

ספירי

סיעוא לציבור, פסקי הלכה, רכיבים, מארעות ומדע
 Updates for the cRc Kashrus Professional

סיעוא לציבור
COMMUNITY

Glucosamine and chondroitin

Oysters, crabs, lobsters, shellfish and sharks are all non-kosher, but there is a difference between oysters and the others. Oyster shells are rock-hard and so clearly not a food that it is generally accepted that the shell itself is "kosher"; therefore oyster shells are approved as a (very common) source of kosher calcium. On the other hand, the shells of crabs, lobsters and shellfish, and certainly the cartilage of sharks, are soft and flavorful enough to be given the status of the fish they come from, and are therefore non-kosher.

Glucosamine and chondroitin are commonly produced from the soft shells and cartilage of the latter group of fish listed above, and therefore the simple understanding is that glucosamine and chondroitin are not kosher. However, there have been some prominent Poskim who have suggested halachic rationales as to why the considerable processing done to the shells and cartilage, might do away with the non-kosher status as well. Some Poskim accept those rationales, but most are undecided or reject such claims. However, most of those who hold that the glucosamine and chondroitin are inherently non-kosher, agree that someone suffering from arthritis may take those items in pill form because:

- It is generally accepted that non-chewable pills are considered inedible non-foods and therefore are not required to be kosher.
- A person who is incapacitated is permitted to "eat" non-kosher medicine in an "atypical manner", and (almost) everyone agrees that swallowing a pill is not considered eating in a typical manner. This line of reasoning would only permit the consumption of items which have a history of being effective at curing the said illness, and at this point it seems that glucosamine and chondroitin meet that standard as a cure/relief for the symptoms of arthritis.

In summary, many hold that glucosamine and chondroitin are not kosher but they may still be taken in pill form, especially by those who suffer from arthritis, but most Rabbis would not permit the inclusion of glucosamine and chondroitin powders in regular foods.

It is worth noting that there is a company that produces glucosamine from vegetable sources, and - assuming that product retains its kosher certification - there are no questions as to the kashrus of that product, but there are those who have claimed that medically it is not as effective as the same product made from fish.



סוכות תשס"ח
HALACHA

Shemittah 5768

Part 2 of 2

The first part of this article introduced the general halachos of *shemittah*, including obligations on landowners and the laws that pertain to *shemittah* produce. Clearly, most of these *halachos* are limited to those who reside in or visit *Eretz Yisroel*. However, much to the surprise of many consumers, some processed foods, and even fresh herbs or vegetables found in their local American grocery are of Israeli origin, such that some of the halachos of *shemittah* apply to Jewish consumers in all countries. Towards this end, we must first consider how Israeli farmers and companies confront the aforementioned halachos of *Shemittah*, and then see if and how they apply to those of us who reside in other countries. That is the focus of this concluding part of the series.

Israeli Farmers and Companies

Israeli farmers and companies take 5 basic approaches to the restrictions of *shemittah*:

1. Disregard the halacha

Unfortunately, many Jews living in Israel aren't religious and completely ignore the halachos of *shemittah*. As noted above, foods grown by such farmers isn't ipso facto forbidden, but vegetables, grains, spices and herbs would be forbidden as *sefichin*, and fruits would

have *kedushas shevi'is* and be subject to *biur*.

2. Heter mechirah

A century ago, Rabbonim of great stature permitted the land of *Eretz Yisroel* to be sold to a non-Jew for the duration of *shemittah*, to help struggling Jewish farmers avoid financial ruin. Since then there has been much heated debate as to whether this sale – known colloquially as the *heter mechirah* – is valid, if and how it should be performed and what it permits the farmers (and consumers) to do. The Israeli Chief Rabbinate has traditionally supported the *heter mechirah*, but has taken a somewhat stricter stance for *shemittah* 5768. Rav Y.D. Soloveitchik zt"l suggested that the entire discussion of the *heter mechirah* is predicated on a financial need which doesn't apply to American consumers, and he therefore recommended that they not rely on it.

The strict position is almost uniformly accepted by the mainstream *hashgachos* in the United States, and by many Israeli kosher certifications. As a result of this, some Israeli items such as wine will lose their regular *hechsher* for an entire year, as the company chooses to rely on the *heter mechirah* but the *hashgachah* doesn't accept it. Therefore, consumers should be particularly vigilant to check labels for proper kosher certification during this time, as products that they are used to buying may temporarily not be certified.

3. Purchase ingredients from Arab farmers

There are manufacturers who choose to buy their ingredients from Arabs who own and farm land within the halachic borders of *Eretz Yisroel*. As the security situation in the West Bank and Gaza has deteriorated, this type of setup – which, among other things, requires *Mashgichim* to ensure that the "Arab" produce isn't actually Jewish produce diverted to Arab lands – has become less practical.

A common thread between the previous two methods is that any leniency is based on the land belonging to non-Jews. In this regard, *Beis Yosef* and *Mabit* had a fundamental disagreement; the former held that such produce doesn't have *kedushas shevi'is* and the latter argued

that it does.¹ According to *Mabit*, it would be forbidden to sell the produce commercially or to export it from Israel (among other restrictions noted above). The custom in *Yerushalayim* and most communities is to accept the lenient opinion, while in *B'nei Brak* and some other areas they follow *Chazon Ish* who defended and promoted the strict position.² [All agree that the prohibition against *sefichin* doesn't apply to produce of a non-Jew's field].³

4. Otzar Beis Din

Farmers who participate in an *otzar Beis Din* do not do any prohibited work on their fields and allow public representatives to harvest any fruits that grow on their own. These fruits are sold to the public for the minimal cost needed to compensate the people who harvested and delivered the fruit to the market. The public representatives are appointed by a Jewish court (*Beis Din*), and in many cases the owner of the field is chosen to serve as the representative so as to provide him with some income during *shemittah*. Items distributed via *otzar Beis Din* have *kedushas shevi'is*.⁴

5. Use non-*shemittah* produce

Some companies make arrangements during *shemittah* to purchase ingredients from foreign countries or from parts of the State of Israel that are outside the halachic borders of *Eretz Yisroel*. A modern variation of this is to grow products in specially built greenhouses that are located in the borders of *Eretz Yisroel* but are technically considered to not be "produce of the land". Others, stockpile ingredients or finished goods from before *shemittah* so they'll be able to produce and service their customers during the *Shemittah* year.

Shemittah for Americans

Having seen the many issues relating to *shemittah* produce, **it is prudent for consumers in the United States to be alert for such produce and preferably avoid purchasing it.** This is most important for

¹ See *Avkas Rochel* 22:25 and *Responsa Mabit* 1:11, 21, 217 & 396. See also *Responsa Maharit* 1:42-43 (by the son of *Mabit*) who claims that *Beis Yosef* changed his mind later in life.

² See *Pe'as HaShulchan* 23:12 and *Chazon Ish* 3:25 & 20:7 who respectively defend the lenient and strict opinions.

³ *Rambam* 4:29.

⁴ The halachos of *Otzar Beis Din* are based on *Tosefta, Shevi'is* 8:1-3 (cited in *Ramban, Vayikra* 25:7) as clarified by the later *Poskim*; see many details in *Derech Emunah* 6:19.

fresh produce (peppers, tomatoes, dates, grapes, herbs etc.), and is also relevant to processed foods where consumers should be more careful to check for proper kosher certification than they are during other years. If someone already bought *shemittah* produce, they should consult with their local Rabbi for detailed instructions as to whether those foods are forbidden as *sefichin*, how to treat the food with *kedushas shevi'is*, and when and how to perform *biur*.

Americans who visit *Eretz Yisroel* during the *shemittah* year will have many more issues to confront – both relating to the foods they eat, and in making sure that they don't violate the intricate halachos of 'working the land'; details of those halachos are beyond the scope of this article.

End of shemittah

As noted above, the restrictions of *shemittah* produce commonly apply even after *shemittah* ends, particularly relating to fruits – where *shemittah* produce doesn't come to market until well into the *shemittah* year or the year after – and packaged goods with an extended shelf-life. This issue is particularly relevant to Jews in the diaspora who choose to use an *Esrog* from *Eretz Yisroel* for *Succos* 5769, and consumers are encouraged to seek guidance from their local Rabbi in dealing with this issue.

Lastly, there is one *mitzvah* of *shemittah* which applies to Jews in all parts of the world – *shemittas kesafim*. Briefly, this *mitzvah* requires that once *shemittah* ends, no one may claim a debt from anyone who owes them, unless the creditor has written a *pruzbul* before the end of *shemittah*.⁵ The details of this *mitzvah* are deserving of a separate treatment which is beyond the scope of this article.



Edible films

Most of us have become used to the fact that fruits and vegetables are often coated to retain moisture and preserve freshness, some candies are coated with resinous glaze (shellac) to make them shinier, and pills are coated with magnesium stearate to

smooth their pass through the pill-making machinery. There are kashrus issues with each of these types of coating, and they will IY"H be dealt with separately.

Enclosed you will find an article about research into a new technology to coat all types of foods – including fruits, vegetables and meat – with an edible, thin layer or film to protect the food from microorganisms that lead to spoilage and disease. The list of items currently being considered for use in these films includes crab and shrimp shells, egg protein, milk and whey. Thankfully, these films aren't yet being used commercially, but the article should alert us to the future possibility.



Edible Films

Pre-signing labels

A company is *kashered* about once a week and then produces kosher product for a day or so. The kosher product requires a Rabbi's signature, so after the *kashering* is completed, the Mashgiach signs the labels that the company will need for their kosher run and gives them to the company. He rarely stays around to watch the kosher production as he assumes that once they went through the hassle of *kashering* they'd have no reason to not immediately produce the kosher products.

One week the Mashgiach signed labels for – let's say – 14 kosher products and left the plant. He was passing by the plant a few hours later and dropped in unannounced to see what was happening. He wasn't so surprised to find that they'd already started to produce non-kosher products, but was suspicious when they told him that there were no kosher products to see as they had already been shipped out of the plant. With the cleverness of a seasoned Mashgiach, he chose to visit the lab where he found that there were only samples for 12 kosher products! At that point the employees "remembered" that 2 kosher products couldn't be run that morning as they had been missing some ingredients, so they switched into non-kosher mode and figured they'd get to those kosher products at some future time...and as you can imagine that was the last time the Rabbi pre-signed labels for that company.

⁵ The halachos of *shemittas kesafim* and *pruzbul* are delineated in chapter 9 of *Rambam*.