

ליקוטי ופסקי הלכות "חוקי חיים"

ותלמודם
"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

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

Dinim of

Hechsher on Food

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Hechsherim on Food

Vayakhel – Shekalim 5784

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Kosher Food

Hashgacha over Foods

1. It has become accepted by Jews worldwide not to eat any food bought from someone else unless it has a hashgacha from a rav, rabbinic agency, or the like attesting to the kashrus of the food and its ingredients. Thus, when buying kosher food, eating at a restaurant, eating at a big meal with catered food, or the like, one must always ensure the food has a reliable hashgacha from a rav or rabbinic agency.
2. **Not everything labeled "kosher" is kosher.** However, there is a lot 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 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. We previously wrote on the topic of hashgacha and utensils, classifying various types of hechsherim (see Issue 259) to shed some light on this sensitive topic. We will now review 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 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 teruma, shechita, and removing the gid hanasheh and forbidden fats. This is derived from the posuk "וספרה לה, כותבות" which tells us a woman is believed to say she is tahor (עב). 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 באיסורי, as will be explained.

Person of Questionable Reliability, Regular Person

5. **Questionable reliability [חשוד].** If a person is suspected of eating assur foods – whether d'oraisa or d'rabanana – one may not 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"י"ד סי' קי"ט ס"א). Similarly, a person who is publicly mechaleh Shabbos or violates one of the aveiros is not reliable (ש"י"ד סי' ז).
6. **Regular person.** Some poskim say one may trust a regular Jew who is not of questionable reliability even without personally knowing he is a fully Torah-observant Jew (see below, 9) (הש"י"ד שם כמבואר בש"ך סק"א, פ"ח סק"א). If there is specific reason to be suspicious and the person is not known to be Torah-observant, all poskim agree we have to be machmir (כנה"ג בהג"ע 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 one may only buy food from someone whom he personally knows to be fully Torah-observant (רמ"א שם), especially considering the decreasing level of integrity through the generations (ט"ז סק"ב).

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

8. **Fully Torah-observant.** Therefore, many poskim agreed one should only buy meat, wine, milk, and bread from someone known to be fully Torah-observant. Otherwise, there is a concern the seller is suspected of violating the issur of לפני עור. This is the proper practice today (רמ"א שם, פ"ר תואר סק"א, חכמת 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 fully 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 fully Torah-observant Jew (ערוה"ש ס"יא הובא בדרכ"מ סק"ו).

Takanas Arba Aratzos Requiring a Hechsher

Vaad Arba Aratzos

10. About five hundred 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, Tevuos Shor, Sma, 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 שס"ז).
12. **No exceptions.** The takana applied to everyone. While one may l'chatchila eat in a 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' שע"ז).
13. **Personal bias.** Another reason the poskim use to explain this takana is that people are biased when things affect their personal monetary situation. 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 three hundred years ago ended the Vaad's authoritative power, and the severity of its takanos, which came with a severe cherem, was nullified, the takanos they enacted to strengthen, fix, and create protective

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restrictions to benefit the public did not expire. The poskim extended their validity even after the Vaad itself disbanded, as they were instituted for logical reasons (בית הלל סוף סי' ס"ה, בית לחם יהודה (ריש סי' ק"ט הובא בדרכ"ת סק"ז, בית לחם" 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 by non-Jews and have non-Jewish workers, with Jews ordering a kosher run. Therefore, there is a halachic need to kasher and perform hagala 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 bliyos of issur involved. These products are overseen by various kashrus agencies.
16. **Technical know-how.** In addition to knowing the relevant halachos of issur v'heter, 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 Home

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 fully Torah-observant Jew (above, 8) because of the rule of **עד אחד נאמן באיסורי** (above, 4). Since the food is not being sold, there is no personal bias. The same applies to mishloach manos received from someone on Purim.
18. The same is true when eating in the home of a fully Torah-observant Jew. One does not need to worry that the food might not be kosher, as he is assumed to be fully Torah-observant.
19. **Known "עד אחד."** The rule of **עד אחד נאמן באיסורי** (above, 4) only applies when one personally knows the "witness." This rule may not be relied on when one does not know the person at all.
20. **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 takana of the Vaad Arba Aratzos (above, 11) applies. 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).
21. **Small quantities.** It seems that if a person occasionally makes food and sells it to his neighbors, acquaintances, fellow avreichim, etc., but is not involved in it as a business and only makes food in small quantities, one may rely on him even without supervision as long as he personally knows the home is fully Torah-observant (ח"ב סי' ל"ח נהרות איתן).
22. **Large quantities.** However, if one makes food in large quantities, advertises as a business and a place to order these products, and provides them to everyone who orders even if he does not know them, he is subject to the takana of the Vaad Arba Aratzos, and one should not buy from him unless he has a letter from a rav or posek.
23. **Long-distance order.** People today commonly order food long-distance. For example, people in chutz l'Aretz order food in Eretz Yisroel for Yom Tov or to send to their children in Yerushalayim after a birth, for a kiddush, or just for a regular breakfast. Sometimes there is no hechsher on it and they have no idea who is making the food. There is complete laxity in this matter; it needs improvement.
24. We raised this topic two years ago. Since then, rabbanim in Lakewood put out a letter to highlight and improve the matter and to enact protective measures. Really, this applies to all Jewish communities throughout the world.

Party Planner

25. When a baal simcha and his family make various things for a kiddush attended by their neighbors, friends, or shul mispallelim and all the food products come out of the baal simcha's kitchen, the attendees, who know him, rely on him, knowing he is fully Torah-observant. Also, when someone well-off orders catered food with a hashgacha for an event and the hashgacha is responsible not just for what happens in the kitchen, but also for the event itself (see Issue 259, par. 34), this may be relied upon.
26. **Party planner.** However, it is very common today to have a party planner responsible for everything – renting equipment, utensils, curtains, decor, etc. In addition, they commonly also order all the food from all sorts of private homes, e.g., meat boards, fish boards, fruit/vegetable trays, and chocolate arrangements. The question arises: Who are we relying on when we eat at such an event? Does the party planner also become a "rav hamachshir"? Is he/she the

witness that we are relying on? Even party planners do not know the people who make the food, from a kashrus perspective; they just know they make good, fancy food.

It Is the Consumer's Responsibility

27. As long as consumers order from people who make food without hashgacha or use event managers to order food from private individuals without insisting on only getting things with hashgacha, the sellers have no reason to get hashgacha from a rav or posek, as they are making their profit regardless. As long as people buy their food, they will continue selling and making a parnassa.
28. Thus, it is the consumer's responsibility to insist on a hashgacha. The push must come from baalei simcha and people who order food. They must resolve not to order food for events from private sellers without hashgacha, and to only buy from someone who has a kashrus certificate attesting to the supervision of his products.
29. Also, before making a long-distance food order for a kiddush, event, sheva brachos, bris, or pidyon haben, the consumer must ask the seller if he has a hechsher and not order if there is no letter or hashgacha from a rav. As long as consumers continue to order and buy products without a hechsher, sellers do not feel the need to get any hashgacha. This matter needs reinforcement. It has become a widespread problem as of late, and there is total disregard for the issue.
30. **Beis medrash policy.** Similarly, every beis medrash should make an official policy that it is forbidden to manage an event using a caterer without a hechsher, and it is forbidden for party planners to bring in food made in homes without rabbinic supervision.

All Ingredients Badatz

31. Many people make homemade food products, e.g., mezonos foods for kiddushim, cookies, 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?*
32. But this is not accurate. Badatz meat mixed with Badatz milk is also assur to eat. Also, if hafroschas challah was not done properly for cookies, cakes, or challoos baked with Badatz flour, the food is assur. Badatz fruits and vegetables with bugs are assur d'oraisa to eat. Badatz meat that was unattended and Badatz eggs or onions that were peeled overnight without anything added may not be eaten, and so on and so forth. There are many pitfalls with all sorts of foods when one relies on homemade products without supervision, even when all the ingredients are Badatz.

Supervision of Homemade Products

Difficulty Supervising Homemade Products

33. We have discussed at length how homemade foods need supervision. However, in practice, 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.
34. 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. Even someone with yiras Shomayim burning in him who wants to get a hashgacha finds difficulty doing so – so what is there to do?
35. **From a rav or posek.** The best recommendation is for one to ask a rav or posek who knows him personally and specializes in kashrus areas to supervise the activity in his home kitchen and provide effective oversight of the products, including unplanned visits and instructions. He should be available for any halachic shaila that can arise in the kitchen.
36. **Certificate.** The rav should give him an authorized kashrus certificate attesting that everything was done according to halacha and that he knows he is a fully Torah-observant Jew. This will make it easier for food sellers to make a parnassa from food prepared with supervision, and it will help consumers and baalei simcha serve kosher food to everyone. Through this, the continuation of the mesora and takana of the Vaad Arba Aratzos, which was instituted by world-renowned gedolei, will be upheld (above, 11). This will fix a widespread problem and come with the zechus of enabling the public to eat food with a proper hechsher.

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