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Raising Cane:

The Kashrus & Other Halachic Issues of Cane Sugar

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It is noteworthy that in both Jewish and secular sources, the first recorded references to cane sugar are attributed to Jewish kings. In *Shir HaShirim*,¹ *Shlomo Hamelech* writes “*Yaari Im Divshi*,” “My forest with my honey.” Some commentators² deem this to be referring to cane sugar, and deduce that sugar canes are considered trees. Secular sources indicate that cane sugar was first used by man in Polynesia, and from there it spread to India. Darius of Persia invaded India, where he found “the reed which gives honey without bees.” Darius was the son of *Achashveirosh* and *Esther* and was, therefore, Jewish. (Hence, cane sugar seems to be a ‘royal Jewish food’!) We will examine this type of “honey,” its production, and the kosher as well as other *halachic* issues surrounding it.

Sugar was not always as plentiful or cheap as it is today. In 1319, sugar was available in London for “two shillings a pound.” This equates to about \$50 per pound! By 1750, there were 120 sugar refineries operating in Britain. Their combined output was only 30,000 tons per year. Sugar was still a luxury, and some even referred to it as “white gold” because of the vast profits it generated.

In contrast, some sugar refineries nowadays can store more than 100,000 tons of raw sugar at a time. Think of it this way - if all of that sugar was put into 5 lb. bags and lined up lengthwise, the bags would stretch from Baltimore to California and back again!

Sugar can be derived from a sugar cane plant or a type of beet appropriately called sugar beet. The process of deriving sugar differs depending on its source. This article will focus on sugar derived from a cane. It is interesting to point out that in the parlance of the USDA, there is a difference between “sugars” and “sugar.” “Sugars” refer to all forms of caloric sweeteners, such as corn sweeteners and honey. “Sugar” refers only to sugar that comes from sugar cane or sugar beets.

PRODUCTION OF CANE SUGAR³

Sugar cane is a tropical plant that grows between 10-20 feet high. The cane, where the sugar is stored, looks like a bamboo stalk. After planting, the cane will reach its full height in 12 months, and when cut it regrows in another 12 months.

Sugar mills are located near the cane fields. The sugar cane stalks are washed and cut into shreds by rotating knives. Huge rollers then press

CONTINUED ON PAGE 2

¹ 5:1.

² *Tosafos Brochos* 36b.

³ Technical information was supplied by C&H Sugar Company. Essentially, the process has not changed much over time – see *Sugar Growing and Refining* (by Lock and Harland, 1882).

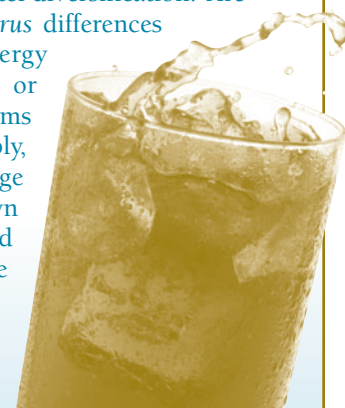
The Drinks of a New Generation

RABBI TZVI ROSEN
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Those of us who remember the famous marketing jingles of years past certainly recall the memorable multitudes of people locking their arms together while singing the praises of a soft drink, “What the world wants is the real thing!” Today, that exclamation resounds throughout the beverage industry. While most of the world is looking for the healthy, natural, nothing artificial, real thing ... others just want something yummy.

Judging by the countless soft drinks that fill the supermarket shelves, and how busy and successful the corn sweetening industry has become, due to the demands of this burgeoning industry, the lion’s share of the beverage market continues to be controlled by these carbonated elixirs. However, if you stroll down the aisles of the supermarket beverage section, you see a far more diverse display of drinks than you would have seen even two years ago. There is a definite movement towards greater diversification. Are there any marked *kashrus* differences between sodas, energy drinks, juice cocktails, or juices? Can these terms be used interchangeably, or does each beverage category have its own unique identity and process? Let us examine the facts.

CONTINUED ON PAGE 5



Inside this issue

Raising Cane	Page 1
The Drinks of a New Generation	Page 1
Insights from the Institute	Page 4
New Under Star-K Certification	Page 7
New Mexican Alliance	Page 8
Star-K Kashrus Training Program	Page 8
TeleKosher Conference	Page 8



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CONTINUED FROM PAGE 1

the juice out of the shredded pulp, which is then clarified, concentrated and crystallized. It is then ready for refining.

Briefly outlined, the refining process is as follows: The sugar crystals are dissolved in hot water. Colorants are then removed using carbon absorbents, and impurities are removed through a filtration process using diatomaceous earth, a type of ground-up rock. The sugar liquor is boiled into crystals and dried by hot air, separated into various sizes, and packaged.

KOSHER CONCERNS

Upon a recent visit to a Chinese sugar factory, a rabbi discovered that a certain milk protein was being used as a filtering aid. As previously mentioned, sugar contains impurities which must be removed through the refining process utilizing various methods. Apparently, the sugar had been passed through the protein in order to purify it. This finding was reported in several Jewish sources with sensationalistic titles such as, "Sugar May Now Require Round the Clock Supervision."

However, there is "nothing new under the sun." Over 500 years ago, there was a letter in the responsa of the *Radbaz*⁴ in regard to sugar. At that time, milk was added to sugar during its production. The questioner, who was under the impression that the amount of milk was significant, asked whether this meant that sugar could not be eaten with meat. Due to various considerations, including the fact that the amount of milk was actually minuscule, the *Radbaz* was lenient.⁵

The logic of the *Radbaz* holds true for the Chinese sugar, as well, since the amount of milk used is very insignificant. Additionally, this has not been found to be a widespread occurrence overseas, and is not being practiced in the U.S. at all. Furthermore, a filtering aid does not end up in the final product. Nonetheless, having been alerted to this possibility, *kashrus* agencies will be looking out for it.

In 19th century *halachic* responsa, there is discussion concerning animal fats being added to sugar. Therefore, some rabbis prohibited the consumption of sugar.⁶ However, this has not posed concern for modern-day sugar production.

Other issues do commonly arise in this day and age. For instance, the purification at many cane sugar refineries occurs through the use of bone-char particles. These are electrically-charged pieces of burnt cattle bones. While one might assume

that this would be a *kashrus* concern, in truth it poses no problem. This is because the bones are completely burnt, thereby undergoing a chemical change which converts them to pure carbon. In addition, the bone-char is completely unfit for human consumption and, therefore, may be used in processing the sugar. The bone-char is subsequently removed from the sugar and is not chemically evident in the final product.

The anti-foaming agents that control the froth which is created in the refining process may sometimes be of non-kosher animal origin. However, the amount used is insignificant and would be *batel*, nullified, in the sugar. Therefore, the kosher consumer may purchase any pure cane or beet sugar even without kosher certification.

Of real concern is the use of confectioners' sugar, also known as powdered sugar, during Passover. Confectioners' sugar is granulated sugar which has been ground into a smooth powder. A free-flow agent is added to ensure that the sugar does not clump. Most often, this agent is cornstarch which is considered *kitniyos*. Since the *Ashkenazic* custom is to refrain from eating *kitniyos* on Passover, kosher certifying agencies cannot recommend the use of this sugar during Passover. If it was used in error, one should consult his *rav*.⁷ Some companies overseas use wheat starch as the free-flow agent. With wheat starch as an ingredient, the confectioners' sugar would be considered *chometz* and could not be used on Passover; it should be sold with the *chometz*. Kosher for Passover confectioners' sugar is made without *kitniyos* or *chometz*.

Technically, pure sugar should always be kosher for Passover use. However, a problem could arise in a company that uses wheat starch in its confectioners' sugar, as previously noted. Some wheat starch might find its way back into the regular sugar. In the U.S., Monitor Sugar Company used wheat starch in their confectioners' sugar. However, this has since been stopped and the Star-K has not found any company in the U.S. that currently uses wheat starch.⁸ Therefore, any pure domestic granulated cane or beet sugar can be recommended for use on Passover. However, to be certain that all of the Passover issues have been resolved, it is best to purchase sugar with reliable Passover certification.

BROCHA

Generally, the sugar we eat is *tafel*, secondary, to some other food such as cereal, and does not require any *brocha* of its own. However, there is considerable dispute among the

⁴ 3:606.

⁵ This is distinct from lactose, a sugar derived from milk, which is *milchig* (dairy).

⁶ *Zikoron Basefer* (1886, Krakau) compiled much literature on this topic, for example, *Teshuvos Divrei Chaim* Y.D. 53.

⁷ *Kitniyos* is *batel b'rov* (M.B. 453:9).

⁸ Wheat is an allergen and, therefore, companies are hesitant to use it.



Raising Cane:

poskim regarding the proper *brocha* for sugar that is eaten alone. *Behag* cites an opinion that the *brocha* for cane sugar is *borei pri ha'etz*.⁹ It can be inferred from *Shir Hashirim* that the sugar cane is considered a tree. However, the *Rambam* writes that the *brocha* is *shehakol* based on his assertion that the cane is not a fruit since people do not eat the stalk. Others, such as the *Talmidei Rabbeinu Yona* and the *Geonim*, opine that the *brocha* recited on cane is *ha'adama*. The *Shulchan Aruch*¹⁰ decides in favor of the *Rambam's* opinion, since all agree that if one recites a *shehakol* on any food he is *yotzai*, fulfills his obligation. Practically speaking, the *brocha* for sugar is *shehakol*.¹¹

ORLA, TERUMA AND MA'ASER

Orla is fruit yielded by a tree during the first three years of growth. This fruit is biblically forbidden to be eaten, regardless of whether the tree grew in Israel or the Diaspora. The question arises that if the cane is considered a tree, would the sugar extracted during the first three years of growth be prohibited?

The *Radbaz*¹² writes that even those authorities who rule that the *brocha* on cane sugar is *borei pri ha'etz* considered the cane a tree with regard to the *brocha* only. However, with regard to *orla*, the *Torah* specifically states that *orla* applies to fruits only and, therefore, does not apply to juice squeezed out of the tree.¹³ The *Radbaz* similarly concludes that the laws of *teruma* and *ma'aser*, the tithing of fruits and vegetables grown in Israel, does not apply to sugar as it is neither a fruit nor a vegetable; it is merely an extract of the cane.¹⁴

MELICHA

Some authorities¹⁵ permitted the use of sugar in place of salt for removal of blood from meat. They maintained that sugar contains properties that are similar to salt, which make it useful for preserving foods. Other authorities¹⁶ argued vehemently against this. The consensus is that if one 'salted' meat using sugar and subsequently cooked it, the meat is rendered non-kosher and the utensils must be *kashered*.

⁹ *Tosafos*, *Rosh*, *Tur*, *Taz* and *Gra* similarly hold that the *brocha* is *ha'etz*.

¹⁰ O.C. 202:15.

¹¹ Beet sugar's *brocha*, according to some opinions, is *ha'adama*. The final *halacha* is that the *brocha* is *shehakol*. *Beir Halacha* 202:15 (*Al Hatzukar*).

¹² *Responsa* 1:563, cited in *Birchei Yosef* Y.D. 331:22.

¹³ Also, it is *halacha* l'*Moshe mi'Sinai* that *sofek orla* in *chutz la'aretz* is permitted.

¹⁴ *Star-K* research indicates that sugar is not currently produced in Israel and, therefore, this is a theoretical question.

¹⁵ *Ikrei Hadat* O.C. 14:36.

¹⁶ *Divrei Chaim* Y.D. 1:25; *Yad Yehuda* Y.D. 69:97; *Salmas Chaim* Y.D. 3; *Har Zvi* Y.D. 66; *Rav Pealim* Y.D. 2:4. In Y.D. 69:21, the *Shulchan Aruch* rules that when one does not have salt, he must roast the meat to remove the blood. *Rav Pealim* contends that if sugar is effective, it would have been mentioned.

COOKING ON SHABBOS

By and large, dry foods which have been cooked are permitted to be placed in a *kli rishon* which is not located over a fire. (A utensil containing hot food or liquid that was used for cooking, baking or roasting food is called a *kli rishon*.) This is due to the rule of *ein bishul achar bishul*, once foods have been cooked there is no prohibition to re-cook them. Cane sugar is cooked during its processing and, therefore, may be transferred to a *kli rishon*.¹⁷ Nonetheless, it is preferable not to dissolve foods such as sugar in hot liquids that are in a *kli rishon*, even if the foods have been previously cooked. The reason for this is that according to some authorities, soluble foods dissolved in liquids are themselves considered liquids and subject to the prohibition of re-cooking cold liquids. Although most disagree with this view, the *Mishna Berura*¹⁸ writes that it is best to be mindful of this. However, even according to the more stringent opinion, one may dissolve sugar in a *kli sheni*, the utensil into which hot food or liquid is transferred. Therefore, one may add sugar to a cup of tea or coffee without hesitation as it is considered a *kli sheni*.

BISHUL AKUM

The fact that sugar has been heated in the processing raises another interesting question regarding *bishul akum*. Should sugar be prohibited because it has been cooked by a *nochri*? Authorities who discuss this issue conclude that *bishul akum* is not an issue at all and cite different reasons in support of this conclusion.¹⁹

Some assert that since cane sugar can be eaten raw by sucking on the cane, it falls under the rule of *davar hane'echal k'mo shehu chai*, a food that is edible in its raw state, to which the laws of *bishul akum* do not apply.²⁰ Other authorities state that since sugar is not generally eaten, except when absorbed into other foods, it is not subject to the laws of *bishul akum*.²¹ The *halacha* is clear that one may partake of sugar without concern of *bishul akum*.

KIDDUSH

According to one opinion cited in the *Shulchan Aruch*,²² if sugar (or other sweetener) is added to wine it may not be used for *kiddush*, since the use of sweetened wine for libations on the altar in the *Beis Hamikdash* was prohibited. Wine used for *kiddush*, which is also a holy purpose, should meet those same requirements. However, common custom is to follow the lenient opinions which do permit sweetened wine for *kiddush*.²³

It is quite interesting to note that examination of the *halachic* issues regarding sugar has given a newfound appreciation for this basic food.

To comment on this article, please email Rabbi Goldberg at sugar@star-k.org.

¹⁷ Beet sugar is also cooked during its processing.

¹⁸ 318:71.

¹⁹ *Shoel U'maishiv* 3:230 argues that since the boiling sugar takes place at multiple stages of production, *bishul akum* does not apply. This is because the first time the sugar is boiled (during extraction), the result is an edible product which is not *oleh al shulchan melachim* (fit for a king's table) and, therefore, *bishul akum* does not apply to it.

²⁰ *Chelkas Binyamin* 113:7.

²¹ *Tuv Ta'am Va'daas* 2:225. This reasoning would also apply to beet sugar.

²² O.C. 272:8, see M.B. 21.

²³ On *Shabbos* morning, there is additional rationale to be lenient, as one could even recite *kiddush* over *chamar medina*. *Minchas Yitzchok* 9:26.

Insights from the Institute

SHAILOS FROM THE
INSTITUTE OF HALACHAH



RABBI MORDECHAI FRANKEL
DIRECTOR OF THE INSTITUTE OF HALACHAH

Q: May one enter a non-kosher restaurant to get a drink of water, use the restroom or attend a business luncheon? If a person does enter such an establishment, may he eat kosher items such as whole fruit? May one buy a cup of coffee at a non-kosher facility, such as a highway rest stop or Starbucks?

A: There are a number of activities that, although not inherently wrong, are forbidden by Chazal. This is because it may appear as if he is performing a seemingly different act that is halachically forbidden. For example, a person whose clothes got wet on Shabbos should not hang them out to dry as it will appear to the onlooker as if he washed them on Shabbos.¹ Even though the viewer should be ‘don lekaf zechus,’ judge him favorably, in reality not every person is so charitable in this respect, and we should not do things which could lead to suspicion. This type of prohibition is known as ‘maaris ayin.’²

The Rema discusses the prohibition of *maaris ayin* regarding almond milk. Soaking ground almonds in boiling water produces a drink known as almond milk, which looks similar to regular milk. The Rema states that if meat was cooked in almond milk, some almonds should be placed nearby in order to avoid *maaras ayin* and the suspicion that the meat was cooked in animal milk.³ He bases this upon the statement of the Rashba, which indicates that one should not prepare a dish which may appear to contain a mixture of cooked meat and milk, due to *maaris ayin*.⁴ Some *poskim* have questioned the Rashba's creation of a new category of *maaris ayin*, which was not previously mentioned in the Gemora.⁵ Nevertheless, as previously noted, the Rema *paskens* in accordance with the Rashba.⁶

Another example of *maaris ayin* mentioned by Chazal concerns wearing clothing that contains both wool and silk, as it may appear to be made from wool and linen, which would be considered *kilayim*.⁷ However, the Shulchan Aruch states that nowadays silk is commonly available and *maaris ayin* is no longer an issue in this regard.⁸ One may deduce from this that *maaris ayin* is no longer a concern when the action in question has become common practice.

Some *poskim* contend that margarine and soy milk should be considered comparable to almond milk, and that there would be an issue of *maaris ayin* when eating them with meat.⁹ However, most *poskim* state that since margarine and soy milk are commonly available and well known products, there is no longer an issue of *maaris ayin*.¹⁰

Rav Moshe Feinstein, zt”l, was questioned regarding the permissibility of eating in a restaurant which serves both kosher and non-kosher items. His response was that even if a person ordered only ostensibly kosher items, he would not be permitted to eat them in such an establishment due to *maaris ayin*.¹¹ Rav Moshe continued that in cases of suffering, Chazal did not impose the prohibition of *maaris ayin*.¹² Therefore, if a person was painfully hungry and had nothing else to eat, he would be permitted to enter the restaurant and eat the kosher

items. In such a case, if a person outside the store recognizes him, he should then explain why he was eating there.

It would seem that Rav Moshe views eating kosher food in a non-kosher restaurant as an extension of the prohibition of *maaris ayin*, as outlined by the Rashba and Rema in regards to almond milk. Here, too, it may appear to a bystander that one is eating *treif*. However, it is a well known fact that people do buy coffee at a rest stop when they are travelling. Therefore, this would be similar to the case of margarine, and *maaris ayin* would not apply. The same would hold true when buying a drink at a popular coffee shop, such as Starbucks.

Although eating in a non-kosher restaurant is considered *maaris ayin*, Rav Moshe has told us that in cases of necessity one would be permitted to enter. Therefore, if a person urgently needs to use the facilities, or if his job necessitates his attending a business meeting, he would be permitted to do so. If anyone outside of the store recognizes him, he should explain to them why he was seen there.

It could be argued that *maaris ayin* is primarily an issue when the person is seen actually eating in the restaurant. Possibly, merely entering the restaurant to attend a business meeting without eating would not constitute a *maaris ayin* concern. It could also be argued that nowadays, when a *frum* person is seen in a non-kosher restaurant with a group of non-Jews in a business-like setting,

it is commonly understood that he is attending a business meeting and *maaris ayin* would not be an issue. As this is not always necessarily the case, one should rely upon the common customs of the geographic location involved.

In conclusion: (i) One may buy coffee at a facility if it is the norm for *frum* Jews to do so, such as at a rest stop on the highway. (ii) One may use the restroom of an establishment that is not normally entered, if there is an urgent need. (iii) One whose job necessitates his attending business meetings in such an establishment would be permitted to do so. In other instances, doing so would raise the issue of *maaris ayin*.

The Torah (Bamidbar 32:22) obligates us to be “innocent in the eyes of G-d and man.” The Chasam Sofer¹³ states that the first obligation is easier to fulfill than the second, because not all people are fair-minded. Even in a case where one acts acceptably, it is almost impossible to account for another's perception of that action, or the potential *chilul Hashem* associated with it. For this reason, it would seem to be appropriate to refrain from entering non-kosher establishments, unless it is imperative to do so.

Halachic queries regarding all topics may be presented to The Institute of Halachah at the Star-K by calling 410-484-1110 ext. 238 or emailing halachah@star-k.org.



¹ שבת דף קמו ע"ב, שרע אורח סי שא סעי מה ² עי בשרית אגרות משה אורח חיד סי פב ביאור הדברים האסורים משום חסד ומשום מראית עין ³ רמ"א יוד סי פז סעי ג ⁴ שרית הרשב"א ח"ג סי רנז ⁵ עי בפרי חדש סי פז סק ⁶ שהקשה על הרשב"א שאין לנו לנואר ולאסור מדעתנו מפני מראית עין, אלא שבסוף דבריו כתב זכבר הורה זק"ן ⁷ הפלתי שם סק ⁸ הקשה על הרמ"א וכתב שיש לחלק בין הנדון של הרשב"א ושל הרמ"א, ומיז סיים זמשה ותורתו אמתי ⁹ כלאים פ"ט משנה ב ¹⁰ שרע יוד סי רצו סי א ¹¹ עי בבדי השלחן סי פז סעי ג ביאורים ד"ה משום ¹² עי משיכ המהרש"ם בדעת תורה יוד סי פז סעי ג, שרית חשב האפור ח"א סי כ, שרית משנה הלכות ח"ה סי צו, שרית יחיה דעת ח"ג סי נט ¹³ שרית אגרות משה אורח ח"ב סי מ ¹⁴ בשרית אג"מ שם כתב "במקום צערא ופסידא לא גזרו רבנן כדאינתא בכתובות דף סי ע"א, ולכאורה ר"ל צער הגוף או פסידת ממון, ועי בכתובות שם ¹⁵ שרית חתם סופר ח"ו סי נט

The Drinks of a New Generation



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CONTINUED FROM PAGE 1

SOFT DRINKS

By far, the king of the trade is that thirst quencher known as the soft drink, which by definition is any beverage that does not contain alcohol. Soft drinks are also known as soda, soda pop, and even fizzy drinks – depending upon your geographical location. For the sake of uniformity, we will use the term “soda.” Soda is a soft drink creation which involves two major processes: a) compounding the emulsion to create the flavor, and b) bottling the finished product where the sweetening agents, carbonation and water are added.

Compounding soft drink flavors is achieved in one of three ways: a) Raw ingredients are blended together into soda flavor emulsions at the bottling facility; b) the flavor can be compounded at a separate technical center dedicated to blend soda emulsions, or c) The soft drink company contracts a large national flavor house specializing in flavor formulation. The flavor house will create custom emulsions with specifications laid out by the soft drink company. Regardless of the method, the most intensive part of kosher soft drink certification entails compounding, since this is where the *kashrus* of the flavors, colors, oils, and blending agents are certified. Some formulas can be simple or complex, artificial or very natural, while some flavors and essential oils are procured either domestically or internationally. Some international flavors come from *Eretz Yisroel*, where issues such as *teruma*, *maaser*, *orla* and *shvi'is* need to be addressed. Other select ingredients are compounded in far away locations that are not easily accessible. Whatever the case, the emulsion requires a reliable kosher certification.

Fewer questions surface at the bottling facility, where the soft drink flavors are filled with filtered water, sweetened and carbonated. Soft drinks are filled while the liquid is cold and, as a rule, are not pasteurized so the equipment does not present a problem. However, intermittent review is always necessary to maintain the kosher integrity of the finished product.

FLAVORED SELTZERS

Flavored seltzers may seem to be less complicated, but this may be very deceptive. Sometimes, a flavored seltzer will be comprised of plain seltzer with the addition of a flavor. At times, the seltzers will not only be flavored but they will also be sweetened and more kindred to a soda than a seltzer in taste and complexity. In all instances, the formulations require a reliable *hechsher* for year-round and Kosher for Passover use.

Kosher for Passover soda and seltzer productions substitute sucrose or liquid cane sugar for dextrose (corn sweetener). Of course, the flavor emulsions must have special Kosher for Passover certification. Interestingly, many died in the wool Coca Cola enthusiasts, whose sophisticated taste buds detect a difference between dextrose and sucrose – the original Coca Cola sweetener, wait all year to purchase Kosher for Passover Coke. The real thing!

JUICES

In the carbonated beverage industry, the terms “soda,” “pop,” or “soft drink” can be used loosely and interchangeably; in the juice industry, the product terms become much more rigid. In turn, a lot of practical *kashrus* insight can be gained from the stringency of their etymology.

According to the FDA standard of the industry, in order to be called a juice the beverage must be 100% juice, and nothing extra may be blended. This rule is strictly enforced with orange juice and grapefruit juice; any additive, such as vitamin C or calcium, must be so indicated on the label. Cranberry juice, because of its tartness, requires additional sweetening to be palatable; hence, a new beverage category was created – juice cocktail.

Once pure juice is concentrated, it loses its identity as a juice and is called pure juice or juice concentrate. The addition of sweeteners or other concentrates is reflected in the renaming of the newly combined product. These products are now known as juice bases or juice blends and are not subject to internal industry control. A producer has the discretion and flexibility to add juices, sweeteners and outside ingredients, such as flavors, colors and additional additives.

From a *kashrus* perspective, the most problematic juice additive is one of the beverage industry's most versatile - grape juice. The efficacy of grapes includes grape juice, which is an excellent addition to fruit juice blends. White grape juice and raisin juice are frequently used as a sweeteners; grape skin extract is a great natural color; oil of cognac and wine fusel oil, which are derived from grapes, are often used as flavoring agents.

Furthermore, juice containers are filled while the liquid is hot as opposed to sodas, which are filled while still cold. Therefore, the equipment such as the pasteurizer and fillers must be monitored. Combining all of these factors together creates a serious need for reliable kosher certification of all juice blends. It is important to note that not all reliable kosher certification agencies *kasher* the juice pasteurizer between non-kosher and kosher certified juice productions. The reasoning behind this is based on the fact that there is always much more than six times the amount of kosher juice versus the *beliah*, absorption, of non-kosher grape juice that occurs in the walls of the pasteurizer. Despite this reasoning, other *kashrus* agencies require *kosherization* between non-certified grape juice and certified kosher juice productions.

ENERGY DRINKS

Today, the segment of the soft drink industry that has grown with reckless abandon is energy drinks. Energy drinks are soft drinks that claim to improve and increase a person's mental alertness and physical activity. In truth, energy drinks use



The Drinks

of a New Generation

high doses of caffeine and other herbs as stimulants. Generally, energy drinks include glucose, taurine, glucuronolactone, caffeine, ginseng extracts and ginkgo biloba. The central ingredient of energy drinks is caffeine in the form of guarana, yerba mate, or special energy compounds. Obviously, energy drink ingredients require reliable kosher certification. Many of the ingredients are manufactured worldwide. In 2001, the U.S. energy drink market generated \$8 million in retail sales. In 2005, sales exceeded \$3 billion; in 2007, sales reached \$5.4 billion and are predicted to exceed \$10 billion by 2010.

One main *kashrus* concern does not relate to how the energy drinks are produced, but rather how they are being consumed. The ingredients of energy drinks are intended to improve mental and cognitive performance. However, excessive consumption of these beverages may cause drug-like effects, such as mild euphoria or anxiety, attributable to the high levels of caffeine they contain. To make matters worse, there is a trend to mix these drinks with alcohol. This combination can be detrimental, as the stimulant properties of the energy drink mask the dulling effects of the alcohol. This allows for the consumption of more of the energy drink without feeling its potential danger.

Our rabbis point out a terrific insight regarding drinking a potentially harmful beverage, e.g. energy drinks, in excess. The *Gemara*¹ states that if one has already recited “*Borei Pri Hagafen*” on wine at a meal and is then presented with additional wine, a new *brocha* should be recited. The *brocha* recited over the additional wine is not “*Borei Pri Hagefen*”, but rather “*Hatov Umeitiv*,” indicating our thanks to *Hashem* for the abundant and plentiful bounty with which He has blessed us. Why was this *brocha* of “*Hatov Umeitiv*” specifically singled out for drinking additional wine? Our rabbis explain³ that wine is a beverage that may serve as a conduit to *simcha*, as *Dovid HaMelech* so beautifully states, “Wine gladdens the heart”.⁴ However, if drunk in excess, a gladdened heart gives way to a drunken stupor. Therefore, we thank *Hashem* for His goodness and hope that we do not abuse this privilege.

SLURPEES

Probably the most exciting popular drink of this generation, for both young and old alike, is the ever famous frozen carbonated beverage known as the Slurpee. Believe it or not, Slurpees were discovered when some sodas were put into a freezer to cool them down and they became slushy. In fact, after much *kashrus* research it was discovered that the Slurpee machines actually maintain the frozen consistency of the Slurpee and do not tamper with or add additional ingredients to the bag in the box Slurpee flavor. This is similar to a soda dispensing



machine. In a Slurpee dispenser, the water is filtered and blended with the bag in the box flavor which is frozen to the desired self-serve consistency. Slurpee is an exclusive 7-Eleven product controlled by Southland Foods, which has exclusive contracts with Coca Cola and other soda manufacturers that produce Slurpee products. There are special couplings that connect the bag in the box products to the Slurpee machine, and Southland maintains a network of district supervisors who do onsite inspections to ensure that all of their stores are in Slurpee compliance. If a franchise owner is caught cheating, he will lose his franchising rights.

The question is frequently asked of the Star-K hotline, “Can I go to any 7-Eleven and purchase Slurpees?” Obviously, if the 7-Eleven store maintains kosher certification as does the 7-Eleven store in Oak Park, Michigan, the answer is “Absolutely!” However, if a consumer wants to verify a kosher Slurpee certified product that is being dispensed in a non-kosher certified 7-Eleven store, he should ask the store manager or counter attendant to see the actual box. Otherwise, the kosher consumer will make the same decision as when purchasing Coke or Pepsi from a soda fountain or soda dispensing machine.

ICES AND SNO-CONES

Similarly, ices and sno-cones have become a very popular summertime treat. Sno-cones are made from crushed or shaved ice and are flavored with delicious fruit flavors. These flavors are either pumped directly onto the top of the shaved ice as is customary at sno-cone stands, or blended into the ice as in the popular fashion of Rita’s ices. A question is often raised regarding the purchase of a sno-cone from a corner stand, since so many sno-cone flavors are certified kosher and clearly bear a certification mark on the label. The answer is a qualified “Maybe”. It has come to our attention that proprietors may use the original flavor bottles as dispensers and simply refill the pumps from a larger container that may or may not possess reliable kosher certification. While this is certainly cost-effective from a business point of view, this may not be in the best interest of the kosher consumer from a *kashrus* perspective. A question is also raised regarding whether or not one could consider ices to be truly *pareve*, when sold in a store that serves kosher dairy and kosher *pareve* varieties, while at the same time possibly using the same scooper for both varieties. Obviously, companies do not want to cross contaminate products, but it is up to the vigilant consumer to see that the scoopers are separated or cleaned between each use.

An intriguing *halachic* query regarding iced beverages questions whether they are viewed as a liquid or a solid as it pertains to the required *brocha acharona*, “*Borei Nefashos*”. If ices are considered to be a solid food, the criteria for a *brocha acharona* would be the consumption of a “*k’zayis*” (the approximate size of seven Tam Tam crackers) *b’cheday achilas pras* (approximately 2 to 4 minutes). If the ices are considered to be a liquid, then one would have to consume a *reviis* (approximately 4 oz.) in 30 seconds. According to some authorities⁵, ices are considered a beverage and would be exempt from a *Borei Nefashos*. Other authorities⁶ maintain that it is considered a solid, and if a *k’zayis* is eaten a *borei nefashos* is required (if you don’t get brain freeze!).

It is evident that there is great fluidity in the beverage industry. As the kosher consumer has become more sophisticated and demanding, so have the kosher certifications for these great summertime beverages.

⁵ R’ Shlomo Zalman Auerbach, *zt”l*.

⁶ *Aruch Hashulchan* O.C. 202:9.

¹ *Brochos* 59.

² O.C. 175:1, M.B. 2.

³ O.C. 175 *Shar Hatziun* 1.

⁴ *Tehillim* 104:15.



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Star-K 6th Annual Kashrus Training Program

Star-K's Kashrus Training Program will be held Monday, July 20 through Thursday, July 23, 2009. This intensive seminar, held at Star-K's offices in Baltimore, Maryland, is limited to 25 students – rabbonim, kollel fellows, and others serving as *klei kodesh* – who have studied *Yorah Deah*. In addition to lectures, audio-visual presentations and a hands-on practicum, several field trips are planned.

Star-K Announces Alliance with Mexico's KMD Kosher Agency

By: Margie Pensak

The present day Mexican Jewish community boasts a population of over 40,000. In Mexico City alone, there are 23 synagogues, 19 kosher restaurants, 19 kosher butcher shops, 15 kosher bakeries, 13 kosher grocery stores, and more than a dozen Jewish schools.

Jews are no strangers to Mexico; the Jewish presence in Mexico dates back to the Spanish Conquest. During the end of the 19th century and the beginning of the 20th century, there was a mass immigration of Jews from Syria, Greece, Turkey, the Balkans, and Eastern Europe, all fleeing from persecution and poverty. Today, the Maguen David Community, formed by descendents of the Jewish immigrants from Aleppo, Syria, provides welfare, as well as religious and educational services to its associates.

The KMD (Kosher Maguen David) is responsible for instituting many advancements, one of which includes providing *kashrus* services to the members of its community. To facilitate this ever-growing demand in Mexico, a newly formed alliance between STAR-K CERTIFICATION and the KMD

was recently announced by STAR-K President, Dr. Avrom Pollak.

"STAR-K has a history of sharing its expertise in *kashrus* with other communities," explains Dr. Pollak. "We look forward to this new partnership which promises to have a positive effect on the volume of kosher meat and other food products not only in both the United States and Mexico, but throughout the world. It will be mutually beneficial for both organizations and communities, as well as the greater kosher community, especially during these challenging economic times."

"KMD is honored to announce this alliance, since it serves as an important launching pad for Mexican *kashrus*," said Salomon Dichi, treasurer of the Maguen David in Mexico. "It means being able to provide foreign markets with Mexican-made products, showing both KMD and Star-K certifications. I would like to stress that these two companies have very similar certification standards. We hope that this alliance will be a big success in Mexico and the United States."

Mark
your
calendars!

TeleKosher Conference Series

Star-K's ongoing TeleKosher Conference Series for consumers is scheduled for the last Wednesday of each month at 12 Noon EST, hosted by Rabbi Zvi Goldberg. To join the conference, call 1-605-475-8590 and enter conference 528-5502#. Now also accessible online – go to www.star-k.org/telekosher for details.



Star-K Kosher Certification

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

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(The Star-K Passover Book, not included in this subscription, is available for purchase in Jewish bookstores during the Passover season.)

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