

ליקוטי ופסקי הלכות

# "חוקי חיים"

ותלמוד  
"חוקי חיים"  
לעשות רצונך  
בלבב שלם



שע"י "חדר הוראה" שכונת מנחת יצחק פעיה"ק ירושלם תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

Halochohs compiled by HaRav Chaim Bleier – Translated from the Hebrew edition by R' Zerachya Shicker

## Halochohs of

# Kashrus Of Whisky

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# ליקוטי ופסקי הלכות "חוקי היום"

ותלמדם  
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לעשות רצונך  
בלבב שלם

חוקי היים



שע"י "חדד הוראה" שבונת מנחת יצחק פעה"ק ירושלם טובב"א - בראשות הרב חיים אהרן בלייער שליט"א

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Kashrus of Whisky

Parshas Mishpatim 5781

213

## Scotch Whisky

Much has been written about the kashrus of whisky distilled in Scotland. Many aspects of this topic are unclear, causing widespread lack of knowledge among the general public. Many people rely on the fact that we have confidently been drinking whisky without a hechsher for many years now so we can continue to do so. The truth is that there are numerous shailos. Thus, we deemed it fitting to elaborate on the topic b'ezras Hashem.

### Ingredients in Whisky

1. It used to be accepted that all whisky produced in Scotland was kosher in light of the strict local laws that only allow a liquor to be called whisky if it contains just four basic ingredients: barley malt, water, yeast, and more recently, also E150 (caramel coloring). None of these ingredients have any kashrus issues, so it was always understood that Scotch whisky did not need kashrus supervision.

### Aging in Oak Barrels

2. After the clear alcoholic liquid ["distillate"] is extracted from the barley through the processes of malting, fermentation, and distillation, it is matured in oak barrels for a minimum of three years according to regulations. Some are matured for 8, 12, 18, 21 years, or longer; this is what gives whisky its distinctive flavor and golden color. Each whisky develops its unique qualities and flavors based on the length of maturation, quality of the barrels, and contents of the barrels prior to their use for whisky.
3. **New barrels.** If new barrels would be used, there would be no kashrus questions surrounding whisky production. In reality though, new barrels are practically never used because oak tannins are very sharp and can impair the subtle whisky flavors. Therefore, there is a preference for barrels which have already been used for other beverages, e.g., whisky, bourbon, beer, or wine.

### Sherry Casks

4. Many years ago, sherry casks came into popular use. These are barrels that a sweet, red wine called sherry, produced from Spanish grapes, sat in. The reason these casks were used was because sherry wine was imported to Scotland in barrels, where it was subsequently bottled. The empty sherry casks were widely available, so they were utilized for whisky maturation. Later, they started bottling sherry in Spain and there were no longer empty sherry casks for use in Scotland, so distilleries started using bourbon casks and the like. But whisky connoisseurs and enthusiasts noticed the flavor difference in their beloved drink and demanded that sherry casks be used once again – they missed the original, cherished flavor.
5. **Expensive.** Sherry casks are ten times more expensive than bourbon casks. Even so, whisky producers buy them; the investment is worth it for them to produce the quality whisky that their customers love. Some distilleries fill their barrels with sherry to make their own sherry casks; others lease their casks to sherry producers with the goal of ultimately using them for whisky.
6. **Second aging.** Some distilleries first age their whisky in bourbon casks, but then they take the trouble to transfer them to sherry casks for a second or third aging. This delays the process for a certain amount of time, e.g., six months, to improve the whisky and finish it with the delicate sherry flavor. This demonstrates that the distilleries are clearly interested in obtaining the sherry flavor.
7. **They advertise and take pride in sherry casks.** Distilleries take pride in and advertise their use of sherry casks. This usually appears on the whisky label, which describes how the sherry flavor can be detected. This enables them to mark up the price of the whisky.

8. **Improved flavor.** We can see from all the above, and we know from the connoisseurs, that the sherry absorbed in the walls of the barrels imparts a superior flavor to the whisky. It enhances, enriches, and accentuates the whisky with its flavoring.
9. **Kashrus question.** However, this poses a serious question about the kashrus of whisky. The sherry that was in the barrels before the whisky had the status of "stam yeinam," which may not be consumed, and therein lies the question: if a barrel contained stam yeinam and was then emptied and filled with whisky, may one drink that whisky? We will now back up and preface with several halachos pertaining to stam yeinam which must be addressed.

### Some Halachos Regarding Stam Yeinam

#### Stam Yeinam

10. **Yayin nesech.** Yayin nesech is wine that was poured for avoda zara; there is an issur deoraisa to drink or derive benefit from it (ע"ז כ"ט).
11. **Stam yeinam.** Stam yeinam is wine that is not known to have been poured for avoda zara but that a non-Jew came in contact with, e.g., he lifted or touched the wine. There is an issur derabanan to drink or derive benefit from such wine as a safeguard for the issur of true yayin nesech (גמ' שבת דף י"ז ע"ב, שו"ע י"ד סי' קכ"ג ס"א) רמ"א שם). Stam yeinam is stricter than pas or bishul akum; those may not be eaten but one may derive benefit from them.

#### Non-Jews Today

12. **Issur to derive benefit.** Although it is uncommon today for non-Jews to actually pour wine for avoda zara, all poskim agree that there is still an issur to drink stam yeinam. Some poskim say that one may derive benefit from it since it is rare that it is poured for avoda zara (טור שם בשם רש"י, רמ"א שם); if one will otherwise incur a financial loss, he may rely on this (רמ"א שם). Others say that the issur to derive benefit remains in force (ס"ז שם סק"א) (סתם שו"ע שם, ט"ז שם סק"א).

#### Bitul of Stam Yeinam

13. **Wine in water.** It is known that foods of issur are "botul b'shishim," i.e., if there is heter food in a proportion of sixty times the volume of the issur food, the issur does not impart flavor and the mixture is mutar (שו"ע י"ד סי' צ"ח ס"א) (שו"ע י"ד סי' ק"ד סק"ד). The Shulchan Aruch rules that stam yeinam is "botul b'shisha," meaning if there are six parts water per one part stam yeinam, the wine is botul and may be consumed (שו"ע י"ד סי' קל"ד ס"ה, רמ"א סי' קכ"ג ס"ה, ש"ך שם סקט"ו) since at that point it is just considered a liquid with a sharp flavor, not wine (חי רשב"א ע"ז דף (ע"ג ע"ב). If, however, stam yeinam is mixed with kosher wine, it is only botul in sixty times its volume (שו"ע סי' קל"ד ס"ב).
14. **Wine in other beverages.** Some poskim say that stam yeinam is botul in six times its volume of other beverages, just like when it is mixed with water (ט"ז י"ד סי' ק"ד סק"ד). However, others hold that stam yeinam in other beverages requires sixty times its volume of the other beverage to become botul (ש"ך סי' קל"ד סק"א) (נגקוה"כ שם, ש"ך סי' קל"ד סק"א).
15. Many Acharonim side with the meikel opinion, that stam yeinam is botul in six parts of other beverages (חכ"א כלל (שו"ע י"ד סי' ק"ד סק"ד, רמ"א סי' קכ"ג ס"ה, שו"ע י"ד סי' ק"ד סק"ד). Still, some write that a virtuous person will be machmir and only consider stam yeinam botul in sixty times its volume of other beverages (אג"מ שם).

#### Kosher Beverages in Issur-Wine Container

16. If stam yeinam was sitting in a dish or a barrel for more than 24 hours, the bliyos [absorbed flavor] remain in the barrel's walls. If this barrel is subsequently used to hold something kosher for more than 24 hours, the wine bliyos that come out of the barrel walls must be viewed in the context of the halacha regarding pickling ["davar kavush"].



17. **Kosher wine in stam yeinam container.** Thus, if kosher wine is left in a stam yeinam container, the stam yeinam bliyos make the kosher wine forbidden. They are not botul unless the volume of the kosher wine is sixty times that of the stam yeinam bliyos (רמ"א י"ד רל"ז ס"א).
18. **Water, beer, other beverages.** However, if water, beer, or another beverage sat in a container that held stam yeinam and then was emptied of the stam yeinam, the water etc. may be drunk, and one may even use these containers lechatchila (ש"ע ס"ד קל"ז ס"ד). This is because wine gives an undesirable flavor to water, beer, or other drinks ["nosein taam lifgam"]; thus, the flavor of the wine can be disregarded (ב"ה סק"ה, ט"ז סק"ז).
19. **Whisky in a stam yeinam container.** The poskim discuss the status of whisky in a container that has stam yeinam bliyos: is it like wine, in the sense that the bliyos would forbid it, unless it is six or sixty times the volume of the bliyos (above, 14), or is it like water, beer, and other beverages, in which case the wine bliyos give it an undesirable flavor and it would not require bitul?
20. Some say that whisky is also harmed by the wine bliyos that come out of a container that previously held wine (ש"ת נדב"י מהדר"ת י"ד סי' נ"ט). Others say that it is impossible to know whether whisky is harmed by the wine bliyos released from the container (נודב"י שם סי' ס"ו). Yet others say that whisky is actually enhanced by the flavor of the wine and it would always need bitul to be permitted (מ"א סי' תנ"א).

**Against How Much Is the Bitul Measured?**

21. **Cooking in a dish with issur.** When issur food was cooked in a utensil and then heter food was cooked in it, we assume that the entire volume of the utensil's walls is filled with bliyos of issur and the volume of the food must be sixty times the entire volume of the utensil's walls (ש"ע י"ד סי' צ"ה ס"ד).
22. **Issur wine sat in the container.** If issur wine sat in a container for more than 24 hours – making the container assur based on the halacha of pickling – and then a beverage sits in the container and is enhanced by the wine, the poskim argue as to how much of the container's volume requires bitul. Some say only the wine absorbed in the inner surface of the container – but not the entire volume of the container's walls – requires bitul (מחנ"א הל מאכל"א סי' יא). (סקט"ו, חזו"א סי' נה סק"ו, יד יהודה הל מליחה סי' ס"ט סקס"ד).
23. Others say that "pickling" is just like cooking, and thus, even when issur is absorbed in a utensil via "pickling," bitul is measured against the entire volume of the utensil's walls (חכ"א); several Acharonim hold this view (כלל נ"ז סק"א חכ"א כלל פ"א סק"א); (קיצו"ש ו"ע). Some of them write that if there is a serious need, one may rely on the meikel opinion and measure the bitul against just the inner surface (ש"ת אמרי אש י"ד סי' מ"ד), but in a normal case, one must satisfy the weighty opinion of the Shach.

**Sherry Cask Whisky**

**Does the Wine Harm or Enhance the Whisky?**

24. **Wine bliyos harm whisky.** There is a posek who allows drinking sherry cask whiskies. His main reason is that since it is clear from the Gemara and Shulchan Aruch that water, beer, and other beverages that sat in a container that had wine do not need bitul, as the wine harms them (above, 18), there is nothing that will cause us to say that wine enhances them. This posek understands that whisky too, which is in the category of "other beverages," is harmed by wine. Thus, it does not need any bitul whatsoever (קנדה).
25. **Wine bliyos enhance whisky.** However, in practice, we know and see that the wine enhances the whisky. Distilleries invest much time, money, and effort to obtain this flavor and they advertise that their whisky was matured in sherry casks. It is not a blanket rule or a halacha l'Moshe miSinai that wine gives an undesirable taste to all other beverages, as the above posek reasons; it all depends on the particular case. The proof for this is the halacha of Hadrianic pottery, a type of earthenware vessel made specifically to absorb the wine flavor in its walls and then release it into water. The halacha is that the absorbed wine does in fact need bitul (ש"ע סי' קכ"ג ס"ג).
26. Sherry casks are intentionally made to release the wine flavor into whisky (above, 5-8) and most poskim hold that wine enhances the whisky's flavor (20). Hence, the consensus of nearly all the poskim when applied to the current reality is that the flavor that the wine imparts to the whisky requires bitul (ש"ת מנח"י שם).

**Is the Whisky Enough to Be Mevatel the Wine?**

27. Several experts in the fields of kashrus and measurements, calculated the dimensions of commonly used barrels and found that the volume of whisky in a barrel is not six times the entire volume of the barrel walls; it only has six times the volume of the barrel's inner surface (Harav Akiva Niehaus of the Chicago cRC's kashrus department, who personally visited Scotland to see things up close; much credit to him for his important essay, *Sherry Casks*). Thus, one may not be meikel unless he uses all the kulos: that six parts – and not sixty – is the minimum for bitul (15), and the Igros Moshe already wrote that a virtuous person will be machmir; that only the surface volume requires bitul (22), and we already pointed out that most poskim hold bitul is measured against the entire volume of the container (23). Since the volume of the whisky is not six times the volume of the barrel, it is assur according to nearly all poskim.

**Practical Conclusions**

28. There are several lists of whisky brands that describe their contents, and by extension, their kashrus. One of them is Harav Shraga Kallus's important pictorial sefer *Wine, Whisky, & Halachah*.

**Whiskies Presumed To Be Kosher**

29. Whiskies that were matured in bourbon, beer, or American oak casks are presumed to be kosher.
30. **Blend.** A blended whisky, as opposed to a single malt whisky, has many types of whiskies mixed together until the right flavor is reached. These are generally kosher, as even if a sherry cask whisky was used, the rest of the whisky – that was not matured in sherry casks – contributes to the bitul, and it most likely has the optimal bitul ratio.

**Exclusively Matured in Sherry Casks**

31. Nearly all poskim agree that whisky matured exclusively in sherry casks may not be consumed since the wine enhances the flavor of the whisky and there is not enough whisky for bitul.
32. Some common words on whisky labels indicating that the whisky was matured exclusively in sherry casks include: **Sherry, Madeira, Pedro, Oloroso, French Cask, Port Sauterne, and Wine.** Even if none of these words appear, there is still a possibility it was matured in a sherry cask.

**Matured in Multiple Barrels**

33. Some whiskies are matured in a few different types of casks, some with sherry and some without. There is more room to be meikel with these since the whisky that was matured in a non-sherry cask contributes to the bitul of the sherry. It could be that all of the whisky together is six times the volume of the walls of the sole sherry cask. Still, a virtuous person will be machmir, in accordance with the Igros Moshe's instructions, to require sixty parts for bitul, not six (above, 15). Thus, he will not drink these either.

**Kashrus Organizations' Guidelines**

34. Nearly all high-level kashrus organizations that serve the general public and have examined the matter in depth do not give a hechsher or certification on whiskies matured in sherry casks.
35. Additionally, there is a wide selection of high-quality whiskies today that have a hechsher or are on lists that attest that they do not need a hechsher, such that no one will stay thirsty... If a person specifically feels the need to drink sherry cask whisky because of its excellent and superior flavor, he has proven to himself that sherry gives the whisky an enhanced flavor, in which case, for him it is certainly assur...

**Baalei Simcha**

36. **Important takana.** Baalei simcha should be made aware that when they serve l'chaims at their simchas, they should not serve whiskies with questionable kashrus. Even if they are personally meikel to rely on a lone opinion to drink sherry cask whisky, they should not give out something questionable to others. Just like one would not serve chalav stam, pas akum, or the like even though some are meikel, one should not serve questionable whisky in a setting where it is impossible for each person to verify the kashrus of the whisky on the spot. This is certainly true if the baal simcha is personally pouring and serving l'chaims to his guests, putting them in a position where they are uncomfortable turning him down. "Le'Chaim"!

הגליון נתרם לע"נ האשה החשובה  
**מרת חיה חנה**  
 שמאחל ע"ה  
 ב"ד חיים דוד הלוי  
 נפטרה ל' אדר א' תש"ל תנצב"ה

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