

# ENCOUNTERS

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## Kosher Trucking – Part I

Rabbi Akiva Niehaus

With the passage of time, keeping kosher seems to get easier and easier. The number of products under *hashgachah* seems to grow daily, and one can easily find kosher products across the USA. Along with this exponential growth in quantity comes a parallel growth in kosher quality. The standards of *kashrus* continue to improve as consumers demand and expect the strictest level of compliance with halachah. One example is the concept of kosher trucking. Just thirty years ago, the concept barely existed but nowadays this has become the norm. Let's start at the beginning.

### Bulk Tankers

Large companies generally purchase ingredients in bulk; after all, buying bottles of oil in the local supermarket just won't do the trick. The bulk ingredients may be shipped through a number of methods, with large tankers being one option. The ingredients are poured directly into the tanker and shipped all over the country, with trips lasting for hours – or even days. Some products, such as palm kernel oil, may be shipped hot – in excess of 140°F (it actually solidifies around 70°F) – while others, such as milk, are shipped cold. In fact, many tankers are equipped with in-transit heating, consisting of long heating coils filled with steam or radiator fluid (heated during transport via the radiator) which successfully keep the product warm during transport. These shipping methods may present serious *kashrus* concerns when shipping kosher ingredients, as will be explained.

### Hot or Cold

As we know, non-kosher food stored in a container causes the container to absorb non-kosher *blios* (absorptions) in two ways: Heat and Cold. The former causes transference of *blios* when the temperature is at least *yad soledes bo*, commonly understood to be above 110°F. [If the hot food item was heated elsewhere and simply poured into a second container, only a small portion of the container is affected (*iruy kli rishon, kli sheini*), but if the food item was heated in the container, the *blios* are fully absorbed (*kli rishon*). As mentioned, tankers may be heated with in-transit heating in order to maintain warm shipping temperatures, thus causing the tanker to be considered a *kli rishon*. On a related note, tankers are in high-demand and often haul products back to back on the same day, thus not allowing for the leniency of *aino ben yomo*.] The latter method, cold, causes transference only after a liquid is stored in a container for at least 24 hours, via a process known as *kavush* (storage).

### Case Studies

Based on the above background information, let us examine two case studies:

**1. Wavy Chips** orders a bulk shipment of kosher, partially hydrogenated vegetable oil from Nature's Wonder, and the oil will be shipped in a tanker. Prior to picking up the oil, the tanker hauled a tankful of lard. After a quick washout in the local truck wash, the tanker arrives to pick up the vegetable oil for delivery to Wavy Chips.

**2. Supreme Snackers** orders a large shipment of kosher sucrose (melted sugar) for their kosher candy snack. Little do they realize that the tanker delivering their sucrose had just dropped off a shipment of non-kosher glycerin.

What is the status of the vegetable oil and sucrose? In Case #1, both the oil and lard were shipped at 140°F (above *yad soledes bo*) and were kept hot during transport via the in-transit heating. Thus, the lard was considered "cooked" inside the tanker, thereby causing the tanker walls to be full of non-kosher *blios*. As soon as the tanker is loaded with the hot vegetable oil, it comes into contact with the non-kosher *blios* of lard, effectively causing the previously kosher oil to become non-kosher.

In Case #2, the sucrose was shipped at a cool 85°F and the glycerin was similarly shipped at 90°F. Since both products were cool (below *yad soledes bo*), and the tanker was washed between the loads (to remove any physical contamination), the sucrose should be fine. The only concern is if the shipments were hauled for over 24 hours, such as during cross-country shipping, which would effectively cause the tanker to absorb non-kosher glycerin *blios*, and the sucrose will then absorb the non-kosher *blios*. (In this case, the leniency of *aino ben yomo* should apply – but *l'chatchilah* the tanker should not be used for kosher products after hauling non-kosher products; see *Taz YD 105:1*.)

### Bitul – Nullification

Other points should be addressed, such as the question of *bitul*. The general rule is that non-kosher absorptions are deemed inconsequential if there is sixty times its volume of kosher material (*bitul b'shishim*). Perhaps one can argue that the non-kosher absorptions in the walls of the tanker



Bulk tankers carry food ingredients directly in its tanker.

are nullified in the far greater kosher liquid stored in the tanker. Although the general rule is that the contents of a vessel almost never contain sixty times the volume absorbed in the walls, nevertheless, *Shach* (YD 93:1) writes that utensils which are long and wide, and have thin walls – such as a tanker – can contain sixty times the volume absorbed in the walls. Accordingly, it's possible that the non-kosher absorptions inside the tanker walls are nullified and inconsequential. However, this is not an optimal solution and this type of situation should ideally be avoided. Additionally, careful research and measurements have shown that this is not necessarily the case, and tankers – especially when not full – may not contain sixty times the volume absorbed in the walls. [Other considerations, such as the concept of *tashmisho b'shefa* (see YD 99:7), may apply to this scenario and are beyond the scope of this work.]

### The Solution

How can we ensure that the kosher status of the raw materials isn't compromised during the shipping process? Kosher trucking. *Kashrus* agencies work with hundreds of trucking companies across the United States to ensure that their tankers remain kosher. The tankers are dedicated to kosher service which often begins with a *kashering* process. All shipments hauled in the kosher tanker must be approved by the *kashrus* agency and the kosher program is carefully monitored with rigorous oversight.

The above concerns also apply to railcars, totes, barges, storage tanks, ocean tankers and ISO Containers. In short, any bulk container requires verification to ensure that it hasn't been compromised by storing non-kosher products.

Next week we will IY"H discuss a related point regarding the washing of bulk tankers.

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## Responses to “A Closer Look at Shavers”

Rabbi Moshe Revah

Many letters and comments were received in response to the article on shavers that we printed two weeks ago. We present to you two of such letters with Rabbi Revah's response. We thank all of our readers who have sent in comments.

Hi, and thanks so much for your article. Can you give a list of acceptable electric shavers based on the recent article?

S. H.

Thank you for your interest. As we explained in the article there seems to be a difference of opinion amongst the *talmidim* of R' Moshe on how to explain the *heter* R' Moshe famously gave concerning electric shavers. The majority of the sources quoting R' Moshe (including Halacha Berurah on Electric Shavers quoting 'eidus nemana' from R' Belsky, R' Dovid Feinstein and R' Rueven Feinstein, RJJ Journal Vol. 36 pg. 82, Kashrus Kurrents from R' Heinneman from the Star K in Baltimore, the *sefer* Hagiluach Bemechona, the *sefer* Ke'ein Ta'ar among many other *seforim* found on Otzar Hachochma) all quote the *heter* as we portrayed it in the article. This being that the hair is cut as it is sandwiched between the metal cover and the spinning blade and it is therefore not a razor cut. However, after videos indicated that the cutting was actually coming from a single blade (a razor action) and not from 2 blades (a scissors action) we said that one should have to check every model individually with an internal camera before assuming that indeed it is using the scissors action. [Perhaps the shavers work differently than they did during R' Moshe's *heter* nearly 40 years ago.] According to this concern one should not purchase any model without somehow ascertaining its mode of use and therefore we would not be able to cite any models that are permissible.

Yet, we also quoted another tradition amongst the *talmidim* of R' Moshe for what R' Moshe's *heter* actually was. These *talmidim* included Rav Fuerst and Rav Tendler. According to this tradition the basis of the *heter* was not because of the scissors action but rather because the blade is not sharp enough to be considered a razor and therefore is not included in the prohibition of shaving with a razor. According to this view even if the blade does swipe off the hair without the scissors action it would still be permitted because this is not a razor cut. (Earlier we called this a scissors cut, but more precisely it is not a razor cut.) According to this view nearly all shavers are permitted out of the box because the cutting block inside is rarely sharp enough to cut a hair like a razor.

Either way a list would not be required. [Perhaps one can add parenthetically that since many people in Klal Yisrael are relying on this *heter* one can assume that this is indeed the real *heter*. The Tzitz Eliezer (15:33) quotes Mahari Chagiz stating an 'important ruling'; "if one is unsure about a halacha he should check and see the practice of the people, for it is obvious that because of Hashem's great love for His nation, Klal Yisrael, He would remove all stumbling blocks from their paths and would not cause the people to rule after a single individual had his *sevara* been incorrect".]

*Yasher kochacha* for your article about shavers! I would like to make a few comments.

1) You wrote that the Chafetz Chaim forbids electric shavers. If you look in the Likutei Halachos inside it is very clear he is not talking about electric shavers but Gillette safety razors which became popular in Europe at that time and there were some rabanim who permitted them. (ע' ספר מוכנת גילוח בהלכה שהוכיח זה בראיות ברורות) (The reason people often make mistakes about this is because the Chafetz Chaim refers to it as a machine and no one nowadays would refer to a safety razor as a machine, however if you look at other *tshuvos* written at that time you will see that the term machine was used very differently back then).

2) In the article you seem to be saying that besides the *heter* of Rav Moshe there is no other room for lenience on electric shavers because there is no noticeable difference between the *hashchasa* of a razor and of an electric shaver. This is not so accurate because some *poskim* are *matir* shavers because they don't truly destroy all remnants of the hair unlike real razors which cut down to the skin line (your picture from the Tzomet institute seems to verify this). This is the reason why even nowadays there are some *goyim* who still shave with a regular razor, because they prefer the closer shave. (In the article you mentioned all the *machmirim* but failed to mention the many *matirim*).

3) The pictures you show from the Tzomet institute seem to prove the opposite of what you are saying, as it seems from the picture that only after banging the hair into the next metal cover it is able to cut, this would make it according to Rav Moshe a regular scissor and not a razor. If you have other pictures from Tzomet that seem to show otherwise I would appreciate if you could send them to me.

Again thank you for the article and have a good Shabbos.

P.C.

Thank you very much for reading the letter and your enlightening feedback!

1. I read the *sefer* you quoted and indeed the author does make compelling arguments to show that perhaps the Chofetz Chaim was talking about the Gillette Razor. You are also correct that no one else learns the Chofetz Chaim like that. However, even if we agree that the Chofetz Chaim agrees to R' Moshe it will not affect the overall point of the article; that even R' Moshe's *heter* may no longer apply to today's shavers.

2. You are correct that R' Henkin, the Har Tzvi, and several other *poskim* permit electric shavers because the metal cover acts as barrier between the skin and the razor. Mainly, I did not mention it because of space constraints and the main point of the article was to discuss R' Moshe's *heter*, which involved a totally different point. Nevertheless, it was also opted out because many of the *poskim* who do quote this *heter* say that one should not press the shaver firmly against his face and therefore this *heter* is anyways somewhat limited. Additionally, with the advent of Lift and Cut, it is also somewhat questionable if this *heter* still exists.

3. After studying the pictures I see how an argument can be made towards your point (although I am far from convinced). I am limited to the pictures released by the Tzomet institute and am unable to provide further evidence. However, in their words, "most of the hairs are cut **without** a scissor action" and with regards to *issurei d'oraisah* I think we would have to take their words at face value and assume that the overall pictures are even more compelling.

Again I thank you very much for your interest in the articles.