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"חוקי חיים"

ותלמוד
"חוקי חיים"
לעשות רצונך
בלבב שלם



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

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

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Hechsherim – 1

Vayakhel – Shekalim 5782

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Kosher Food

Hashgachah over Foods

1. It has become accepted by Jews worldwide not to eat any food bought from someone else unless it has a hashgachah from a rav, rabbinic agency, or the like attesting to the kashrus of the food and its ingredients. Thus, when buying food, eating at a restaurant, eating catered food, or the like, one must always ensure that the food has a reliable hashgachah from a rav or rabbinic agency.
2. **Not everything labeled "kosher" is kosher.** However, there is lots of confusion regarding the standards of various hechsherim, especially when one is in an unfamiliar place and does not know the background or level of the local hechsherim. Many people come to Eretz Yisroel thinking that any food they buy from a Jew is kosher since Israel is "a Jewish country that keeps Torah and mitzvos." This is far from the truth, especially in a shemitah year, when there are kashrus organizations that rely on questionable heterim and kulos (see Issues 242, 244). Thus, we saw it fit to explain a bit about hashgachah and hechsherim, shed some light on this delicate topic, and discuss the source of the need for a hechsher in the first place.
3. Also, people make all sorts of food products in their homes and sell them without any hechsher. Is there any basis for this practice? This will also be explained.

The Need for a Hechsher on Foods

עד אחד נאמן באיסורים

4. There is a rule in the Torah that a single witness is believed about issurim (גיטין ב:). Rashi explains that the Torah allows us to trust any Jew about separating terumah, shechitah, and removing the gid hanasheh and forbidden fats. This is derived from the pasuk "וספרה" (כתובות ע"ב). i.e., one is believed to say that they are tahor. Therefore, a reliable Jewish man or woman who says something is kosher is believed. This is not similar to matters involving arayos or money, which require two witnesses. However, not everyone is believed by the rule of עד אחד נאמן באיסורין, as will be explained.

Person of Questionable Reliability, Regular Person

5. **Questionable reliability [חשוד].** If a person is suspected of eating assur foods – whether deoraisa or derabanan – one cannot buy food from him or trust him about kashrus of food. If one stays at his house, he should not eat food this host is suspected of being neglectful with (ש"ע י"ד סי' ק"ט סי"א). Similarly, an apikores or a person who is publicly mechaleh Shabbos is not reliable (ש"ע סי"ז).
6. **Regular person.** Some poskim say one may trust a regular Jew who is not of questionable reliability even if he does not personally know that he is a fully Torah-observant Jew (see below, 9) (רש"י, ראב"ד, טור, 9). If there is specific reason to be suspicious and the person is not known to be Torah-observant, all poskim agree we are machmir (ט' כנה"ג בהג' על הטור אות ט').
7. However, others hold one may only rely on a Jew known to be fully Torah-observant (רמב"ם הובא בדרכ"מ). This is the opinion of the Rama, who rules that one may only buy food from someone whom he personally knows to be fully Torah-observant (רמ"א שם), especially considering the deteriorating level of integrity as the generations go by (ט"ז סק"ב).

Assumed to Be fully Torah-Observant ["מוחזק בכשרות"]

8. **Fully Torah-observant.** Therefore, many poskim agreed that one should only buy meat, wine, milk, or bread from someone known to be fully Torah-observant. Otherwise, there is concern the seller is suspected of violating the issur עור לפני עור. This is the proper practice today (רמ"א שם, פרי תואר סק"א, חמת אדם כלל ע"א דין א). Accordingly, many Acharonim hold that nowadays, it is proper to satisfy these opinions by only buying from fully Torah-observant Jews.
9. **Definition of fully "Torah-observant."** The poskim write that anyone who conducts himself according to halacha, puts on tallis and tefillin, davens three times a day, washes before meals, and guides his family members to act properly is considered a Torah-observant Jew. He does not have to have abundant yiras Shomayim, be a tzaddik, etc. Even if he is suspected of being lax in halacha regarding a detail of the mitzvos due to carelessness or the like, he still has the halachic status of a Torah-observant Jew (ערוה"ש סי"א הובא בדרכ"מ סק"ו).

"Takanas Arba Aratzos" Requiring a Hechsher

Vaad Arba Aratzos

10. About 500 years ago, all communal matters in Europe were overseen by a higher centralized body, the Vaad Arba Aratzos, originally in Poland and then in Lithuania. The Vaad was composed of community representatives, leaders, dayanim, and rabbanim (e.g., the She'eiris Yosef, Mas'as Binyamin, Maharsha, Bach, Kli Yakar, Levush, Tevu'os Shor, Sema, Maharam miLublin, and others). The Vaad convened twice a year [at the big fairs that took place back then – the Gramnitz Fair in Lublin in the winter and the Yaroslav fair in the summer]. It enacted takanos and customs for the benefit of the communities; adjudicated individual and public cases; oversaw communal affairs; collected taxes; and represented the Jewish communities to the various governments. Everything was recorded in a journal to give validity to the takanos.

"A Seller" Needs a Hechsher

11. One of the Vaad's takanos [in 5355/1595] was not to buy any food or wine from anyone – including Torah-observant people – without a certificate from the Av Beis Din or rav stating it was made in a kosher manner (פנקס ועד הארצות מ"ו משנת ש"ז).
12. **No exceptions.** The takanah applied to everyone. While one may lechatchilah eat in an Torah-observant Jew's house or take food as a gift from him, if he sells food, he needs a written hechsher. There are no exceptions to this; otherwise, we would need to assess each person to decide whether he truly has yiras Shomayim. Also, people would be meikel and buy from sellers who do not have sufficient yiras Shomayim (תשובות והנהגות ח"ב סי' שצ"ז).
13. **Personal bias.** Another reason the poskim use to explain this takanah is that people are biased when things affect their personal monetary issues. There is a concern that people would be unwittingly misled by their desire for money and rationalize things. Therefore, it was decreed that one who sells to others needs a written hechsher so that a rav will oversee the goings-on. This also gives additional credibility to the kosher status of the food (נהרות איתן (ח"ב סי' ל"ח).

14. Even though the governments about 300 years ago ended the Vaad's authoritative power, the takanos they enacted to strengthen, fix, and create protective restrictions to benefit the public did not expire. The poskim extended their validity even after the Vaad itself disbanded (בית הלל סוף סי' ס"ה, בית לחם יהודה ריש סי' קי"ט) הובא בדרכי"ת סק"ז, ביתלח"י סק"ב).

Food Production in Factories

15. Today, virtually all food production happens in factories and big plants all over the world. Some of these are managed by Jews, but for the most part, they are owned and managed by non-Jews, with Jews ordering a kosher run. Therefore, there is a halachic need to kasher and perform hagalah on the equipment and the production line where the food is made and to prepare the factory for a kosher run. Obviously, there is a need for mashgichim, trained and skilled personnel, and rabbanim to oversee the entire production and ensure everything is done properly, without any mixtures or belyos of issur involved.

16. **Technical know-how.** In addition to knowing the relevant issur v'heter halachos, the staff, mashgichim, and rabbanim must have a clear command of the relevant technical aspects of operating the sophisticated machinery and steam systems used in food production and throughout factories. This enables them to fully understand what is happening and how assembly lines work and to ensure there is no potential concern of issur, an especially important issue when multiple assembly lines run simultaneously in the same factory.

Food Production in a Private House

17. **Not for sale.** When one makes food in his house to send to others or serves homemade food at a kiddush in a beis medrash, the food does not need a hechsher if he is a Torah-observant Jew (above, 8) because of the rule of נאמן באיסורין. Since the food is not being sold, there is no personal bias or agenda. The same applies to mishloach manos given on Purim from one person to another.

18. **For sale.** However, when one makes food at home and sells it for profit from his home or supplies it to someone else to sell commercially, the takanah of the Vaad Arba Aratzos applies (above, 11). The food requires a hechsher and supervision, and there must be a letter from a rav or posek attesting to this. Even if the person is Torah-observant, we do not make exceptions (above, 12).

19. **Small quantities.** It seems that if a person occasionally makes food and sells it to his neighbors, acquaintances, fellow avreichim, etc., but he is not involved in it as a business and only makes food in small quantities, he can be relied on as long as the home is known to be made up of Torah-observant Jews (ל"ח).

20. **Large quantities.** However, if he makes food in large quantities, advertises as a business and a site to order these products, and provides them to everyone who orders even if he does not know them, he is subject to the takanah of the Vaad Arba Aratzos, and one should not buy from him unless he has a letter from a rav or posek.

21. **The customers must insist.** It should be noted that the problem is not with sellers who do this. After all, they just want to earn a proper living, and as long as people buy their food, they continue to sell it and earn a legitimate living. The problem is with the customers. They need to insist on only buying from someone with a kashrus certificate attesting to supervision of their products. Thus, the customer should ask the seller if he has a hechsher. As long as customers continue to buy products without a hechsher, sellers do not feel the need to get any supervision. This matter needs reinforcement. It has become a widespread problem as of late, and there is total disregard for the issue.

All Ingredients Badatz

22. Many people make homemade food products, e.g., mezonos foods for kiddushim, cakes, potato kugel, Yerushalmi kugel, herring, chickpeas, p'tcha/gala, dips, salads, fruit platters, chocolates, etc. They put a sticker on the package that says "All ingredients Badatz" and sell their products in stores, makolets, or mikvaos, or deliver them directly to customers. People rely on this, thinking, *what could be the problem if all the ingredients are Badatz?*

Common Shailos

23. **Hafrashas challah.** In every home kitchen, shailos come up; any posek who answers these types of questions all day can attest to this. Not infrequently, we are asked questions about foods made and sold from homes. For example, one woman who made sponge cakes for kiddushim had no idea she was supposed to do hafrashas challah after baking a certain minimum amount, because when they are made in small amounts for personal consumption, there is usually not enough flour to require hafrashas challah. This caused a pitfall: people enjoyed the mezonos with 'all-Badatz ingredients', but it turned out they ate tevel.

24. **Fleishige keilim.** Oftentimes, people use fleishige pots and utensils to make parve food, or they cut onions or garlic with a fleishige knife, such that lechatchilah, the food may not be eaten with milchigs. Because the food is parve, customers do not know they cannot eat it with milchigs. If there was some sort of supervision, the rav would ensure that only parve utensils designated for the food being sold are used.

25. **Checking for bugs.** We know that many fruits, vegetables, and flours often have bugs, even if all the 'ingredients are Badatz'. If one does not know how to properly check each fruit, vegetable, and type of flour, he is likely to transgress the issur of eating bugs. It does not take much effort to check for bugs when making a small amount of food for the family, but when making a large amount to sell, it takes a lot of effort. There is a chance that, due to pressure, the person making the food will be lax; if there is supervision from a rav who gives instructions, it is likely the person will check better.

Difficulty Supervising Homemade Products

26. Although foods made at home to be sold for profit need a hechsher from a rav or posek (above, 18), it is difficult to supervise a private home's kitchen. There are problems with access to the house at different times, the homeowner's privacy, and keeping the kitchen utensils designated for personal use separate from those designated for commercial use. Therefore, top kashrus agencies usually will not grant a hechsher to homemade products. Thus, it is a lose-lose situation for the seller: on the one hand, he is obligated to get a hechsher, but on the other, he cannot get a hechsher from an accepted kashrus vaad or agency.

27. **From a rav or posek.** The best recommendation is for one to ask a rav or posek who knows him and specializes in kashrus areas to supervise the activity in his home kitchen, give him a letter certifying his products as kosher, and provide effective oversight of the products, including unplanned visits and instructions. This will fix a widespread problem and have the zechus of enabling the public to eat food with a proper hechsher.

Next issue: More about hechsherim and hashgachos

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