would not constitute *ribbis*.⁴



1. נוסח שטר היתר עסקא - <http://www.star-k.org/kashrus/kk-hetter-iska.htm>

2. ע"י בש"ת אגרות משה י"ד ח"ג סי' ס"ב וסי' צג, וע"י בספר משנת ריבית פ"ז סעי' ז מה שצ"ד בזה הובא בקצרה בהליכות ישראל על הל' ריבית פ"ז הערה י'.

3. ע"י בש"ת שבט הלוי ח"ז סי' קמא ובש"ת אגרות משה י"ד ח"ג סי' מב ובספר משנת ריבית פ"ז הערה י'.

4. שמעתי ממר"ר היינעמאן שליט"א.



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CONTINUED FROM PAGE 2

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In order to address the challenge of providing consumer products that meet the standards of the Beit Yosef for Sephardi communities around the country, STAR-K founded a division to serve these communities. Rav Emanuel Goldfeiz shlit"a, rav of Kehilat Beit Yaakov in Baltimore, is the Rav

Hamachshir. Working together with Sephardic gedolim and rabbanim, STAR-S provides an ever-expanding array of Bishul Beit Yosef products that provide for the Sephardic community's need for Chalak Beit Yosef, Yoshon, Pas Yisroel, Kitniyot l'Pesach and Hamotzi L' Sephardim bread and challah.

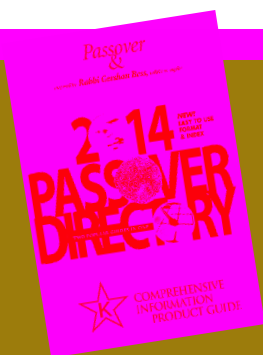
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A Project of Star-K Certification
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STAR-K Summer Kashrus Training PROGRAMS:

The STAR-K's widely acclaimed *Kashrus* Training Program has been held annually since 2003, at the STAR-K offices in Baltimore, Maryland. This intensive seminar is limited to 25 students — *rabbonim*, certifying agency administrators, *kollel* members, and others serving in *klei kodesh* — who will be taken behind the scenes of a first class luxury hotel's kosher kitchen, a slaughterhouse, and a manufacturing plant. Seminar participants will also benefit from lectures delivered by STAR-K administrators, audio-visual presentations, and a hands-on practicum to find the less obvious thrips and aphids hiding in a restaurant's vegetables. There is no charge for the course. **The next program will be held July 21-24, 2014.**

The Star-K will also be running its second annual *Food Service Mashgichim Training Seminar*. An intensive three-day training program for people involved (or who want to get involved) in *hashgocho* for restaurants, catering halls, hotels, etc. Limited to 25 attendees. **The next program will be held July 28-30, 2014.**

To download an application for either seminar, please visit our website at <http://www.star-k.org/cons-programs.htm>. For further information, please contact seminar coordinator, Rabbi Zvi Goldberg, at 410-484-4110 ext. 219.



Star-K Kosher Certification

A non-profit agency representing the Kosher consumer in promoting Kashrus through Education, Research and Supervision.

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