

ENCOUNTERS

A WEEKLY PUBLICATION OF CHICAGO COMMUNITY KOLLEL

General Editor: **Rabbi Yoel Steinmetz** Roshei Kollel: **Rabbi Dovid Zucker, Rabbi Moshe Francis**



KASHRUS

JANUARY 31, 2020 / פרשת בא / ה' שבט תש"פ

IS YOUR WINE REALLY MEVUSHAL? PART 1

Rabbi Akiva Niehaus



Wine is front and center at many important occasions celebrated by Yidden, whether at a *bris*, *pidyon haben*, *chasunah*, *sheva berachos*, or *Pesach Seder*, as well as at the recitation of *birkas hamazon*, *kiddush*, *havdalah*, etc. Wine is a vehicle to infuse *kedushah* in our lives, so it is especially imperative that we first verify that the wine we use is kosher to the highest degree. One of the most challenging elements of kosher wine production is ensuring that the wine has been produced at every stage of the process by *shomrei Shabbos*, avoiding all contact with non-*shomrei Shabbos*.

Stam Yeinam Background

The *Gemara* (*Avodah Zarah* 29b) states that it is biblically forbidden to consume or derive benefit from wine that was used for idolatrous libations (known as *yayin nesech*). The *Gemara* (*ibid.* 36b) further says that Chazal extended the prohibition to include wine which came into contact with non-Jews (known as *stam yeinam*, general wine) for two reasons: concern that the wine may have been used for libations, and the need to avoid any chance of intermarriage. There is a discussion in the *Poskim* if *stam yeinam* nowadays, due to the minimal idolatrous activity, is forbidden for benefit or not. The answer mainly depends on which of the above two reasons is the primary intent.

Mevushal

The *Gemara* (*Avodah Zarah* 30a) writes that wine which is *mevushal* (cooked) cannot become forbidden due to *stam yeinam*. The *Gemara* records that Shmuel actually drank *yayin mevushal* together with Avlet, a non-Jew.

There are a number of reasons given for this allowance. The *Rosh* (*Avodah Zarah* #13) writes that it's unusual to cook wine, and Chazal did not enact decrees for unusual situations. Others explain that because idolaters do not use cooked wine for libations, Chazal did not forbid it (*Rambam, Hil' Ma'achalos Asuros* 11:9 and *Tur YD* 123:3, based on *Gemara Avodah Zarah* 29b). The *Rashba* (*Avodah Zarah* 30a) writes that *mevushal* wine wasn't included in the decree of Chazal because it doesn't taste like wine, and people no longer refer to it as wine; rather, they call it "cooked wine."

NOTE: Wine which is already forbidden (i.e., it has already come in contact with non-*shomrei Shabbos*) does not become permissible via *bishul*; *bishul* only helps kosher wine avoid issues of *stam yeinam*.

Qualifications of Mevushal

At this point, it is necessary to explore the qualifications for wine to be considered *mevushal*. *Beis Yosef* (*YD* 123:3) cites the *Rosh*, who rules that wine is considered cooked when "it is heated over a fire." He then brings the *Ran* (*Avodah Zarah* 10a), who cites the *Ramban* as



requiring the wine to be minimized during the cooking process.¹ This seems to differ with the first opinion, but the *Ran*, as well as the *Rashba* (*Toras Habayis*), conclude that they are one and the same, i.e., through heating wine over a fire, the wine decreases, albeit minimally.

Shulchan Aruch (YD 123:3) rules that kosher wine which was cooked does not become prohibited when it comes in contact with non-*shomrei Shabbos*, and it is considered cooked when it is heated over a fire – like the opinion of the *Rosh* cited above. Based on the way he explained this ruling in the *Beis Yosef*, this means that the minimal decrease during the heating process is sufficient to render it *mevushal*.

Temperature

The words of the *Shulchan Aruch* indicate that “heating” the wine is sufficient. What is the temperature required for this heating? The answer to this question

depends largely on our understanding of a curious statement of the *Shach*. The *Shach* (123:7) comments on this halacha that the wine must be minimized during the boiling process. What is the *Shach’s* intention in adding this comment? After all, the *Beis Yosef* concluded that standard heating accomplishes the required level of minimization, so what is he adding on? There are two general approaches to answering this question.

Some *Poskim* (see *Shevet HaLevi* 2:51, *Minchas Yitzchok* 7:61) explain that the *Shach* is arguing with the opinion of the *Shulchan Aruch* and concluding that substantial minimization is required, and that this is accomplished only through higher temperatures (although it should be noted that the simple reading of the *Shach* seems to indicate otherwise). In fact, this is also the position of the *Chochmas Adam* (75:10), who rules that the wine must be “fully cooked until it is minimized.” It’s unclear what temperature is required to reach this threshold, but it is likely above 190°F or close to 200°F.²

However, *Igros Moshe* (YD 2:52, *ibid.* 3:31) writes that wine is considered *mevushal* when it is heated to *yad soledes bo*, and this temperature is sufficient to cause a minimal decrease. He explains

that the *Shach* agrees with the above and is simply stating an alternative method to determine when the required temperature of *yad soledes bo* is reached, namely, when the product shows a minimal decrease. Therefore, he rules that bringing the wine to around 175°F is sufficient.³

Common practice appears to follow the position of *Igros Moshe*, but it is well-known that the Tzeilimer Rav required wine to be heated to 190°F, closer to boiling temperature. It is unclear what the rationale behind this temperature is, but it may be that the Tzeilimer Rav understood the *Shach* and *Chochmas Adam* to be disagreeing with *Shulchan Aruch* and concluding that simple heating is insufficient. Substantial quantity loss is necessary, which only occurs at higher temperatures.

Next week we will IY”H discuss the common practice of pasteurization to determine if it qualifies as mevushal.

Rabbi Akiva Niehaus, Rabbinical Coordinator, cRc-Kosher, is the author of Sherry Casks: A Halachic Perspective, a ground-breaking work discussing the kashrus of Scotch in the modern-era. He is the General Editor of Yom Tov Encounters, published by the Kollel, and an alumnus of the Kollel.



1 The source for this is the *Gemara Yerushalmi* (*Terumos* 11:1), which states that one may not cook wine of *terumah* because it minimizes during the cooking process, and it is forbidden to cause a loss of *terumah*. The *Ramban* derives from here that wine must be minimized to be considered cooked.

2 As an aside, *Minchas Yitzchok* (7:61:1) writes that cooking in a vacuum can be considered *mevushal* even at lower temperatures (such as 140°F), provided that some of the wine evaporates during the cooking process.

3 See also *Igros Moshe*, YD 3:31 where Rav Moshe Feinstein notes that 165°F is sufficient to be considered *yayin mevushal*. (Elsewhere, Rav Moshe says other temperatures are sufficient; see *Igros Moshe*, OC 4:74:3 that 160°F is sufficient regarding cooking on Shabbos, and *Igros Moshe*, YD 1:60 that 170°F is sufficient to be considered *yad soledes bo* to *kasher* a factory from non-kosher glycerin.)

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KASHRUS

FEBRUARY 7, 2020 / י"ב שבט תש"פ / פרשת בשלה

IS YOUR WINE REALLY MEVUSHAL? PART 2

Rabbi Akiva Niehaus

Last week we discussed the qualifications of cooking wine to be considered yayin mevushal, thereby avoiding the issue of stam yeinam. This week we will explore the common practice of pasteurization.

Pasteurization

In the late 1800s, Louis Pasteur discovered that food spoils due to the presence of microorganisms, and that heating liquids can prevent them from spoiling. This method was particularly implemented to protect wines and beers from diseases by heating to temperatures around 130°F (55°C).¹

In the past, winemakers often employed this method to avoid spoilage; today many winemakers do not pasteurize wine but employ other methods to avoid spoilage (such as the addition of sulfur dioxide or sulfites²).³ As is well-known, pasteurization is one of the methods employed to allow wine and grape juice to be considered *mevushal* (and allow

contact with non-*shomrei Shabbos*). This is more often than not being done for the religious requirement of *yayin mevushal* – not for spoiling or quality concerns. The balance of this article will discuss the various methods of pasteurization and their adequacy in making *yayin mevushal*.

Methods of Pasteurization

We will discuss two primary methods of pasteurization:

1) Vat Pasteurization

The original method of pasteurization was accomplished via an open pot in which the product was cooked and then cooled down. This process, known as vat pasteurization, necessitated a long wait until the correct temperature was reached, and certainly caused wine to be diminished both in quantity and quality during the cooking process. Wine pasteurized via vat pasteurization is certainly considered *mevushal*.

2) Flash Pasteurization

Since vat pasteurization causes a loss of quality, contemporary wineries generally employ a more effective method of pasteurization. The more common method utilized today is flash pasteurization, where the product is heated quickly in a closed-loop pasteurizer, and then quickly cooled to avoid compromising the quality.⁴ However, due to its efficiency, there are many potential issues with this process. Many Poskim discuss whether or not flash pasteurization can be considered *mevushal*, and the discussion revolves around the following three issues: 1) flash pasteurization has become very prevalent over the years, 2) the flavor of the wine/juice is minimally impacted, and 3) the product is generally not diminished during cooking. Let us explore these issues.

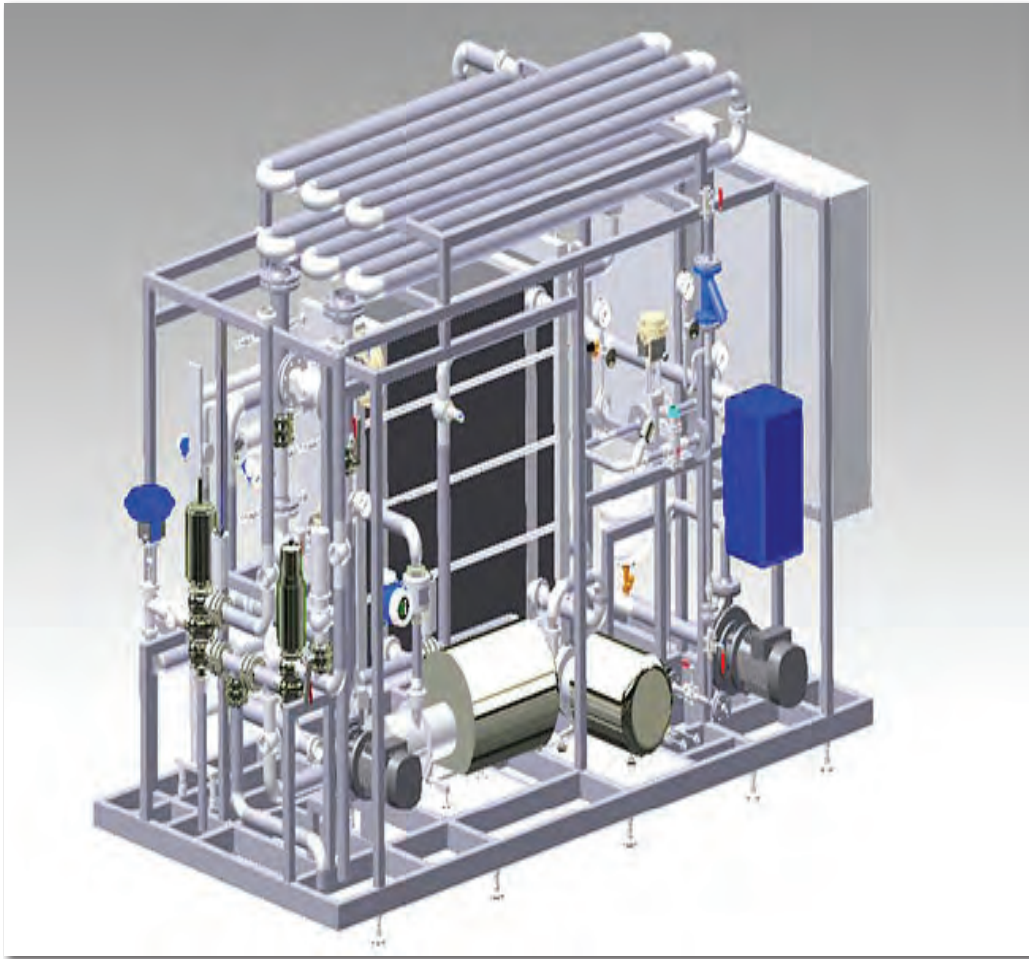
Issue #1 *Kovetz Teshuvos* (1:75) notes that according to the *Rosh* (cited above),

1 Pasteurization is accomplished by finding the right balance between temperature and time. Lower temperatures require more time, whereas higher temperatures require less time.

2 According to federal guidelines, the label must state a sulfite declaration (such as "Contains Sulfites") if the total sulfur dioxide or a sulfiting agent is detected at 10 p.m. or more.

3 Another utilization of pasteurization is to stop the yeast from further fermentation. Yeast naturally dies when the wine reaches an alcohol level of around 14-18%, but pasteurization can be employed at lower alcohol levels to stop the fermentation process (and keep the wine sweeter). Alternative methods include the addition of chemicals such as sulfites or potassium sorbate.

4 There are two primary types of flash pasteurizers: shell-and-tube (or tube-in-tube) and plate-and-frame. The former consists of a tube surrounded by multiple tubes, all wrapped in a larger shell; the product is pumped through the center tube while steam is pumped through the exterior tubes, thereby quickly heating the product without it coming in contact with the heating medium. The latter method consists of multiple flat plates imprinted with channels pressed against each other; the product goes through one side and steam goes through the other, in alternating patterns. The latter method is more efficient, but can only be used for light, viscous products; products which are thicker and have some density cannot be used in a plate pasteurizer because they will quickly clog the small channels.



so, perhaps this method is still considered uncommon.

Issue #2 Rav Shlomo Zalman Auerbach zt"l (*Minchas Shlomo* 1:25) notes that unlike traditional cooking methods, flash pasteurization does not markedly alter the flavor of the wine. As mentioned above, the leniency of *yayin mevushal* according to *Rashba* is because cooked wine doesn't taste like standard wine. Since it appears that wine which underwent flash pasteurization changes only minimally, it's unlikely that the average person would refer to it as cooked wine. Therefore, he rules that flash pasteurization is not considered *mevushal*.⁵

There are several approaches to address this concern:

Some argue that the taste is indeed compromised. In a footnote to the above *teshuvah* in *Minchas Shlomo*, the author notes that he received a letter from a prominent Rabbi in America, who wrote that he visited France and Spain and he found that the winemakers refused to pasteurize their wines because the quality is diminished during flash pasteurization.⁶ In response, Rav Shlomo Zalman writes that he consulted with three additional experts who confirmed that flash pasteurization has at most a minimal impact, and it would not qualify for the leniency of *yayin mevushal*.

Even if we accept that the wine isn't significantly compromised during flash pasteurization, it's quite possible that we don't *pasken* like the *Rashba*, and there's no requirement that the flavor be diminished. The primary *Poskim* do not cite this requirement of the *Rashba*,

the leniency of *mevushal* is based on the fact that cooking wine is uncommon. Now that flash pasteurization has become prevalent over the years, it shouldn't qualify as *yayin mevushal*.

There are a number of approaches to address this concern:

Some *Poskim* (*Minchas Yitzchok* 7:61:1; see *Minchas Shlomo* 1:25) explain that those locations which rely on flash pasteurization apparently understood that the leniency of *yayin mevushal* is based on the conditions at the time of the decree. Since cooked wine was uncommon at the time this decree was

instituted, it wasn't included in the decree, even if later on it became common to cook wine.

Some suggest that, in truth, flash pasteurization is not as common as reported. Although it is an effective tool to deter wine spoilage, many wineries utilize other methods, as mentioned above. Further, even if wineries utilize flash pasteurization, it is generally done at lower temperatures, such as 140-160°F, which is sufficient to destroy harmful bacteria. Using higher temperatures, such as 175-190°F, is unusual and only done for *kashrus* reasons, to avoid *stam yeinam*. If

5 *Minchas Shlomo* writes that this ruling actually results in a leniency. As a general rule, one may not decrease the quality of Shemittah wine, and thus one may argue that Shemittah wine may not be pasteurized. However, based on his ruling above, he rules that it is permissible to pasteurize Shemittah wine because this does not result in a loss of quality.

6 It should be noted that famed wine critic Daniel Rogov completed a four-year project in 2010 comparing *mevushal* vs. non-*mevushal* kosher wines of the same edition or series, and he claimed that the vast majority of European and South American *mevushal* wines reflected negatively on release. The same applied to the lower-end series of wines produced in the United States. However, the better *mevushal* wines of the United States, in particular of California, showed very little, if any, difference in aroma and flavor profiles. (As an aside, he noted that wines which were flash pasteurized in the must stage [prior to fermentation] tend to age and develop far better than those that were flash pasteurized as wine. In many cases, flash pasteurization of the must actually improves the quality of the wine.) (bit.ly/MevushalWine)

and in fact, the Beis Yosef cites the Rashba and noticeably omits these words. Perhaps according to halacha we don't require that the taste be changed via cooking.

Issue #3 *Ohr L'Tzion* (2:20:18) notes that according to the *Shach* and other *Poskim*, the wine must be diminished during the *bishul* process. Since flash pasteurization takes place in a sealed, closed loop, it presumably doesn't cause any decrease of wine/juice. Therefore, flash pasteurization should not qualify as *yayin mevushal*.

There are a number of possible approaches to answer this concern:

Rav Ovadya Yosef *zt"l* (*Yabe'a Omer*, YD 8:15:1) writes that the requirement that the product must be diminished is simply a method of verifying that cooking took place – but it's not an absolute necessity. Since the wine was heated to sufficient temperatures, the product is considered *mevushal* even without any product loss.

Minchas Shlomo (1:25) notes that during pasteurization, water (steam) separates from the product (but it can't escape since it's in a closed pipe). Although at the end of the process it eventually condenses and falls back into the wine, this is considered as if the product has been diminished.

Even if one holds that the actual product must be diminished, some claim that the wine is indeed diminished during flash pasteurization. In order to avoid concerns that the pasteurizer may get too hot or pressurized, flash pasteurizers are designed with a release valve which is automatically released when the product gets too hot or pressurized. As long as the release valve is activated during the cooking process, some product – albeit minimal – escapes during pasteurization, thereby qualifying the wine as *mevushal*.

However, it's unclear if in reality the release valve is activated during pasteurization; after all, the release valve is generally intended to be activated only when something isn't working well. It appears that the only way this can be assured is if the pasteurizer is monitored by a reliable *mashgiach* who actively opens the release valve periodically in order that some product should literally be lost.

Summary

To summarize, a number of concerns have been raised regarding the acceptability of flash pasteurizers in making *yayin mevushal*: 1) flash pasteurization has become very prevalent over the years, 2) the flavor of the wine/juice is minimally impacted, and 3) the product is generally not diminished during cooking.

The following points counter these issues:

- 1) Some suggest that although flash pasteurization may be common nowadays, it wasn't included in the original decree because then it wasn't common, or perhaps pasteurization at high temperatures is uncommon,
- 2) Perhaps the wine flavor is truly impacted, or the halacha is that the flavor need not be impacted during cooking, and
- 3) Decrease of wine is simply a method of verifying that the wine was cooked, or since water/steam separates from the product during pasteurization, it's considered as if the wine was diminished, or flash pasteurizers have a release valve which can open during pasteurization to release a small amount of product; if the valve is released periodically during the pasteurization process, the wine can be considered to have been diminished.



Next week we will IY"H explore a new method of pasteurization.

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FEBRUARY 14, 2020 / י"ט שבט תש"פ / פרשת יתרו

IS YOUR WINE REALLY MEVUSHAL? PART 3

Rabbi Akiva Niehaus

Last week we discussed two methods of pasteurization and their acceptability as making mevushal wine. This week we will explore a new method.

Flash Détente

The standard methods of pasteurization discussed previously refer to the process of cooking the juice in a pasteurizer. In theory, an alternative method to make mevushal wine is to cook the actual grapes prior to crushing and extracting the juice.¹ The challenge with cooking the grapes is that it may significantly impact the quality of the juice, but a great solution may be to utilize a newer technology called flash détente (pronounced day-tont) or flash release, also referred to as thermovinification, which heats the grapes in a specialized vacuum.²

Once the grapes are picked, they are transported directly to the flash détente machine and heated whole to about 175-190°F, then immediately cooled to about 80°F in a vacuum chamber. This technology



was created during the 1990s in the south of France, and has been used extensively in Europe, South America and Australia, though it only hit the U.S. in 2009. It is used widely by non-kosher winemakers; benefits of this technology include increased color extraction as well as heightened fruitiness and softer tannins. It is particularly helpful for regions characterized by cool conditions that may not let the fruit fully develop or humidity that causes excessive mold and rot.

The main phases of the flash treatment are straining, rapid heating of the crushed grapes, and instantaneous expansion under a strong vacuum, causing the cells of the grape skins to burst from the inside – causing an audible pop, pop, pop – allowing for better flavor and color extraction.³

After this heating and cooling process, three components exist: the colored juice, skins with removed color and flavors, and a condensate containing the flavors. Different options exist regarding the application or further treatment of the components. The juice can be fermented as such, or added back to the skins for further skin maceration to extract more tannins; the flavor condensate can also be added back if desirable, or removed if undesirable.

Is it sufficient to cook the grapes and not the wine/juice to be considered mevushal? Avnei Nezer (3:113:20), in his discussion of raisin wine, writes that cooking the grapes is not sufficient to be considered mevushal



"...consumption of stam yeinam is so harmful that one uproots his soul from any connection with kedushah. One who is careful to avoid these issues, however, will merit to partake in the special seudah which will be served when Mashiach arrives, and enjoy the succulent Livyasan and exquisite wine reserved for tzaddikim."

(Chochmas Adam 75:1)

1 Wine becomes forbidden due to stam yeinam only after hamshachah – when the juice starts to separate from the grapes. There is no prohibition while the juice is within the grapes.

2 It is highly unlikely that grapes could be cooked in a flash pasteurizer. The primary challenge is that a standard pasteurizer is intended for liquids – not solid products – and will quickly get clogged when heating grapes. The only option would be to use a modified shell-and-tube flash pasteurizer with extra-large tubes to accommodate grapes (as opposed to a plate-and-frame which is intended for light, viscous liquids). But it's unclear how this process (without the specialized flash détente equipment described herein) would impact the quality of the wine.

3 Since the seeds don't contain water, they don't explode and release the more bitter tannins.

because Chazal only permitted cooked wine – not cooked grapes – and we cannot definitively say that cooking grapes is the same as cooking wine. After all, perhaps wine produced from cooked grapes would be used for libations.⁴ However, *Igros Moshe* (YD 1:50) writes that cooking the grapes is equivalent to cooking the juice/wine and it is considered *mevushal*.⁵

The advantage of flash détente over standard pasteurization is huge: *Mevushal* via flash détente takes place right after harvest, and allows non-*shomer Shabbos* workers to be involved in the production/tasting process, as opposed to flash pasteurization, which is generally done *after* production, prior to bottling, requiring *shomrei Shabbos* to be fully involved in the entire process, from the crush until pasteurization.⁶ As mentioned, many wineries use flash détente to improve their own wine, irrespective of kosher purposes; its usage would alleviate many *kashrus* concerns. However, this process requires specialized machinery which may not be available in kosher wineries.

Common Practice

Most wines nowadays are pasteurized via flash pasteurization and in the previous segment, we discussed numerous potential issues with this method. Common practice amongst many reliable *kashrus* agencies (both in America and abroad) is to rely on flash pasteurization. Although flash pasteurization can be employed at various temperatures, they generally ensure that it takes place above 175-180°F (perhaps even higher) in order to accommodate the opinion of *Igros Moshe* mentioned above.

Position of the *Igros Moshe*

It should be pointed out that some have cited *Igros Moshe* as proof that

flash pasteurization is sufficient to make *yayin mevushal*, because he discusses pasteurization in multiple *teshuvos* and his primary concern is to ensure that the minimal temperature has been achieved. If the required temperature is achieved, this is considered *yayin mevushal* – and *Igros Moshe* seemingly isn't concerned with the issues raised above. However, it's crucial to note that he was likely discussing standard cooking or vat pasteurization – not flash pasteurization. This assumption is strengthened by the fact that he mentions (*Igros Moshe*, YD 3:31) that wine is often diminished by 10% during the cooking process, something which surely doesn't take place during flash pasteurization. Thus, there is no proof from *Igros Moshe* regarding the acceptability of flash pasteurization.

Conclusion

In conclusion, wine which is cooked (*mevushal*) is not subject to concerns of *stam yeinam*, and does not become forbidden if it comes into contact with non-*shomrei Shabbos*.

There are currently three methods of making *mevushal* wine: 1) standard cooking/vat pasteurization, 2) flash pasteurization, and 3) flash détente. The first method is surely considered *mevushal*, and the third is also acceptable according to many *Poskim*. The second method, flash pasteurization, is the primary method of pasteurization nowadays, and a standard bottle of wine purchased nowadays which states *mevushal* on the label, should be assumed to be flash pasteurized.⁷ This method, flash pasteurization, is questionable for numerous reasons, as discussed in a previous segment. Although many *Poskim* rule that it is not acceptable, it is commonly accepted to rely on flash pasteurization as *mevushal*, in accordance with the *Minchas Yitzchok*

In a sign of transparency, many Israeli *hechsherim* note on the label that their wines are *mevushal* via flash pasteurization, writing, "מבושל ע"י" – פיסטור – *bishul* was done via (flash) pasteurization."

However, according to our research, even those wines from Eretz Yisrael which simply state "*mevushal*" (without the above disclaimer) are assumed to have been cooked via flash pasteurization.

and *Yabe'a Omer*, provided that the wine is brought to temperatures mandated by the *Igros Moshe*. One who wishes to avoid the issue can treat his *mevushal* wine as if it is non-*mevushal* (such as keeping the wine from coming into contact with non-Jewish household help, and not drinking wine poured by non-Jewish waiters at events and *simchos*).⁸ Wines which are sold as non-*mevushal* are truly free of any concern.⁹

Let us conclude with the words of the *Chochmas Adam* (75:1), who states that consumption of *stam yeinam* is so harmful that one uproots his soul from any connection with *kedushah*. One who is careful to avoid these issues, however, will merit to partake in the special *seudah* which will be served when Mashiach arrives, and enjoy the succulent *Livyasan* and exquisite wine reserved for *tzaddikim*.

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4 His second reason, which only applies to raisin wine, is that it is common to heat grapes to make raisins, and the rationale of the Rosh doesn't apply. However, this doesn't appear to apply to cooking grapes for wine production, which is surely uncommon.

5 This is also the position of *Amudei Ohr* (6:5) as cited in *Har Tzvi* (YD 112), who explains that the wine is produced from a cooked item (the grapes) so that the juice is also cooked retroactively.

6 It should be noted that a similar advantage can be achieved if the juice is flash pasteurized while still in the must stage (fresh grape juice) instead of waiting until the product is fermented and aged, prior to bottling. However, a mashgiach would still be needed to isolate the product from non-*shomeri Shabbos* from after the *hamshachah* (when the juice is separated from the grapes) until the pasteurization during the must stage, as opposed to flash détente, which has the benefit of never allowing the juice to become *stam yeinam* at all.

7 Bottles which don't mention *mevushal* on the label should be assumed to be non-*mevushal*.

8 However, one would need to verify that the winery only utilizes *shomeri Shabbos* employees after pasteurization until the final bottling.

9 As an aside, it can be challenging to find qualified *mashgichim* to oversee and participate in the production of kosher wine. After all, it is crucial to have exclusively *shomeri Shabbos* participate in the grape crush exactly when the grapes are ready for harvest. This often takes place in September or October, around the *Yomim Nora'im*, when finding qualified *mashgichim* who don't have obligations to other jobs and family can be difficult.