

KOSHER LIST

THE ROAD TO CERTIFICATION

People like to think that back in the “good old days”, everyone bought fruits, vegetables, spices, and grains and used them to create their own foods, and when they needed a medicine, the doctor told them which herbs to blend as a remedy. But the truth is that even then, there were *halachic* questions about purchasing food items produced by others. For example, *Shulchan Aruch* discusses whether there are *kashrus* concerns when one purchases fish fillets, roe, eggs, pomegranate juice, and pickles, and whether one can use standard honey, raisins, and sugar for Pesach.¹

As food production has become more industrialized and technologically advanced, there has been an even greater need for consumers to have information as to the kosher status of the foods they buy. We can illustrate this situation using some of the examples noted above. Nowadays, pomegranate juice is pasteurized on equipment that might have been used for non-kosher grape juice, and sugar processors use an enzyme to increase yield. How should consumers determine which products they can eat?

One part of the solution is that a cadre of Rabbis across the world have developed an expertise in food production technology, so they can understand the potential issues and solutions. But how do they share that information with consumers? Specifically, how can they advise consumers which products and brands are suitable for consumption? The obvious answer is that as soon as a Rabbi determines that a food is kosher, he could add that to his “list” of approved items and share that list with his constituents.

But that raises a few issues – logistics, *halacha*, and viability. On a logistical level, how will information be shared and updated? Secondly, many foods will be permitted *b'dieved* but not *l'chatchilah*. Should consumers be told these are acceptable for use, since technically they are? Is it proper for people to regularly eat foods that are only kosher *b'dieved*?

But even more significantly, the only way for Rabbis to stay up to date with food technology is for them to be deeply engaged with food producers. That is how they understand issues relating to equipment, supply chains, ingredient production, trends, and



other information. If the Rabbi hangs up a sign that cookies from Brand X are acceptable for use, that helps kids today, but if the Rabbi does not regularly interact with the cookie company how will he know, for example, if they start adding a dough conditioner (or otherwise alter their recipe or production)? For that matter, if no one devotes their full energies to kosher food production, how will there be any Rabbinic experts who know what a dough conditioner even is, let alone know that the conditioners sometimes include an ingredient made from human hair or chicken feathers?

One resolution to all of these issues has been the institution of formal kosher certification. Rabbis have full access to oversee production at the certified facilities, and in turn the manufacturer is granted permission to place a kosher logo on their packaging. Manufacturers see a value in being able to display the logo – to serve both Jewish clients and many others (e.g., vegans who know that pareve foods are free of animal byproducts), and the fees they pay for that right allow Rabbis to be full-time *kashrus* professionals. This system has succeeded in ways that few

could have imagined, to the point that being certified kosher is considered a standard requirement in many industries.

The description of kosher certification given above is by no means universal. In the United States and Canada, basic food items are widely available with kosher certification, and, therefore, in those countries there are no lists of approved pastries, snacks, or just about any other processed food. Consumers know that if the products bear the logo of a reputable agency, the product is kosher *lchatchilah*. In general, if there is no logo, then they should not eat it. While this is a sign of wonderful progress, there are many exceptions to the rule, as we will see in the following paragraphs.

Soft drinks

Kosher agencies agree that the flavor component of soft drinks requires *hashgacha*, since it may very well include non-kosher ingredients that are not *batei*. In fact, the factories which

produce the flavor syrups for all three large American soft drink manufacturers are certified kosher by reputable agencies. But the syrups are shipped from those factories to bottling plants across the country, where other ingredients (e.g., carbonated water and sweetener) are added, and many of those plants are not certified kosher. Why then can consumers drink these beverages if there is no *hashgacha* for the bottling plant?

The answer is simple. Most agencies agree that there are minimal concerns with the added ingredients or the bottling equipment, and, therefore, they tell consumers that if the syrup is certified kosher, then it is permitted to drink that beverage, even though there is no oversight on the bottling. How will consumers know which syrups are certified? Some *hashgachos* – including cRc – collate the information of certified flavor syrups and create “lists” of approved soft drinks.

Is this a good idea or not? It is clearly helpful to consumers who now know which soft drinks to buy and which to avoid, and thousands of people take advantage of this information every day. But on the other hand, as we have seen earlier, it would be in the best interest of the kosher-consuming public if the bottling plants were certified. Yet, the existence of a list of approved beverages effectively discourages bottling plants from becoming kosher-certified. So, should the agencies help consumers today, or should they withhold the information to advance *kashrus* in the long term?

As the reader might imagine, Rabbis have differing views on this issue. That said, even those who once encouraged “beverage lists” may slowly change their minds, as more and more bottling plants become certified, and it becomes easier for consumers to find soft drinks that carry a kosher logo on the package.

Liquor

A somewhat similar issue applies to liquor. Liquor was traditionally made from simple ingredients and was assumed to be kosher. (Some obvious exceptions were brandy and certain other beverages made from wine/*stam yayin*.) But with time, manufacturers started experimenting with new ideas – such as adding flavors or other ingredients to certain products or aging whisky in wine casks – and people also became aware of other issues, such as some companies that are owned by Jews who do not sell their *chametz* for Pesach. As each of these revelations came to light, kosher agencies would alert the public of the problematic liquors. With time, the general assumption that “all liquor is okay” became whittled down to the point that *hashgachos* began producing lists indicating specific brands that are permitted (i.e., simple, and without any of the known issues), and others that should be avoided.

At what point are these lists counterproductive? If *kashrus* issues keep coming to light, could it be time for people to only consume liquor which is certified as kosher and for agencies to stop preparing lists? That would surely encourage liquor

companies to become certified and serves the long-term interest of *Klal Yisroel*, but that will be a slow process which would take many years. What about the people who will have few options for liquor while this situation improves? Is it right to not provide them with a list?

Here again, not all Rabbis agree on the correct approach. Furthermore, in recent years there has been a noticeable uptick in the number of certified liquors, and this trend might influence people’s approach going forward.

Medicine

A very different question is the preparation of lists of approved (and not approved) medicinal products. Very few of these products carry certification, and in many cases, people cannot simply choose to “do without”. And in a way, exactly the opposite is sometimes true. There are some people who will choose to not take a medicine if they do not know that it is kosher, and, in doing so, might be taking a risk that is not *halachically* sanctioned. Thus, the need for reliable information is important. Medicines use many of the same ingredients as foods, which means that Rabbis involved in *hashgacha* are a logical choice for the people to create lists of approved medicines. Based on all of these factors, cRc and other *kashrus* agencies have undertaken the responsibility of helping consumers navigate these decisions.

But in many ways, the creation of a medicine list is very different from the others we have discussed. Here the goal is not to provide medicines that are “certifiable”, but rather to consider the condition or illness that the user is suffering from and determine if it is *halachically* permitted for him to consume this item. Is the chance of non-kosher ingredients or products minimal enough that the letter of the law permits this item? Is the medicine even edible? What ailment does it treat, and is the medical need serious enough to allow leniencies? Are there alternatives which have less significant *kashrus* issues?

Essentially, the list is prepared with the following mindset: a consumer approaches the Rabbi with a medicinal item and asks, “Can I take this?” If you were the Rabbi, what would you answer to that question? If the answer is that he can or should take it, then it is listed as “recommended”, and if a Rabbi would say that the person should not take it or that he needs certain additional information (e.g., how ill the patient is), then the listing is marked accordingly.

Thus, the creation of a list of approved medicinal items depends on Rabbinic judgment much more than any of the other lists. As would be expected, not all Rabbis come to the same conclusions on these matters, and clearly each person should seek direction from a knowledgeable Rabbi as to which standard is appropriate for them. Two noteworthy differences of opinion relate to (a) which items are considered edible, and (b) how much the recommendations should depend on information provided by the manufacturers. cRc takes the position that liquids, chewables,

powders, and gelcaps are deemed “edible”, while tablets (and many personal care items) are not. Accordingly, many children’s over-the-counter medicines are potentially kosher-sensitive, while most adult pills are acceptable regardless of the ingredients. Secondly, cRc generally does not rely on statements from manufacturers to decide if a given ingredient is kosher. Rather, we use our knowledge of ingredients and food science to inform our decision about the ingredients listed on the packaging. In cases where that leads to an inconclusive decision, we once again consider, “With the information we have, how would a Rabbi answer a patient who wants to take this medicine?”

One other feature of the medicine list is that it must be completely reconsidered and redone for Pesach. This is simply because ingredients which pose no concern year-round may be

problematic for Pesach. (The reverse is not true. If an item is not recommended year-round, we will not list it as acceptable for Pesach even if there are no particular *chametz* concerns.) Additionally, many consumers are much more particular about which medicines they will use during Pesach, compared to the rest of the year. For that reason, our office fields many more calls about medicine in the days and weeks preceding Pesach than at any other time of the year.

Starbucks

The list of products one may purchase at Starbucks sits at the extreme opposite side of the spectrum from the medicine list. Coffee is clearly not as important as medicine (sorry, coffeeholics), and even more important, full-service Starbucks

LET’S MAKE A LIST!

Here’s a behind the scenes look at the legwork, organization, and expertise that goes into creating and maintaining a useful kosher “list”.

Beverages & Slurpees

Two of the simplest lists are the Beverage List, and its close cousin, the Slurpee List. We only recommend varieties whose flavors are certified by a reputable agency, and one of our Rabbis keeps in touch with those agencies to get updated certificates. Using those certificates, we can let everyone know which varieties are okay to use.

But the truth is that we cannot approve every single variety that is certified, because in some cases the beverage must be pasteurized (heated to a high temperature) before bottling to prevent it from spoiling. In those cases, the flavor itself is kosher, but we cannot be sure the equipment used for pasteurization was not previously used for something non-kosher. So, if the Rabbi determines that a certain beverage requires pasteurization, then that product won’t be put onto the list and will only be acceptable if there is a kosher logo on the bottle or can that the finished beverage comes in.

Liquor

Preparing a list of acceptable liquors takes a very different approach. Of course, there are many certified liquors, and those are researched and listed just like the beverages noted above. But a large percentage of alcoholic beverages that consumers want to use have no *hashgacha*. To complicate things, manufacturers of alcoholic beverages are not required to even list the ingredients used in their products. Thus, the first step in deciding which liquors are suitable for use, is to learn all about the industry and compare their practices with the relevant *halachos*.

Here, that responsibility falls to Rabbi Akiva Niehaus, who has printed a book and many articles on the topic, has visited production facilities, taken courses, and is a featured speaker about this issue in venues around the country. Some of the issues he focuses on is whether they contain sensitive ingredients like wine, lactose/milk, flavors, or oyster; if they were aged in wine barrels or over Pesach while owned by a Jewish manufacturer who did not sell his *chametz*; and what else is produced on the same equipment. All of this goes through his mind as he looks into the details of a given class of whisky (e.g., bourbon, Scotch) or a specific bottle. Once he comes to a decision about its suitability, he enters the information into the cRc’s database from where it is “broadcast” to our website and apps.

Medicine

The Over-The-Counter (OTC) Medicine List is produced with a blend of the two approaches noted above. On the one hand, every medicinal item has a clear list of active and inactive ingredients on the package, and that tells us lots about the kosher status of the item. A dedicated member of the staff spends hours in the pharmacy collecting this information, and supplements that with labels etc. sent in by consumers. He enters the ingredients into our database where they are classified based on their kosher sensitivity as innocuous, trivial, minor, or serious.

But OTC items are unique in that they are often used to treat people who are ill, and the *halacha* allows more flexibility for what they can consume based on how sick they are. Rabbi Dovid Cohen, cRc Ingredient Review and Approval expert, evaluates each item based on the ingredients present and the type of person who would usually take it, to decide if a person at that level of illness may take the medicine. The decision – for year-round use and for Pesach use – is then added to the database so that people using our website or apps can get quick answers to their medicine questions.

shops serve non-kosher meat and cheese, and wash the *treif* equipment together with items used in coffee preparation.

Even so, one could imagine that cRc would prepare a list of items that are *halachically* permitted in just about any Starbucks. In fact, cRc Rabbis wrote a lengthy treatise which considered the fine details of *Yoreh Deah* and their application to Starbucks stores and found that there were potential reasons to permit many items. But when the concept was discussed with Rav Schwartz לברכה זכרוננו, and Rav Reiss שליט"א, they disagreed with the entire approach. They told us that as a certifying agency, our Starbucks list should only recommend items which are free of any *shailah*. Consumers trust the cRc to recommend items which are unquestionably permitted and are not interested in Rabbinic hair-splitting logic to determine which type of coffee they should drink. (It turns out that the Rabbis directing certain other *kashrus* agencies had come to the same conclusion.)

The cRc Starbucks list was created based on this approach and is currently under review.

Yoshon

There is a difference of opinion whether American Jewry is required to avoid eating foods which are "*chodosh*".² Most *hashgachos* certify products which contain *chodosh*, but there is a growing segment of the population which wants to avoid those items and only eat those which are "*yoshon*". Decades ago, Mr. Yosef Herman ז"ל decided to do something to help these consumers. Each year, he printed a "*Guide to Chodosh*", and since his passing in 2019, his family has continued his legacy.

The *Guide to Chodosh* provides a few types of information. The simplest is direction on which items might possibly be *chodosh* (pasta, cookies, flour, etc.) and which are clearly not (rice, potato starch, etc.). It also collates information provided by *hashgachos* of items which are certified as being *yoshon* and food service establishments in different cities which accommodate those who seek *yoshon* food.

But the *Guide to Chodosh* is most famous for its "date codes" which operate on a two-part basis. First, the Guide uses government data to estimate when the first *chodosh* grains will come to market each summer. This establishes a "cutoff date" for each grain (e.g., spring wheat, durum wheat, barley, oats). Second, the Guide confers with manufacturers to understand how to interpret the date coding which is imprinted on their packaging. For example, one manufacturer might use a Julian date for their products (where 21310 would mean the item was packaged on the 310th day of 2021, i.e., November 6, 2021) and another might print an expiration date which is 6 months after packing (where an expiration date of February 12, 2022 indicates that it was packaged on August 12, 2021). By combining the cutoff date with an understanding of the particular product's date code, consumers can determine if the package they are

holding is *chodosh* (produced from grain planted after Pesach) or *yoshon* (produced before the *chodosh* grain came to market).

This information is invaluable for those who want to scrupulously avoid *chodosh*, and tremendous efforts are expended by the Herman family to refresh all of this information each year and regularly answer consumer questions about *chodosh*. This is all done to benefit the public and help people fulfill this *mitzvah* – a wonderful service provided to the community.

As a matter of principle, the *Guide to Chodosh* does not have an online presence. In recent years, another group created a website (www.yoshon.com) which adapts information from the *Guide to Chodosh* in ways that are helpful to many consumers, especially those who are not as familiar with the format and style of the *Guide to Chodosh*. This has opened up Mr. Herman's work to an even broader population.

Other Lists

Much of the debate noted above regarding the soft drink and liquor lists, can also be applied to other lists that *hashgachos* prepare. Should *kashrus* agencies let people know which food ingredients can be purchased without *hashgacha*? Are they helping consumers by telling them that foil pans, sugar, and salt can be purchased from any vendor even if they are not certified? Is that useful – especially for those in more remote communities which have fewer kosher options? Or are they hurting the long-term goal of *kashrus* oversight on the broadest range of ingredients and products? What about the fact that the agencies themselves allow certified companies to purchase these items without *hashgacha*? If cRc allows companies to purchase flour from any source and use it to bake cookies that bear the cRc logo, should we not share that type of information with consumers so they can do the same?

What about lists that teach consumers how to ensure that fruits and vegetables are free of infestation? There is more consensus that this is appropriate, since people commonly buy produce without *hashgacha*. But one could argue that if *hashgachos* did not provide that much information, consumers would learn (or be forced) to buy certified fresh produce (e.g., bagged salads) or frozen products (e.g., frozen string beans) with certification. Is that a goal?

These are questions that the community and their *hashgachos* continue to grapple with.

Other Countries

Most of the information noted above is true for the United States and for certain other countries which have a similar kosher market. But the story is quite different in (a) *Eretz Yisroel*, and (b) Europe, Asia, and South America.

In *Eretz Yisroel*, a very large percentage of the population keeps kosher. As a result, manufacturers of just about everything are much more sensitive to the needs of those consumers than their counterparts are in the United States. Subsequently, in *Eretz Yisroel* it is easy to find soft drinks, liquors, and coffee shops that are certified kosher. Similarly, due to the *mitzvos* which apply to produce from *Eretz Yisroel* (*terumah, ma'aser, shemittah, arlah*), it is common that even fresh produce bears Rabbinic supervision, and, furthermore, most reputable agencies will only certify items that are *yoshon*. Lastly, due to the centralized medical establishment and the large religious population, there is strong cooperation between *hashgachos*, medicine companies, and the *Kupot Cholim*, so that consumers have accurate information about medicinal items. Thus, in *Eretz Yisroel*, there is little need for kosher lists.

The opposite is true in many parts of Europe, Asia, and South America. Even in countries with relatively large Jewish concentrations, it is uncommon for retail products to be kosher-certified, and kosher consumers do not enjoy the luxury of finding products with kosher logos on the supermarket shelves. Therefore, to meet their basic food needs, their Rabbis must produce lists of foods that they deem acceptable to eat. As we have seen, by their very nature, items approved in those lists will not meet the same standards as ones certified by reputable agencies, but their Rabbis have determined that, under the circumstances, it is appropriate for their constituents to consume those products. Thus, these lists are not intended for those who have access to certified products or are just visiting for a short time and can manage with alternatives.

We have much to be grateful for that kosher food certification has progressed to the state we find ourselves in at this time. It is our hope and prayer that we will continue to see growth in this area with more products being certified, *kashrus* standards being uniformly raised, and more options available for consumers.

¹ Fish fillets and roe - YD 83:7-8; egg - YD 86:2; pomegranate juice - YD 114:3-5; pickles - YD 114:9; honey, raisins, and sugar for Pesach - OC 467:8.

² Briefly: *chodosh/new* refers to anything made from wheat, rye, spelt, oats, or barley where the grain was planted after Pesach and has not been in existence for even one Pesach. Once one Pesach passes with the grain growing, or having already been harvested, the grain and foods made from it are *yoshon/old* and are permitted.




A Behind-the-Scenes Look into the cRc Consumer Lists with Rabbi David Aronin

One of the crucial components of a reliable list is its maintenance. This includes verifying that the information is accurate, as well as finding new items to be included. For many years, Rabbi David Aronin played a critical role in this task, spending countless hours on this research. You may have seen him sitting on the floor in local pharmacies, going from shelf to shelf, and finding new medicines to add to our Medicine List, but you almost surely haven't seen him reaching out to the certifiers of Pepsi finding out if the latest variety of soda pop is acceptable. Over the past several years, he handled consumer issues, obtained the information for the lists and shared it with consumers through our numerous media sites, including email, our websites and social media, and managed our popular cRc Kosher app.

Rabbi Aronin has made a real difference in people's lives, fielding questions ranging from baby formulas to the *kashrus* status of the glucose test syrup and the colonoscopy drink. He even once had a memorable phone call on a Friday from a truck driver who was stuck in Evanston for Shabbos, but not Evanston, Illinois – Evanston...Wyoming! He had no food for Shabbos and wanted to know if salmon was kosher for his Shabbos meal. He also had a conversation with a religious lawyer who told him that he has occasion to help mediate custody cases where one side may be more religious than the other. The lawyer explained that to ensure that the child only eats kosher food, they put a clause in the custody arrangement stating that the child be fed only products which are certified by an agency which appears on the cRc list of reliable *hechsheirim*.

Rabbi Aronin has helped thousands of people at all times of the day, from text questions about the odd *hechsher* found in Trader Joe's to answering questions by people who stop him in shul! After so much time at the cRc, it has been a huge help to consumers that he knows most of the answers by heart. Rabbi Aronin has developed a real expertise in helping people keep kosher.

As Rabbi Aronin leaves the cRc and moves on to a new position, we and kosher consumers will miss him, and we wish him much continued *hatzlacha*.



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