

# KASHRUS KURRENTS

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## INSIGHTS from the INSTITUTE HALACHOS PERTAINING TO COVID-19

RABBI MORDECHAI FRANKEL  
DIRECTOR, INSTITUTE OF HALACHAH

2020 will be remembered for a long time to come as the year of the Covid-19 pandemic. These unusual circumstances have given rise to some unusual *halachic* questions. It is my fervent hope that everything will have returned to 'normal' by the time that you read this, and the lasting legacy will be the *chiddushei Torah* and *piskei halachah* that were generated as a result of this event. Below are some examples.

**Q:** If there are two adjacent houses with decks, with five men on one deck and another five men on the other deck, can they join together to form a *minyan*?

**A:** A gathering of ten men is needed in order for their *davening* to be considered *tefilah b'tzibur*. Once ten men have joined together to form a *minyan*, anyone else who is able to see them and participates is considered part of the *minyan*, and his *davening* is considered *tefilah b'tzibur* even if he is not in the room.<sup>1</sup> However, it is debatable as to whether or not the ten men forming the *minyan* need to be in the same room.

The *Rashba* writes that it is sufficient if some of the ten men are in one room and the rest are in an adjacent room, as long as the two groups can see each other. The *Rashba* argues that this is analogous to the *halachah* that two groups of people eating meals in adjacent rooms may join together to form a *zimun* for *Birchas HaMazon* as long as they can see each other. Just as three men are able to form a *zimun* if they eat in adjacent rooms with intent to *bentsch* together, so too, ten men in adjacent rooms may join together to form a *minyan*.

Therefore, the *Rashba* rules that ten people in a house may form a *minyan* even if nine are in one room and the tenth man is in a different room.<sup>2</sup> Similarly, the *Shulchan Aruch* writes that if there are nine men in a house and a tenth man standing outside who is able to see them through a window, he may join with them to form a *minyan*.<sup>3</sup> However, the *Mishnah Berura* states that a number of *Achronim* disagree with these rulings. The *Mishnah Berura* concludes that one should be lenient only in situations of necessity.<sup>4</sup>

CONTINUED ON PAGE 2

1. עיל בשו"ע או"ח סי' נה סעי' כ וערוך השלחן שם סעי' כג. [ומש"כ המ"ב שם ס"ק נח בשם הרדב"ז שאין לצטרף ב' הדורים שיש להם פתחים נפרדים, זה מיירי כשאין רואין זה את כזה כמש"כ המ"ב שם ס"ק נה, ואין צריך שיראה את כולם אלא די אם יראה מקצתם כמש"כ המ"ב שם ס"ק נב]  
2. שו"ת הרשב"א ח"א סי' צו  
3. שו"ע סי' נה סעי' יד, ומקורו בספר ארחות חיים כמש"כ בב"י.  
4. עיל במ"ב שם ס"ק נב ושעה"צ שם ס"ק נג, ובמ"ב ס"ק נז הסיק שבמקום הדחק אפשר שיש להקל.

## NOW YOU SEE IT, NOW YOU DON'T: A KOSHER VIEW OF REFINED EDIBLE OILS

RABBI TZVI ROSEN  
EDITOR, KASHRUS KURRENTS

"שמן תורק שמך" (*Shir Hashirim Rabah* 1:3) ... "Your name is flowing like fine oil". *Shir Hashirim Rabah* makes the following insightful observation. *Shlomo Hamelech* compares *Bnei Yisroel* to fine oil. Just as fine oil is extracted from its source through crushing and squeezing, so do the innate qualities of *Bnei Yisroel* emerge as a result of our collective challenges and travails. Similarly, just as oil serves as a glowing source of radiance that fills a room with shining light, so does *Bnei Yisroel* serve as a light to other nations through their stellar performance of *Torah* and *mitzvos*.

Oil is an incredibly remarkable and versatile product of *Hashem's* creations and is not limited to olives, the quintessential source of *shemen*. Oil is found in a plethora of sources, and the means of oil extraction are varied. Moreover, there are remarkable *halachic* ramifications with various oil extractions. Let's explore the wondrous world of oil.

Oil can be obtained from various sources such as animals, vegetables, seeds and minerals. Today, edible oils are generally derived from vegetable sources; animal sourced edible oils are not as prevalent as they used to be. Oil can be classified into two categories: fixed and volatile. Fixed oil refers to oil that does not evaporate under normal conditions, while volatile or essential oil evaporates easily. Fixed oils are used in cooking and baking; essential oils are used in flavors. This article will discuss fixed oil extraction, and we will explore the *halachic* ramifications of grape seed oil and other vegetable oils.

Vegetable oils are produced from a variety of sources. Seed oils (as referred to in Europe), which have become very popular, are produced from seeds such as soybeans, rapeseed (canola), sunflower, cottonseed, flaxseed and hemp. Believe it or not, cocoa butter which is extracted from cocoa beans is actually the seed oil that is found in a cocoa bean. Cocoa beans, the main ingredient in chocolate, are seeds or beans rich in oil or fat. Other vegetable oils, such as palm and coconut, are derived from the fruit pulp surrounding the seed of the fruit such as olives. Olive oil is derived from both the fruit and the seed (extra virgin olive oil, virgin olive oil and refined oil, as well as pomace oil).

CONTINUED ON PAGE 3

## Inside THIS ISSUE

Insights from the Institute: <i>Halachos</i> Pertaining to Covid-19 .....	Page 1
A Kosher View of Refined Edible Oils.....	Page 1
New Under STAR-K.....	Page 7
Newly STAR-K Certified Products .....	Page 8



# INSIGHTS from the INSTITUTE

## HALACHOS PERTAINING TO COVID-19

RABBI MORDECHAI FRANKEL  
DIRECTOR, INSTITUTE OF HALACHAH

CONTINUED FROM PAGE 1

The *Rashba's* comparison between forming a *minyan* and forming a *zimun* is predicated on his understanding that three people eating in different rooms can combine to form a *zimun*. However, some *Poskim* rule that they may not form a *zimun*. According to this opinion, a *zimun* of three people in one room may combine with a *zimun* of three people in another room to form a combined *zimun* of six people, but three individuals in three different rooms cannot combine to form a *zimun*. The *Biur Halachah* concludes that this is the more compelling position.<sup>5</sup>

The *Achronim* point out that there seems to be a contradiction in the *Mishnah Berura*. On the one hand, the *Mishnah Berura* leans towards the position that three people in different rooms cannot combine to form a *zimun*. On the other hand, he *paskens* that a tenth man outside a *shul* can combine with nine in the *shul* to form a *minyan*, if necessary. If the laws of combining to form a *minyan* are learned from the laws of combining for *zimun*, how do we explain this discrepancy? The answer would seem to be that when it comes to a *zimun*, it is not necessary to rely on the lenient opinions as it is possible for the three people to *bentsch* separately. However, in order to allow *tefilah b'tzibur*, at times of need one may rely on the lenient opinion when it comes to forming a *minyan*.

According to the *Mishnah Berura*, if necessary, eight people in a *shul* and two outside could combine to form a *minyan*. However, the *Aruch HaShulchan* has a different understanding of this *halachah*. The *Aruch HaShulchan* states that the *Shulchan Aruch* allows combining only one person outside the *shul* with nine inside but would not accept combining two outside the *shul* with eight in the *shul*.<sup>6</sup>

One further point must be noted. The *Shulchan Aruch* provides an additional limitation to the ruling that groups eating in different houses can unite to form a *zimun*. The *Shulchan Aruch* states that if a public street runs between the two houses, the groups may not combine. The *Mishnah Berura* quotes the *Taz* as adding that the same is true if a private path runs between the two houses.<sup>7</sup> The *Taz* compares this to the laws of *peah* (the corner of a field left unharvested for the poor). The *Torah* states that a person is obligated to leave *peah* from his field. If a field is bisected by a public street or private path, the two sides of the street or path are considered to be separate fields and *peah* must be left from each one separately. The *Taz* rules that just as two sides of a street or path cannot combine to form one field, so too, people on both sides of a street cannot combine to form one *zimun*.

As the laws of combining for a *minyan* are learned from *zimun*, the *Pri Megaddim* argues that it would follow that people on two sides of a street or path cannot combine to form a *minyan*.<sup>8</sup> For this reason, the *Teshuvos Minchas Yitzchok* states that ten people who form a

*minyan* in an open area need to ensure that they are not separated by a path running between them.<sup>9</sup>

Let us now turn to the question of two adjacent houses with decks. If there are five men on one deck and another five men on the other deck, can they join together to form a *minyan*? As noted above, the *Mishnah Berura* states there is a *machlokes* as to whether or not people outside a *shul* can combine with people in a *shul* to form a *minyan*. The *Mishnah Berura* maintains that at times of difficulty one may be lenient. However, he seems to contradict himself in *hilchos zimun* where he rules stringently. Additionally, the *Aruch HaShulchan* states that they cannot combine unless nine of the ten men are in one location. Furthermore, the *Taz* and *Pri Megaddim* assert that two areas which would not combine for *peah* cannot combine for a *minyan*. Two fields separated by a steep hill or pit cannot combine for *peah*; therefore, two decks could not combine for a *minyan* either. Due to the considerable doubt as to whether the men on the two decks can combine, Rabbi Heinemann, *shlit"z*, *paskens* that they should *daven* separately and not combine to form a *minyan*.<sup>10</sup>

Q: Under what conditions can ten men meet together in a public area to form a *minyan*?

A: The *Teshuvos Minchos Yitzchok* states that ten men in an open area may join together to form a *minyan* as long as they can see each other and hear the *shaliach tzibbur*. As noted above, the *Minchas Yitzchok* adds that ten people who form a *minyan* in an open area need to ensure that they are not separated by a path running between them.<sup>11</sup> Rabbi Heinemann adds that the ten men should gather in one area and not be separated by a fence which is ten *tefachim* high unless the fence has a gap or opening that the men on one side can cross to the other side.<sup>12</sup>

Q: When *davening* alone, is there any way to make up for the fact that one is missing *davening* with a *minyan*?

A. *Chazal* tell us that *tefillos* recited when *davening* with a *minyan* are received directly by *Hashem*, whereas *tefilos* recited without a *minyan* require angels to transport them. One of the *Rishonim*, *Rabbeinu Yehuda ben Yokor*, understands that *malochim* do not respond to any language other than *loshon hakodesh*, and therefore questions the efficacy of reciting private *tefilos* in any other language.<sup>13</sup>

However, he concludes that *tefilos* which are said with a great amount of *kavana* are accepted in any language, because they do not require *malochim* to transport them. He deduces this from the *Midrash* which says that when King Menashe wanted to do teshuva the *melochim* refused to transport his *tefilos* due to his great wickedness, but *Hashem* Himself accepted the fervent *tefillos*

CONTINUED ON PAGE 4

5. עי' בביה"ל סי' קצה סעי' א שכן פסקו הרשב"ש וגר"א, וכתב הביה"ל "ובאמת יותר מסתבר כדבריהם", עיי"ש הטעם

6. ערוך השלחן סי' נה סעי' ב, ועיי"ש שחידש עוד שמי שעומד בעזרת נשים גרע טפי ממי שעומד בחוץ כיון שהוא בחדר אחר ולכן אינו מצטרף לעשרה, אמנם דבריו צ"ע ממש"כ השרב"א הנ"ל

7. שו"ע סי' קצה סעי' א ומ"ב שם ס"ק ז

8. פמ"ג סי' נה א"א ס"ק יב

9. שו"ת מנחת יצחק ח"ב סי' מד

10. שמעתי ממו"ר ר' היינעמאן שליט"א. ועי' מש"כ בזה הרה"ג ר' אשר וייס שליט"א במנחת אשר (לקט שיעורים ותשובות אגרות ומאמרים הנוגעים למגפת הקורונה) מהדורה תניינא סי' כה, נמצא באתר <https://rabbinicalalliance.org/wp-content/uploads/2020/04/Minchas-Asher-Corona-2nd-edition.pdf>

ובתשובת הרה"ג ר' משה שטרנבוך שליט"א נמצא באתר <http://forum.otzar.org/download/file.php?id=86321>

11. שו"ת מנחת יצחק ח"ב סי' מד

12. שמעתי ממו"ר ר' היינעמאן שליט"א

13. פירוש התפלות והברכות לר' יהודה ב"ר יקר עמ' כ, הועתק בשו"ת תמים דעים להראב"ד סי' קפז. ורע"א בגליון הש"ס שבת שם ציין לדברי התמים דעים הללו, וגם האליה רבה סו"ס קא הביא את דבריו



**RABBI TZVI ROSEN**  
EDITOR, KASHRUS KURRENTS

# NOW YOU SEE IT, NOW YOU DON'T: A KOSHER VIEW OF REFINED EDIBLE OILS



CONTINUED FROM PAGE 1

## Methods of Edible Oil Extraction

There are various methods of vegetable oil extraction: i) cold pressing, which is the method of extracting extra virgin olive oil; ii) mechanical or expeller pressing, which is the method of extracting seed oil and cocoa butter; and iii) solvent extraction, which is the method of extracting grape seed oil, to be discussed later in this article.

## Grape Seed Oil Production

How is grape seed oil produced? According to the old adage, one man's trash is another man's treasure. This holds true even in the wine industry. After the grapes are harvested and crushed, what is to be done with the remaining seeds and pulp? One option is to throw them away. Another option is to put them to good use through the manufacturing of an array of marketable grape byproducts, e.g. grape skin extracts, grape concentrates, tannins, colors and grape seed oil. One country that is best suited for these grape byproduct productions is France, the home of thousands of vineyards. There is enough grape pulp produced to supply 22 French distilleries. These are companies that specialize in producing and manufacturing grape byproducts. It takes six months of non-stop work for a distillery to separate grape seeds from the skins and stems. Enough seeds are produced to keep the grape seed oil operation busy year-round, 24/7!

In order to clearly understand the process and *halachic* ramifications of grape seed oil, it is important to follow a grape seed on its journey from the vine to the refinery.

Due to an abundance of produce, and the advent of technological know-how, grapes are harvested in most cases with automatic harvesters that look like mechanical fingers. The harvesters collect the grapes and bring the truckload to the winery. Due to the aggressiveness of the automatic pickers, as well as the weight of the load, grape juice has already exuded from the fruit before the actual crushing takes place. When the grapes arrive, a sample of juice is taken from the load to measure its sugar content. The sugar content is critical for a winery to determine the adjustments that need to be made in the fermentation process in order to obtain the desired results. Then the grapes are crushed, allowing the grape juice to be pressed from the skins, stems and seeds. From this point on, the wine color, type or region of the production is customized to achieve the desired taste, fragrance and aroma of each variety of wine.

The de-stemmed grapes are then broken down into three grape components: "must" (freshly pressed fruit juice [usually grape juice] that contains the skins, seeds, and stems of the fruit), pulp and skins. These components are then placed into fermentation vats. Fermentation is the natural process that converts the grape juice into wine. Naturally fermented wine does not require any additional ingredients, as the grape skins contain natural enzymes that effect the change. Natural yeast contained in the grape converts the sugar in the grape juice into alcohol and carbon dioxide gas. As the gas escapes, the juice bubbles violently (ferments). Some wineries produce red wines, while others produce white wines. The fundamental difference between the red and white wines is the length of time the grape skins remain in the grape

"must". Grape skins that are left in the fermentation vats for a week to absorb the purple color produce red wine; white wine is produced from "must" that ferments without grape skins.

The byproducts of the wine production – the grape skins, the grape seeds and the stems – are separated and sold to companies called distilleries. These companies process the grape byproducts into an array of products, including wine alcohol, grape skin extracts, colors, and tannins to name but a few. The grape seeds are a derivative of the byproduct and are transported to a variety of companies for further processing.

In order for the distillery to retrieve the grape byproducts, the "marc" i.e. the seeds, stems, and skins need to be washed. The washing retrieves the remaining wine that was not pressed out at the winery, while cleaning the grape seeds in the process. Some distilleries use hot water at approximately 140° F, while others use ambient (room temperature) water. The seeds are then dried to approximately 8% moisture. Considering the fact that a kernel of rice contains 11% moisture, and wheat is harvested at approximately 14% moisture, suffice it to say that 8% is fairly dry. After drying, the seeds are ready to be sent to the extraction plant for further processing.

It is mind boggling to observe the deliveries of grape seeds to an extraction facility. Trailer after trailer, measuring 15 ft high and 25 ft long, were loaded with dried grape seeds ready to be processed. The Bezier, France facility is the only grape seed oil extraction facility in France. It is supplied by the 22 distilleries that process the grape byproducts of this country that prides itself on its award winning wine production. Understandably, this facility works non-stop 365 days a year to produce crude grape seed oil. 8,000 tons of grape seeds are extracted from 50,000 tons of grape seeds!

## Mechanical Extraction

As previously noted, there are two methods of extracting crude oil. One technique is mechanical extraction, whereby the oil is pressed from the seed, bean or fruit. This method is used to produce cocoa butter and crude vegetable oils such as corn, soybeans and seed oils such as sunflower, flex and hemp.

## Chemical Extraction

Grape seed oil and pomace olive oil are removed through a process known as chemical extraction, using a solvent. The solvent, in this case hexane, is used to remove the edible oil from the grape seed or olive byproducts. How is this accomplished? The grape seeds undergo a process called laminating, which crushes the seeds in a roller and cuts them into pieces so that the surface area is exposed. The crushed seeds are injected with steam and then advance through an extruder. The pieces are then fused together and look like pieces of a black electrical cord or smooth sticks. The laminated grape seeds are then immersed in a bath of cascading hexane, which washes out the grape seed oil. The same process is used to extract crude pomace olive oil.

The new combination of oil and hexane is then purified in a distillation still, similar to whiskey. The hexane boils off and is recaptured, leaving crude grape seed oil or pomace olive oil behind.

CONTINUED ON PAGE 5

# INSIGHTS from the INSTITUTE

## HALACHOS PERTAINING TO COVID-19

CONTINUED FROM PAGE 2

of Menashe.<sup>14</sup> Apparently, such *tefilos* do not need *malochim* to transport them and are accepted directly by *Hashem* just as are *tefilos* recited *b'tzibur*.

There are additional measures that a person can take if he is unable to attend a *minyan*. *Chazal* encourage him to synchronize his *tefilos* with the *tzibur* and *daven* at the time of day as the *minyan*. *Chazal* also advocate that such a person *daven* the *shacharis Shemoneh Esrei* at *vasikin* (sunrise).<sup>15</sup>

**Q:** Is one allowed to walk down the street on *Shabbos* (in an area without an *eruv*) wearing a face mask and disposable gloves?

**A:** A person is not allowed to carry in a public area on *Shabbos* (unless there is an *eruv*). However, this prohibition does not apply to clothing worn in a normal manner. At the time of this writing, people are expected to wear a face mask in public; this is now considered to be a standard item of clothing.<sup>16</sup> There are a number of additional reasons to permit wearing a face mask and disposable gloves in a public area on *Shabbos*:

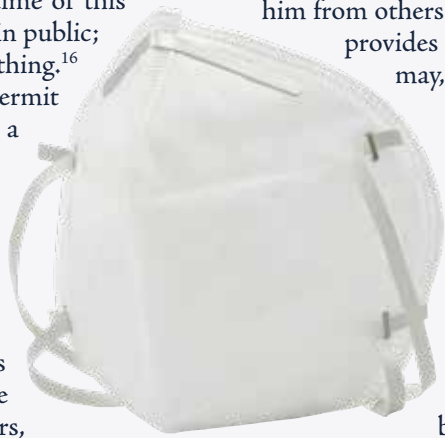
1. The *Shulchan Aruch* cites two views as to whether gloves may be worn on *Shabbos* in a public area. The lenient opinion permits this because gloves are an item of clothing intended to warm and protect one's hands in cold weather. However, the stringent opinion prohibits this due to the concern that a person may remove his gloves in order to gain full use of his fingers, which may result in his carrying the gloves in a public domain. The *Mishnah Berura* states that it is customary to follow the lenient opinion, but a conscientious person should avoid doing so.<sup>17</sup> Arguably, the concern that a person may remove his gloves may not apply to those who feel a need to wear gloves for protection from contagion.<sup>18</sup>

2. In Talmudic times, shepherds wore specific work clothes. The *Shulchan Aruch* states that a person who is not a shepherd may also wear these clothes in a public area on *Shabbos*, because an item worn by some men is considered to be clothing for any man.<sup>19</sup> Doctors and nurses routinely wear masks and gloves as part of their work clothes. Therefore, these items may be categorized as clothing for everyone.

3. Additionally, clothes may be worn even when they are not serving their intended purpose. For example, one may wear a winter coat in a public area even on a hot summer day.<sup>20</sup> Although gloves that are worn in cold weather look somewhat different from protective gloves, they

are both essentially types of the same article of clothing which may be worn even when not needed as protection from cold weather.

4. Although the use of medicine is restricted on *Shabbos*, a person is permitted to fasten a bandage over a wound. This is because the bandage serves merely to protect the wound and does not heal. The *Shulchan Aruch* states that a person with such a bandage may not enter a public domain on *Shabbos* since the bandage is not considered to be an article of clothing. The *Mishnah Berura* states that the *Gr"a* permits this and seems to accept this lenient view. Common practice is to wear a bandage in public areas on *Shabbos*.<sup>21</sup> Wearing a face mask for protection in public is seemingly no different. A counterargument would be that a bandage protects the wearer, whereas a mask protects others from the wearer but does not protect him from others. It would seem logical, however, that a mask also provides some measure of protection to the wearer and may, therefore, be worn.



For these reasons, a person is permitted to wear a mask and gloves in a public area on *Shabbos*. However, Rabbi Heinemann feels that one should be careful to keep the mask over the face and not lower it down to the chin.<sup>22</sup>

**Q:** If every *keilim mikvah* in a city is closed, what should one do when buying a new kitchen utensil?

**A:** A new utensil which requires *tevilah* may be immersed in a river or stream which flows year-round or an ocean or sea.<sup>23</sup> However, one should not *tovel keilim* in a small stream if there has recently been significant rainfall such that the majority of the water present may be rainwater rather than stream water.<sup>24</sup>

A person may be faced with a situation where this option is not available. For example, on *Shabbos* it is prohibited to perform *tevilah keilim*. The *Shulchan Aruch* states that in this case, one should give the utensil to a non-Jew as a gift and subsequently borrow it back from him. The utensil may then be used without *tevilah* because it is no longer owned by a Jew. However, the *Taz* maintains that this is not a long-term solution as, over time, it will be forgotten that the utensil belongs to a non-Jew.<sup>25</sup>

In a situation where a person will not have access to any *mikvah* or water source for the long-term, *Rav Shlomo Zalman Auerbach, zt"l*, suggests that if there is no other recourse he may renounce ownership of new utensils by declaring in the presence of three men that he

CONTINUED ON PAGE 6  
14. דברים רבה ב, ב, דברים רבה ב, ב.

15. עי' שו"ע סי' צ סעי' ט וסי' נח סעי' א וביה"ל שם ד"ה ומצוה

16. שמעתי ממו"ר ר' היינעמאן שליט"א בשם הגר"ח קנייבסקי שליט"א, וז"ה באתר [https://www.jdn.co.il/j\\_world/1314774/](https://www.jdn.co.il/j_world/1314774/)

17. שו"ע סי' שא סעי' לו ומ"ב שם

18. כ"כ במנחת אשר הנ"ל סי' יג

19. מ"ב שם ס"ק עב

20. שו"ת אג"מ אר"ח ח"ג סי' א. ועי' בשש"כ פ"ח הערה יט שהגרש"ז אוערבראך זצ"ל הסתפק בזה שאולי שייך כאן החשש שילעיגו עליו ויסירו, אמנם נראה שאין זה שייך כאן

21. שו"ע סי' שא סעי' כב ומ"ב שם ס"ק עז

22. שמעתי ממו"ר ר' היינעמאן שליט"א, ועי' במנחת אשר שם מש"כ בסוה"ס

23. עי' בב"י יו"ד סי' רא בשם הר"ן שנהר של מים המכובין בלא טענה אפילו לעתים רחוקות פסולה, ועי' בחזו"א יו"ד מקואות תנינא סי' ג ס"ק ו שהסיק שראוי להחמיר בדאורייתא כדעת הר"ן

24. עי' בב"י שם ושו"ע ורמ"א שם סעי' ב. והלחם ושמלה שם (לחם ס"ק יט וס"ק כה) כתב שאין להקל לטבול כלים בנהרות אא"כ אין מקוה כשרה והנהר קטן מאוד שלעולם אינו מתמעט משיעור זה

אמנם הדרכי תשובה שם ס"ק כב הביא מהכנה"ג שמותר לטבול כלים בנהרות ולא חיישינן שמא ירבו הנוטפין על הזוחלן

25. שו"ע אר"ח סי' שכג סעי' ז וז"ה שם הובא במ"ב שם ס"ק לה

# NOW YOU SEE IT, NOW YOU DON'T: A KOSHER VIEW OF REFINED EDIBLE OILS



CONTINUED FROM PAGE 3

## Refining Crude Oils

Refining is a six step process. First, the oil is neutralized with caustic soda and phosphoric acid. Second, the caustic and phosphoric process causes the waxes to set up. This allows the waxy soap stock and oil to be pulled apart through a process called separation. Next, the separated oil is washed and dried to burn off any excess water. Then, the oil is bleached with bleaching earth and activated carbon to remove any residual green color. The oil is then filtered and sent to a deodorizer to remove any odor.<sup>1</sup> Finally, the result is a clear, ready-to-enjoy edible oil.

“The *Shulchan Aruch* discusses the two criteria for permitting grape seeds, *tammdan*, washing of the seeds and *yibush*, drying of the seeds to a point where the seeds are moistureless.”

## The Bottom Line

A myriad of questions surround the *kashrus* of grape seed oil, starting from its inception. When the grapes come to the winery from the field, they have been sitting in juice which is the result of the automatic pickers and the weight of the grapes. Once a sample is drawn by the worker in the winery, it is eligible for a disqualifying *hamshacha*.<sup>2</sup> A *hamshacha* results when an *aino Yehudi* desires to take some of the grape juice. According to Ashkenazic ruling, once the grape juice sample is drawn, the rest of the wine becomes *stam yayin*, or *yayin nesech* according to the Sefardic ruling.

How does this impact the grape seeds? If the seeds are removed immediately and do not stay in the juice for 24 hours, then the seeds are not subject to the laws of *kevisha*. *Kevisha* is the disqualification of a kosher food item that is soaked in non-kosher liquid for 24 hours or vice versa. Red wine, however, would be subject to the laws of *kavush k'mevushal* due to the fact that the grape byproducts (the skins, seeds and stems) remain in the grape “must” for seven days.

At the distillery, where the “marc” is washed in hot water and the seeds are separated, the hot water cooks the seeds in the wine residue. This would be the second disqualification.

The *Shulchan Aruch* discusses the two criteria for permitting grape seeds, *tammdan*, washing of the seeds and *yibush*, drying of the seeds to a point where the seeds are moistureless.<sup>3</sup> This is similar to the drying of the wine sediments on the side of the cask (Weinstein), the basic ingredient of cream of tartar.<sup>4</sup> In the distillery,

the seeds are definitely washed and dried well. This is critical because if a wet seed were to become moldy, the oil would not be able to be extracted. Furthermore, prior to extraction the seeds are dried once again during lamination. The question remains: Does a seed that has originally been soaked and cooked in non-kosher wine prior to washing, drying, and re-drying qualify as kosher grape seed oil?

The *Shulchan Aruch* clearly states that grape seeds are forbidden to be used within the first 12 months of their separation from the “must”. Furthermore, the *halachah* states that the seeds must be washed and free of any residual wine before the 12 month count can be successful. Moreover, does the drying of the seeds equal a 12 month waiting period? Similarly, the question was raised regarding the wine sediment which is the main ingredient of cream of tartar. Does the drying of the wine lees, the wine sediment, qualify for the 12 month waiting period? Many authorities maintain that it does.

Another opinion in favor of grape seed oil is that the oil bears no resemblance to the original grape seed in smell, taste, color or texture.<sup>5</sup> The *Chasam Sofer* rules that since there is a complete transformation from grape seeds to oil, the prohibition of disqualified grape seeds does not apply. This is based upon the ruling of *Rabbeinu Yona*, who maintained that a forbidden item that has undergone a complete transformation is permitted. Moreover, the *Pischei Teshuva* which quotes the *Chasam Sofer* adds that an additional caveat to permit grape seed oil is that the lamination dries the seeds to a point that qualifies for fuel after the hexane is poured onto the cut seeds. The *Chelkas Yaakov* offers yet another reason to permit grape seed oil. Oil is contained inside the seed, and the wine is not converted into oil; therefore, it can be viewed as two separate entities. It is the opinion of STAR-K, as well as other major *kashrus* agencies, to permit grape seed oil that is manufactured in this manner.

## Kitniyos Shenishtanu

It is interesting to note with regard to *Pesach*, there is a divergence of opinions amongst *kashrus* certification agencies as to whether we permit or forbid *Kitniyos Shenishtanu*.

Today, food science has found multiple applications for products derived from kitniyos. These *kitniyos* conversions and fermentations have given rise to a new *kashrus* term, “*Kitniyos Shenishtanu*”, *kitniyos* that have been transformed into a new product. These converted food grade ingredients include citric acid and ascorbic acid (that have wide food applications), NutraSweet sweetener, MSG (a flavor agent in soups and spice blends), sodium citrate (found in processed cheeses), sodium erythorbate (found in deli meats), and lactic acid that is used in olive production. These corn or soy-based ingredients go through a multi-stage conversion process until the final food grade material is produced.

CONTINUED ON PAGE 6

1. Most refineries today have moved away from deodorizing animal fats on the same deodorizers. A deodorizer is a tall cylindrical column that essentially ‘cooks’ the oil to remove any off-putting smell. It can be likened to a closed column of multi-level frying pans, almost impossible to *kasher*. If a refinery is A/V (animal /vegetable), any kosher edible oil deodorized on this common deodorizer would be *treif*.

2. *Yoreh Deah* (Y.D.) 123:17

3. Y.D. 123:14

4. Y.D. 123:16

5. *Pischei Teshuva* (Y.D.) 123:20



# NOW YOU SEE IT, NOW YOU DON'T: A KOSHER VIEW OF REFINED EDIBLE OILS

CONTINUED FROM PAGE 5

What is the reasoning for those who permit *Kitniyos Shenishtanu*? Interestingly, the reasoning behind permitting *Kitniyos Shenishtanu* is based on a different *halachic* query regarding a serious *kashrus* concern as to whether or not a product extracted and converted from a non-kosher source could be considered kosher. The *heter* is based on the reasoning of the *Chasam Sofer* and the *Chok Yaakov* permitting the consumption of grape seed oil that was extracted from non-kosher grape seeds.<sup>6</sup>

The fundamental reasoning of the *Chasam Sofer* and the *Chok Yaakov* permitting the newly transformed grape seed oil provides the basis for permitting *Kitniyos Shenishtanu*. The reasons for permitting *Kitniyos Shenishtanu* are very compelling.

What are the counter arguments in favor of prohibiting *Kitniyos Shenishtanu*? When Rabbi Moshe Heinemann, *shlit"u*, Rabbinic Administrator of the STAR-K, discussed this issue with Rabbi Yosef Shalom Eliyashiv, *zt"l*, and Rabbi Shlomo Zalman Auerbach, *zt"l*, their position was to prohibit *Kitniyos Shenishtanu* as a *Chumra d'Pischa*, a strict adherence to the *minhag* of prohibiting *Kitniyos*. For this reason, it is STAR-K policy not to certify products containing *Kitniyos Shenishtanu*.

It is indeed a great manifestation of the *Ribbono Shel Olam's* masterful handiwork to see the mysteries that can be found in nature, and the versatility of the fruits of *Hashem's* labor. ☆

6. It is interesting to note that the *shaila* was raised by the *gadol hador*, Harav Aharon Leib Shteinman, *zt"l*, in Europe during WWII, where kosher oil was scarce and the only oil available was grape seed oil.

## INSIGHTS from the INSTITUTE HALACHOS PERTAINING TO COVID-19

CONTINUED FROM PAGE 4

is making the utensils *hefker*.<sup>26</sup> The men should be adult *shomrei mitzvos* that are not related to him or each other. If he cannot do this in person, he may do so by declaring this over the phone to three men who recognize his voice.<sup>27</sup> When he has access to a *mikvah* he should reacquire the utensil and *tovel* it, reciting a *brochah* if applicable.<sup>28</sup>

Alternatively, before acquiring the utensil from a non-Jew he should have in mind not to assume ownership of it. When he subsequently has access to a *mikvah* he should reacquire ownership and *tovel* it, reciting a *bracha* if applicable.

Q: How far away can a person stand from the *baal koreh* when receiving an *aliyah* to the *Torah*?

A: The *Shulchan Aruch* states that a person who receives an *aliyah* to the *Torah* must read along with the *baal koreh* and should not be given an *aliyah* if he is unable to do so. For this reason, the *Shulchan Aruch paskens* that a blind person should not receive an *aliyah*. However, the *Rema paskens* that one may give an *aliyah* to a person who is not knowledgeable enough to read along with the *baal koreh*, and a blind person may also receive an *aliyah* even though he is unable to read along.<sup>29</sup>

Some *Poskim* have suggested that a person may receive an *aliyah* even if he is required to stand some distance away from the *baal koreh* due to health concerns. Even though he will be unable to see the letters of the *sefer Torah* and read along with the *baal koreh*, he is no worse than a blind person who may receive an *aliyah*, according to the *Rema*.<sup>30</sup> However, this is not necessarily the case.

The *Biur Halachah* explains that the *Rema* believes it became customary to give an *aliyah* to an unknowledgeable or blind person in order to save him the indignity of never receiving an *aliyah*. However, the primary *halachic* ruling is that a person must read along with the *baal koreh*; if a person is able to do so and does not, his *brochah* is considered a *brochah lvatala*.<sup>31</sup>

Furthermore, it would seem that even a blind person receiving an *aliyah* must stand next to the *sefer Torah*. Even though he is unable to read, he must demonstrate that he is getting an *aliyah*. It is not sufficient for him to merely recite the *brochah* from his seat. Rabbi Heinemann, *shlit"u*, *paskens* that a person should not receive an *aliyah* unless he is able to stand close enough to the *sefer Torah* to be able to read the words along with the *baal koreh*.<sup>32</sup> ☆

26. אויערבאך זצ"ל כתב בשו"ת מנחת שלמה ח"ב סי' סו אות טז (מהדורה ישנה) "אפשר שבשעת הדחק יכולים גם בשבת להפקיר ולכוין שמשמש כל השבת בשל הפקר". אמנם אפשר שגם הוא לא התיר אלא לאותו שבת, וכמש"כ הט"ז הנ"ל. ועי' במנחת אשר הנ"ל סי' לו שכתב שבשעת הדחק כשא"א להקנות לגוי ואין פתרון אחר יכול לסמוך על ההפקר, והביא שבספר ארוחות רבנו כתב שגם בעל הקה"י והחזו"א נתנו עצה להפקיר הכלי, ומ"מ הסיק המנחת אשר "כל שאפשר להימנע מלהשתמש בכלים חדשים נכון טפ"י".  
27. כ"ו שמעתי ממו"ר ר' היינעמאן שליט"א. ועי' בשו"ע חו"מ סי' רעג סעי' ז וברמ"א או"ח סי' רמו סעי' ג שיש להפקיר לפני ג' בני אדם, ועי' בסמ"ע ברו"מ שם ס"ק י שהוא כדי שאחד יזכה ושנים יעידו ועי' ברמ"א חו"מ שם וסמ"ע שם ס"ק יא וגר"א שם, ועי' ג"כ מש"כ בזה במחנה אפרים הל"ל זכיה מהפקר סי' א  
28. שמעתי ממו"ר ר' היינעמאן שליט"א, ועי' מש"כ בזה בשו"ת משנה הלכות ח"ה סי' קי  
29. שו"ע רמ"א או"ח סי' קלט סעי' ב וסעי' ג ומ"ב שם ס"ק יב וס"ק יג  
30. עי' במנחת אשר הנ"ל סי' לא ובתשובת ר' משה שטרנבוך הנ"ל  
31. עי' בבית"ל סי' קמא סעי' ב ד"ה לבטלה ובשעה"צ סי' קלט ס"ק ו  
32. שמעתי ממו"ר ר' היינעמאן שליט"א



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EDITOR:  
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MANAGING EDITOR:  
**Mrs. Pesi Herskovitz**

COPY EDITOR/COORDINATOR:  
**Ms. D. Rosenstein**

CONTRIBUTING WRITER:  
**Mrs. Margie Pensak**

GRAPHIC ARTIST:  
**Miss Hudi Neuberger**

Phone: 410.484.4110  
 Fax: 410.653.9294  
 E-mail: [info@star-k.org](mailto:info@star-k.org)  
[www.star-k.org](http://www.star-k.org)

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