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ספירים

MORE ON ANHEUSER-BUSCH BEER PRODUCTS

A number of people asked for clarification on one of the points written in the article on Anheuser-Busch beer products (Sappirim 15), and the following will hopefully serve that purpose. Since the following question and answer is an amalgam of comments from more than one person all names have been omitted.

Q There is one question I have in understanding the *heter* you gave on page two, Paragraph C. Can you please tell me the source that *heter* ingredients can absorb more *ta'am* if they are concentrated? Just because something can give more taste does not mean that it can absorb more taste. Thank you very much for taking the time to answer my question.

A Thank you for your question. As you might imagine, that line in the document raised the most questions, and in retrospect it may have been worthwhile to give more explanation to that point. Following is a more detailed explanation:

The clam powder put into Clamato would easily be *batel b'shishim* except for the fact that it is concentrated, yet even after considering the clam in its reconstituted form it is still borderline *batel b'shishim*.[1] The following hypothetical case will illustrate this point: if there is one ounce of clam and 600 ounces of other ingredients, the clam would clearly be *batel b'shishim*, but if the clam was concentrated to 10 times its volume, there would be the equivalent of 10 ounces of clam and it would be borderline *batel b'shishim*.[2]

Thus, we are using our understanding of the way this food was produced (i.e. concentrated) to realize that *Chazal's* rule that any issur is *batel b'shishim* in any *heter*, does not apply in its simple form to this case. Rather we must consider that one ounce of this *issur* carries more "weight" than one ounce of a standard *issur* and should rather be viewed as having the *ta'am* of 10 ounces of *issur*.

If we are willing to make this logical step, then it would seem that we should make a similar logical step *l'kulah*. That logic would say that in this case the *heter* ingredients are concentrated to levels similar to the way the *issur* is concentrated, such that we can say that just as this *issur* is *nosein ta'am* into more than 60 times its volume of *heter*, so too the *heter* can absorb more than 1/60th its volume of *issur* before the *issur* is *nosein ta'am* into it.

The basis for this line of reasoning goes to the core of *bitul issurim*. *Issur* is *batel b'shishim* because when there is less than 1/60th the *ta'am* of the *heter* overwhelms or dilutes the *ta'am* of the *issur* to the point that the average person does not detect/taste the *issur* when they eat the combination. In our case the same is true – one ounce of concentrated clam would be *nosein ta'am* into 600 ounces of "regular" *heter* because the one ounce of *issur* is very flavorful, but it can only be *nosein ta'am* into 60 ounces of concentrated *heter* because the taste of the *heter* is equally strong such that the taste of the *issur* will not be noticed in 60 ounces of *heter*.[3] Usually, we have a principle that we do not consider how flavorful the *issur* or *heter* are (and just use the rule of *Chazal* that 60 times is required), but in this case we are overriding

[1] In this context it is worth noting that although clam is *assur mid'oraisah*, Chelada is surely not more than an *issur d'rabannan* because the only thing potentially preventing the clam from being *batel* in the finished product is *ChaNaN* (of *sha'ar issurim*). In other words, the entire discussion focuses on whether the clam is *batel* in the Clamato base, but the Clamato base is then further diluted with beer to create Chelada, and it is that Chelada which is processed on the same equipment as the other beers. So, Clamato is potentially *assur mid'oraisah* but Chelada is not more than *assur mid'rabannan*. [However, in making this determination, one must consider (a) whether this is a case of a *safek d'oraisah* (is clam *batel* in Clamato) which was *nisgalgel* into a *safek d'rabannan* (is clam *batel* in Chelada), and (b) if yes, how such a case is treated.]

[2] In fact, some *Poskim* who I have spoken to in the past have said that concentrated *issur* is *batel* even without considering the reconstituted form, which would mean that in our case the clam would be *batel* in a 600:1 ratio, but for purposes of this presentation I assumed that one was being *machmir* and not following that ruling.

[3] Some have questioned this because they believe that the principle of *bitul b'shishim* is completely dependent on the volume of the *issur* with no regard for the taste of the *issur*, but it appears that this is not correct for the following reason: The baseline halacha is that *issurim* are *batel* when they are diluted to the point that they are no longer *nosein ta'am*, and that is why in specific situations one can rely on someone tasting a food to determine if the *ta'am* of *issur* is detectable. What is it that makes *issur* become diluted to the point that it can no longer be tasted? It seems obvious that it is based on a combination of both how much *heter* there is and how strong the taste of the *heter* is (and both of those are relative to the specific *issur* under discussion). For example, I diluted a teaspoon of sugar in 6 ounces of water (about a 35:1 ratio) and was able to detect a sweetness in that water, but imagine that if I would have diluted the same teaspoon of sugar in 6 ounces of grapefruit juice I would not have noticed any difference, because the grapefruit juice has such a strong taste that it overpowers the sugar's sweetness at that ratio. This idea is mentioned in *Rashi* to *Mishnah*, *Chullin* 96b who notes that when meat is cooked with different vegetables, the amount that the meat can be *nosein ta'am* depends on which vegetable it was cooked with (i.e. the meat can be *nosein ta'am* into a larger quantity of bland vegetables than into vegetables with a more pronounced taste). Typically, all of this makes no difference to us, because we use the yardstick of *bitul b'shishim* to be sure that even the strongest-tasting *issur* (which is not an *avidah lit'amah*) would be *batel* in the blandest tasting *heter*, but in our case where we are (correctly) using our intuition to say that the *issur* is stronger than a "standard" food we should also do the same for the *heter*.

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that principle on the *chumrah* side based on a logical consideration, so it seems equally logical to override the principle on the *kulah* side for the same reason.

I have no way of knowing that these ratios are equal such as to say that a *heter* concentrated to 10 times its strength can absorb 10 times as much *issur* as a single-strength *heter*, and logically one can argue that the volume of the *heter* also plays a significant role in the *bitul*. However, in our case where the *issur* is borderline *batel b'shishim* even without all of these considerations, it seems that these factors are enough to make us confident that the *issur* is in fact *batel*.

I looked for *Poskim* who discuss this unusual type of situation and was unable to find anyone who does. Therefore, I presented this line of reasoning to a few of my peers and recognized *Poskim* – both in and out of the cRc – before I spoke and wrote about it. After initially being unsure, everyone I spoke to about it thought it made sense, but due to personal reasons, the *Poskim* I spoke to about this asked to remain anonymous (in spite of one of them writing a brief *teshuvah* to me on the topic).[4]

Based on the above, I believe it is correct to assume that the clam's taste is not detectable in the Clamato, such that it is *batel*.[5]

I hope you find this answer satisfying and look forward to any further questions you might have.

[4] The *teshuvah* we received stated the following:

לה"ו

תשובה להנ"ל. אם המרכיבים הכשרים אינם מחלב אלא משאר חומרים, אז שפיר נתבטלו, דאם הטעם הבשר המרוכז נותן טעם בהשאר, לנגד זה יש אבקה של היתר מרוכז שמבטל טעם האיסור. אבל אם בתוך החומרים הכשרים יש חומר מחלב, אז יש לדון איך הווי בדיוק נתערב, ואם נדע עוד פרטים אפשר לדון בזה

[The question was written on a hypothetical case of concentrated *neveilah*, such that the response raises a concern of *basar b'chalav* (and the potential for *ChaNaN mid'oraisah*), which in truth are not relevant to our situation.]

[5] If the clam is not detectable, why would the company bother adding it in? The answer to that is that it is not unusual for companies to add an ingredient to a product when that ingredient plays no role in giving taste or being *ma'amid* etc., and that ingredient is only added so that they can list that ingredient on the ingredient panel thereby giving the item an air of authenticity. A prime example of this is Worcestershire sauce which is traditionally made with fermented anchovies (fish) but nowadays is commonly made with just a bit of fish (which is *batel b'shishim*) and a "fish flavor" that actually gives the sauce the desired taste. I believe that the same is the case with Clamato, where there is a tiny bit of clam and plenty of "flavors" that give the beverage its taste. We must remember that *bitul b'shishim* is a *chumrah* meant to cover even the most extreme situations, which is to say that for many foods the *issur* is not detectable at much less than a 60:1 ratio. If so, if the people who formulated Clamato wanted to put in enough clam for the clam to be *nosein ta'am*, they would not have put in an amount which is borderline *batel b'shishim*, but would rather have put in a more significant amount. As with the Worcestershire sauce, I suspect that they chose the amount of clam to add by how it would allow them to list the clam on the ingredient panel (with an earlier listing giving a more favorable appearance) rather than by what kind of taste it contributes. These theories were substantiated by the plant personnel who claim that the clam does not contribute taste.

OVER THE COUNTER MEDICATIONS

The term "over the counter medication" (OTC) covers a whole gamut of pharmaceutical products used to help people overcome all sorts of maladies or discomforts. Many of these items contain kosher-sensitive ingredients, and conscientious consumers regularly ask which of these items may be consumed. In short, the answer depends on four factors:

A. Does the OTC medicine contain any kosher-sensitive ingredients?

B. Can the questionable OTC medicine be replaced with a kosher substitute?

C. How edible is the OTC medicine?

D. How sick is the person taking the OTC medicine?

We will first discuss these four factors and then summarize with practical applications. **This document will not discuss the permissibility of medicines for *Pesach*.**

A. Ingredients in OTC Medicine

The active ingredients in most medicines do not pose a *kashrus* concern, and the same can be said of most of the inactive ingredients as well. Some of the common kosher-sensitive ingredients found in medicines are:

- Aspartame
- Citrates (e.g. citric acid, sodium citrate)
- Ethyl Alcohol
- Flavor (including natural flavor)
- Gelatin
- Glycerin
- Gum Arabic (or acacia gum)
- Lactose
- Polysorbates (e.g. polysorbate 80)
- Stearates (e.g. stearic acid, magnesium stearate)
- Xanthan Gum

The above list of kosher-sensitive ingredients is not complete and is just a list of some common kosher-sensitive ingredients found in medicines. Of these ingredients, there is no question that the one which raises the most serious *kashrus* concern is glycerin. Of the other ingredients, some raise more of a concern than others; the explanation for why that is true and a brief description of the concerns with each of these ingredients can be found in the footnote.[6]

[6] In weighing how serious the *kashrus* concern of a given ingredient is, the following factors must be considered: (a) how likely it is that the ingredient is non-kosher, (b) whether the ingredient is used in amounts which are *batel b'shishim*, (c) whether the ingredient is it not *batel* due to other factors (*avidah lit'amah*, *davar hama'amid*) and which of those factors may be waived for a given *choleh*, (d) what is the status of flavors of unknown kosher status, (e) whether one should be concerned that the ingredient is possibly inherently non-kosher or whether the most serious concern is that it was produced on non-

If a Rabbi working with an expert in food ingredient technology is able to determine that the medicine does not contain any kosher-sensitive ingredients and/or that any kosher-sensitive ingredients are *batel*, the medicine is of course permitted for consumption. Thus, one step in determining the acceptability of a given OTC medicine is to make the above determination (or to look for an acceptable kosher certification symbol!).

B. Substitutions

Although we will see that there are cases in which one is permitted to consume a specific non-kosher medication that is only true if there is no reasonable kosher substitute available. In this context, the term "reasonable substitute" depends on many factors which must be weighed by a doctor and Rabbi to determine whether the kosher alternative is in fact a "reasonable substitute". If it is, the kosher alternative should be used instead of the medicine which is of questionable kosher status.

Having determined that (A) a given medicine is non-kosher or contains kosher-sensitive ingredients, and that (B) there is no reasonable kosher alternative, we now proceed to the two questions which help determine whether the person may nonetheless consume the medicine, (C) edibility of the medicine and (D) severity of the sickness.

C. Edibility of the OTC Medicine

As relates to our discussion, medicines can be grouped into 3 categories – edible, *sheloh k'derech*, and inedible – as follows:

– Edible

Rav Schwartz defines "edible" as any food-like item which people derive some enjoyment from as they eat/swallow it.

Examples: Chewable pills, cough drop, glucose drink, liquid medicine (e.g. cough syrup)[7]

– Sheloh k'derech

One who consumes an edible food item in an atypical manner which causes him to have little or no pleasure, is *mid'oraisah* not considered to have eaten the food, both as relates to fulfilling *mitzvos* (e.g. *matzah*) or violating prohibitions (e.g. non-kosher food, eating on *Yom Kippur*). However, *Chazal* forbade the consumption of forbidden foods in this manner. For example, one who swallows a piece of non-kosher meat which is wrapped in paper, or drinks vinegar or oil as is (i.e. not mixed into any other food) has (only) violated an *issur d'rabannan*.[8]

Examples: Gelatin capsule (soft or hard)[9]

– Inedible

There is no prohibition against eating a medicine which is in an inedible form.[10] In this context, Rav Schwartz clarified that (a) if one adds flavoring to an inedible item so as to help people consume it, the item retains its status as inedible, but (b) the

kosher equipment (in which case it may qualify as מלח הבלוע מדם), (f) whether the potential non-kosher ingredient is an *issur d'oraisah* or *issur d'rabannan*.

Of the ingredients listed, glycerin is clearly the most kosher-sensitive because (a) about half of the glycerin in the world market is made from animal fat (i.e. *issur d'oraisah*), and a sizeable portion of the vegetable-based glycerin is processed hot on the same equipment as animal-based glycerin (without cleaning), and (b) glycerin is commonly used in high proportions (approximately 20-30%) and has a characteristic sweet taste, such that it is not *batel* or *pagum*.

Stearates and some polysorbates (60 and 80) may contain animal products, and (uncertified) gelatin is typically produced from pig skins, but these items are typically *batel b'shishim* in the medicine (although the polysorbate and gelatin may be considered a *ma'amid*; i.e. not *batel mid'rabannan*). [Gelatin capsules will be discussed below in the text.]

The raw materials used in producing lactose and ethyl alcohol might be *assur mid'rabannan* (*stam yayin*, *meimei chalav*, *gevinas akum*; and lactose is similarly only dairy *mid'rabannan*).

Polysorbate 20 and gum Arabic are typically (a) made from kosher raw materials and (b) used in tiny proportions which would be *batel b'shishim* (although they may be considered a *ma'amid*; i.e. not *batel mid'rabannan*), but these ingredients and/or their sub-ingredients are sometimes produced on equipment which is also used for non-kosher products. Aspartame, citrates, and xanthan gum are made through fermentations which typically do not pose a *kashrus* concern, but are nonetheless assumed to require *hashgachah* as fermentations are sophisticated processes which occasionally use non-kosher ingredients. [Xanthan gum is different than other gums in that it is typically used in proportions which are not *batel b'shishim*].

Flavors will be discussed below in the text and in footnote 18.

[7] The edibility status of liquid and chewable medicines will be discussed in more detail in the text below.

[8] Eating meat wrapped in paper (based on *Pesachim* 115b, כרכן בסיב), drinking vinegar, or eating black pepper as is (*Yoma* 81b, and see there in *Rashi* s.v. *kas pilpilin*), or drinking oil as is (*Berachos* 35b). *Noda B'yehudah* (YD I:35, cited in *Pischei Teshuvah* YD 155:6) infers from other words in *Gemara*, *Pesachim* ibid. (בלע מצה יצא) that swallowing an edible food item such as *matzah* is not considered *sheloh k'derech*, because swallowing is merely considered another method of "eating". Thus, since chewed *matzah* is eaten as is, one who swallows un-chewed *matzah* at the *Seder* has also has also fulfilled a *mitzvah*. However, since no one consumes vinegar, black pepper, or oil as is, it is considered *sheloh k'derech* to eat, drink or swallow them without first mixing them into other foods.

[9] Gelatin is a food item which is used in gelled desserts, marshmallows and other foods, and is therefore considered "edible". However, pure gelatin (as is commonly found in hard gelatin capsules) or gelatin mixed with glycerin, sorbitol and certain other food ingredient (as is commonly found in soft gelatin capsules) is never eaten as is. Therefore, Rav Schwartz asserts that swallowing a gelatin capsule is considered consumption *sheloh k'derech*. This position is based on the presentation of the gelatin (i.e. its being pure) and not because the capsule is swallowed.

[10] If a forbidden food item becomes inedible the prohibitions against eating that food are lifted, but it is nonetheless *assur mid'rabannan* to eat it because of the principle of "*ach'shvei*" which interprets the person's choice to eat the item as an indicator that he considers it edible (*Shulchan Aruch* 442:4 & 442:9-10 as per *Mishnah Berurah* 442:43). However, it is generally accepted that *ach'shvei* does not apply to a inedible medicines because (a) consuming inedible medicines shows that one values them as a health remedy and not that one considers them edible, as evidenced by the fact that people eat awful tasting medicines (*Iggeros Moshe* OC II:92, *Achiezer* III:31:3-4 and others) and (b) logically, *ach'shvei* only applies to the medicinal portion of what one consumes and not to the inactive ingredients (*Chazon Ish* OC 116:8).

same would not be true of, for example, a cough syrup which contains 5% inedible ingredients, 0.5% flavor and 94.5% edible ingredients.

Examples: Pills and tablets (not chewable)

D. Severity of Sickness

Intuitively we understand that the halacha gives an infant suffering from dehydration due to diarrhea much more latitude in consuming a non-kosher rehydration formula than it does to a healthy teenager who is looking for a cold drink after a good game of basketball. Although both require proper hydration to reinvigorate them, the infant's life is in danger and he therefore has considerably more leeway. In fact, the halacha recognizes three different levels of *cholim* (sick people):

- Danger (sakanah)

  If there is even the smallest possibility that someone's life might be in danger, one may violate (just about) any *d'oraisah* or *d'rabannan* prohibition if that will help the condition[11] and there is no other reasonable alternative. In many cases, people who suffer from an infection which can only be cured via a prescription medication, qualify as being in *sakanah*.

- Incapacitated (choleh she'ain bo sakanah)

  A person who is in extreme pain or ill to the point that they are unable to function in a normal manner as relates to sleeping (i.e. they are unable to stay awake, or cannot fall asleep) or other normal functions (e.g. walking, eating), is permitted to violate most *issurim d'rabannan* including the consumption of food *sheloh k'derech*.[12] [13] One notable exception is that such a person may <u>not</u> consume foods which are forbidden *mid'rabannan* (other than *sheloh k'derech*).[14] [Young children who are ill are assumed to have the status of being "incapacitated" even if a similar illness would merely qualify as a "discomfort" for an adult.][15]

- Uncomfortable

  People with minor illnesses or discomfort (e.g. common headache, cold, or toothache) or who are looking to improve their general hygiene or appearance (such as with mouthwash or toothpaste), are not permitted to violate <u>any</u> halachos – *d'oraisah* or *d'rabannan* – or *minhagim*.[16]

In the example cited above, if there is any question that the dehydrated infant's life may be in danger, he may consume a non-kosher rehydration beverage if a kosher alternative is not available.[17] On the other hand, the healthy teenager is in no danger and will not even be incapacitated if he does not find a drink, and therefore he must find a kosher beverage to make him more comfortable.

Visual Presentation

On the coming page is a visual presentation of the preceding two sections. The left side shows the 3 levels of sickness outlined above, the right side shows the edibility of the medicine, and the arrows between the two sides indicate which forms of medicine are permitted for which types of sick people. For example, it indicates that someone who is incapacitated may take non-kosher medicine which is *sheloh k'derech* or inedible, but may not consume an edible medicine (unless he can determine that it is kosher).

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[11] If a person is a *choleh sheyesh bo sakanah*, he may violate *issurim* to alleviate the *sakanah*, but may he also do so for the parts of the treatment which have no bearing on the danger he is in? *Mishnah Berurah* (*Mishnah Berurah* 328:14, *Sha'ar HaTziun* 328:11, and *Biur Halacha* s.v. *kol*) cites a *machlokes* regarding this issue, and notes that *Shulchan Aruch* 328:4 appears to accept the lenient opinion, but *Mishnah Berurah* recommends that one follow the strict opinion as relates to *issurim d'oraisah*. However, he notes that even the strict opinion agrees that one may violate an *issur* for non-critical treatment (for a *choleh sheyesh bo sakanah*) if there is "great need", if doing so will strengthen the patient, or if not providing the treatment might cause him to deteriorate.

Accordingly, it would seem that a *choleh sheyesh bo sakanah* would be permitted to take a non-kosher OTC medication which provides comfort even if it does not treat his underlying sickness if (a) the ingredients are only *assur mid'rabannan* or would be *batel* if not for a *d'rabannan* principle (e.g. *davar hama'amid*) or (b) it helps the patient sleep or function (e.g. pain relief, decongestant, sleep aid) so that his body can recover or at least not deteriorate. It is also noteworthy that *Shulchan Aruch* would permit all medications, and *Yabeah Omer* IV:30 defends that position.

[12] *Shulchan Aruch*/*Rema* YD 155:3

[13] *Tzitz Eliezer* (VI:16:3 and in the addendum) cites *Poskim* who hold that a *choleh she'ain bo sakanah* may consume a *chatzi shiur* of *issur* especially if the *issur* comprises less than 50% of the food, and *Tzitz Eliezer* appears to accept this position. Although *chatzi shiur* is forbidden *mid'oraisah*, these *Poskim* hold that it is a "weaker" *d'oraisah* which is waived for a *choleh she'ain bo sakanah*. This leniency has far reaching consequences because (a) the typical dose of OTC medicine is just a *chatzi shiur* and the *issur* is rarely more than 50% of the medicine and (b) many people who consume these medicines qualify as a *choleh she'ain bo sakanah*, and the (sick) young children who requires such medicines are always given that status (see *Rema* 328:17).

[14] See footnote 12.

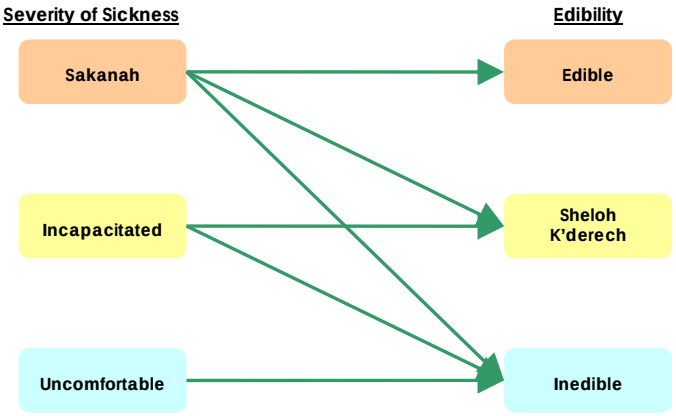
[15] See *Rema* 328:17.

[16] However, see *Mesorah* 14 where Rabbi Heber cites Rav Heinemann as allowing one to consume a liquid medicine after diluting it in about 12 times its volume of a kosher liquid. An example of this dilution would be mixing a teaspoon (5 ml) of Motrin into 2 ounces (59 ml) of water or apple juice. He reasons that:

- Medicines rarely contain more than 25% glycerin or other non-kosher ingredients, such that diluting the medicine in 12 times its volumes assures us that the non-kosher ingredients are *batel b'shishim*. [The specific gravity of glycerin and water are 1.25 and 1 respectively, which means that if glycerin is 25% of the weight of the medicine (as a company would typically measure), it is only 20% of the volume (which is how *bitul* is calculated – *Pischei Teshuvah* Y.D. 98:2)].
- The prohibition against consciously diluting *issur* so that it can be consumed (*ain mevatelin issur l'chatchilah*), is Rabbinic in nature, and therefore only applies to cases where the food is <u>known</u> to be forbidden but not to cases such as ours where it is only *safek issur* (see *Shach* 92:8 and elsewhere). Similarly, the principle of *ChaNaN* (which would increase the amount required for *bitul*) does not apply to *safek issur* (see *Gilyon Maharsha* 98:34 to *Shach* 98:11).

[17] In fact, two kosher alternatives are readily available for most cases of dehydration, as follows:

- Pedialyte is widely available in the United States and at the time of this writing, many (and possibly all) varieties of Pedialyte are certified kosher by the OU.
- http://rehydrate.org/solutions/homemade.htm#recipes recommends the following easy to prepare rehydration formula for use when a professional variety is unavailable: Mix one level teaspoon of salt, eight level teaspoons of sugar, and one liter of clean drinking (i.e. about 5 cupfuls), and stir the mixture until the salt and sugar dissolve.



General Examples

Chewable pills

See *Sappirim* 14 for a discussion on whether chewable pills and liquid medicines are considered edible. For purposes of this document we will assume that chewable pills and liquid medicines are considered edible and should only be consumed if they contain no kosher-sensitive ingredients (which are not *batel*), bear kosher certification, or are being taken for someone who is classified as being in a state of *sakanah*. However, Rav Schwartz has ruled that if there is a question whether a given liquid or chewable is edible and a doctor has recommended it to treat or prevent a serious condition, one should err on the side of assuming the medicine is not edible and consume it even if its kosher status is unknown.

Flavors

There is a chance that the flavors used to improve the taste of liquid or chewable medicines may contain non-kosher ingredients, and therefore any uncertified item which contain "flavors" (natural or artificial) should be considered as possibly non-kosher and should not be consumed by those suffering from discomfort. However, these flavors do not raise a concern when medicines are consumed by a person whose illness renders them incapacitated or in a state of *sakanah*.[18]

Gelatin capsules

Medicine in soft or hard gelatin capsules may be consumed to treat an illness which renders the person incapacitated or in *sakanah*, assuming the person cannot reasonably find or use an alternate medicine which is not gelatin coated. OTC medicine used to relieve relatively minor discomfort may not be consumed if they are in gelatin coated.[19]

Liquid medicines

See chewable pills above.

Tablets/pills Non-chewable

Tablets/pills are not edible and may be swallowed or otherwise consumed regardless of whether the ingredients are known to be kosher.

Vitamins

The status of vitamins will IY"H be discussed in a separate document

Specific Examples

We are in the process of collecting data for an internal list which applies the principles outlined in this document to specific common OTC medicines

KOSHER CHEMICAL GUIDELINES

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The following guide to kosher chemicals was written by Rabbi Moscowitz for distribution to certified chemical manufacturers.

Kosher law has rigorous regulations regarding which items may be consumed by those following a kosher diet, but the restrictions are considerably less demanding for chemical and other items which are used for non-food applications. This document will define the terms "food application" and "non-food application", and outline the different restrictions which apply to each of these groups. Please be in touch with Rabbi Moshe Moscowitz at the cRc office, for more detailed application of these guidelines to particular plants and situations.

Food Application

Definition

Materials used directly or indirectly in food. Antifoams and flocculants are examples of chemicals used indirectly with food and must follow the stricter regulations for food applications.

[18] The ruling in the text is based on a number of factors, including the following:
- Flavors typically comprise less than 1/60th of the volume of the medicine, such that many potential non-kosher components are either *batel b'shishim* or only not *batel* due to Rabbinic considerations (e.g. *davar hama'amid*) which are waived for a *choleh she'ain bo sakanah*.
- The only components which are not *batel mid'oraisah* are those which are *avidah lit'amah*. Almost all non-kosher *avidah lit'amah* ingredients are either (a) themselves only *assur mid'rabannan* (e.g. starter distillate) or (b) made from inherently kosher raw materials and only considered non-kosher as a result of being produced on non-kosher equipment. The letter of the law is that the former are permitted (at least for *cholim*) based on *safek d'rabannan l'kulah*, and the latter are *batel b'shishim* based on the principle of מלח הבלוע מדם.
- There are some *avidah lit'amah* flavor components which are inherently *assur mid'oraisah* (e.g. civet, castoreum), but they are typically reserved for sophisticated, expensive flavors used in food items and not used in pharmaceuticals.

Although it is always possible that the flavor in a given medicine is forbidden, Rav Schwartz holds that the factors noted above are sufficient to permit a *choleh she'ain bo sakanah* to consume the medicine.

[19] The rationale for this ruling was given in footnote 9.

Requirements

The requirements for raw materials used in food applications can be divided into two areas – origin and equipment – as follows:

1. Origin

All raw materials must be inherently kosher, which typically requires that they contain no animal, fowl, fish, cheese or grape components. For example, stearic acid derived from animal fat is not kosher. The raw materials can be verified to be kosher in the following ways:

- Certified kosher by a reputable kosher certifying agency.
- Raw material is known to only come from kosher sources, e.g. water, salt, sugar, phosphoric acid, polyethylene. We refer to such materials as "Group 1", and they may be purchased from any supplier, even if the supplier is not kosher certified. The Group 1 status of a raw material is determined by the cRc.

Many of the raw materials used at chemical companies are synthetic and therefore easily meet the kosher law's "origin" criteria.

2. Equipment

The equipment used for processing must not have been contaminated with non-kosher materials. Equipment used to process non-kosher raw materials at temperatures above 120° F can only revert to kosher status if they undergo a "kosherization". The kosherization process is similar to a high-temperature sterilization, and it usually must be preformed under the supervision of a Rabbi.

Kosher transport is a subset of the equipment requirement. An unpackaged liquid raw material might lose its kosher status if it is transported in a tanker or rail car which has previously been used to haul non-kosher materials. To maintain the kosher status, the materials should be transported in a kosher certified vehicle and/or after the tanker or rail car undergoes a "kosher wash" which serves as the kosherization. The receiving company should request evidence of a kosher vehicle and/or wash from the shipper. The cRc does not require verification of kosher transportation for Group 1 materials.

Example

A prime example of a kosher-sensitive raw material is glycerin. Glycerin derived from animal fat fails the origin criteria, as it is produced from a raw material which is inherently non-kosher. Vegetable glycerin meets this criterion but requires kosher certification to guarantee that it was either not produced on the same equipment as animal-based glycerin or that there was a kosherization between the animal and vegetable products.

Non-Food Application

Definition

Materials which do not have direct or even indirect contact with food. Examples of items which fit into this category are cleansers, packaging, and boiler-treatment chemicals. [Packaging materials are considered non-food use even if they have direct food contact.]

Requirements

Raw materials used for non-food applications must only meet the origin criteria outlined in the section above, but there is no need to ascertain that the equipment used is kosher.

Group 1N

Many ingredients are Group 1 (kosher from any source) when used for non-food applications but are not Group 1 for food application. In order to identify these raw materials, the cRc uses the designation "Group 1N", which indicates that a given raw material is Group 1 for non-food applications. For companies producing certified non-food products, this designation gives them the flexibility to purchase these raw materials from any source, including those where the supplier is not certified kosher.

Sodium lauryl sulfate is an example which demonstrates the significance of the Group 1N designation. The sodium and sulfuric portions of that compound do not pose any kosher concerns. The lauric acid component is commonly isolated from vegetable oils (thereby meeting the origin criteria) but might be produced on the same equipment used for animal fats. Therefore, sodium lauryl sulfate is designated as Group 1N, which means that it can be purchased from any source for use in non-food applications (since it meets the origin criteria) but requires kosher certification if it will be used in kosher food applications (to assure that it meets the equipment criteria).