SHIURIM

ON

MINHAGEI SHAVUOS

AND RELATED TOPICS

Insights and practical
applications of

Minhagei Shavuos
And Related Topics

delivered at the Kollel Boker and
Night Kollel of
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PART I – MINHAGEI SHAVUOS

1. PLACING GREENERY IN OUR HOMES AND SHULS – WHY THE GR"A ABOLISHED THE MINHAG

❁ Different Minhagim On Shavuos

The Rama writes that we have the custom to put out greenery on Shavuos in the shul and in the houses, as a way to remember the greenery that was on Har Sinai at the time of *Matan Torah*. The Mishna Berura explains that this is referring to the greenery that was there on the mountain when Hashem gave the Torah. This is a very ancient custom, already mentioned in the *Targum Sheini* on Megilas Esther. The pasuk (2:9) says: "עַם אֶחָד יֶשְׁנוֹ – there is one nation…" *Chazal* elaborate on the words of Haman, and explain that he was trying to point out that the Jews don't really care about Achashveiorosh's kingdom, but are more into their own holidays. Haman specified each holiday, with its customs, mentioning that on Shavuos they are busy putting out greenery.

There is another minhag, brought by the Maharil and the Yaavetz, to bring roses, based on the Midrash, which compares the Jewish nation to roses. Just as roses are used for Shabbos and Yom Tov, the Jewish nation is set for the ultimate redemption. According to this reason, it would be appropriate to bring roses on any Shabbos or Yom Tov.

❀ Putting Trees

There is another minhag brought by the Magen Avraham to put trees in the shul and in the houses. He explains that the reason for this is because on Shavuos we are judged on the fruits of the trees, and placing trees serves as a reminder for us to daven for them. Since this is the reason, some suggest that it should be specifically branches of fruit trees. Others maintain that fruit trees cannot be used – due to the issur of baal tashchis, the issur to ruin or cut down a fruit tree – and only branches of non fruit trees should be used.

❀ The Gra Abolished This Minhag

In the sefer Maaseh Rav – a compilation of the rulings of the Gra – it is quoted that the Gra ruled that the custom of putting trees must be stopped. Since this became a tradition of the non-Jews on their holidays, and it is only a custom for us, it should not be done. Interestingly, this ruling was accepted by many, even in the Chasidic circles, as is spelled out by the Minchas Elazar.

We need to clarify if the Gra was only referring to the

additional custom of putting trees, quoted by the Magen Avraham, or was he even against greenery, mentioned in the Rama? The Steipler, in Orchos Rabeinu, is quoted as saying that the Gra was only opposed to trees, but not greenery. This is logical, since the non Jews only put trees. This seems to be the opinion of the Mishna Berura, who quotes the Magen Avraham, and adds that the Gra abolished **this** custom, which sounds like he is only referring to the custom of the trees. The Aruch Hashulchan, however, writes that the Gra abolished both trees and greenery.

So, according to the Rama, the custom is to put greenery, according to the Magen Avraham – trees, and the Gra took issue with trees, or possibly the greenery, as well.

❁ Understanding The Opinion Of The Gra

Rav Avraham Danzig, in Chachmas Adam, as well as in his sefer Chayei Adam, explains the opinion of the Gra as follows. There are really two independent components to the issur of copying the goyim:

1) If they do something for *avoda zora*, we cannot do it, even if it is a mitzvah, and even if we were doing it first. He proves this from the pasuk (Shoftim 16:22): " **ולא תקים לך מצבה אשר שנא ה' אלקיך – You shall not put up a *matzeiva* (made from one stone) which Hashem hates."** Rashi explains that although the *Avos* did offer *korbanos* on a *matzeiva*, and it was beloved, now that it became a way of idol worship, it has become despised by Hashem."

2) Even if it is not for *avoda zora*, but rather simply the custom of the non-Jews, we cannot follow them. However, in this case, if we were first, we would not need to stop, if it is done for a mitzvah. But in a case of just a minhag, we would also be required to stop.

This is what the Gra is alluding to when he is quoted as saying that since putting up trees is only a minhag, we must stop it. If it would be a mitzvah, we would not need to stop. However, since it is only a minhag, we are required to stop, even if they did not make it into idol worship.

❀ Understanding The Magen Avraham Who Allows Putting Trees

There are a number of ways to explain why the Magen Avraham was not concerned with the Gra's issue of *chukas hagoi*:

❀ 1. We Were First

In Orchos Rabeinu, the Steipler is quoted that since the Jewish custom of putting greenery and trees existed before the non-Jews started doing it, it is not a problem. It is not we who are copying them, but the non-Jews who are copying us. At first glance, this does not do justice, because we saw that the use of the *matzeiva* was stopped, even though we were first. However, it really depends. If when they strated using a *matzeiva* they would have been copying us, it would be allowed, but since they did it on their own, it is not

allowed. In addition, the *matzeiva* is worse, since they did it for *avoda zora*, and it is not allowed, even if we were first.

❁ 2. It Is Not The Exact Same As Them

The Maharsham (Daas Torah *Siman* 494) answers that the prohibition only applies when the custom is performed in the exact same fashion as they do it. However, in the case of the trees, since they put them inside and out, whereas we just put them inside, it is not the same, and is allowed.

The Maharsham discusses this concept in regards to a similar question. There is a prohibition to plant a tree in a shul. This is based on the Scriptural prohibition (Shoftim 16:21): "לא תטע לך אשרה כל עץ אצל מזבח ה' אלקיך – You shall not plant any tree next to the *mizbe'ach*." The *Chachamim* extended this to having trees in a shul, as Rabbi Akiva Eiger points out (glosses to Shulchan Aruch O"C 150:1). In that case as well, the Maharsham adds that if one puts the tree in a slightly different manner – such as slanting in a different direction – it will be allowed.

❁ 3. If There Is A Rationale In The Custom It Is Allowed

The Maharsham offers another answers, based on the Rivash. The Rivash discusses a custom that some had to go to the cemetery during shivah. He was asked if this constitutes following non-Jewish customs, since this was a custom of the non-Jews. The Rivash replied that this is not a problem, since this is not just following their custom blindly,

but we are doing it for a reason. Since the purpose of going to the cemetery is to show honor to the deceased it is not considered following a non-Jewish custom.

This is similar to the opinion of the Maharik, who rules that whenever something is being done with a purpose it is not a problem of *chukos hagoi*. The same idea will be true for putting trees in the shul. Since we are doing it with a rationale – to remind ourselves to daven for the fruits – it will not pose a problem of *chukos hagoi*.

The Shoel Umaishiv takes this a step further. He points out that if this practice of putting trees would be done by them blindly, it would be a cause for concern that it is based on idol worship. However, that is not the case. He writes that he asked the non-Jews why they have this custom of putting trees, and they told him that it is for decorative purposes. Since both they and we are doing it for a specific reason – the non-Jews to decorate, and the Jews to serve as a reminder of the judgment of the fruits – there is no concern of *chukos hagoi*.

This would fit well, because the Gra, in fact, argues on this premise of the Maharik. As he writes in Shulchan Aruch (Y"D 188:6), even if there is a rationale for their custom, it is still forbidden for us to do the same. That is why the Gra did not allow putting the trees, even if there is a reason that it is done.

❀ Halachically Speaking

In Igros Moshe, Rav Moshe Feinstein maintains that we

should follow the Gra, and not put trees. The sefer Hilchos Chag B'chag quotes Rav Elyashiv, who ruled that – in Eretz Yisroel, where the non-Jews are mostly Moslems, and do not put trees – one is allowed to put trees, or at least greenery. Since there are different opinions, as in all areas of halacha, everyone should follow their own minhag.

It is worthwhile to end with a fascinating story, about the importance of beautifying the shul, according to that minhag.

The sefer Chut Hameshulash writes that in the shul of the Chasam Sofer it was the custom to decorate the shul before Shavuos, with tree branches, and other greenery, which added a breathtaking aroma throughout the shul. In addition, on top of the Chasam Sofer's place they would put a special canopy made from tree branches, and flowers. One year, the *gabai* decided that they were going to put a stop to this custom. When the Chasam Sofer arrived in shul at the beginning of yom tov and noticed the change, he was very upset at the *gabai* for diminishing the honor and décor that had always been in place. Unfortunately, the *gabai* was punished from Heaven for his misdeed.

❁ Summary

The Rama writes about the custom of putting greenery, and the Magen Avraham adds about putting trees. The Gra did not allow trees – and some say he did not allow greenery, as well – because of *chukos hagoi*.

The Magen Avraham does allow it because:

1. We were first.

2. It is only a problem if it is exactly the same.

3. If there is a rationale for the custom, it is allowed.

2. EATING MILCHIGS ON SHAVUOS – REASONS FOR THE MINHAG

On the *yom tov* of *Shavuos* there is a well-known custom to eat *milchigs*. Whether you fulfill this custom with a small *milchig kiddush* or a five-course dairy meal, it is universally accepted to partake in some dairy on this *yom tov*.

As is often the case with *minhagei yisroel*, there are various ways of fulfilling this *minhag*. Some have the custom to eat the *milchig* meal at night and some partake of *milchigs* during the day. Some do it only on one day and some do it on both days. In addition, depending on the reason, it may suffice to fulfill this custom with a small *kiddush* or it may be proper to have a full meal.

There are many reasons given for this *minhag* and I would like to share some of the reasons that the *poskim* mention:

❁ 1) To Commemorate The *Sh'tei Halechem*

The *Rama* (495:3) suggests that just as we have two cooked foods on the *seder* plate to commemorate the *korban pesach* and *korban chagigah,* similarly on *Shavuos* we commemorate the *sh'tei halechem*, the two breads that were offered in the *beis hamikdash*. This is accomplished by having a dairy meal followed by meat, which requires one to remove the bread that was used with dairy and bring another

loaf of bread for the meat meal. Consequently, one will need to have two different breads. According to this reason, one should have a separate dairy meal, and not just suffice with some cheese cake at the kiddush.

❁ 2) Sweetness Of Torah

Since the Torah is compared to the sweet taste of milk and honey (as the *pasuk* says, *d'vash v'chalav tachas l'shoneich*), we serve *milchigs* and sweet foods to instill in us this concept that the Torah is sweet. (*Mishna Berura* 495:12)

❁ 3) Alluded to in the Pasuk

The *pasuk* in the reading of *Shavuos* says, וּבְיוֹם הַבִּכּוּרִים בְּהַקְרִיבְכֶם מִנְחָה חֲדָשָׁה לַה' בְּשָׁבֻעֹתֵיכֶם, the first letter of the last 3 words reads חלב – milk. (*Siddur Yaavetz*)

❁ 4) A Merit To Receive The Torah

Another reason is given by the *Ba'eir Heitev*. The *Midrash* tells us that the angels were not willing to let go of the Torah; they wanted to keep it in heaven. However, one of the reasons that they were deemed unworthy of having the torah is because they ate meat and milk in *Avraham Avinu's* house. We therefore eat *milchigs* and then *fleishigs* – in a way sanctioned by the torah – demonstrating why we merited receiving the torah.

❁ 5) Cholov – 40 Days Of Receiving The Torah

The numerical value of the word *cholov* (חלב) is 40; corresponding to the 40 days that Moshe was in heaven to receive the Torah. (*Neziras Shimshon*) This also has a deeper meaning. In contrast to the physical world that was created in 6 days, the Torah and the spiritual world were "created" in 40 days. (Rav Yaakov Kaminetsky, quoting the Alter of Slobodka)

❁ 6) Jews Ate Dairy When They Received The Torah

The *Mishna Berura* (495:12) quotes another reason. Before the *yidden* received the torah they were permitted to partake of meat that did not have a proper *shechita*. Once they received the *Torah* they had to implement all of the laws of *shechita* (i.e., using a kosher knife, etc.), and keep all of the other rules and regulations of *kashrus* properly (e.g., salting, removing fats, etc.) before being able to eat *fleishigs.* In addition, all of their utensils were now *treif* and unfit for use. In the interim they had to subside with eating dairy and we commemorate this by eating *milchigs.*

❁ 7) Refraining From Meat And Milk Together Corresponds To Shavuos

The *Chidushei HaRim* (the first *Gerrer Rebbe*) mentions yet another reason. It is well known that there are 365 negative commands in the Torah which correspond to the 365 days of the year. The *mitzvah* of refraining from meat and milk together is corresponding to the day of Shavuos. Hence, on

this very day, we eat milk and then meat, in accordance with the rules and regulations of this *mitzvah*.

❁ 8) Siyum On The Mitzvah Of Sefira

The *milchiga* meal is a *siyum* of sorts, celebrating the completion of the 7-week *mitzvah* of *sefiras ha'omer.* We do not have the conventional meat meal in order to emphasize that it is not just another *yom tov* meal. (*Midrash Pinchas*)

❁ 9) To Commemorate *Moshe Rabeinu*'s Survival

Moshe Rabeinu was born on 7 of *Adar* and was placed in the Nile River 3 months later, on 6 *Sivan* – the very day that was to become the day of *Kabalas Hatorah.* On that day he was taken out by Basya and taken to his mother to be nursed. We, therefore, partake of *milchigs* to commemorate the miracle of *Moshe Rabeinu*'s survival.

❁ Summary Of Reasons

1) To Commemorate the *Sh'tei Halechem*

2) Sweetness of Torah

3) Alluded to in the Pasuk

4) A Merit to Receive the Torah

5) Cholov – 40 Days of Receiving the Torah

6) Jews Ate Dairy When they Received the Torah

7) Shavuos Corresponds to Refraining From Meat and Milk

8) Siyum on the Mitzvah of Sefira

9) To Commemorate *Moshe Rabeinu*'s Survival

PART II – SHAVUOS RELATED TOPICS

3. CHOLOV YISROEL – WHY BE MACHMIR

❁ The Issur To Drink Milk Of A Non-Jew

The Mishna (*Avoda zora* 35b) tells us that Chazal decreed that one not consume milk that was milked by a non-Jew, without Jewish supervision. The Gemara explains that there is no concern that the kosher milk will be replaced with non-kosher milk, such as pig milk, because kosher and non-kosher milk look different. Rather the concern is that the non-Jew may mix in a substantial amount of non-kosher milk, which will not be bateil in the kosher milk, and will also not be noticeable.

This is why milk of a non-Jew is different than bishul akum – food cooked by a non-Jew. When it comes to food cooked by a non-Jew, there is no heter even if a Jew watches the cooking. But when it comes to milk, even if the non-Jew milked the cow, it is permitted, as long as a Jew watched the

milking. The reason for this distinction is due to the difference between the prohibitions. A non-Jew cooking the food is what makes it prohibited (since this can bring to intermarriage), and supervision will not change anything. Milk, on the other hand, is only because of the concern that he will add non-kosher milk, and if there is proper supervision that will not be an issue.

There is an obvious question that must be addressed. If there is indeed a concern that the non-Jew will add non-kosher milk , it should be self understood that one cannot put something in his mouth if the kashrus is questionable. Why then would Chazal need to make a special decree about milk, if there is a question if the milk is kosher? The answer is that since adding non-kosher milk is a remote concern, if not for the decree of Chazal, it would have been allowed. It is only because Chazal were concerned and made a decree that it is not allowed.

The Aruch Hashulchan brings home the point of how we must take very seriously the concerns of the *Chachamim*. He relates that a Jewish layman came crying to him with a broken heart, that he had been lenient in this matter. While traveling on business, he and his friends would stay in a certain inn, and would buy milk from a non-Jew across the street. At one point they wondered how this vendor was able to provide them with such tasty milk, and decided to ask him for his secret as to why the milk had a very good taste. He responded that he mixed in meat and bones and cooked them with the milk! The Jewish consumer then realized how wrong he had been, and cried out to me that he had been so wrong to disregard the words of Chazal.

Another story happened in England during the war. Rav Yosef Zvi Dunner had a camp for girls in the countryside. In order to provide cholov Yisroel, he had some girls go over to a nearby farm and supervise the milking. One time they arrived after the milking, rendering the milk non-kosher, since it had no Jewish supervision. They decided to take some milk just for the babies. When they returned with the milk and told Rav Dunner what had happened, he told them that they must return the milk, and not give the farmer mixed messages – for some it is kosher and for some it is not. When they came back to the farm to return the milk, the farmer got upset at them for returning the milk, and screamed at them not to contaminate his milk.

When they told Rav Dunner what had happened he realized that he needs to clear the air, and remain on good terms with the farmer. He went down to explain why they were unable to use the milk. He told the farmer that this was nothing personal against him, but due to the decree of the Chachamim, because there can be some non-Jewish farmers who will put in non-kosher milk. The farmer heard him out and asked him to come to the window and pointed to the squared off area of his ranch behind his home. He told Rabbi Dunner, "In that area is where I keep my pigs. I am the one who provides milk for the whole region, and whenever I am short on milk, I substitue some pig milk, and no one even knows." He then exclaimed, "How right your rabbis are. They knew exactly what they were talking about. You can feel free to come back and watch the milking."

❁ When There Is No Concern Of Adding Milk

What is the halacha in a case when there is no concern that non-kosher milk was added? For example, what happens if there is no non-kosher milk available in the entire area, or the non-kosher milk is more expensive and would not be used as a substitute, can one now consume the milk milked by a non-Jew, without Jewish supervision? On the one hand, it would seem to be permitted, since there is no concern that non-kosher milk was added. On the other hand, perhaps once Chazal made a decree it is forbidden even if in this specific case there is no concern.

This case is a machlokes in the acharonim. The Pri Chodosh rules that one can consume the milk, since there is no concern that non-kosher milk was added. On the other hand, the Chasam Sofer maintains that once Chazal made the decree it is forbidden even if when there is no concern. This is similar to the rule that the Gra puts forth. Whenever Chazal make a decree there are many reasons that Chazal did not reveal to us, and even if the reason they gave is no longer applicable it is till forbidden.

The Chochmas Adam makes somewhat of a compromise. He agrees with the Pri Chodosh that if there is no concern that non-kosher milk was added it would be allowed. However, he still writes that it is forbidden because there is always a remote possibility that they will mix in non-Kosher milk and we can never know for sure.

The Chazon Ish also follows the ruling of the Pri Chodosh, and writes that it is possible that we can allow

powdered milk since the government does not allow adding other ingredients, which is punishable with a large fine. He adds that this is similar to a Jew standing outside the milking, where the non-Jew is scared to add non-kosher milk. This heter of the Chazon Ish is along the same lines as the heter of the Igros Moshe to consume cholov stam, which will be discussed below.

However, the Chelkas Yaakov writes that he heard from Rav Moshe Soloveitchik, who asked the Chazon Ish if it is true that he allows the powdered milk. The Chazon Ish responded that soon they will say that I allowed other issurim. The Chelkas Yaakov concludes that it would seem that the Chazon Ish was just mentioning a possible heter, but did not mean to actually rule that it is allowed.

The Steipler writes that the Chazon Ish only meant to allow the powder in extenuating circumstances, such as when someone is sick. Rav Moshe Shternbuch writes similarly that this heter should only be applied for children.

The Shevet Halevi writes that he discussed this with the Chazon Ish, and the Chazon Ish asked for his opinion. Rav Vozner responded that he feels we should follow the Chasam Sofer, who was stringent and did not allow the milk even when there is no concern.

❁ Cholov Stam

In today's market we have something known as cholov stam. This refers to milk which does not have any Jewish supervision, but is subject to the government's laws, which

do not allow replcing cow's milk with other milk. The Igros Moshe, in a number of teshuvos, discusses cholov stam. He points out that we may not need actual supervision. Since the government does not allow adding other milk, which is punishable with a large fine, the farmer will be scared to add any non-kosher milk, and we should not be concerned that non-kosher milk was mixed in.

He writes that this is similar to the case of a Jew standing outside the milking, which is allowed, even if the Jew did not supervise the milking, as brought in Shulchan Aruch. Since the Jew can come and look at any moment, the non-Jew is scared to add non-kosher milk, and we can be certain that he did not add anything, and one can drink the milk. Similarly, Rav Moshe writes, we can allow the consumption of cholov stam Since the government officials can come at any moment, the non-Jew will be scared to add non-kosher milk, and we can be certain that the milk is kosher.

Rav Moshe Shternbuch points out that this will only apply if the government takes the decree seriously. However, if it is only illegal on paper but the government doesn't follow through, no one is scared and the entire heter disappears and the milk cannot be used.

It is also important to point out that the Igros Moshe ends off each teshuva on the topic with the disclaimer that even if it is permitted, it is preferable to steer away from such milk, and he himself is careful not to rely on this heter. Rav Reuvain Feinstein adds that he one saw his father throw up after mistakenly eating something which was cholov stam.

In other letters he adds that he only meant his heter for someone who is in a place that he cannot get cholov Yisroel. However, if cholov Yisroel is accessible – even if it involves some work and costs a little more, one should only drink cholov Yisroel.

❁ Summary

Milk from a non-Jew is prohibited due to the concern that he added non-kosher milk, unless a Jew watches the milking. If one is sure that there is no non-kosher milk added some allow drinking the milk.

Some allow cholov stam because the government fines anyone who adds other ingredients, but it is preferable to be stringent.

4. EATING FLEISHIGS AFTER MILCHIGS – HALACHIC REQUIREMENTS AND MINHAG

❁ Fleishigs After Milchigs

After one finishes a dairy meal, the Shulchan Aruch (Y"D 89:2) tells us that one does not need to wait at all, and can immediately partake of meat. But, the Shulchan Aruch stipulates that there are three things that one must do before eating meat. One must be sure that his hands are totally clean from any dairy residue, one must eat some food to get out any residue, and finally one must rinse his mouth with some liquid.

As far as the first requirement, the Shulchan Aruch writes that it is sufficient to look at one's hand be sure that they are clean. But, at night, when it is dark – and one cannot see if his hands are clean – then one must actually wash his hands to be sure that they have no milchiga residue on them. The Shach (89:9) adds that if there is strong light – and one can see if his hands are clean – it would be unnecessary to wash his hands even at night. That being the case, today that we have strong light, it should be unnecessary to wash one's hands, as long as he is sure that they are clean.

However, the Shach writes that one should always wash his hands after milchigs, even during the daytime. This is

because there can be some fatty material that got stuck on one's hand and one doesn't realize.

What about if the milchigs consumed was a liquid, e.g., someone drank milk or a coffee? At first glance, in this case, since one's hands did not come into contact with the dairy, there should be no concern that any fatty material got stuck and it should be unnecessary to wash the one's hands.

However, the Badei Hashulchan (89:43) points out that from the sefer Issur V'heter we see that even after a drink, one should still wash his hands. The Badei Hashulchan offers two explanations for this:

1. It is possible that there were droplets of milk or coffee that were on the back of the cup, which then touches the person's hand.

2. In addition, we have a rule in many areas of halacha, called *lo plug*, which means that when Chazal make a regulation, they do it across the board, even if it is not necessarily applicable to each specific case.

There is a similar question in a case that someone ate with a fork, where once again we would assume that it should be unnecessary to wash one's hands, because his hands were not touching the food directly.

The Aruch Hashulchan (89:8) and the Be'er Heitev (89:5) quote the Pri Chadash, who rules that in this case one does not have to wash his hands. The Pri Toar (written by the Ohr Hachaim Hakadosh) writes the same in regards to fish and meat – which also requires a break in between, with

washing one's hands – that if one ate with a fork, it is unnecessary to wash one's hands.

The Badei Hashulchan (89:43), however, quotes the Chida and the Pri Megadim, who rule that one still must wash his hands, even if the milchigs was eaten using a fork. The Badei Hashulcha explains that the aforementioned reasons (*lo plug* and maybe there is some residue) should apply here, as well.

❁ Kinuach And Hadacha – Food And Drink

The Shulchan Aruch writes that one needs to do kinuach and hadacha, eating some food and taking a drink. Does it have to be in this order? The Shach (89:11) rules that the order does not matter, and either one can be done first. However, the Darkei Teshuva quotes others who explain that the order is specific. This is because there is a process: by eating some food, the milchiga residue gets dislodged from in the crevices of the mouth, and then the drink will wash it away.

The poskim also discuss if, instead of eating something, one can use the option of brushing teeth. Indeed, the Taz (89:4) does make mention of the need to clean one's teeth.

Can one do the kinuach and hadacha at the same time? For example dipping a piece of challah into shnops, or having a fruit cup, which has solid and liquid. The Pri Megadim (S"D 89:11) writes that some have the custom to do so, but he then quotes the Levush (89:2) who writes that it is better not to do them simultaneously.

On the other hand, the Aruch Hashulchan (89:9) first writes that he is in doubt if doing them both together is halachically valid. But he adds that if one saturates the challah with liquid, it will definitely qualify. This can be why some have the minhag, between fish and meat, to drink l'chaim and dip the challah into the shnops – doing the kinuach and hadacha simultaneously.

❁ Waiting

What about waiting after milchigs? After one followed the aforementioned regulations, is there any reason to wait, before starting a fleishiga meal?

The Shulchan Aruch writes clearly that it is not necessary to wait at all, as long as the other rules – cleaning one's mouth and hands – were followed. The Kitzur Shulchan Aruch (46:11) also writes that it is not necessary to wait.

On the other hand, there is a source for waiting. The Shelah Hakadosh (Meseches Shavuos 16) in discussing the minhag of eating milchigs on Shavuos, he writes that one should also have meat to fulfill the mitzvah of simchas yom tov. He points out that one must be careful to fulfill the minhag, while keeping the halacha properly. He explains that this means doing kinuach and hadacha, as well as bentching **and waiting an hour**, and then putting out a new tablecloth.

This concept of waiting is based on the Zohar (Mishpatim), which is quoted by the Gra (Y"D 89:6). The

Zohar writes that one who eats meat and milk within the same hour will have a picture of a goat on his face for forty days. Since the Zohar does not differentiate between if it was milk after meat or meat after milk, it seems clear that, according to the Zohar, one should wait after milk an hour, as well. The Gra adds that this is not strictly required according to the halcha, but is rather a chumra of the Zohar. The Kaf Hachaim (89:10) adds that one who has yiras shamayim should wait.

❁ Waiting A Half Hour

There is a widespread minhag to wait a half hour. There are different reasons given for this minhag. The Shevet Halevi and Rav Shtenbuch (Teshuvos V'hanhagos 2:390) suggest that this comes from the fact that a half hour is halachically considered in close proximity. We find this in regards to not eating "in close proximity" to the time of davening, which is a half hour. Thus, waiting a half hour is a way of ensuring that one is not eating the milchigs and fleishigs "in close proximity" to each other.

Rav Belsky explained this minhag based on the aforementioned Zohar that one should not eat milk and meat in one hour. Although the expression of the Zohar is "an hour," he suggests that it does not necessarily mean an hour on the clock, but rather it is a way of saying that one should not eat both within one "time period." Since we find that, halachically speaking, more than a half hour is considered to be in a different time period, waiting a half hour would suffice.

❁ Waiting After Milk

The Kaf Hachaim writes that when one drinks milk (or a cup of coffee) it would be unnecessary to wait. Teshuvos V'hanhagos concurs with this ruling, and adds that this is similar to the ruling of the Rashash, that after milk one does not need to wash his hands. Just as there is no concern of hands that have milk on them, it should be unnecessary to wait afterwards.

❁ Brocha Achrona To Create A New Meal

Does one need to bentch or recite a broch achrona, in between? The Issur V'heter (40:8) writes clearly that there is no need to bentch; one can eat both in the same meal. This is also the opinion of the Magen Avraham (494:6) and the Mishna Berura (494:16).

However, the Beis Yosef (O"C 173) refers to the stringency of the Zohar, mentioned above, that if one eats meat and milk within the same hour – **or in one meal** – will have a picture of a goat on his face for forty days. By reciting the brocha achrona, the meal has ended and the Zohar's requirement has been fulfilled. The Darkei Moshe (Y"D 89:2) and the Gra (Y"D 89:6) also make mention of this. The Pri Megadim (Y"D S"D 89:6, 89:16, M"Z 89:3) also writes that, after milchigs, one should bentch before eating meat, even on Shavuos.

❁ Shavuos

There are those that say that on Shavuos one can rely on

certain leniencies more than the rest of the year. The source for this is the Kol Bo. The Chuk Yaakov adds that there are those who allow having milchigs and fleishigs in one meal, without waiting at all in between. The Pri Megadim writes similarly that some are lenient to suffice with reciting the brocha achrona after the milchigs and then immediately start the fleishiga meal. The Noam Elimelech (P' Mishpatim) also mentions that some don't wait on Shavuos, although they wait the rest of the year.

The Chuk Yaakov, however, concludes that the poskim agree that one should not be any more lenient on Shavuos than they are the rest of the year. The Shelah Hakadosh mentioned above – discussing the minhag of eating milchigs on Shavuos – also holds the same, spelling out the requirement to **bentch and wait an hour**. The Mishna Berura – quoting the Pri Megadim – also writes emphatically that one should keep all the rules and regulations of separations between milchigs and fleishigs, not allowing the minhag to cause a violation of halacha.

❁ Six-Hour Cheeses

The Rama (Y"D 89:2) writes that some hold that after eating hard cheeses, one has to wait the full amount of waiting, just like after meat. He adds that although some are lenient, and do not wait, many are careful to wait, and that is the correct thing to do. The Maharshal, in Yam Shel Shlom (Chulin 8:6) takes strong issue with this, calling it heresy, being that it is against the explicit allowance of the Gemara. However, the Shach (Y"D 89:17), the Pri Megadim

(Y"D 89:17), and the Chachmas Adam (40:13) all concur with the ruling of the Rama that one should wait after hard cheeses.

It is important to understand that this means that one will be required to wait the same as one waits after meat. Hence, if someone waits six hours after meat, he would be required to wait a full six hours after these cheeses before having meat.

What is considered hard cheese? The Shach (Y"D 89:15) rules that if it sat around for six months, it is assumed to get the status of hard cheese. The Taz (Y"D 89:4), however, maintains that age is not necessarily a factor (unless someone is extra careful and vigilant). Rather, the main deciding factor is the taste. If it has a strong taste (what he calls wormy, i.e., bacteria), which remains in one's mouth for a long time, then one would be required to wait. He explains that just as we wait after meat because of the strong taste that remains in one's mouth, the same issue applies to these cheeses, as well.

According to the Shach, it all depends on time, and being full of bacteria will not make it be considered hard cheese. And according to the Taz, it all depends on being full of bacteria, and time will not make it be considered hard cheese.

The poskim – including the Chochmas Adam (40:13) and the Aruch Hashulchan (Y"D 89:11) – bring both opinions and rule that we must follow both , and either age or texture will give it the six-hour cheese status.

Interestingly, the Ben Ish Chai rules that the six-month rule is not an "all or nothing policy," meaning that it is only an issue when it becomes six months old. Rather, he writes, every month that it is left around it becomes harder and harder – and each month requires another hour of waiting – until it hits the grand old age of six-months, and one is required to wait the full six hours that one needs to wait.

There is a big discussion in the poskim if the six months is only in the plant where they make the cheese, or is it even if the time it sits on the shelf in the store is also counted. In other words, what happens if it was sitting in the plant for three months, and then on shelf for three months?

Some rule that it is only the age in the actual process, because there they let it become hard, but once it is packaged there is no concern. This is because they package it in a way that it will no longer change its texture even if it is on the shelf for a long time (so it doesn't change the taste while it sits on the shelf).

Others rule that it doesn't depend on the age of the packaging; any six months is a problem. This is why some companies write the date when they start processing it, so that people will know when it reaches six months.

In regards to mozzarella cheese, used in pizza – called by the poskim "yellow cheese," Rav Elyashiv ruled that one must wait six hours. Other poskim hold that it is not necessary, which is the prevalent minhag in America.

There is a big question in the poskim about hard cheeses, which gets melted in to a soup or the like. A prime

example of this is parmesan cheese which is often used in soup or melted into eggplant.

This is based on the Yad Yehuda, who writes that if one melts the cheese, it is no longer necessary to wait six hours. There are different ways of understanding this ruling. Some explain that it is because once the cheese gets cooked it becomes soft, and therefore loses its status of being hard cheese – even if there are still pieces of cheese that are noticeable. This would be applicable to eggplant parmesan, where they melt the cheese.

Others explain that it is not the cooking per se; it is the fact that it gets dissolves, like when cooked in a soup. According to this understanding, eggplant parmesan – where there are still distinct pieces – would still require one to wait.

Some add an additional leniency, that once it is cooked, it loses its status of hard cheese and even if it becomes back hard it will no longer require one to wait 6 hours.

There is another leniency mentioned by the poskim, in regards to one who ate hard cheese on Friday afternoon. In some cases, having to wait for the Shabbos meal will cause the family to wait many hours for the meal, and there is room to be lenient, and not wait the six-hours.

As with any complicated halachic question, when such situations arise, one should ask a competent Rav.

❁ Summary

In summary, after eating michilgs, one has to do a number of things before eating fleishigs:

- One must make sure that his hands are clean.

- One must do kinuch and hadacha – eat food and take a drink

- Some also have a minhag to wait an hour or a half hour.

- Some hold that you have to say a brocha achrona, in order to finish the meal.

- After eating certain hard cheeses, one has to wait, just like after eating meat.

5. KASHRUS CONCERNS IN DAIRY PRODUCTS

❁ Robotic Milking

In some European countries the milking process is done without the involvement of any people. The entire process is done only via machines, known as robotic milking. The system is set up that each cow has a computer chip and the set of cups that are attached to milk the cow are customized for that specific cow. The bar code is then read on the cow and then the matching cups are attached robotically.

There would be reason to believe that that with such a set up, it should be unnecessary to require supervision since there is no other animal that can match this specific bar code and it would thus be impossible to substitute any other milk. However the *poskim* point out that this milk can indeed still be problematic. The reason being that although in the initial milking there is no reason for concern, however, subsequently there can be non-kosher milk added to the kosher milk, which is the reason for the entire prohibition to begin with, rendering the milk prohibited.

❁ Bishul Akum In Milk

I would like to discuss the laws of *cholov stam* and *cholov akum* pertaining to milk and milk products. As we know, all milk commercially sold today is pasteurized (a process of

heating the milk thereby destroying harmful bacteria, to make it safer to drink). Since pasteurization may be halachically equivalent to cooking, the question is raised whether or not this involves the issue of *bishul akum* (a food item that was cooked by a non-Jew). The *Rambam* clearly states that milk cooked by a non-Jew is not subject to the *issur* of *bishul akum*. The reason is based on the concept that any item that is edible when raw is not subject to the *issur* of *bishul akum*. Since milk can be consumed without being cooked, it is therefore not a problem if cooked by a non-Jew.

However, the contemporary *poskim* discuss if this idea still holds true today. In today's society, legally, milk must be pasteurized before being sold for consumption. Furthermore, due to health reasons, all – or at least most – people would not drink milk that is not pasteurized. Some therefore suggest that in today's society milk is not considered food consumed in its raw state and may constitute a problem if cooked or pasteurized by a non-Jew.

The Minchas Yitzchok addresses this question and says that although ideally it would be better to have the pasteurization done by a Jew, there is room to be lenient. Pasteurization is done through a steaming process, and may not be considered halachically equivalent to cooking. Additionally, the pasteurization is done in a commercial setting, where one does not even know the non-Jew doing the cooking and it will not cause any mingling or assimilation with non-Jews. It is therefore possible that it is not included in the *issur* of *bishul akum*.

❁ Gevinas Akum

There is a prohibition to consume cheese manufactured by a non-Jew. This is an independent prohibition mandated by *Chazal.* There are a number of reasons given for this prohibition. The main concern is due to the unique process used in making cheese. One of the primary methods employed in making cheese is that they put rennet into the milk. Rennet is found in the stomach of the cow and facilitates the process of the milk turning into cheese. Although rennet is only found in the stomach of a cow and there is no concern of a non-kosher animal being used for this process, there still remains a concern that they might use a cow that did not have the proper slaughtering done (which is considered a *neveila*), which for all practical purposes is like using a non-kosher animal. Additionally, there also exists a possibility that during the cheese making process, they could smear on to the cheese some fat from a non-kosher animal. Another concern is that since they sometimes use vinegar in making the cheese, they could possibly take wine vinegar which would be *yayin nesech* or wine produced from grapes of the first three years of the grape vine, which is forbidden to use, known as *arlah.*

There is a dispute among the early *poskim* as to what needs to be done to eliminate the *issur* of *gevinas akum*. The *Rama* rules that it is sufficient to have a *mashgiach* (Jewish supervisor) who oversees the production to ensure that it is kosher, just like when it comes to milk. However, the *Shach* takes a much stricter position and rules that, unlike the *halachos* in regards to milk, where it is sufficient to have a

mashgiach, when making cheese the Jew must be the one to actually pour the rennet.

Most kashrus agencies follow the stricter opinion and require the *mashgiach* to actually pour the rennet. The rennet is divided into a few pails, making it easier for him to carry and pour into the milk. However, in some factories the entire process is done by machines, not leaving any opportunity for a *mashgiach* to pour the rennet. In this situation, the agencies rely on the *mashgiach* pressing the button, thereby starting the process, which can be considered halachically equivalent to actually pouring it in.

There is a discussion if one can rely on the use of surveillance cameras to ensure the kashrus of the rennet. The discussion is only applicable according to the *Rama* who holds that it is sufficient for the *mashgiach* to supervise the process, without actually pouring the rennet. However, according to the *Shach*, since the *mashgiach* needs to actually do the pouring, the cameras are of no help. In truth, even in regards to the milking, most *poskim* and kashrus agencies will not rely on the use of surveillance cameras. When it comes to cheese, however, everyone agrees that we cannot rely on surveillance cameras. The reason is that even if they can see the initial pouring of the rennet into the vat, they still need to track the entire process to ensure that only kosher rennet was used, which is not feasible.

❁ Whey

I would like to wrap up our discussions on non-Jewish cheese production, by "weighing in" with one last discussion

on the topic of whey products. We have already discussed the various issues with *gevinas akum*. It is beyond the scope of this *kuntres* to go into all the intricate details pertaining to whey, but I will try to give a short synopsis of the issues involved in products that contain whey.

One popular food in today's market that contains whey is ricotta cheese. To sum up the process in a nut shell, after the milk is coagulated, it is cut into small pieces and heated to allow the non-coagulated fluid to be separated. The non-coagulated fluid is then drained off as liquid whey. There is a discussion amongst contemporary *poskim* as to whether or not this whey has an issue of *gevinas akum*. Some poskim rule that there is no concern at all with this process being done by a non-Jew and *mashgiach* supervision is not necessary. Some even take this a step further and maintain that even if it is heated up together with the cheese, during the cheese production the whey is allowed (even though the cheese itself is not allowed, due to the *issur* of *gevinas akum*).

The basis for this opinion is that these poskim maintain that the *gezeira* mandated by *chazal* was limited to the cheese itself and does not apply to any other by-product. Other *poskim* do not accept this extra leniency and will only allow the whey if it was cooked with the cheese at a temperature that is no hotter than 120 degrees Fahrenheit (i.e. *yad soledes* – the halachic temperature that causes absorption). The common practice of the major kashrus organizations is to follow the stricter opinion and not allow the cheese to cook at a temperature hotter than 120 degrees Fahrenheit.

❁ Butter

We have already discussed the various issues with *cholov akum* and *cholov stam*. There is however, among the milk products, one notable exception. Butter manufactured by a non-Jew was not included in this *issur*. The reason for this is as follows. Butter is one milk product that cannot be produced from non-kosher milk, since it does not curdle and thicken when churned. Therefore there is no possibility that a non-Jew would add any non-kosher milk because it cannot turn into butter. Consequently, *Chazal* did not deem it necessary to include butter in the *issur* of *cholov akum*.

However, later on, in the times of the *Gaonim* (a little over a thousand years ago), there were *Gaonim* who saw that the circumstances had changed. There was a situation of non-Jews who sold various milk products. When they saw that some of the milk was not so fresh, they would mix in some amount of non-kosher milk into milk that was used for making butter, even though that could cause the butter to be inferior. Based on this concern, they felt that all butter produced by a non-Jew should not be allowed.

However, this ruling was not mandated as a final *psak* and the *minhag* varies from place to place. When it comes to *minhagim*, the rule of thumb is that one must follow his family tradition. Therefore, if ones family's tradition is to be strict on non-Jewish butter, then he must keep that tradition. Additionally, even if one's own family tradition is to allow butter, if he lives in a community that is stringent, he must follow the custom of his community.

There is one more important factor, which is specifically an issue in today's industry. Nowadays, no product on the market is ever as simple as it may appear. There are many ingredients added such as flavorings and preservatives. Therefore, even if one would use butter produced by a non-Jew, he must make sure that it has proper kosher certification. Additionally, there is a possibility of other milk derivatives (such as whey or lactic acid) being added, which may be included in the *issur* of *cholov akum*. It is therefore certainly recommended for one who is careful to only consume *cholov yisroel* milk, to use only *cholov yisroel* butter as well.

❁ Dairy Equipment

We have already discussed that *cholov akum*, milk that was milked by a non-Jew, is prohibited for consumption. One must realize that this *issur* is like all other *issurim* and if such milk or milk products were cooked in utensils, those utensils become *treif* and must be *kashered* before use, just as in any other pot that was used for cooking *treif*, which makes the pot *treif*. This is in regards to utensils that were used for *cholov akum*. However, when it comes to utensils that were used for *cholov stam*, there is room to be lenient, even for those that only eat or drink *cholov yisroel*. The reason being that, as we have already mentioned, according to some *poskim* the whole concern with *cholov stam* is only a *chumra*, an added stringency and this *chumra* was only accepted in regards to actual consumption of the products and not in regards to the concern of the *bliyos*, the absorption of the product into the utensils.

This being the case, even if one does not eat *cholov stam*, he may still be allowed to have DE. The concept of DE (dairy equipment), is that they prepare an item with all *parve* ingredients and then run a production, using the same equipment that was used for *cholov stam*, without *kashering* in between. (It goes without saying that they will make certain that a proper cleaning is done, thereby ensuring that there is no dairy residue left, which would render the product *cholov stam*.) Therefore, these foods may not be considered *cholov stam* according to some opinions and people who only eat *cholov yisroel* may still be able to partake from these products.

❁ Summary

Robotic Milking done without superviosion is problematic, as there can still be non-kosher milk added.

It is better to have the pasteurization done by a Jew, but there is room to be lenient.

Most kashrus agencies require the *mashgiach* to actually pour the rennet. Some rely on the *mashgiach* pressing the button.

When it comes to cheese we cannot rely on surveillance cameras.

Some poskim allow whey prepared by a non-Jew, even without a *mashgiach's* supervision.

Some allow whey heated up together with cheese. Most kashrus organizations only allow the cheese to cook at a temperature which is not hotter than 120 degrees Fahrenheit.

Butter is not included in the *issur* of *cholov akum*. However, some have the *minhag* to be strict on non-Jewish butter, as well.

Even those who do not eat *cholov stam*, there may still be room for leniency when it comes to DE, food prepared on dairy equipment.

6. DAIRY BREAD - BAKING WITH MILK INGREDIENTS - UNDERSTANDING THE ISSUR AND ITS EXCEPTIONS

❁ Baking bread with milk or meat ingredients

The Gemara in Pesachim (30a) tells us that it is forbidden to make milchiga or fleishiga dough, and if one did, the bread made from the dough cannot be eaten. As Rashi there explains, this is to ensure that one should not come to mistakenly eat the milchiga bread together with fleishigs, or the fleishiga bread with milchigs. This halacha is codified in Shulchan Aruch (Y"D 97:1).

❁ Cases that are allowed

The Gemara (Pesachim 36a) relates that Rav Yehoshua allowed baking bread with milk, if it was like a *tura.* There are two basic ways to understand the Gemara, and based on the two explanations, there are two cases where one would be permitted to make milchiga or fleishiga bread.

❁ Rashi – a small roll

Rashi understands the Gemara to mean that it is allowed if made small. He explains that if it is made in a

small quantity, the person will eat it **right away** and there is no concern of his forgetting its non-parve status.

What is considered small? The Aruch Hashulchan clarifies that "small" is not a specific quantity. Rather it is relative to the amount of people being baked for. If one has a large family, one may be permitted to bake a large quantity of challos, as long as you expect it to be eaten immediately.

Based on this understanding, it is obvious that if one plans to bake and freeze the chalah, to be eaten at a later time, it would indeed be a problem. The mere fact that it is a small amount is not a heter, if there is no plan to eat it right away.

How soon does it need to be eaten? The simple reading of Rashi would imply that it is only permitted if one will finish the entire bread at the very next meal. That is also the implication of the Shulchan Aruch. However, the Pri Megadim quotes the Toras Chatas, who writes that as long as it will be eaten on that day – when it is not likely for one to forget the non-parve status – will it be allowed.

The Beis Yosef, however, goes even further and allows bread to be baked for the entire Shabbos, which seems to imply that it is allowed if it will be consumed within 24 hours. This is indeed how the poskim rule. Both the Chavas Daas and the Aruch Hashulchan allow the baking if it will be consumed within 24 hours.

The poskim point out that, indeed, 24 hours is the limit. Therefore, although we allow baking dairy rolls for Shavuos,

it would need to be for the first day, since the 2nd day of yom tov is already past the 24 hour cut off point.

What about if one baked a small amount, with the plan to finish it within the correct timeframe, and something came up and the bread is still here – e.g., the party was canceled or there were leftovers – can the bread still be used at a later time? This may be similar to another question, discussed by the poskim. What happens if milk spilled on one's bread, and it became milchigs, can it still be eaten, or is it included in the issur of eating milchiga bread?

The Zer Zahav (a commentary on the Issur V'heter) writes that there is no concern. Chazal only forbade baking such bread. However, if at the time of the baking it was parve, we cannot add on to their issur, to include if it became milchigs afterwards. Similarly, one can say that since at the time of the baking it was done properly – with the intention to eat right away – we cannot add on to their issur, to include if the situation changes at a later time, and it should be allowed.

❁ Rambam – a different shape

The Rambam, however, explains the Gemara differently. He learns that the Gemara allows making dairy bread if it is made in a funny shape – such as in the shape of an ox. The mere fact that one can see that it has a different-than-usual shape can serve as a reminder that the bread is different, and ensure that one not eat it as basar b'cholov. According to this reasoning, there will be no limit on the

quantity. Any amount is allowed as long as it is shaped differently, since even if eaten at a later time, the person will remember that it not parve.

But this will only work if people are aware of the change. Therefore, the Pischei Teshuva writes, it will only help if one is baking for one's own family, and they will see that it is different than usual. On the other hand, under normal circumstances, since the consumers won't realize that it is shaped differently than the norm, it will not be allowed.

However, if the distinct shape is something that is clear even to a consumer, it would be permissible to bake milchiga bread even for others, since they are also aware, and there is no concern. This is in fact what the Eida Hachreidis does; they make their milchiga berekas (knishes) in a distinct triangle shape, which everyone realizes is not the norm. The OU also makes pizza dough in the shape of triangle, which everyone realizes is michigs since it is meant for baking pizza.

Although there were poskim who suggested that a label on the package stating that it is milchigs is sufficient, the consensus of the poskim (Rav Moshe Feinstein and Rav Yisroel Blesky, among others) is that it must be a distinction in the bread itself.

❁ Halachically speaking

The Mechaber in Shulchan Aruch tells us that each one of these heteirim are enough and either baking a small

quantity, or making them in a distinct shape is sufficient for the baking of dairy bread to be allowed. The Rama there concurs with this, as the Pri Megadim and Aruch Hashulchan point out. The Rama adds that is why we allow baking fleishiga bread for Shabbos, or milchiga bread for the yom tov of Shavuos, because it is made in small quantities and in a distinct shape, so either heter will apply.

❁ If it was already baked

There is a big discussion in the acharonim, if the bread was already baked in a way that was not allowed, can we still allow its consumption by applying these heteirm. In other words, will cutting it into small pieces or making a different shape help after it was already baked?

The Kreisi U'pleisi writes that his grandfather, Rav Leib Tzuntz, did allow this. The Kreisi U'pleisi himself only allows it, if there is also a combination with another possible heter. The Chavas Daas takes strong issue with this suggestion, and writes emphatically that it is too late; it has already become a food that is prohibited. The Pri Megadim and Pischei Teshuva also write that it should not be done.

We can suggest a possible explanation for this machlokes, based on a famous machlokes in regards to Bishul Akum – food that was cooked by a non-Jew. There is a machlokes in Shulchan Aruch if food cooked by a non-Jew makes the pot treif. Some explain that the question is if Chazal turned the food into something non-kosher, or they just said that one is forbidden to eat it. In other words, did

they make an issur cheftza – a food that is forbidden, or did they make an issur gavra – a prohibition on the person to eat the food, but not something which has an effect on the food itself. If the food itself is asur, then the pot will become treif. But if the issur is only on the person – but the food itself is not affected – then it will be unnecessary to kosher the pot.

The same can be the question here, as well. Did Chazal turn the bread into something non-kosher, or they just said that one is forbidden to eat it. If the bread itself is asur, then it will not help to fix it later. But if the issur is only on the person – but the food itself is not affected – then we can understand that it may be possible to fix it after the baking, as well.

Another nafka mina can be if the pan used to bake this bread needs to be koshered, just as there is a machlokes in regards to bishul akum. If the bread itself is asur, then the pan will also become treif. But if the issur is only on the person – but the bread itself is not "treif," then it will be unnecessary to kosher the pan.

What is the halacha? Many achronim (the Pri Megadim, the Pischei Teshuva, and the Aruch Hashulchan) rule stringently, that one is not allowed to fix it after the baking. The Pri Megadim proves this from the fact that Chazal state that the bread is forbidden, and do not add any clause that one can still fix it. It would seem clear that there is "no return."

There are other acharonim (the Chachmas Adam, the Ksav Sofer, and the Yad Yehuda) who suggest a

compromise, allowing it to be fixed, if it became milchig or fleishig by mistake. They suggest that the aforementioned proof of the Pri Megadim is only true when it was done intentionally; then it cannot be fixed. But if it happened unintentionally, it can still be fixed. The Chachmas Adam adds that he only allows fixing it afterwards, if it was unintentional and there is significant monetary loss involved.

❁ Other cases which can be allowed

The acharonim also add that if it is clear that it is not parve – such as if one can see the cheese on it, or there are distinct piece inside – there is no concern.

There is another heter mentioned by the Pischei Teshuva, in the name of the Maharit. If it is a very sweet cake, which is not normally eaten with cheese, one is allowed to mix fleishigs in the dough, since there is no concern that he will eat it with cheese. Although it is possible that one may still eat milchigs afterwards, that is not what Chazal were concerned about.

The Maharit also discusses some who wanted to suggest another possible heter, in a scenario that baking dairy bread had become common practice. Although it should not have been done, once it is well known that the breads are milchhig, some held that there is no more issue. He ends off by saying that it should still be prohibited, because of the people who come from other cities, and are unaware of this, and may eat the milchiga bread with fleishigs. He adds that this unfortunately happened – that outsiders who were

unaware ate the milchiga bread with fleishigs – and he therefore will not allow it. The Kreisi also writes emphatically that even if it is common knowledge that the bakers are doing this, there is no heter.

❁ Summary

- One is not allowed to bake milchiga or fleishiga bread.
- If one is baking a small quantity, it is allowed.
- If it is made in a distinct shape, it is allowed.
- If it was already baked, most rule that it is too late to fix. Others allow fixing it if it was unintentional and there is significant monetary loss involved.
- If it clear that it is non-parve there is no problem, since there is no concern of basar b'cholov.
- If it is a very sweet cake, which is not normally eaten with other foods, it is also allowed.
- Even if it has become common practice to bake dairy bread, it is still not allowed, since outsiders may be unaware.

7. DAIRY BREAD PART 2- MIXING MILK OR MEAT IN PAREV FOODS (CAKE, COOKIES, WINE, ETC). KEILIM

❁ Does the issur of baking dairy bread apply to cake or cookies?

We discussed in the previous shiur that Chazal did not allow a person to bake milchiga or fleishiga bread. This is meant as a safeguard that no one eats the bread by mistake together with meat or milk, inadvertently transgressing the issur of basar b'cholov.

There is a question discussed by contemporary poskim if this also applies to cake and cookies, which are called pas haba'ah b'kisnin, and have sometimes halachically equivalent to bread. Some show proof that it is not allowed from the words of the Maharit mentioned in the previous shiur. The Maharit writes that the issur will not apply to certain sweet cakes (a type of pas haba'ah b'kisnin), which were baked with fleishiga fat, only because they are not eaten with cheese and there is no concern of basar b'cholov. Although it is not bread, but rather a case of cake, he only allowed it because there is no concern of basar b'cholov; otherwise the issur would apply to cake, as well.

However, in Shulchan Halevi, from Rav Blesky, he writes that the issur only is for bread and does not apply to cake or cookies. The OU relies on this heter and they make milchiga cookies. But, at the same time, even if the issur of Chazal does not apply, one must still take care not to cause people to eat basar b'cholov, and that is why it is still imperative to write on the package that it is milchigs.

❁ Milchiga wine

What about other foods, such as wine? This is in fact a major dispute in the early acharonim. The poskim discuss a case of discoloring in the wine, which was solved by adding some milk. Is one allowed to make milchiga wine, or is it included in the issur that we have in making milchiga bread?

This question is actually divided into two parts: One case is when there is sixty times wine – and the milk is bateil – not rendering the wine milchigs. The other case is when there is not sixty times more wine – and therefore the milk is not bateil – rendering the wine milchigs.

We will first discuss the case that there is no sixty times the milk, and the wine becomes milchigs. The Tzemach Tzedek rules that this is not allowed, just as with bread. He adds that there is even a greater concern when it comes to wine, even more than with bread. Bread – at least in those times would not last very long, and it is possible that the person will remember that it is milchigs. Wine, however, can stay fresh for a long time, and it is more of a concern that the person will forget about its milchiga status, the Magen

Avraham (487:5) also concurs with this, and adds that wine is quite similar to bread which is often used at both milk and meat meals.

The Pri Chodosh and Nachlas Tzvi take issue with this ruling. They posit that the issur was only stated for bread – which is a basic staple in a person's daily consumption – and is often eaten with both milchigs and fleishigs – and we have no right to extend the issur to other foods.

And as far as the case that there is sixty times the milk – where the wine did not become milchigs – there is a machlokes as well. Once again, the Tzemach Tzedek rules that it is not allowed. He bases this on the halachic concept, known as "*ein mivatlin issur lichatchilah*." An issur is only bateil if the mixture happened on its own; if one made the mixture with the intention of nullifying the issur, it will not help. Since one may not bake milchiga bread, adding milk into the dough – or in this case, the wine – will not be allowed.

Here again, others take issue with this ruling. The Nachlas Tzvi writes that this rule: "*ein mivatlin issur lichatchilah*" is only for something that is prohibited. There is nothing wrong with milk per se; it is only if it becomes milchigs, that there is an issue. Therefore, if the milk is bateil, there is no issue at all.

The Magen Avraham and the Chachmas Adam add another point. This rule: "*ein mivatlin issur lichatchilah*" is only when the person's intentions are to nullify the issur. However, if there is a different reason for the mixing, such as

to add color, there is no issue. That being the case, since the milk was added for color, it should not be an issue.

This concept can be seen clearly in Shulchan Aruch, in regards to bugs in one's honey. If one has honey that became infested with bugs, there is an issue that the bugs are a *berya* (a complete entity) and are not bateil. The Shulchan Aruch (Y"D 84:13) states that one can heat up the honey, thus killing the bugs, and making them fall apart, and they will then be able to become bateil. The poskim explain that this is not considered nullifying the issur, since the cooking has a different rationale – to make the honey taste better. Similarly, the milk is put in the wine to enhance the coloring, and it is allowed.

A difference between these two explanations is if it is only allowed when done for another reason, or if it is allowed even if it is done to have the milk in the mixture. According to the first explanation it will be allowed even if done for no other reason, because it is not considered issur. And according to the second explanation it will only be allowed if done for another reason.

The Nachlas Tzvi quotes the different opinions and ends off that he would like to rely on the lenient opinion and allow it, especially if there is a great monetary loss involved.

The Minchas Yitzchok (7:59) discusses a practical application of this machlokes. He was asked if one can make alcohol, with milchiga ingredients. His answer was that if there is no sixty to nullify the milk and it is rendered milchigs, it would definitely not be allowed. He adds that it

is even worse than wine, since it is an ingredient that is used in many different foods – both milchigs and fleishigs. However, if there is sixty times the milk, one can rely on the lenient opinion of the Magen Avraham and the Nachlas Tzvi, who rule that the issur does not apply.

❀ Does the issur apply to other food or utensils?

Until this point, we have discussed that the issur is for bread, which may include cake, and some extend it to wine. What about other foods or parve utensils that became milchigs or fleishigs – is that also included in this issur – to have milchiga foods or utensils?

The Taz (97:1) rules that this issur applies to a grinder and if one has a parve garlic grinder which became fleishigs, it can no longer be used without koshering. Just as we are concerned with fleishiga bread eaten with milchigs, we are also concerned that he will forget the grinder's fleishiga status and use it to grind garlic which is being eaten with milchigs. The Chavas Daas explains that the Taz only rules this way in regards to a grinder, since it is usually kept parve, but other utensils which are often made milchigs and fleishigs are not a concern.

Other poskim – the Pri Chodosh, the Minchas Yaakov, and the Chachmas Adam, as well as the Chavas Daas, himself – all rule that issur was only made on bread or wine, but not on other foods or utensils. The Chachmas Adam adds emphatically that we do not add onto the issurim of Chazal which was only mentioned in regards to foods.

❁ THOMAS ENGLISH MUFFINS

Based on the above, we can try to understand the protocol of the OU, who sell dairy bread, known as Thomas English Muffins. At first glance it would seem that this is in defiance of the issur to bake dairy bread. However, we can now understand why it is allowed. The fact is that there is sixty times the milk and the milk is bateil, and it is not milchigs. As explained, many poskim allow baking with milk if the milk is bateil.

If that is the case, that the milk is bateil, and it is not halachically dairy, why do they write that it is OUD, which makes it sound like it is actually dairy? The answer is that there are a number of reasons for writing this:

1. There are people who allergic to any milk consumption and even if it is not halchically considered milchig, they are still legally required to inform the consumers of the milk ingredient.

2. There are dairy utensils used, and since the Ashkenazik practice is not to eat food cooked in a dairy utensil together with meat, they consider it dairy.

3. Another point is that they use cholov stam in their products, and for those who do not use cholov stam, it is possible that it has the equivalent of having forbidden food mixed in, and it can be a problem of "*ein mivatlin issur lichatchilah.*"

In summary

There is a machlokes if the issur of baking dairy bread applies to cake. Another machlokes is if it applies to wine – both in regards to a case of wine that has sixty times the milk, and a case of wine that does not have sixty times the milk. There is also a question if it applies to other foods or utensils.