

THE HOT POTATO OF THE POTATO INDUSTRY



Rabbi Sholem Fishbane
cRc Kashrus Administrator



NO SMALL POTATOES

In his *Tiferes Yisroel* commentary to *Mishnah (Avos 3:14, Yachin 88)*, Rabbi Yisrael Lifshitz lists a number of non-Jews who made significant contributions to the betterment of humanity. He includes Edward Jenner, who invented the small-pox vaccine; Johannes Gutenberg, who created the printing press; and...Francis Drake, who is credited with introducing the potato to Europe. This is because potatoes are easy to grow in large quantities, easy to store, and immensely satisfying, and in fact have historically staved off mass hunger in many countries.

Within a few generations of their introduction, they became a basic element of the common diet, prompting Rabbi Yaakov Emden to successfully protest against those who wished to classify them as *kitnios*, explaining that the poor would starve on Pesach if they would be forbidden.

With this in mind, let's explore some of the *halachic* aspects of the not-so-humble tuber and how they play out in today's modern world.

BISHUL YISROEL BASICS

The laws of *bishul Yisroel* seem relatively straightforward. The Sages forbade us to eat food that was cooked by non-Jews; such food is known as *bishul akum*. There are, however, several important caveats:

- It does not apply to foods that are commonly eaten raw. For example, if a non-Jew baked an apple for you, you would be permitted to enjoy that apple, provided that you are certain that the utensils and ingredients were all kosher.
- It only applies to foods that are *oleh al shulchan melochim*, fit to be served on a royal table. Thus, if a non-

Jew cooked porridge in a kosher pot, that would be acceptable.

- If a Jew was involved in the cooking process, such as by lighting the fire, the food is acceptable.

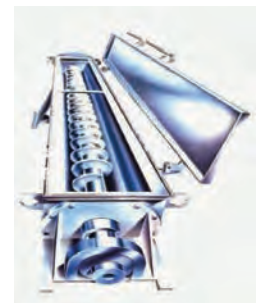
INSTANT POTATOES

When you purchase instant mashed potatoes, there is a good chance that the potatoes were processed in a large plant, where they underwent the following process:

PEELING: The potatoes are peeled in a process that involves shooting steam at them.

BLANCHING: The potatoes are briefly placed into hot water (between 150°F and 180°F) in a process known as blanching. This does not cook the potatoes, but releases gasses in a way that causes the finished product to be fluffier.

COOKING: The potatoes are cooked with steam for about 45 minutes in a long, horizontal tank called a “thermal screw conveyor” (see picture).



Thermal Screw Conveyor

MASHING: The potatoes are mashed into something very similar to mashed potatoes you would make at home.

DRYING: The mashed potatoes are spread onto the outside of a hot drum (which is heated from the inside using steam). This causes the water

to boil out of the mashed potatoes, leaving behind sheets of dry potato flakes.

THE MAINSTREAM APPROACH

Based on the above description, one would assume that a Jew must be involved in the process in order for the products to not be *bishul akum*. In fact, many smaller “heimishe” *hashgachos* take that position. However, most of the national kosher agencies do not require this, due to the following factors:

INEDIBLE:

Some have suggested that potato flakes are not fully edible, such that the Jew can participate in the cooking (and render them *bishul Yisroel*) when he reconstitutes them.

The mistakes with this approach are (a) our tests of instant potatoes showed that they are fully edible, and can even be reconstituted with cold water, and (b) there are situations where a non-Jew will be the one to reconstitute the potatoes, such as might occur in a caterer’s kitchen or when a flight attendant fills up your cup on instant potatoes on an airplane.

STEAM COOKING:

Shulchan Aruch (YD 113:13) rules that food prepared through “smoking” is not considered cooking for *bishul akum* purposes. That is to say that if a non-Jew smoked fish to make it edible, the fish may be eaten by a Jew. Some *Poskim* say that the same would apply to steam cooking. If so, since we have seen that the instant potatoes are cooked with steam, there is no need for *bishul Yisroel*.

This accurately reflects the position of many major kosher agencies, including the cRc, that food cooked by (direct) steam is not considered *bishul akum*. However, this is not universally agreed upon, and some notable *Poskim* who take issue with this leniency are Rav Chaim Ozer Grodzinsky (*Achiezer* 4:36) and *Shevet HaLevi* (9:162).

FACTORY PROCESSING:

Rav Moshe Feinstein is reported to have ruled that the concern of *bishul akum* never applies to food cooked in a factory. However, many *talmidim* of Rav Moshe¹ recount that his ruling was more nuanced. They say that Rav Moshe was only lenient when the cooking is done in a factory using a process or equipment, which is entirely different from the regular pots and pans found in a home setting. That is to say that if the factory cooks in a very large pot, the food is forbidden, since their pot is just a larger version of the pot that people have at home. But if they cook in an unusual piece of equipment – such as a thermal screw conveyor – which is nothing like what is used at home, there is no issue of *bishul akum*.

Most *hashgachos* do not accept this lenient ruling per se, but some will rely on it in cases where there are other possible reasons to be lenient (see *Minchas Yitzchok* 3:26:6). Instant potatoes are example of this, because they are cooked with steam, which some consider to be exempt from *bishul akum* concerns (as stated above).

As noted, there are those *hashgachos* which do not accept any of these reasons to be lenient, and therefore require that a Jew participate in the cooking of instant potatoes.

HOW FANCY ARE POTATOES?

Another factor to consider in this issue is the principle of *oleh al shulchan melochim*. We have seen that *bishul akum* only applies to foods that would be placed on a king’s (banquet)² table. In our context, this would mean something that is fancy enough to serve at a formal dinner. As you can imagine, this varies widely according to time and place.

Regarding potatoes, the *Aruch HaShulchan* (113:18) addresses this very issue, attesting that in his era, boiled or baked potatoes were the fare of poor people, and even if the wealthy would occasionally eat them, this was only due to their great abundance. However, he quotes an earlier authority who writes that in his time, potatoes were considered a delicacy, leading the *Aruch HaShulchan* to conclude that this is because in those days they were still somewhat rare.

How about nowadays? Are potatoes still something that would be served at a fancy banquet and therefore need to be cooked by a Jew? Probably they would be, and, therefore, as a rule, potatoes require *bishul Yisroel*.

This leads us to another question. What happens if the same food can be fancy or plain, depending on how it is processed? Let’s take potatoes as an example. Mashed potatoes are a respectable side dish, but potato chips are hardly a meal food. Would the fact that mashed potatoes are found on dinner tables mean that chips would also need to be cooked with Jewish involvement? This question is debated among the *Poskim*, and the view accepted by the major agencies is to differentiate between different dishes; thus, cooked potatoes require *bishul Yisroel* but potato chips do not.

Another issue that needs to be addressed is that the same food may be considered fancy in one locale but mundane in another. An example of this is the french fry. In the US, french fries are associated with fast food. On the other hand, in certain European countries they are invested with greater significance. The cRc policy is that if something is fancy at the place of production, *bishul Yisroel* is required wherever the food will eventually be eaten, even if it is not considered fancy in that place.

HASH BROWNS

Another potato product is hash browns (and the related potato dices). These are peeled just like instant potatoes but are then cooked in hot water to the point that they are passably edible. The product is then dried out, and the consumer finishes the cooking at home. The leniencies which apply to instant potatoes are not appropriate for hash browns, since they are cooked in “regular” equipment and with water.

What about the fact that they are not fully cooked at the factory? Is that justification for allowing a non-Jew to do all of the processing? The *halacha* about this type of scenario is clear. If a food is cooked to the point that it is even passably edible (*maachol ben drusoy*), it is considered cooked, and is forbidden unless a Jew participates in the end of the cooking process.³ Accordingly, if a Jew was not part of the cooking in the factory, the hash browns would be forbidden as *bishul akum*, but since they are not fully cooked, they can be “saved” if a Jew finishes the cooking at home.

Should such items be certified as kosher? Some have taken the position that since the Jewish consumer will finish the cooking, the hash browns can be sold with a kosher logo, even though no Jew participated in the cooking at the factory. The cRc did not accept this argument. Essentially, the hash browns are leaving the factory as *bishul akum* and someone certifying this as kosher is hoping or assuming that a Jew will finish the cooking. In fact, there are plenty of scenarios where a Jew will not be involved in that final cooking. Therefore, it is inappropriate to label this item as kosher, when (a) it is not currently kosher, and (b) it is not sure that it will “become” kosher at a future date.

FRENCH FRIES

Unique to frozen french fries is that they are only partially cooked in the factory. If that partial cooking was done by a non-Jew, are they forbidden as *bishul akum*?

Having chewed on many kinds of defrosted fries, I can attest that the degree to which they are cooked in the factory varies greatly. Some are barely edible, and some have the consistency and taste of fully prepared food.

As we have seen earlier, if a food is cooked to the point that it is even passably edible (*maachol ben drusoy*), they are considered cooked and are forbidden as *bishul akum*, but if they are completely raw, then the non-Jew’s “cooking” did not accomplish anything, and the food is permitted.

With this in mind, let’s consider the following experience that I had.

The cRc was asked to provide certification for a special run of

frozen french fries produced in Belgium. There is a *Mashgiach* who lives nearby, who is a familiar face in that factory, having provided supervision for similar runs done on behalf of several Jewish brands. The procedure was that the factory equipment would not be used for 24 hours (rendering them *aino ben yomo*), he would check the potatoes and the oils, turn on the fryers, and ensure that everything was done properly.

The company requested that we label the product as *bishul Yisroel*, as the *Mashgiach* had indeed turned on the fires.

We responded that we could not in good faith write that it was *bishul Yisroel*, since the equipment had not been *kashered* following the previous non-*bishul Yisroel* run, and the accepted practice is that utensils used for non-*bishul Yisroel* food must be *kashered* before they are used. For his part, the *Mashgiach* claimed that the issue was moot, since he followed the well-accepted approach that french fries need not be *bishul Yisroel* in the first place due to their not being *oleh al shulchan melachim*.

While we agreed with his overall assumption that french fries do not require *bishul Yisroel* and would certify french fries made that way, we could not go along with his position. It would be disingenuous to label the product as “*bishul Yisroel*”, since the people who seek *bishul Yisroel* fries are not those who surely expect that the equipment was properly *kashered* from all non-*bishul Yisroel* residue.

An interesting post-script - in early 2020, a french fry shortage arose, and several companies who would have generally preferred to purchase *heimishe* brands looked into the french fries we certified. Noticing that they were not labeled *bishul Yisroel*, they asked us for the inside scoop and were grateful to learn the reason why we refused to mark them as such. Indeed, they told us, they are sensitive to this concern and were glad to know that the fries were not up to their standards.

Who would have thought that potatoes, the simple Pesach staple, could be so complicated? Next time you eat some instant potatoes, fry some hash browns, or order french fries at a restaurant, you’ll understand that sometimes there is more than meets the eye. ▲

ENDNOTES

- 1 Including Rabbi Chaim Yisroel Belsky zt”l and *yibudel l’chayim* Rabbi Nota Greenblatt Shlit”a.
- 2 According to the Chazon Ish, anything served to a king – even when he eats in private – is considered *oleh al shulchan melochim*; for this reason, the Chazon Ish would not eat canned sardines cooked by non-Jews since he had been told that the Queen of England would eat them for breakfast. However, most *Poskim* assume that *oleh al shulchan melochim* is judged by what the king would serve at a formal, State dinner.
- 3 The text follows Ashkenazic tradition. Sephardim rule that once the food is cooked by a non-Jew to the point that it is passably edible, it can never become *bishul Yisroel*.