

ספירם

EATING AT TRADE SHOWS

The hundreds or thousands of booths at a typical trade show are all vying for the attention of the people "walking the floor", and one sure-fired method of attracting visitors is to offer them something to eat or drink. This is common at all trade shows, but it is even more prevalent at food shows, where the gastronomic enticement is likely to be the specific item being displayed by the vendor. A kosher consumer attending a trade show will naturally be unable to eat at most of the booths but will be challenged when he approaches a booth which appears to be serving kosher food. Such a booth may sport a familiar name or have a placard indicating that the vendor is selling kosher-certified items, and at first glance it may appear that the prayers of the weary floor-walker have been answered. However, further investigation indicates that there may be reason to be somewhat cautious as outlined in the following chart:

Is the sample...	Or...
...made by the company manning the booth	...is it a store-bought item which they give out to entice you to stop by? ...did they maybe run out of their cookies, or candies and have to buy some more from the competitor?
...a certified item	...are only some of this company's products kosher? ...is it being served with dressing, dips or other accompaniments which are not certified?
...unchanged from the certified version	...did they cook or heat it up, or add oil and spices before putting it out?

Most people are sensitive to these concerns and are careful in choosing what they do or do not eat at trade shows.

The concerns outlined above take on a special complexity at a food show geared towards the kosher market, such as Kosherfest. The focus of the

show is, of course, kosher food, and this leads many people to believe that everything at the show is in fact kosher. This belief is enforced by the many booths which have signage from their respective *hashgachos* indicating their certification. In truth, this signage is standard in the industry for alerting the public that this company produces certified items, but **not** that there is any *hashgachah* on this particular booth at this specific show.

As a *kashrus* agency, we are particularly sensitive to issue and are most distressed when we are witness to unassuming attendees snacking on potentially problematic samples. A few examples from a recent kosher food show that the cRc attended will attest to this concern:

- The booth next to ours was giving out fried hour-d'oeuvres. The package bore the logo of a reputable *hashgachah*, but the certification obviously did not cover the frying pan, oil and utensils being used by the 3 non-Jews manning the booth! Hundreds of *frum* people ate those hour-d'oeuvres, and only one in a hundred bothered to ask us if we knew whether they were actually kosher. [In fact, at the beginning of the show, a cRc representative asked permission to verify that the machinery was new and the oil was kosher (and even lit the fire under the burners)].
- Across the aisle from us, a non-Jewish employee of a *heimishe* bakery was distributing cut-up danishes, and most people had no way of knowing that their stock was refilled every few hours by a Jewish man. [In many cases, one may rely on the company's professional pride (אומן לא מרע נפשיה) to not give out products manufactured by others at their booth, and attendees should consult with their Rabbis on this issue before the show].
- A non-Jewish woman was pouring samples of kosher-certified, non-*mevushal* wine.
- I noticed a woman who was clearly quite observant ask the equally-obviously non-Jewish attendant at a booth "are you kosher?", and then take a bite as soon as he answered in the affirmative.
- The show features products from around the world, some of which bear certifications that the American public is unfamiliar with and are in fact not reputable.



– A booth displayed a placard identifying their reputable certifying agency, and I watched the head of a *Va'ad HaKashrus* start to eat a sample from the booth...until he realized that half of the company's products are certified by another agency with a much lower standard of *kashrus*.

It seems that criteria for eating at a trade show should be very straightforward – only accept the product if the person has *halachic ne'emanus* or the food is coming out of a closed package bearing a *hashgachah*.

In addition to the aforementioned *kashrus* issues, it is always worth remembering that a trade show may be one of the few times that certain non-Jews ever deal with a *frum* Jew in person. Thus, the way we conduct ourselves while eating and interacting, how well we follow the show rules, how we respond to their offers, and even how we react when hearing that their *Hechsher* is below par, all carry the added potential for *Kiddush Hashem*.



LIQUID MEDICINES

Liquid medicines (e.g. cough medicine, liquid Tylenol) contain active and inactive ingredients. The former typically pose no *kashrus* or *Pesach* concerns and have an unpleasant taste, while the latter are often food-ingredients which may be kosher-sensitive (and/or *chametz*) and have a pleasant taste. The active ingredients usually comprise a relatively small portion of the “medicine” and some of the reasons inactive ingredients are included, may be found in the footnote.¹

A. Edibility

Liquid medicines are palatable, especially in the 1-2 teaspoon doses which are common, but their taste is sufficiently less pleasant than tea, soda, and other beverages, that few people would voluntarily consume them if not for their medicinal value. Additionally, inasmuch as the medicines contain active ingredients which are potentially harmful if ingested in large quantities, no one would consider drinking a cupful of such medicines unless ordered to do so by a physician.

Should liquid medicines be treated as edible since they are palatable and are regularly consumed by consumers, as inedible (*nifsal mei'achila*) since they do not taste as good as the average beverage, or

possibly as food items eaten in an abnormal manner (*sheloh k'derech achila*)?

It would seem that *Shulchan Aruch*² addresses this question. He rules that:

דבר שנתערב בו חמץ ואינו מאכל אדם כלל,
או שאינו מאכל כל אדם כגון התריאק"ה וכיוצא בו,
אע"פ שמותר לקיימו אסור לאכלו עד אחר הפסח

*Mishnah Berurah*³ explains that the difference between the two cases cited in *Shulchan Aruch* – אינו כלל מאכל אדם and אינו מאכל כל אדם – is that the former refers to items which have been rendered completely inedible, while the latter refers to items which are edible enough to be consumed by people who are ill but would not be eaten by an average, healthy person. The fact that these cases are collectively listed as being “inedible” seems to indicate that an item, such as cough syrup, which a person would only consume when he is sick, is considered inedible.⁴

Some contemporary *Poskim* who accept this reading of *Shulchan Aruch* nonetheless argue that modern-day liquid medicines are too “tasty” to qualify for this halacha, such that even healthy people would drink them (if they had not been told it was medicine). Others, including Rav Schwartz, dispute this on factual grounds and because they hold that the fact that it is unhealthy for anyone to consume too much medicine renders it sufficiently as a non-food that it qualifies for this halacha. Although this dispute appears to be based on a deep disagreement as to what the term “edible” includes, it is also likely that there are many items which the two sides would readily agree on. As this document is not the forum for sampling different medicines to determine whether they meet this standard of inedibility, our discussion will continue with the assumption that certain liquid medicines qualify for the principle outlined in *Shulchan Aruch*, i.e. a liquid medicine which is only edible to be consumed by a sick person, is considered inedible.

B. Ach'shvei

Although we have seen *Shulchan Aruch* offer a lenient ruling, we must consider his final words where he rules that medicines are only considered inedible as relates to retaining ownership of them on *Pesach*, but one is still forbidden from eating them during *Pesach*. *Mishnah Berurah* 442:21 explains that one may not consume them on *Pesach* because of the principle of *ach'shvei*, i.e. the act of eating

² *Shulchan Aruch* 442:4, taken from *Rambam, Hil. Chametz U'matzah* 4:12.

³ *Mishnah Berurah* 442:20-21.

⁴ *Shulchan Aruch* cannot possibly mean that the items are edible but consumption of them is just treated as being *sheloh k'derech achila*, for if so, it would be forbidden to retain ownership of these items over *Pesach*. We will revisit this idea below.

¹ Some reasons companies add inactive ingredients are: (a) to act as a diluent (i.e. to sufficiently dilute the active ingredient so that the patient can reasonably measure the proper dose), (b) as a preservative or emulsifier, (c) to coat the throat, and/or (d) to mask the taste of the active ingredient.

demonstrates (*mid'rabannan*) that the person considers it "edible". Seemingly, *ach'shvei* should also apply to liquid medicines such that their edibility status should be a moot point, and one should be forbidden from consuming non-kosher liquid medicines.⁵

Ach'shvei on medicine

However, this leads to a further question. The aforementioned halacha, of an inedible (food or) medicine is the specific example for which the principle of *ach'shvei* is recorded in *Shulchan Aruch*; how then can we reconcile this reference with the view of most *Acharonim* that the principle of *ach'shvei* does not apply to medicines? The answer to this question depends on the two reasons given as to why *ach'shvei* should not apply to a medicine, as follows:

1. *Ach'shvei* is limited to items which the person wants to consume (since the consumption of that item indicates that the person considered it a "food"), and therefore only applies to the active ingredients in medicine but not to the inactive ingredients (*Chazon Ish* OC 116:8 and others).
2. *Ach'shvei* views the act of eating as an indicator that the person values this product as a food-item, but the act of consuming medicines merely shows that the person values the item for its health benefits and not necessarily as a food. This is evidenced by the fact that people willingly ingest repulsive medicines. (*Iggeros Moshe* OC II:92 and others).

According to the first reason, we can suggest that the reason *ach'shvei* applies to the medicine discussed in *Shulchan Aruch* is that he was discussing a case where the *chametz* served a medicine/active role (and there may not have even been such a thing as "inactive ingredients" in medicines in those days), but nowadays when the *chametz* or non-kosher ingredients are typically found in the inactive ingredients, the principle of *ach'shvei* does not apply.⁶ Accordingly, liquid medicines which contain kosher-sensitive inactive ingredients would be permitted because the overall medicine is considered inedible, and *ach'shvei* does not apply.

To answer our question according to the second explanation, we have to digress and explain a bit about the medicine discussed in *Shulchan Aruch*, תריאק"ה. *Theriac* (a.k.a. *treacle* or *theriaca*) is cited in the *Gemara*⁷ and in early non-Jewish sources, and

included an assortment of herbs, foods and animal parts⁸ which were blended and fermented to create a potion used as an anti-venom. *Theriac* was difficult to obtain⁹ (and expensive) such that common folk who acquired some of it would keep it in their homes in case of emergency.¹⁰ However, the nobility who could afford and obtain *theriac* on a regular basis, would take it as a daily prophylactic. Thus, *theriac* served two roles – both to treat and prevent illness.

With this introduction, we can suggest that the (second) reason outlined above as to why *ach'shvei* does not apply to medicine is limited to cases where the person is consuming the medicine for treatment of an illness, for in that case it is correct that the consumption of the *theriac* or other medicine merely demonstrates that the person wants to heal himself and gives no indication that he considers this to be "food". However, when one consumes a medicinal item in order to prevent illness, then that consumption is more akin to how/why people eat food, i.e. for their general health and well-being, and it is possible to apply the principle of *ach'shvei* to such an act.¹¹

Accordingly, we can understand that *Shulchan Aruch's* ruling that one may not consume *theriac* on *Pesach* is limited to those who do so for preventative reasons, as in that case the consumption of the *theriac* is an example of the principle of *ach'shvei*. This reading of *Shulchan Aruch* is quite reasonable in light of the fact that one who required *theriac* as an anti-venom would be permitted to consume any *chametz* as they would be treated as being in danger (*sakanah*).¹²

Thus, we have answered our last question according to both explanations as to why there is no *ach'shvei* on medicine. Either *ach'shvei* does not apply to inactive ingredients and *Shulchan Aruch* applies *ach'shvei* in cases where the *chametz* has a medicinal role in the treatment, or *ach'shvei* does not apply to medicines taken to treat illness and

⁸ *Tur* 442 mentions that it contained אפנה, a type of snake.

⁹ The great difficulty in obtaining *theriac* is part of why Jews considered keeping it over *Pesach* even though it contains *chametz*; see *Rabbeinu Manoach* to *Rambam* ibid.

¹⁰ This is equivalent to the once-common practice of keeping a vial of ipecac syrup in one's medicine cabinets in case of need to induce vomiting.

¹¹ This is in line with Rav Yisroel Belsky's report that Rav Moshe Feinstein related that although he holds that *ach'shvei* does not apply to medicines (as noted above), he agrees that *ach'shvei* does apply when one consumes vitamin pills since those are taken as food-replacers.

¹² A somewhat similar way of reconciling the second explanation with *Shulchan Aruch* is to say that the "eating" "created" by *ach'shvei* is considered *sheloh k'derech achila* (for the food is inherently inedible), and *cholim* are permitted to eat food *sheloh k'derech achila*. Thus, *Shulchan Aruch's* strict ruling is limited to those taking *theriac* for preventative purposes (i.e. non-*cholim*) but a *choleh* could effectively ignore foods considered which are only considered "edible" due to the principle of *ach'shvei*. (See *Ksav Sofer* OC 111 (towards the end) who appears to link the principles of *ach'shvei* and *sheloh k'derech achila*). According to this line of reasoning, (a) one may retain ownership to *theriac* because it is inedible until the person eats it, (b) it is considered *sheloh k'derech achila* when the person actually eats it, and (c) the only people permitted to consume liquid medicines would be *cholim* who are permitted to consume non-kosher *sheloh k'derech achila*.

⁵ Although we will attempt to answer this question, it is not clear that *ach'shvei* even applies to liquid medicines purchased in a retail store since *ach'shvei* is a *d'rabannan* principle and it is not clear that it applies in cases where there is only a *safeik* whether the liquid medicine contains non-kosher ingredients.

⁶ See *Gra*'z 442:22 and also there in *Kuntres Acharon* #11 who stresses the *chametz's* active/medicinal role to answer a different question.

⁷ *Gemara*, *Shabbos* 109b and *Nedarim* 41b.

Shulchan Aruch is discussing *chametz* which is taken as a prophylactic.

With this explanation, it is clear that the first issue raised also does not apply. We had suggested that although *Shulchan Aruch* indicates that liquid medicines are inedible, it should be forbidden to consume them based on the final words of *Shulchan Aruch* that *ach'shvei* forbids their consumption. However, we have now seen that the strict ruling of *Shulchan Aruch* is limited to specific cases, i.e. where the *chametz* is an active ingredient or where it is used in a preventative role, both of which are irrelevant to most contemporary cases of liquid medicines.

Summary

In summary, *Shulchan Aruch* appears to rule that items which are consumed by sick people but not by average people are considered inedible. Although *Shulchan Aruch* rules that people should not consume such items because of the principle of *ach'shvei*, the *Acharonim* rule that *ach'shvei* generally does not apply to medicine, and we reconciled that ruling with *Shulchan Aruch* in a manner which permits liquid medicines taken to treat illnesses for a *choleh*.



ETHYL COMPOUNDS

Ethyl alcohol can either be isolated from petroleum or fermented from any sugar/glucose source. The former method does not pose any *kashrus* concerns, but the latter method does as the sugar used for such fermentations may come from grape juice/wine (i.e. *stam yayin*) or milk (i.e. dairy). These concerns are most prevalent with ethyl alcohol coming from France and New Zealand, but based on market pressures may be relevant to other countries as well. The prevalence of non-kosher ethyl alcohol is low enough that the letter of the halacha allows us to ignore the concern,¹³ but *hashgachos* have traditionally not considered it a Group 1, especially after the "vinegar scandal" in the 1980s.

Logically, if ethyl alcohol is not a Group 1, then compounds produced with ethyl alcohol (e.g. ethyl butyrate) should also require *hashgachah*. Some knowledgeable *kashrus* personnel have suggested that ethyl alcohol used for reactions is always petroleum-based (and therefore they may remain Group 1). Dr. Meyer's reaction (in July 2008) to that was "...daft and dangerous. Most ethanol in the EU these days is biological and at present cheaper than synthetic. Even BASF use some bio ethanol in production."

¹³ See *Rema* 114:10 as explained by *Shach* 114:21.

In spite of this, most *hashgachos* consider many ethyl compounds to be Group 1 (as long as the item is not specifically listed as being "natural"). We consider this position to be inconsistent and indefensible, but at the same time it is somewhat foolish for us to retract the Group 1 status when the other major *hashgachos* haven't done the same.

It was therefore decided that we would give ethyl compounds the status of 1L (Locked), which means that the companies who already have permission to use these ingredients will be allowed to continue to do so, but others will not be given such permission. At the same time, we have slowly been collecting manufacturer information and LOC's which show that even the existing companies are using certified versions of those chemicals.



CROTONYL COMPOUNDS

Crotonaldehyde

Crotonaldehyde is produced by the Aldol condensation¹⁴ of two molecules of acetaldehyde.¹⁵

Crotonic Acid

Crotonic Acid, a.k.a. trans-2-butenoic acid, is derived via the oxidation of crotonaldehyde.¹⁶ It is a short-chain unsaturated carboxylic acid, described by the formula $\text{CH}_3\text{CH}=\text{CHCO}_2\text{H}$. Crotonic acid is so named because it was erroneously thought to be a saponification product of croton oil.¹⁷

Crotonyl Alcohol

Crotyl alcohol, also known as crotonyl alcohol, is an unsaturated alcohol. It is a clear liquid that is moderately soluble in water, and miscible with most organic solvents. It can be synthesized by the reduction of crotonaldehyde.¹⁸

These items are all Group 1.

¹⁴ Hawley's (page 30-31) describes an Aldol Condensation as a reaction between two aldehydes or two ketones "in which the position of one of the hydrogen atoms is changed in such a way as to form a single molecule having one hydroxyl and one carbonyl group....It can be repeated to form molecules of increasing molecular weight."

¹⁵ Hawley's page 309.

¹⁶ Hawley's page 310.

¹⁷ http://en.wikipedia.org/wiki/Crotonic_acid. Croton Oil is an essential oil prepared from "the seeds of *Croton tiglium*, a tree belonging to the natural order Euphorbiales and family Euphorbiaceae, and native or cultivated in India and the Malay Archipelago" (http://en.wikipedia.org/wiki/Croton_oil).

¹⁸ http://en.wikipedia.org/wiki/Crotyl_alcohol.