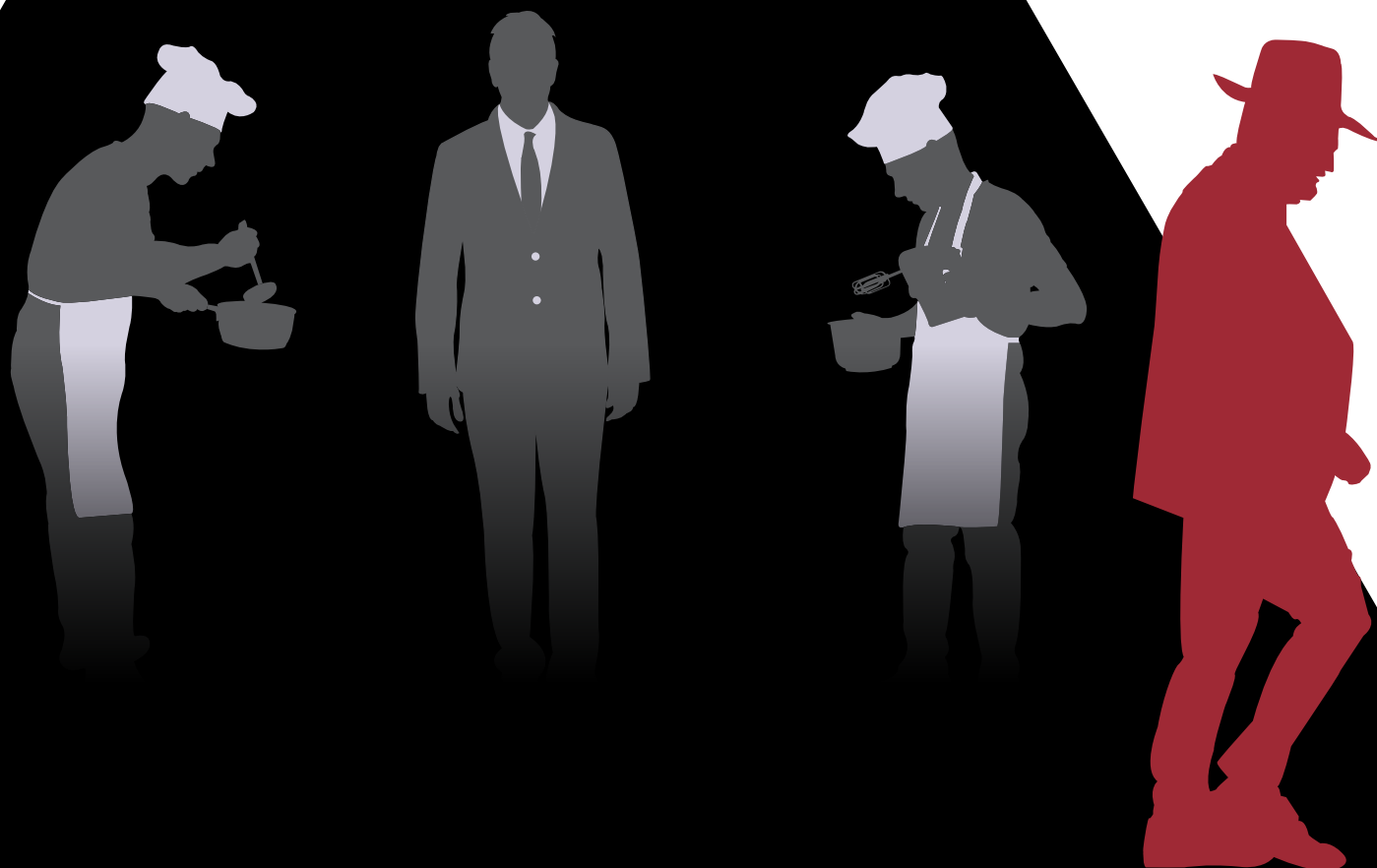


# THE KASHRUS TRIANGLE



Last week's kashrus scandal has sown confusion and distrust among kosher consumers everywhere. What went wrong, and what can we do better? Rabbi Sholem Fishbane of the Chicago cRc shares his formula for a trustworthy eatery — and his concerns about a public that expects anything and everything to be effortlessly kosher

By Yochanon Donn

## THE VIDEO WAS SHOCKING.

The non-Jewish owner of a kosher restaurant in Manalapan, New Jersey — a half hour from Lakewood — was seen taking delivery of boxes bearing the logo of non-kosher meat in the back of his store. Within the hour, the OK yanked its kashrus certification from the diner, the Chinese Kosher Express.

Two days later, the OK released a statement revealing that while the cases of meat caught on video were never brought into the store, the owner confessed off camera that he regularly mixed in “small amounts” of nonkosher meat into his diner “over an extended period of time.”

The restaurant was shut permanently, and OK rabbanim ruled that anyone who purchased products from there must *kasher* all utensils. In the days since, rabbanim have issued calls for consumers to be extra vigilant when dining in or buying from stores or restaurants not owned by Jews.

Rabbi Sholem Fishbane of the Chicago cRc, who also heads the Association of Kashrus Organizations, an umbrella group of virtually every kashrus agency in the US, says this is a critical moment

for kashrus. “After Manalapan, kashrus changed,” he put it. “There is no going back to the old way of doing things.”

**I want to ask you about giving a hechsher in non-Jewish-owned restaurants. A Jewish restaurant owner basically stakes his reputation on the kashrus of his store. If he gets caught selling nonkosher food, he will lose everything — his reputation, his livelihood, maybe even his marriage and family. A non-Jew, however, doesn't stand the same risk. If he's caught selling nonkosher meat, he goes home to his family and community, having lost nothing by cheating the system. Is there a halachic basis for not giving a hechsher to a person when he has nothing to lose by being caught?**

It's a great question. If I don't trust someone, I will not be giving a hechsher, even if that person is *frum*. I'll tell him, “I don't give a hashgachah to someone who's way smarter than me, and you're way smarter than I am.” It's a nice way of saying, “You can outsmart me any day and find somebody else.”

In general, there are three links to giving a hashgachah. There's the hashgachah,

there's the mashgiach who is stationed in the restaurant, and then there's the owner. All three have to be on top of their game, and this is where the consumer can do their research to make sure the hashgachah has a very good system in place.

So the first link is a hashgachah that is good and has the right personnel. We at the cRc in Chicago invest tremendous amounts of money and resources in our system. We need many layers of competent people to make sure that the system works. We hired one rabbi just to do *bedikas tola'im*, rechecking the produce already checked by the restaurant mashgichim — that's all he does. Nobody pays his salary, so we have to find ways to cover that expense.

The second link is the mashgiach on-site. If you're talking about a guy who, excuse me for the expression, can't find another job, he might be a loveable guy who schmoozes with the customers, but he needs to be in the back watching the kitchen. He is a weak link in the chain.

Then there's the third link — the owner of the establishment. This past Shabbos, Rav Shmuel Fuerst got up at shul and said

that in light of Manalapan, it's high time we insist that hashgachahs only be given to restaurant owners who are *shomrei Torah u'mitzvos*, who live kashrus.

Of course, there are no 100-percent guarantees, but if these three things are in place, then you should be comfortable in knowing that you did your best.

**But the reality is that not all owners are Jewish, and the certifying agencies seem to work with them.**

Well here in Chicago, we don't have any non-*shomer Shabbos* food service owners. But if you're living in Houston, and if you don't give eateries the ability to be kosher, then people will be left without kosher options. So in that case things might be different.

It's easy for you in New York and me in Chicago to talk this talk, but when you go out of town, where there is an inability to find all three of these conditions, you have to start looking at alternatives and look for an owner who isn't necessarily a *frum yerei Shamayim*, but who does have authentic respect for kashrus and for rabbanim.

If the fellow is someone who is not observant but he respects the Jewish tradition and Hashem — he just wasn't raised *frum* — then in certain communities they'll certify that. If it's even more out of town, then he may not even be Jewish, but if he grew up religious and he trusts the Bible, then he might get certification.

I'm not saying this is the ideal scenario, but the farther out of town you go, the more flexibility the hashgachah needs in order to preserve consumers' access to kosher food.

**You're talking about out of town, but I live near Boro Park. Since the Manalapan story last week, there has been an awareness that there are three or four non-Jewish**



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**owned restaurants right here in Boro Park. If a person has a choice, should he hesitate about eating in a kosher restaurant that's owned by a non-Jew?**

My humble opinion, as someone who has been in the business for a long time, is that if all three things are covered — there is a good hashgachah, a responsible mashgiach, and a trustworthy owner — then there should not be a problem in any eatery.

This need for all three links, by the way, includes the heimishe eateries as well. Why? Because several heimish hashgachahs rely on the fact that the owner is *frum*, but if he doesn't have a good system in place, then there are so many things that can go wrong. Even for a heimishe Yid — he's busy running the business, and he's not in the back where the food is actually prepared, so mistakes can happen.

A mashgiach who has nothing to do is not a good mashgiach. A mashgiach has to be running around catching things. I'm not talking about someone bringing in treif, but there's a million other things that can go wrong, like *bishul akum* and *bedikas tola'im* and so many things that are happening in an active kitchen.

So even in a place that is owned by a heimishe Yid who looks *frummer* than my zeide from the *heim*, today you need all three elements in order for the kashrus status to be completely trustworthy.

**In speaking to you before, I noticed you used the expression "after Manalapan." Is that the way hashgachahs are talking now?**

I think so. We are holding an AKO Zoom conference call on Tuesday, because people working in the kashrus field need to heal, and they need to know what to tell questioners. Your questions to me are really the questions every hashgachah has been getting — "how do



we know we can trust you?”

Another reason for the conference call is that since Manalapan, kashrus agencies are suggesting that we implement certain changes to the meat protocols that should be considered by AKO members. There have been nine suggestions, and I asked for the meeting so we can all get together and talk about them.

**What are some of these suggestions?**

One focuses on distributors, another is about who gets to order supply in a restaurant, another is about who is allowed to receive deliveries, another is making sure we have better cameras, artificial intelligence, some sort of auditing system. These are different things that hashgachahs are discussing post-Manalapan, and which we will be talking about together on Tuesday. We will be *mechazek* each other, and maybe agree to implement some of these suggestions.

One of the questions I’ve had over the last few days is, when the Monsey meat scandal happened, there was a big shudder in Klal Yisrael. When Manalapan happened, there was a kvetch. Why a shudder versus a kvetch?

You could say that one happened in a restaurant where consumers had a choice whether to eat, while the other happened in a butcher store where everybody bought their meat – it wasn’t a luxury or leisure type of purchase. Or you might say one perpetrator was a Yid while the other was not; deception can be expected from a non-Jew but not from the guy who might have blown shofar or given the *daf yomi shiur*.

But the complacency could very well be that it’s because people have become more absorbed in food during the last ten years.

**This was one of the points that I heard discussed at the AKO conference in May,**

**that people have begun taking it for granted that everything can and should be kosher today.**

Right. Maybe this crisis can jumpstart the conversation – “*Rabbosai*, what is going on?” – and the increased awareness will be a positive result.

**What single thing can a person undertake to be more aware when they go to a restaurant? What sort of heightened vigilance can ensure that when the *plumba [tag]* says it’s kosher, it’s really kosher?**

In one sentence, I would say to trust your intuition. Meaning, don’t just assume it’s all taken care of. Remember those three links we discussed, the triangle of a trustworthy kosher establishment. If any part of this triangle is weak, trust your gut.

Rav Matisyahu Salomon once told me an *Ohr Hachaim* discussing Adam’s reaction after being caught eating from the Eitz Hadaas. When Adam was asked by Hashem why he ate from the Eitz Hadaas, he said, “What do you want from me? I trusted the mashgiach. Chavah was in charge of what I eat.” Rav Matisyahu said that the lesson here is to not trust the mashgiach.

I say this as someone whose entire parnassah is in hashgachah – do not trust the mashgiach blindly. Call your rav, find out what he considers a good hashgachah.

There are 1,500 hashgachahs in the world. You know what I spend most of my time doing? Researching other hashgachahs to see if they have standards that we at the cRc can accept. That’s the hardest part of my job.

I’ll tell you one more thing I heard from Rav Matisyahu at an AKO conference that always stuck with me. He said that when you interview a mashgiach, ask him to put out his hand, and if it’s not shaking with *yiras Shamayim*, then don’t hire him.

Unless, of course, you’re hiring a shochet. ●