


# HALOCHOSCOPE



## Follow-up discussion on last issue:

**Q:** At fancy dinners food is served with “coals”. Does this also pose a problem in the *sukah*?

**A:** If the receptacle holding the coals is purpose-made for this, it is like oven-to-table ware. It would be appropriate at the dining table inside the house, and therefore acceptable in the *sukah*. The coals also become part of the serving utensil. However, if the receptacle is sooty or grimy, it would seem to be considered the same as a grille, and should be left outside the *sukah*.

**Q:** If a roasting spit may not be brought into the *sukah*, what about a skewer with kebabs?

**A:** This is an eating utensil, rather than a cooking utensil. It is permissible in a *sukah*.

**Q:** What is the status of utensils used to both cook and serve? For example, the forks used with a grille might also be used on the serving platter. What about cooling racks?

**A:** If they are made primarily to cook with, but are left on the serving platter for convenience, they are considered cooking utensils. If they are dual-purpose, for example, with a matching design to the flatware, they are considered respectable serving utensils.

Cooling racks are kitchen utensils. However, a toast rack is meant to be used at the table.

**Q:** What about pot-holders or oven-mitts in the *sukah*?

**A:** As long as they are clean, it would appear that they may be used to hold hot items, even inside the *sukah*. However, they should not be removed and put down in the *sukah*. If they are unacceptable at a dining table due to their condition, they should be left outside the *sukah*.

**Q:** May one enter the *sukah* wearing an apron used while cooking?

**A:** The poskim do not discuss inappropriate attire in the *sukah*. There is mention of not leaving one's shoes on the floor, except when going to sleep. One should also leave his clothing outside the *sukah*, except the respectable outer-garments. [See Ar Hash OC 639:4.] The implication is that items considered undignified when left around the *sukah*, may be worn in the *sukah*. Accordingly, as long as the apron is being worn, there is no problem. Once it is removed, it should probably be left outside the *sukah*. As with the pot-holders mentioned earlier, if the apron is so soiled that it would not be worn to a dining table, it should be removed before entering a *sukah*.

## This week's question:

**Someone is attending an event at a non-Jewish hotel. His meals are provided by a reliable kosher establishment. They are delivered by an observant Jew. They are left in the hands of the non-Jewish kitchen staff between the delivery and the time they are served to the Jewish guest. Is there an issue with the meat, or any other part of the meal?**

## The issues:

- A) The requirement of seals on food left in the hands of those suspected to exchange it
- B) What kind of suspect does this apply to?
- C) What qualifies as a seal?
- D) Foods that are exempt based on recognition or other factors

## A) Two seals

If a claim is made that meat is kosher, the person making the claim must be in a position to know this, and must be trustworthy. A slaughterer is trusted, provided he has es-

established his credentials. He passes the information on, until it reaches the consumer. Each person testifying is believed. This is known as *aid echad ne'eman be'isurin*, a single witness is believed for non-legal matters. For legal issues, two witnesses are required.

Credentials for such trust are the knowledge of the situation, its laws at a basic level, expertise, fear of G-d and general honesty. People who demonstrate laxity in one of these areas damage their credibility. Once the chain of trust is broken, such as when food is left in the charge of one not qualified, there is suspicion that it might have been exchanged for other similar food. The way to prevent this is to make a sign on it, that the next person will be able to recognize. If something was indeed switched, it will be discovered. This helps in identification, and also helps prevent the switching.

On some items the Talmud requires two seals, and on others, one seal. Certain kosher foods are easily mistaken for non-kosher foods, and some can become non-kosher by simple tampering. For example, wine tampered with by a gentile or non-believer becomes forbidden. Even if it is not switched and is easily recognized, one cannot tell whether it was tampered with. Raw meat of fish will not become forbidden due to tampering. It could be mistaken for a similar piece of non-kosher meat or fish, if it has had its scales removed. A seal can be copied and forged. However, it is bothersome and requires expertise. It will not pay for the forger to go through with the change. Two seals require twice the bother, and double the chances of being caught.

In general, wine and pieces of meat and fish that have no identifying marks require two seals. Things that if exchanged would be considered Rabbinical prohibitions, such as cheese, require one seal. Certain items are automatically forbidden based on the suspicion of alteration. For example, fish oil could have wine added. Therefore, even if it is not known with any certainty that this is the case, the product is forbidden Rabbinically. Other products might never raise such suspicions, such as where wine is too expensive, or when a Jewish made vegetable or dairy soup has a distinctive flavor. A meat based soup must be treated in the same way that meat is treated. If a non-kosher ingredient could substitute for a kosher equivalent, one could not rely on taste or sight recognition.

[There is an unrelated problem with meat that was left unattended, or where a bird could have exchanged it. This is called *basar shenisalem min ha'ayin*. Even if there are no grounds for suspecting tampering by an untrustworthy person, the meat is forbidden. This does not apply in our case, where the meat was not allowed out of sight, uncovered, in a place where birds could get to it. Nonetheless, it is important to note that there is a Rabbinical restriction on meat that was left unattended, even inside the home, unless one recognizes it.] [See Avoda Zara 29b-31b 39a-b 60a-61b 69a-70b Chulin 93b-96a, Poskim. Tur Sh Ar YD 63 118:1-10, commentaries.]

### ***B) The suspect***

A Jew is assumed to be trustworthy in matters relating to *kashrus*. He appreciates the severity of the prohibitions. A non-observant Jew, depending on his level of observance or lack thereof, might be considered suspect. If he violate the laws of *kashrus*, he clearly takes the prohibitions lightly. If he violates other laws, he might take *kashrus* seriously. One who violates other laws out of spite is always suspect to intentionally cause trouble for observant Jews. One who violates the most basic laws is assumed to be a habitual violator of anything. Even if he is known to observe some other laws, he loses

credibility. If he violates basic tenets of Judaism due to extreme pressure, the poskim debate his credibility. If one is dishonest in monetary matters, there is always suspicion that he might also violate other laws for personal benefit. If one is caught cheating in *kashrus* matters, or demonstrating lack of concern for them, he loses his credibility. One who violates things that he and others think of as permissible or not serious, he does not lose credibility. Nevertheless, some say that if this violation is in a matter pertaining to *kashrus*, he may not be trusted. His attitude will color his testimony.

Many poskim maintain that there is a basic difference between trusting a non-observant Jew as a messenger or as a witness. As a witness, one relies totally on his credibility. However, as a messenger, one knows what was sent. The only issue is whether it was switched. If the Jew is not known to switch the items, he is trusted. One suspected of switching the items, for whatever reason, is not trusted, even if he is otherwise observant.

A gentile is assumed not to appreciate the severity of *kashrus* laws. However, he is not assumed to intentionally make trouble. The issues with a gentile include ignorance, laxity and possible monetary or other material benefit from tampering. These very factors could be mitigated in cases where the gentile is taught or trained to be careful, or where he stands to lose money or his reputation. In addition, he could be given incentives based on such benefits, that could be relied on. Nonetheless, there are situations where one with more knowledge could use it to cover up his lapses.

In practice, some say that while two seals are required for meat and the like left in the charge of a suspected Jew, when they are left in the hands of a gentile one seal is sufficient. Ashkenazim follow the view that ideally one should seal it twice, even with a gentile messenger, but that if it was sent with a gentile with one seal one may rely on it. [See refs to A Tur Sh Ar YD 2:2-6 118:1 119:1 3-5 7 12-20, commentaries.]

### **C) The seals**

The purpose of the seals is to deter the delivery person from exchanging the item for personal gain or convenience. Therefore, the requirements of a seal are such that it will not pay to forge it. Since the person has no malicious intent, he will not try very hard to forge the seal. [If he has malicious intent, nothing will really stop him.] On a piece of meat or fish, one could cut a seal out of the flesh. It is customary to attach a lead seal to the piece. Usually, a second seal is placed on the wrapping. If there are more than one layer of wrapping, seals may be placed on two of them, although the preferred method seems to be to place two seals on the same layer. A seal should consist of a distinctive letter or shape. When dealing with a gentile deliverer, the word “kosher” in Hebrew may be used, unless it is well known that the gentiles can rewrite it very easily.

One may also seal the package with no mark, if it will be easy to detect if it is tampered with and resealed. The poskim discuss various ways to close a package to qualify as a seal, in the absence of a real seal. For example, if a box is nailed shut, removing the nails and returning them exactly is too bothersome. In our case, the package came wrapped in aluminum foil or cling wrap. If it is crisp and neat when it is sent, when it is opened the creases will move. It is bothersome to re-wrap it on its old creases. However, one should not rely on this without consulting a *kashrus* expert. If it is obvious that a seal broke open by itself, and the packaging still looks whole, the poskim permit the item.

A common seal nowadays is to place tape at the opening, and then to sign or scrib-

ble across the tape and the wrapper. If the tape is removed, it should be too difficult to replace it to match exactly. Some say this can also work with creased wrapping, where one writes across the creases or layers. [See Tur Sh Ar YD 118:2-4, commentaries.]

#### **D) Exempting factors**

One may not rely on mitigating factors to send the items with no seals. However, if they were sent this way, sometimes, the food is not forbidden. The most common mitigating factor is fear. If the suspect has reason to fear being caught, he will not bother exchanging the item. This can also work when two seals are required and only one is used. If a deliverer is told about the presence of a seal, he realizes that he is being watched. Certain deliverers depend on their reputation for their livelihood. The food might only pass through public areas where one could easily be caught trying to exchange it. If the deliverer was informed that the sender and/or recipient will probably be meeting him on the way, he will worry that just as he is exchanging it, he will be caught.

In some situations, the sender's testimony on the specific manner of packaging or of the way the item was placed in the container help to permit it if there was no seal. The sender must inform the recipient about the way it was sent before the package is opened. If the particular item is unique in some way, this is also factored in. the number of items and other such factors are debated by the poskim.

If the suspect stands to lose money by exchanging it, he will generally not risk or bother. For example, if the non-kosher substitute is worth more than the kosher item, or if it tastes better, he will not take the kosher item for himself. The Talmud does discuss some cases where someone might actually think he is doing a favor for the sender or user. He likes him and wants to give him better quality than his own. This has been observed in modern situations, where in their innocence, well-meaning people have changed or added to a kosher product as a favor. [See references to other sections.]

In conclusion, if the package has meat, fish, wine or cheese products, it must come with a tamper-proof seal. If it was in the charge of a gentile in a situation where he could have exchanged it unobserved, it is forbidden. The hotel kitchen is quite public. The workers know that they may not tamper with a specially ordered item. The caterer supplying the food might be able to identify it by its contents. The foil wrapping might be in perfect condition. All of this could be taken into account by a competent *Rav*.

***On the parsha ... And you .. take for yourself .. of all the food that is eaten .. and gather it to yourself. And let it be for you and for the [animals] .. to be eaten. [6:21]*** Why “you take for yourself”? [See *Kli Yakar, Haamek Davar*] Why “of all the food”? Why mention “that is eaten”? [See *Ibn Ezra, Sforno*] Why should Noach be the gatherer, and why should he gather it to himself? Why mention that it should be for Noach and for the animals to be eaten? Why else would he do it? Perhaps, Hashem was showing Noach that he was the only one with the merit to be saved. All the others would only be rescued in his merit. Only his food was guaranteed to stay fresh and to be sufficient to feed everyone. This being the case, he could not rely on others bringing the food. They might not bring him his own food, or they might exchange it for their own, or steal it from others, especially in that generation!

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