

ספירם

Disclaimer:

The procedures below were written intended solely for the use of very experienced, highly trained, competent *Mashgichim*.

Kashering is a very dangerous activity when done in a foodservice environment. Many *Mashgichim* have been seriously injured by scalding water and have been badly burned by torches, coals, flames, latent heat from *kashering* and residual heat of kashered equipment. Even when proper precautions have been taken, a simple slip on a floor when carrying a pot of boiling water, or opening foil covering a kashering stovetop too quickly can have lifelong consequences.

In addition, equipment in a foodservice kitchen is extremely expensive. Putting this equipment through the regimen required by *kashering*, which often exceeds the normal limits of the equipment in a dramatic manner, can easily result in severe damage to the equipment and surfaces for which the *Mashgiach* and/or *hashgachah* can be held responsible.

For these reasons and many more, only a *Mashgiach* who is highly experienced in *kashering* and the use of *kashering* equipment should be entrusted to do this.

Safety First! – A few very basic rules of *kashering*:

- Never, under any circumstances, leave any coals or flames unwatched, even for a few moments.
- Never rush when *kashering*, no matter how late or hectic the situation. All actions and movements should be deliberate and thought through.
- Never wear loose fitting clothing or shoes that slip on wet surfaces.
- Always exercise cautious judgment; err on the side of caution and safety. If you are afraid something is too hot or exceeding its limits, it probably is.
- Always focus on, and pay complete attention to, the task at hand and do not be distracted by doing other things such as conversation, cell phone etc.
- Always have a fire extinguisher and similar equipment nearby, in case something goes wrong.

HOTEL KASHERING

The following was prepared for presentation at the AKO Va'ad Convention held in West Palm Beach, Florida in February 2009. The body of the document contains the halachic background for kashering specific pieces of equipment and the shaded text boxes (and footnote 9 & 27) contain practical methods of performing the kashering. These were written by and will be presented by Rabbi Dovid Cohen, of the cRc, and Rabbi Avrohom Stone, of the Va'ad HaKashrus of Metrowest respectively.

Twelve Pieces of Equipment

This article will discuss the three primary halachic issues which have to be considered when determining how to *kasher* equipment in a hotel. The three issues are cleanliness, choosing the method of *kashering* and *aino ben yomo*, and this document will focus how they apply to the following list of equipment which are commonly *kashered* at hotels:

1. Convection Oven
2. Dishwasher
3. Flat Top

4. Grill
5. Kettle (steam)
6. Oven
7. Sink
8. Stovetop
9. Table
10. Tilt Skillet
11. Vegetable Steamer
12. Warming Box

1. Cleanliness

The most obvious first step in *kashering* a piece of equipment is to make sure that it is cleansed of all residue of non-kosher food. For most pieces of equipment, this means that the hotel employees must scrub the equipment thoroughly, after which the *Mashgiach* will inspect it to be sure they have done a good job. Some of the common questions that arise in this regard are presented in the coming paragraphs.



How clean?

Although our natural inclination is to require that there not be even a slightest bit of residue on the equipment before *kashering*, in fact there is a bit of leeway in this halacha as per the following limitations:¹

- The person must clean the equipment to the “industry standard” of cleanliness and not – in Rav Belsky’s words – merely be “satisfied to use dirty equipment”.
- There must be so little leftover food that it will be *batel b’shishim* regardless of how little kosher food is cooked in the equipment.
- It does not apply when *kashering* for *Pesach* (for equipment which will be used on *Pesach*), because *chametz* is not *batel b’shishim* on *Pesach*.

There are three other noteworthy points regarding this halacha:

- The letter of the law is that the leeway described above applies even when one cleans equipment which requires hot *kashering*.²
- *Libun kal* (or *libun gamur*) with a direct flame or coal is assumed to remove residue from equipment,³ but experience has shown that *libun kal* which is performed by heating a chamber to a given temperature (as is commonly done with ovens) does not have the same effect. Therefore, the equipment must be thoroughly cleaned before *kashering*.
- Rav Schachter suggested that when consumers *kasher* their own homes they do not leave even the most miniscule amount of residue on the utensils (i.e. they do not rely on the leniency outlined above), and they expect/assume that *hashgachos* hold themselves to a similar standard. If one subscribes to this position,⁴ there is no room for leniency in the cleaning of equipment.

¹ A *zar* (non-kohen) may not eat *terumah*, and when someone cleans out a container of *terumah* in preparation for using it with *chullin*, the *Mishnah* (*Terumos* 11:6 & 8) rules that he is allowed to leave some residue on the container, if he follows the generally accepted practice for cleaning out such containers. *Rash* (on *Mishnah* #8) explains that this leniency, which the *Mishnah* refers to as *k’derech hamichabdim*, is based on the assumption that the leftover residue will be so minute as to be *batel b’shishim* in the *chullin*. *Rash* clarifies that this does not raise concerns of *bitul issur l’chatchilah* because the fact that the person cleaned the equipment thoroughly shows that he has no interest in having the residue mixed into his kosher food (i.e. *ain kavonosו l’vateil*). This *Mishnah* is the basis for *Shulchan Aruch* YD 138:11.

² Rav Schachter, based on the logic presented in the previous footnote.

³ *Mishnah Berurah* 451:33.

⁴ The reasons to question it are that (a) consumers’ overzealousness in cleaning may be based on ignorance of this leniency rather than on an informed choice, (b) most consumers understand that *hashgachos* cannot do as good of a job overseeing *kashrus* as the average housewife, and (c) even consumers are lenient in cases of *sha’as hadchak* and/or if a given piece of dirt stubbornly refuses to come off.

Equipment which is difficult to clean

*Rema*⁵ cites a custom to not use *chametz* strainers on *Pesach* because they are so difficult to clean that we do not rely on the person’s efforts and remain concerned that some residue remains. At first glance, this *minhag* would seem to preclude the *kashering* (and use) of commercial dishwashers and convection ovens, because they are notoriously difficult to clean. [In particular, the difficult areas to clean are the trap, curtain and belt of a dishwasher, and the fan assembly of a convection oven.]

However, in practice most *hashgachos* do allow the *kashering* of this equipment because:

- The *minhag* appears not to apply in cases where the equipment will be cleaned with industrial solvents, scrubbers and other tools which make it more realistic to successfully accomplish the task. This is especially true if the equipment is broken-down as part of the cleaning.
- Rav Belsky understood that the *minhag* is limited to utensils which will be used on *Pesach*, when *chametz* is not *batel b’shishim*.
- Rav Schwartz further suggested that *Rema* only applies to cases where the residue might get into the actual food, and therefore to avoid the seriousness of eating actual *chametz* on *Pesach*, there is a *minhag* to not use such utensils. However, there is no basis for applying the *minhag* to the case of a dishwasher or microwave, where the residue cannot realistically do more than cause a *b’liah* to get into the dishes.

Discoloration

One must be careful to remove all food residue and rust⁶ before *kashering*, but there is no need to remove discoloration of the equipment.⁷ Thus, an oven or stovetop must be cleaned until the metal surfaces are smooth to the touch, but the equipment does not have to look brand new.⁸

2. Choosing the Method of Kashering

Different methods

For purposes of our discussion we can divide the methods of (hot) *kashering* into four groups:

- *Libun gamur*

Using a torch or coals to heat all surfaces until they are red hot.

⁵ *Rema* 451:18 as per *Mishnah Berurah* 451:100.

⁶ *Shulchan Aruch* 451:3.

⁷ *Mishnah Berurah* 451:22.

⁸ The simple reading of a number of halachos (including *Shulchan Aruch* 451:3 & 13) would indicate that calcium deposits and polymerized oil must be removed from equipment before it is *kashered*. The rationale for possibly not requiring this, is beyond the scope of this document.

- Libun kal
Either (a) applying a torch or coals to all parts of the inside of the equipment until the outside reaches *yad soledes bo* or (b) heating an oven chamber to 550° F and maintaining that temperature for an hour.⁹
- Hag'alah
Filling the pot (or other utensil) with water, bringing the water to a rolling boil on the fire, and then overflowing the pot. Alternatively, the flatware or other item being *kashered* can be submerged into the pot of boiling water.
- *Irui kli rishon*
Preparing a pot of boiling water as above, and methodically pouring water directly from the pot onto all surfaces of the counter or other area being *kashered*.

The following paragraphs will discuss how one chooses which method of *kashering* to use for the different pieces of equipment listed above.

Direct contact on the fire

Libun gamur is difficult, if not impossible, for most people and for most equipment, and therefore the first decision to be made is whether *libun gamur* is required. The principal rule for that determination is that *libun gamur* is only required for equipment which has direct contact with solid non-kosher¹⁰ food while on the fire. In this context, it is worth defining two terms:

- *Direct contact with solid food*
...means that *libun gamur* is only required if there was no air or liquid between the non-kosher food and the equipment, and the non-kosher food was a solid. For example, in a grill, the meat is broiled directly on the racks, and therefore it must be *kashered* with *libun gamur*. However, in an oven or warming box, where there is air/*zei'ah* between the chamber and the food, and the case of steam kettles which are used for cooking liquids, *libun gamur* is not required.
- *While on the fire*
...denotes that *libun gamur* is never necessary for utensils used off the fire, such as sinks and tables. It is also generally accepted that "fire" in this context

⁹ Although there is a chance that food in a pan on one rack touches the rack above it directly, we will see below (in the section on *rov tashmisho*) that that use does not require that the racks be *kashered* via *libun gamur*. Nonetheless, some do perform *libun gamur*, and use the following procedure (written by Rabbi Stone): (1) Clean racks thoroughly (as incomplete cleaning can result in a grease fire); (2) pile racks onto stovetop; (3) completely cover stovetop, including edges, with foil; (4) turn fire on low; (5) seal foil around stovetop; (6) turn fires to high, and leave them at that temperature for no more than 20 minutes; (7) use a pliers to carefully and slowly lift foil to verify that racks are glowing red.

¹⁰ [Unless the utensil is *cheress*.] *libun gamur* is not required for a utensil which had been used for *heter*, such as kosher meat or kosher milk, assuming they were not used in a manner which created *basar b'chalav* (*Magen Avraham* 451:11 based on *Shulchan Aruch* 509:5, and *R' Akiva Eiger* on *Shach* YD 121:8).

refers to an actual flame or to an electric coil used for heating, but steam or water which is used as a heating media is not considered fire. Accordingly, pans used to heat (solid) food in an oven must be *kashered* with *libun gamur*, but pans used to heat that same food in a vegetable steamer could be *kashered* with less rigorous methods because the vegetable steamer is "off the fire".

Libun Gamur for a Grill

1. Clean grates thoroughly to avoid grease fire.
2. Make sure the grease-catcher is cleaned and filled with charcoal.
3. Cover grates with layer of charcoal, including a layer underneath grates.
4. Light coals.
5. Allow coals to burn until grates turn red.

Libun Kal for a Warming Box

1. Remove shelves and clean thoroughly.
2. Box should be thoroughly cleaned from any residue.
3. Replace shelves.
4. Place 4-8 2-hour Sternos (depending on size of box) on the inside bottom of the box.
5. Light Sternos, close door to box and allow Sternos to burn out.
6. If there is a perforated electric heating box, unit must be cleaned and burned out, or else removed.

Machvas

*Shulchan Aruch*¹¹ describes a *machvas* as a pan in which food is cooked with oil. He rules that a *machvas* can be *kashered* via *hag'alah*, and the accepted halacha is to follow this position regarding most *issurim*.¹² Such a pan may be *kashered* with *hag'alah* even though the oil occasionally dries up and food burns onto the pan-walls.¹³

However, *Mishnah Berurah*¹⁴ adds that a frying pan¹⁵ that is merely greased with oil, fat or butter does not qualify as a *machvas* and instead we consider that the non-kosher food had direct contact with the pan such that *libun gamur* is required. There are two ways to interpret *Mishnah Berurah's* statement, as follows:

- Rav Belsky holds that *Mishnah Berurah* is referring to the amount of oil one might use when frying

¹¹ *Shulchan Aruch* 451:11.

¹² In fact, *Rema* ad loc. says that for *Pesach* one should *l'chatchilah* perform *libun*, and even *Shulchan Aruch* YD 121:4 himself rules that *libun gamur* is required when *kashering* a *machvas* which had been used for other (non-*chametz*) *issurim*. Nonetheless, *Iggeros Moshe* YD III:14:b rules that for non-*chametz* one can *kasher* an *aino ben yomo machvas* with *hag'alah*. [He gives no explanation for this position and may merely be reporting the common custom to follow the *Rishonim* who take a lenient stance (and not accept *Shulchan Aruch*).]

¹³ See *Mishnah Berurah* 451:63.

¹⁴ *Mishnah Berurah* 451:65.

¹⁵ One of *Mishnah Berurah's* examples is a סקאורידעס, which Rav Schwartz told me is a frying pan.

pancakes and the leniency of *machvas* only applies to deep fryers or pots used with considerable amounts of oil (or water). Accordingly, he holds that a flat top must be *kashered* with *libun gamur* because it is commonly used to fry eggs, hash browns and other foods that use a minimal amount of oil.

- Rav Schwartz and others hold that *Mishnah Berurah* is only *machmir* if one uses an absolutely minimal amount of oil such as if one rubs a stick of butter across the pan before frying (as was once common) or sprays a Teflon pan with Pam (as is the current method). If however, one uses oil a bit more liberally (as described above), the pan is designated as a *machvas* and *libun gamur* is not required. [There are implications in the *Acharonim* to support this reading.]¹⁶ Rav Schwartz's position regarding *kashering* a flat top will be discussed in more detail in the coming section.

Rov tashmisho

If a utensil is used to cook non-kosher food even one time, that utensil cannot be used for kosher food unless it is *kashered*. What if a utensil is primarily used in a manner which requires *hag'alah* but is occasionally used in a way which demands *libun gamur*? For example, in many facilities the primary function of the tilt skillet (brazier) is to cook foods with water (e.g. rice) but occasionally the tilt skillet will be used for frying without oil. Logically, we would assume that since occasionally the tilt skillet was used for solid non-kosher food directly on the fire,¹⁷ *libun gamur* should be required, regardless of the fact that most of the cooking is done with water or oil.

However, the truth is that the halacha is not as simple as this. *Shulchan Aruch*¹⁸ rules that in determining the method of *kashering* a utensil which is *aino ben yomo*,¹⁹ we only have to consider the primary use (*rov tashmisho*) of the utensil and may ignore the secondary uses. *Rema*²⁰ says that the *Ashkenazic* custom is to be *machmir* and consider even the secondary uses (*miut tashmisho*). Accordingly, if a work table is generally used for cold food preparation but occasionally has hot food placed on it, *Ashkenazim* would require that the table be *kashered* with hot *kashering* and would not be satisfied with a mere cleaning of the table.²¹

¹⁶ See *Pri Megadim* MZ 451:16 and *Gra"z* 451:36.

¹⁷ We have seen above that, as relates to this discussion, a utensil heated by electric coils is considered to be "on the fire". Therefore, food cooked in a tilt skillet heated by electric coils (or a traditional flame) will potentially require *libun gamur*.

¹⁸ *Shulchan Aruch* 451:6.

¹⁹ *Rashba* (*Responsa* I:372) explains that the basis for relying on *rov tashmisho* is that since the utensil is *aino ben yomo* and the *kashering* requirement is merely *d'rabannan*, *Chazal* allowed the person to only consider the primary use of the utensil when deciding how it should be *kashered*. Accordingly, if the utensil is *ben yomo* from the secondary use, all opinions would agree that one must consider even the *miut tashmisho* (*Mishnah Berurah* 451:46).

²⁰ *Rema* 451:6 and YD 121:5 (as per *Gr"a* 121:13).

²¹ See *Rema* (and *Mishnah Berurah* 451:45 explaining *Shulchan Aruch's* position in this situation).

In spite of *Rema's* strict stand, he accepts the lenient position (a) in cases of *b'dieved*,²² (and there are those who suggest that in the appropriate situation one may also apply the principle of *שעת הדחק דייעבד*), and (b) in situations where following *miut tashmisho* will mean that the utensil cannot be *kashered* at all (for example, where *libun gamur* is required and the utensil cannot withstand that process).²³ However, even in cases where the lenient position is justified, one may only follow *rov tashmisho* if the utensil is *aino ben yomo*²⁴ and will not be used for (kosher) *davar charif*.²⁵

Based on the above points regarding *machvas* and *rov tashmisho*, Rav Schwartz's position is that preferably both flat tops and tilt skillets should be *kashered* with *libun gamur*, since they may occasionally be used for dry foods without liquid. However, where there is great need to use the equipment and *libun gamur* is not possible, and the primary use is in a manner which does not demand *libun gamur* they can be *kashered* with *libun kal* (flat top) or *hag'alah* (tilt skillet).²⁶

Libun Gamur for a Tilt Skillet (or Flat Top)

1. Clean tilt skillet thoroughly.
2. Fill the tilt skillet with coal.
3. Ignite coals.
4. Turn on heat after coals are lit by torch. When igniting with torch, be careful not to set off the automated fire extinguisher (Ansel).
5. Let burn in tilt skillet for 20 minutes.
6. Turn off heating element.
7. Pour cold water onto the coals to extinguish them, pouring slowly

Hag'alah for a Tilt Skillet

1. Clean tilt skillet thoroughly.
2. Fill with water until it comes out of pour spout.
3. Heat water until boiling.
4. Tilt skillet backward slightly (if possible) so water will boil over back.
5. Tilt skillet forward so water will boil over front.
6. See text below regarding areas where water doesn't reach (top of sides and cover).

²² *Rema* 451:6 (and *Mishnah Berurah* 451:27).

²³ *Sha'ar HaTziun* 451:51 citing *Bels Meir*, who in turn is based on *Rema* YD 121:5 (see *Gr"a* 121:14).

²⁴ See *Mishnah Berurah* 451:46 cited above in footnote 19.

²⁵ See *Chazon Ish* OC 119:15.

²⁶ In weighing the "need", we are more lenient regarding flat tops, as our experience has been that it is very rare for them to be used in a manner which does not qualify as a *machvas* (as per Rav Schwartz's understanding given in the text above). According to Rav Belsky's understanding, both pieces of equipment are of reasonably equal status, where *miut tashmisho* is in a manner which demands *libun gamur*, and a lower level of *kashering* is only justified in cases of *שעת הדחק* or where the equipment cannot withstand *libun gamur*.

Most tilt skillets are heated by flames or electric coils. However, some are heated by steam coils, and as noted above, items heated by steam coils are not considered to be "on the fire"; therefore, all would agree that *libun gamur* is not required, regardless of how the tilt skillet was used.

K'bol'oh kach polto

A principle of *hechsher keilim* is that the *kashering* required to remove *b'lios* is commensurate with the way the *b'lios* were first absorbed. This principle, known as *k'bol'oh kach polto*, means that, for example, if a sink absorbs *b'lios* via *irui kli rishon* then it can also be *kashered* via *irui kli rishon* and a traditional *hag'alah* is not required.²⁷

Contemporary *Poskim*²⁸ extend this principle to even include temperature levels, such that if it is known that a dishwasher's highest cycle is at 180° F, the dishwasher can be *kashered* at a few degrees above 180° F, and the water is not required to reach 212° F (although the *minhag* is to make every attempt to reach 212° F).²⁹ In practice, *kashering* a dishwasher requires that (a) an engineer raise the temperature set point in the dishwasher so that the water is hotter during *kashering* than during operations and (b) the dishwasher be allowed to run at this higher temperature for an extended time (see the footnote).³⁰ [This application of *k'bol'oh kach polto* is limited to *hag'alah* and does not apply to *libun* (i.e. *libun* for a utensil which had a *b'liyah* at 350° F cannot be performed at a mere 350° F.)]

Steam

*Maharsham*³¹ suggests another application of *k'bol'oh kach polto* as relates to *kashering* with steam. As a rule, *hag'alah* cannot be performed with steam (but must rather be done with water) and therefore a combo-oven cannot be *kashered* with steam. However, if all of the *b'lios* were absorbed via steam then *k'bol'oh kach polto* teaches us that the *hag'alah* may also be performed with steam. A common example of this is a vegetable steamer, where all *b'lios* into the chamber are via steam, and therefore the chamber may be *kashered* via pumping steam into the chamber (for long enough that the chamber walls are saturated with heat). [If the pans used in the steamer are also used in

the oven, then they must be *kashered* via a water-*hag'alah* since they had *b'lios* without steam.]

A related halacha is that although one may not *kasher* with steam, if the steam condenses into water on the surfaces of the equipment, the water will serve as an acceptable medium for *hag'alah* (assuming it reaches *roschin* temperatures and covers all surfaces of the equipment).³² In this case, steam is being used as a tool to facilitate *hag'alah* with pure water. This method of performing *hag'alah* is sometimes useful in *kashering* parts of a utensil (e.g. covers or the upper edges of a tilt skillet) which are too high to touch the water which is in the pot. Alternatively, those areas can be *kashered* via *libun kal* using a blowtorch.

It is worth noting that before using any equipment which is heated by steam, one must ascertain that the steam system is not shared between kosher and non-kosher equipment and that any residual (non-kosher) condensate is drained from the equipment.

3. Aino Ben Yomo

It is well known that utensils must be *aino ben yomo* before they are *kashered* via *hag'alah*. This ensures that *b'lios* expelled from the utensil during *hag'alah* cannot give a (positive) *ta'am* back into the item which was just *kashered*. Furthermore, *Rema*³³ notes that even in cases where it is technically permitted to perform *hag'alah* as a *ben yomo*, the common custom is not to do so, so as to avoid questions and potential issues.

The above applies to *hag'alah* and *irui kli rishon*, but *libun gamur* incinerates all *b'lios* and may therefore be performed even if a utensil is *ben yomo*.³⁴ *Pri Megadim*³⁵ is unsure as to whether *libun kal* may be performed as a *ben yomo* or is essentially similar to *hag'alah* and must be an *aino ben yomo*. From a halachic perspective, most *hashgachos* take a lenient approach to this question, although as a matter of policy many do not perform any *kashering* whatsoever on equipment which is *ben yomo*.

As noted earlier, in cases where one relies on the lenient opinion and follows *miut tashmisho* in determining the method to *kasher* a piece of equipment, all opinions agree that the equipment must be *aino ben yomo* regardless of the method of *kashering*.



RAISINS

Recently, someone discovered *drosophila* larvae in raisins and brought it to the attention of the *kashrus*

²⁷ A sink might also have *b'lios* from a hot *davar gush*, and there are those who hold that the *b'liyah* of a *davar gush* is considered to be a *kli rishon* even after it leaves the fire. A strict interpretation of this situation would require that the sink therefore be *kashered* with *irui kli rishon* using an *even m'lubenes*, as per *Mishnah Berurah* 451:114. [Rabbi Stone wrote the following procedure to perform *libun kal* to a sink: (1) Place 2 Sternos on sink bottom; (2) light the Sternos; (3) cover sink with foil, and leave it covered until the Sternos burn out.] However, most people *kasher* sinks without an *even m'lubenes*, and they likely rely on the combination of the fact that many hold *davar gush* does not have the status of *kli rishon*, in this case the *b'liyah* of *davar gush* is merely *miut tashmisho*, and we have seen that one need not be concerned for *miut tashmisho* in certain situations.

²⁸ See for example *Iggeros Moshe* YD I:60 and *Minchas Yitzchok* III:67:7-13.

²⁹ See for example *Iggeros Moshe* YD I:60.

³⁰ When a commercial dishwasher runs for an extended amount of time, the surfaces of the dishwasher get hotter than if the dishwasher just runs through a quick cycle. Accordingly, in order to mimic the temperature reached during non-kosher use, the *kashering* cycle has to last for long enough to reach similar temperatures. Another reason to extend the *kashering* is so that any walls which are heated to the point of no longer being *דפנות מקורות* such that they are considered a *kli rishon* (see, for example, *Taz* YD 92:30) will attain a similar status during the *kashering*. *Kashering* is invariably done using the dishwasher's own water, and therefore it seems to be of no significance whether the dishwasher's water is heated by an internal element (which makes it more similar to a *kli rishon*) or not, because the *kashering* will be based on *k'bol'oh kach polto*.

³¹ *Maharsham* I:92: this position is mirrored in other *Poskim*.

³² *Iggeros Moshe* YD I:60.

³³ *Rema* 452:2.

³⁴ See *Darchei Moshe* YD 121:15.

³⁵ *Pri Megadim* MZ 452:4.

world. These larvae are not visible when one visually inspects raisins, but can be seen in water that had been used to soak raisins. In the ensuing weeks, *kashrus* professionals from the cRc and other *hashgachos* have been investigating this claim, and the following are our findings:

- There are, in fact, a limited number of *drosophila* larvae in some boxes of raisins, but it is unclear whether they are common enough to raise a concern.

Although the *Torah* forbids us from eating bugs, one is only required to inspect a vegetable if there is a reasonable concern that it might be infested. It is unclear whether the infestation level found in raisins exceeds this threshold, which is halachically referred to as *miut hamatzui*.³⁶ [No one has been able to duplicate the exaggerated infestation levels first reported in raisins.]³⁷ Furthermore, it is unclear whether bugs which are as difficult to find³⁸

³⁶ Four groups, Rabbi M. Einhorn, cRc, COR and OU, checked raisins using similar methods and reported their results at the AKO meetings on the topic. Each group checked many pounds of raisins and the results were quite varied, with these groups finding an average of .40, .03, .14 and .04 bugs per ounce respectively. [If we discount Rabbi Einhorn's two most exaggerated results, his findings are somewhat more in line with the others at .067 bugs per ounce.] The decision as to whether raisins are infested to the level of *miut hamatzui* depends on (a) how one defines that term and (b) whose results are considered most accurate, as follows:

- If *miut hamatzui* is defined as 1 bug in 10 raisins (as suggested by Rav Gissinger), then all would agree that they do not cross that threshold. [There are 1,000-1,200 raisins in a pound, and even using Rabbi Einhorn's findings there is only 1/20th of a bug in 10 raisins.]
- If *miut hamatzui* is defined as 1 bug in 10 servings, and we follow the serving size of 1.4 ounces (as per the California Raisin Marketing Board, SunMaid and Dole) or even 2 ounces (as per others), raisins are forbidden according to Rabbi Einhorn and the COR, but not according to the cRc and OU. [Rav Schwartz and Rav Schachter favor this approach to defining *miut hamatzui*.]
- Rav Belsky measures *miut hamatzui* using a non-mathematical measure of whether one is "surprised" to find a bug. Based on our understanding of his position he would likely consider raisins permitted according to all of the test results.

³⁷ Rabbi Einhorn found 52 bugs in one 15 ounce box and 30 bugs in another 14 ounce box (and much fewer bugs in his 13 other samples), but none of the others who checked ever found a sample with even a tenth of that many bugs in that size sample.

³⁸ I.e. the larvae can only be found after soaking the raisins in water for a few hours (which causes the raisins to absorb the water and essentially ruins them), and the experts claim that multiple soakings are required to find all of the bugs. It is unclear whether one is required to go to such lengths to find a bug in food (see for example *Pri Megadim* MZ 84:12). Furthermore, Rabbi Eckstein raised the point that maybe the *drosophila* larvae in standard raisins are too dried out and shriveled to find (and to be considered *beriyos*), and it is only after soaking that they become recognizable (such that in the dried stage there are permitted). The following directions for checking raisins were written by the New Square Kashrus Council:

1. The raisins are to be soaked in lukewarm/hot water for a few hours (the longer the better), the amount of water should be about twice that of the raisins.
2. Prepare a paper filter or a clean white cloth and a light box.
3. Pour about 8 ounces of the soaking-water onto the cloth. (You must agitate the water immediately before pouring onto the cloth because some insects will sink to the bottom).
4. Place the cloth onto the light box and check.
5. Prior to checking the cloth (step #4) refill the soaking-bowl with 8 ounces of fresh water. (During the time of checking it will soak for some time).
6. Each time after checking is finished, the cloth should be washed off clean.
7. Repeat steps 3, 4, 5 and 6 many times. (The reason being that the insects are ATTACHED to the raisins so strongly that it takes a lot of effort to get them dislodged.)

Due to high level of particles in raisins, you cannot pour the entire soaking water at once, since the particles will cover the insects.

and identify³⁹ as *drosophila* larvae, are in fact included in the class of forbidden bugs.

- USDA personnel have confirmed that *drosophila* larvae hatch after the grapes/raisins are detached from the ground, and do not leave the raisin where they were hatched until after they have left the larvae stage. In cases such as this where the bug hatched on a fruit which is not attached to the ground, and the bug never left that fruit, all halachic authorities agree that one may consume the bug.⁴⁰

At first, one expert suggested that *drosophila* larvae may hatch while the grape is attached to the ground, but after conferring with her colleagues and clarifying which bug we were referring to, she retracted her statement.⁴¹ In truth, even if there was a possibility that the larvae hatched while the grapes were attached to the ground, there would be basis for permitting the raisins based on *Taz* YD 84:12.⁴²

We therefore conclude that the recent claim of bug infestation of raisins does not concern kosher consumers, and raisins may be eaten. [Of course, raisins showing visible signs of infestation by bugs other than the ones discussed above, should not be eaten until the bugs are removed.]



³⁹ Those people who have been trained to inspect vegetables for insect infestation using magnification, are able to identify the larvae as bugs even when they do not use magnification, but average people who have never inspected bugs under magnification are unable to identify the larvae as bugs (even after the larvae are pointed out to them). Thus, there is good reason to argue that since people with average eyesight are unable to identify the larvae as bugs, the larvae are too small to be forbidden (and the experts are treated as having above-average eyesight such that what they see has no bearing on the halacha).

⁴⁰ See *Shulchan Aruch* YD 84:4 [and the parenthetical comment in *Pri Megadim* MZ 84:12 (mistakenly printed as 84:11 in some editions) which is based on Rema 84:16].

⁴¹ Dr. Judy Johnson from the USDA wrote to the OU that "Adult *Drosophila* are attracted to the volatiles from fermenting fruit, and thus tend to attack grapes that have some bunch rot. If grapes with bunch rot are placed on grape trays to dry, they attract adult *Drosophila*, which may lay eggs on the trays. While the eggs may hatch, generally the raisins become too dry for the resulting larvae to develop in, and they die. The heat from the sun will also kill many of the eggs and larvae... Because of this processing, insects that may infest raisins while they are being dried are rarely found in packaged raisins sold to consumers".

Dr. Terry Freeto, head of QA at SunMaid and a former USDA expert on fruit infestation, first told a meeting of *kashrus* professionals that *drosophila* larvae are not attracted to dry fruit but rather enter at the grape-stage. However, she later conferred with her Growers Services Department (and Ms. Johnson) and retracted that statement saying that "It is a different insect that can damage the fruit in July, but the damage does not attract the *drosophila* until the fruit is ripe and has juice which occurs...when they detach it from the ground in September".

Rabbi Fishbane and Rabbi Seth Mandel (OU) visited a vineyard in Canelones, Uruguay where they met with a knowledgeable farmer who confirmed that the facts stated in the text.

⁴² *Taz* suggests that if there is a *safek* whether a food is infested while attached to the ground (when the bugs would automatically be forbidden) or after detaching from the ground (when they would be permitted if they did not move), one may rely on a *s'fek sfekah* to permit the eating of the food (*safek* whether a given fruit is infested at all, and *safek* when it was infested).

Pri Megadim ad loc. cites others who disagree with this position; there was considerable discussion as to whether those opinions would stand in situations such as ours where (a) there is no way to find infestation without ruining the fruit and (b) it is impossible to clarify both *sfekos* (see *Pischei Teshuvah* YD 110:35).

PAS/BISHUL YISROEL

PART 2

An ongoing series based on the cRc weekly kashrus shiur

סימן קי"ב סעיף ב' וג'

יש מקומות שמקילין בדבר ולוקחים פת מנחתום העובד כוכבים במקום שאין שם נחתום ישראל מפני שהיא שעת הדחק, ויש אומרים דאפילו במקום שפת ישראל מצוי שרי, אבל פת של בעלי בתים אין שם מי שמורה בה להקל, שעיקר הגזרה משום חתנות ואם יאכל פת בעלי בתים יבא לסעוד אצלם. ולא מיקרי פת בעל הבית אלא אם עשאו לבני ביתו, אבל עשאו למכור מיקרי פלטר אע"פ שאין דרכו בכך, וכן פלטר שעשאו לעצמו מיקרי בעל הבית.

יש מי שאומר שאם פלטר הזמין ישראל הרי פתו בעל הבית.

PAS PALTAR**התירו פת**

א) The *Gemara* which discusses *pas akum* (*Avodah Zara* 35b) is quite unusual, as follows: The *Mishnah* says that *pas* (and a number of other things) of an *akum* are forbidden, and the *Gemara* starts off with a statement that **פת לא הותרה בבית דין**, giving the impression that there might be reason to suspect that the statement of the *Mishnah* was somehow retracted. In addition:

- This unusual statement is followed by a *Gemara* which surely seems to imply that in fact the *gezairah* was somewhat suspended in cases of need or less concern of *chasnus*. The *Gemara* itself has more than one opinion as to what is or is not permitted.
- *Yerushalmi* (here and in *Shabbos*) says that the *gezairah* was retracted, although there are critical disagreements as to what the exact *girsah* in the *Yerushalmi*s.
- A later *Gemara* (37a) says that some people retracted the *gezairah* against *shemen akum* and they would have been willing to retract the *gezairah* of *pas akum* also, but just did not do that because it would look bad for one *Beis Din* to do both at once. How can a *Beis Din* retract a *gezairah* if they are not greater than the *Beis Din* that created it? *Ran* (*Avodah Zara* 14b s.v. *Rebbi*) answers that there are 3 levels of *gezairas*:
 - If the *gezairah* was accepted/followed by all Jews (פשוט ברוב ישראל), then no *Beis Din* can retract it, even if they are greater than the original *Beis Din*. [This is based on a *Gemara* that the דבר י"ח cannot be retracted by any *Beis Din*].
 - If the *gezairah* was not accepted by all Jews, but is something that is reasonable for them to follow (רוב הציבור יכול לעמוד בו) then it can only be retracted by a *Beis Din* which is greater than the one which created the *gezairah*.
 - If the *gezairah* was not accepted because it is something which most people cannot

realistically follow, then any *Beis Din* can undo it (but until some *Beis Din* undoes it, it remains intact).

- *Tosfos* (35b s.v. *michlal*) (and, I believe, *Ran* as well) point out that if people in the *Gemara*, who were not as great as those who created the original *gezairah*, were considering retracting the *gezairah* of *pas akum* and if the *Yerushalmi* even says that they might have, it must be that the *gezairah* was not accepted by all Jews, such that it is possible to retract it. If so, they postulate that since the *gezairah* was "available" for retraction, some later *Beis Din* did in fact retract it, and that is why people are lenient about *pas akum*.

ב) Before we discuss exactly which part of the *gezairah*, if any, was retracted, it is worth noting that many point out that the reason that the *issur* of *pas akum* may have been partially undone is because bread is a staple food and the bakeries/ovens belonged to non-Jews who did not let the Jews participate in the baking, such that the *gezairah* had a dire effect on the *tzibur*. This is different than the *gezairah* of *bishul akum*, *stam yayin* or other items which cover foods which are not as crucial, and which are also items which were more typically prepared by each family.

- ג) The *Tur* and *Beis Yosef* bring quite a number of opinions as to whether the halacha is that *pas akum* does or does not remain forbidden:
- The *Bavli* mentions possibilities of being lenient when the bread is from a *paltar*/baker, where there is no *kiruv hadas* from eating his bread, or if the person is "בשדה" (an unusual situation, so not likely to lead to closeness – *Rashi* s.v. *l'osrah*), and the *Yerushalmi* adds that maybe it is permitted if a person has not eaten in 3 days.
 - *Rambam* holds the *gezairah* remains in place, as it was originally enacted, and others take an opposite stand that due to the difficulty in following the *gezairah* the entire *gezairah* was abolished. A third opinion, which is also somewhat extreme, is that if there is no *pas paltar* available then the entire *gezairah* does not apply, and one may even eat *pas* produced by a private non-Jew (and this opinion is noted in *Shulchan Aruch/Rema* 112:8).
 - Two other opinions lie somewhere between the above opinions – one holds that in cases where there is no Jewish baker the person may buy from a non-Jewish *paltar* (as that is considered a serious *d'chak* and a minimal concern of *chasnus*) and the other holds that due to the difficulty many people had in getting *pas Yisroel* the entire *gezairah* was retracted as relates to a non-Jewish *paltar*, even for people who happen to not have such a need to use the *pas paltar* of the non-Jew (e.g. they have a Jewish baker in town as well).

- *Shulchan Aruch* follows the first of these latter two opinions and *Rema* accepts the latter one.
 - *Shach* 112:8 seems to understand the *machlokes* in this way. *Shulchan Aruch* holds that originally the *gezairah* did spread to all of *Klal Yisroel* but in later generations it became too difficult so they make a special exception for those people who were left without alternatives; accordingly, it is only permitted in a situation where a person truly has no other options (i.e. there is no *paltar Yisroel*). However, *Rema* holds that the *gezairah* never spread (due the difficulty in following it) and therefore a later *Beis Din* retracted the *gezairah* at least for *pas paltar*. Therefore it is logical that when they retracted the *gezairah* it was completely abolished even if one's situation was not so desperate. According to this, *Shulchan Aruch* would seem to hold that this is not an example of *Ran* where one is permitted to retract a *gezairah*, but rather just a "temporary" waiving of a *d'rabannan* for someone who has some serious extenuating circumstance.

Times to be machmir

- ד) *Shach* 112:9 makes two points (which are listed here out of order):
- מיהו נראה that one should not use *pas paltar* of a non-Jew if he lives in a place where there is *pas* of a *paltar Yisroel* available; in other words, to follow the opinion of the *Mechaber*. [Alternatively, he may be stating that the *Mechaber* just says to be *machmir* where it is "easy", so why not follow that opinion?].
 - In *Hilchos Yom Kippur* (603:2) it is written that during *Aseres Yimei Teshuvah* even those who follow the lenient opinion should be *machmir* and refrain from eating *pas paltar*. The implication of (the end of) *Shach* and similarly from *Mishnah Berurah* (603:1) (who both discuss how much one has to be *machmir* when a *paltar Yisroel* is not readily available) is that during *Aseres Yimei Teshuvah* one should be *machmir* like the *Mechaber* and not eat *pas paltar* of a non-Jew when *pas* of a *paltar Yisroel* is available. This means that if you live in a place where there is no *paltar Yisroel* (or no *paltar Yisroel* for the items you want to eat, as we will see later), you may eat *pas paltar* during *Aseres Yimei Teshuvah*.
 - Why should one follow the *Mechaber* during *Aseres Yimei Teshuvah*? *Tur* (603) cites a *Yerushalmi* which states that during *Aseres Yimei Teshuvah* one should be *makpid* on halachos which they otherwise do not follow – the example given is to eat *Chullin b'taharah* – and *pas paltar* is, I believe, his "modern" variation on that ruling. So, the point is to be more *machmir*

during that time than during the rest of the year (and *pas paltar* is just an example). Some contemporary *Poskim* suggest that if so, if in fact, one is *machmir* for *Shach's* position that all year they follow the *Mechaber's* opinion, then for *Aseres Yimei Teshuvah* they will have to be *machmir* on something more than that, and they suggest that the person be *machmir* to not eat *pas paltar* even if there is no *paltar Yisroel* available. So, that is not the official "minhag" for *Aseres Yimei Teshuvah*, but maybe it is appropriate (or maybe the person can pick something else like *cholov Yisroel*, *Yoshon*, *bein adam l'chaveiroh* etc.).

- ה) While we are mentioning this, it is worth noting two somewhat opposite points:
- *Tur/Beis Yosef* discuss the opinion of the *Geonim* who hold that if a person has no other bread, then on *Shabbos* they should be more lenient and even eat *pas* of a *bal habayis* (i.e. non-*paltar*) because it is forbidden to fast on *Shabbos*!
 - *Mishnah Berurah* 242:6 brings *Magen Avraham* who says that its *kavod Shabbos* to only eat *pas Yisroel* on *Shabbos*. [Of course, this is not a contradiction to the earlier point, as this statement is discussing someone who has other choices as to what to eat]. *Mishnah Berurah* does not say that he should just follow the *Mechaber* and implies that he means that one should not eat *pas paltar* even if *pas Yisroel* is not available, but there are two reasons why this would seem to not be what he had in mind. Firstly, we have just seen that if one actually has nothing to eat, then they are supposed to be more lenient on *Shabbos* regarding *pas akum*. Secondly, *Magen Avraham* 242:4 himself is based on exactly the same *Yerushalmi* cited above regarding *Aseres Yimei Teshuvah*, which states that "for 7 days a year you should be *machmir* to...". The difficulty with this statement, i.e. that there are 10 days in *Aseres Yimei Teshuvah*, is answered by supposing that on the days of *Yom Tov* and *Shabbos* one is *machmir* in any event. Thus, eating *pas Yisroel* on *Shabbos* is really a sort of backwards inference from the halachos of *Aseres Yimei Teshuvah*, and therefore if during those days you only have to be *machmir* for the *Mechaber* then the same is true of *Shabbos*.

JEWISH-OWNED PAS PALTAR

- י) *Shach* 112:7 says that only *pas* of a non-Jew is permitted as *pas paltar*, but *pas* which belongs to a Jew which was baked by a non-Jewish *paltar* is forbidden, and he notes that many people, including *Toras Chattas (Rema)* 75:2, *Issur V'Heter* 44:9, and *Taz* 112:7, also share this opinion.

Two reasons

r) What is the reason for this halacha?

- At first glance, we might imagine that it is somehow based on the *Mechaber* who holds that *pas paltar* is only permitted if *pas Yisroel* is not available. Therefore, in a case where the Jew has his own dough, we have no reason to be lenient since in this case the Jew can simply participate in the baking which in a sense would be as if there is a Jewish *paltar* available, and *pas paltar* is not permitted. It is not clear if such a position can logically be defended, but even if it could we cannot apply it in our case it for a simple reason. *Toras Chattas* cites this as the second halacha in *pas Yisroel*, and in the first halacha he says that *pas paltar* is permitted even if there is *pas Yisroel* available! We will see more on this, with a similar reason below.
- Another possibility is somewhat more complicated. One of the *Poskim* who cites this halacha is *Tur* who hints at it at the beginning of our *siman* and is more clear about it in his discussion of (what we have as) 112:9. In the second reference *Beis Yosef* says nothing about this position, but in the first he discusses it as part of the larger opinion of the *Tur*. *Tur* has a radically different explanation of what *pas akum* is, than we do, as following:
 - *Tur* is based (partially) on a simple set of questions: Why are there separate prohibitions against *pas akum* and *bishul akum*? Even stranger is that the *Gemara* which describes the 3 ways to make *pas* permitted is a few *blatt* after the *Gemara* of *pas Yisroel* and is in the middle of the *Gemara* about *bishul Yisroel*; why would it be in such an odd spot? *Tur* therefore understands that the *issur* of *bishul akum* covers both *tavshil* and *pas*, and *pas* has an additional requirement that it must belong to a Jew at the time of kneading (and possibly when it is formed). *Pas* which meets this second requirement is considered *pas Yisroel*, and after that occurs, it still must be baked as "*bishul*" *Yisroel*, but if a Jew bakes bread which was not *pas Yisroel*, the bread is forbidden. [As such, the *Gemara* about a Jew participating in the baking is really describing how to remove the prohibition of *bishul akum* and just happens to be talking about bread, rather than how to remove the prohibition of *pas akum*.]
 - When the special leniency of *pas paltar* was "created" it removed both the *issur* of *pas akum* and that of *bishul akum* (for *pas*), but in cases where *pas akum* still applies, *pas* has two requirements to be permitted.
 - In this context, *Tur's* halacha, i.e. that if a Jew owns dough, the leniency of *pas paltar* does not apply, has a certain sense to it. Firstly,

according to *Tur* it is of significance to know who owns the dough, and secondly, the leniency of *pas paltar* allows us to also remove a second *issur* of *bishul akum* so maybe in cases where the primary *issur* still applies (because a Jew owns the dough) then the secondary *issur* also still applies.

- With this said, we well understand why *Beis Yosef* understands *Tur's* halacha, does not have to give a source for it, and yet seems to completely ignore it in *Shulchan Aruch* even though he did not cite anyone who directly disagreed with it. [*Shach* is inferring this halacha from the words of *Shulchan Aruch* 112:2, but seemingly *Shulchan Aruch* could have been much more clear if he meant to accept this position.] According to this explanation, the train of thought is easy to follow. Once we reject *Tur's* whole approach to *pas akum* and hold that it is the same as *bishul akum* (only for different foods), it becomes obvious that we do not hold of this detail of his approach.
- This would be good except that we have no reason to think that *Taz*, *Shach*, *Issur V'Heter*, *Toras Chattas* etc. hold of *Tur's* approach.

Iggeros Moshe

n) *Iggeros Moshe* YD 1:45 gives a different explanation. He says that *pas paltar* was only made permissible due to the difficulty in obtaining *pas Yisroel*, which indicates that really there is some "hint" of *pas paltar* being not as "kosher" as other foods. Therefore, *Tur* logically holds that in cases where the Jew owns the bread and could easily just bake it himself (or at least participate in the baking), there is no reason to be lenient, and the regular *issur* of a non-Jew's food remains.

- Some questions on such an approach are:

- This line of reasoning surely seems to follow the approach of *Mechaber* that *pas paltar* is only permitted when *pas Yisroel* is not available, with this being just another sort of example of that approach. Why then would the *Toras Chattas/Rema* hold this way? It seems we will have to say that *Rema* holds that once *pas paltar* became permitted we say *lo plug* and permit it even where the reason does not apply (i.e. when there is a *paltar Yisroel* around), but if we have a "different" case, such as bread which belongs to a Jew, then we can say that that is not included in the *lo plug* and reverts to only being permitted when logic dictates that it should be.
- Why does everyone say that if the Jew owns the bread, it is forbidden as *bishul akum*? Should they not say that it is forbidden as *pas akum*? According to *Iggeros Moshe*, is "Jewish-owned"

just a reason to not apply the *heter* of *pas paltar*, thereby allowing it to revert to being *pas akum*? Maybe it is just semantics that we cannot call it *pas akum* when it was baked by a *paltar*, but this seems to be a *dochek* and it makes me think the explanation cited above (which saw this as part of *Tur's* general position) has merit.

- *Iggeros Moshe* suggests a big *chiddush* based on his line of reasoning. He says that since *pas* owned by a Jew is only forbidden because it is so easy for him to participate in the baking, it does not apply when the Jew owns a large bakery where he cannot possibly bake all of the food and has a hard time finding Jewish employees to do it for him! In those cases, it is not easy at all for the Jew to bake the bread, and the rationale for permitted *pas paltar* comes back, so the bread is permitted.
 - This ruling is quite a *chiddush* and there does not seem to be any indication to support it from the *Poskim* who discuss this *Tur*. [At the same time, it is noteworthy that *Iggeros Moshe* starts by being very surprised at *Tur's* halacha, and does not see a source for the *chumrah*.]
 - Nonetheless, American *hashgochos* widely rely on *Iggeros Moshe* and do not demand that commercial bakeries owned by Jews produce all of their *pas* as *pas Yisroel*.
 - What is interesting is that it would seem that even *Iggeros Moshe* might not apply to a small retail bakery where the owner is intimately involved in the baking and could easily be the one to turn on the fires for the once a day that is necessary. In those cases, the bread could easily be *pas Yisroel* and *Iggeros Moshe's* reason to permit a Jewish-owned product to rely on *pas paltar* does not apply.

DEFINITION OF A PALTAR

- ו) *Shulchan Aruch* towards the end of 112:2 says that no one is lenient regarding *pas bal habayis* (and we will see more about that in 112:8), because eating such bread might lead to your eating with them and *chasnus*. *Rema* adds that to be considered *pas paltar* or *pas bal habayis*, it does not really matter whether the person's profession is as a baker or not. Rather, the criterion is whether he made the bread for "personal use"; if he did, the bread is *pas bal habayis* even if the person is a professional baker, and if he did not make it for personal use, then it is *pas paltar* even if he is not a baker by profession.
 - There is discussion in the *Acharonim* as to whether bread made to be given as a present, and maybe even as a present to this person, might even be considered *pas paltar*. Such an understanding would suggest that *pas paltar* refers to anything other than items made for true personal use.

- י) Let us turn to *Shulchan Aruch* 112:3 (before returning to 112:2 for the rest of our discussion). *Shulchan Aruch* says that "some say" that if a *paltar* invited a Jew to his house, then the bread eaten there is treated as being *pas bal habayis* since he invited him to his house.
 - The simple understanding of this halacha is that if the *paltar* baked the bread as a "*paltar*" but then serves it to a guest in his house, the bread changes from being permitted (as *pas paltar*) to being forbidden (as *pas bal habayis*). In fact, *Beis Yosef* cites this halacha from *Orchos Chaim* citing *Ra'ah*, and if one looks at the text of *Orchos Chaim* or even more clearly in the text of *Ra'ah* (*Bedek HaBayis* 3:7 pg. 92b-93a), it is clear that this is what he is saying.
 - The only problem with this is that *Ra'ah* is disagreeing with *Rashba* who says that the status is decided at the time of baking, and *Rashba's* opinion is cited uncontested in *Shulchan Aruch* 112:7! This question is discussed in *Shach* 112:12 (and others), who offers two answers:
 - In actuality he disagrees with *Ra'ah* (as per 112:7) and just cites this opinion as "*yesh omrim*".
 - The fact that the non-Jew invited you to eat at his home makes it worse because it shows strong *kirvah*. [So, although *Rashba* says that even that case is permitted, *Shulchan Aruch* is being *machmir*.]

These two answers are a *dochak*, however...

- *Nekudos HaKesef* (in a rare comment on *Shach* instead of on *Taz*) says that *Shulchan Aruch* does not mean to cite *Ra'ah*. Rather, he means to say that if a *paltar* invites a guest over to eat at his house, then we assume that the bread he serves to the guest is not bread he baked to sell in his store, but is rather bread he baked for personal/home use. In this sense (*Nekudos HaKesef* says), *Shulchan Aruch* is saying exactly the same thing that *Rema* said in 112:2 (and that is why *Shulchan Aruch* does not even bother to mention that halacha whose "source" is given as "כן משמע בב") that the definition of a *paltar* has nothing to do with the way he earns his livelihood but rather with why he baked this loaf of bread – for personal use or not.
- Seemingly, a difference between these latter two answers would be where one is 100% sure that the *paltar* did not bake the bread for personal use, such as when the baker brings home the leftovers from his store and eats them for supper to which he invites a guest. If *pas paltar* is forbidden by *הזמין אצלו*, then this is also forbidden, but if it is because the invitation proves that he baked it for home use, then that does not apply in this case.