

# ספירימ

## INDIAN RESTAURANTS – POSTSCRIPT

Sappirim 24 presented a discussion on the challenges and suitability of certifying Indian restaurants without *hashgachah temidis* and readers raised two questions. [As with our original discussion, the points presented below are intended as “food for thought” for those providing *hashgachah*, and are not meant as representative of cRc policy.]

1. Any food cooked on *Shabbos* for Jewish customers is forbidden to be eaten.<sup>1</sup> If so, how can the store be certified if it is open on *Shabbos*? The food served on *Shabbos* is not permitted to Jews so the store would appear to not be “kosher” on that day.

The prohibition against eating this food is an outgrowth of the *issur* of *amirah l'akum*, which was violated by the Jewish customer who ordered the food on *Shabbos*. Thus, one could argue that it is not the

responsibility of the *hashgachah* to prevent customers from “ruining” the kosher status of food which is otherwise acceptable for consumption. Just as butchers are not required to label their meat as “kosher unless cooked with dairy”, so too one could argue that the customer’s *amirah l'akum* is beyond what the *hashgachah* must control.

On the other hand, one could counter-argue that there are well-meaning, less-religious Jews who trust the Rabbi or *hashgachah* who imply that one may eat any food at this store and are being somewhat misled on this point.

2. There is an Indian practice to offer a portion of food to a deity before eating. Would this type of food be *תקרובת עבודה זרה* and forbidden?

There is definitely a Hindu ritual in which a portion of cooked food is placed in front of an *avodah zara* on a dedicated plate, a mantra is chanted, and then the portion which had been offered

<sup>1</sup> *Shulchan Aruch* 276:1.



to the *avodah zara* is mixed back into the rest of the food. *Shulchan Aruch*<sup>2</sup> rules that there are a few very limited cases (i.e. where flour, crackers, water, oil, salt and certain other specific foods were offered to the *avodah zara*) where the whole batch of food, now referred to as, *prasad*, *prasada* or *prasadam*, would be forbidden

<sup>2</sup> *Shulchan Aruch* YD 139:1 outlines four classes of items which are forbidden due to their connection to *avodah zara*; *אליל* (the idol itself), *תשמישה* (items used in the service of the *avodah zara*), *נויה* (things which beautify the *avodah zara*), and *תקרובתה* (substances offered to the *avodah zara*). The plate designated for use in the service discussed in the text would likely qualify as *תשמישה* (see *Shulchan Aruch* 139:12), and the potential *issur* on the food offered would be as *תקרובת*.

*Shulchan Aruch* 139:3 rules that in order to qualify as *תקרובת* the food offered must either be a type which is offered to *Hashem* in the *Beis HaMikdash* (e.g. meat, oil, flour, water, salt), or any other item which meets two conditions: (a) it was offered in front of the *avodah zara*, and (b) the offering was done in a manner which mimics *shechitah* (slaughtering) or *zerikah* (throwing blood onto the *mizbeach*). [The details of how it must mimic those *avodos* is beyond the scope of this article.] Placing some rice, beans or other food on a plate in front of an *avodah zara* does not fulfill the latter of these conditions; therefore that food would not be forbidden as *תקרובת עבודה זרה* according to *Shulchan Aruch*. *Rambam's* opinion will be discussed in the text that follows.

If food which was forbidden as *תקרובת עבודה זרה* (or other forbidden *avodah zara* related items noted above) became mixed into other food, the *תקרובת* cannot be *batel b'shishim*; therefore the entire mixture is forbidden even if there was very little *תקרובת* in the mixture (*Shulchan Aruch* 140:1).

as a *ta'aruvos* of *תקרובת עבודה זרה*. However, he holds that in most cases the entire batch of food (and for that matter, even the part offered to the *avodah zara*) is permitted in spite of the fact that the non-Jew violated the *issur* of *avodah zara*. *Rambam*<sup>3</sup> argues that all foods (or other items) offered to the *avodah zara* would become forbidden; *Shach*<sup>4</sup> records that a more conscientious person (*bal nefesh*) should be *machmir* for this opinion, in which case the *prasada* would be forbidden as a *ta'aruvos* of *תקרובת עבודה זרה*, regardless of which food was offered.

In email correspondence with a number of Indian restaurants, Hindu religious representatives, and others, the consensus was that *prasada* is typically only prepared in a temple or religious venue, and the only restaurants where (all) food is *prasada* are those affiliated with ISKCON (Hare Krishna – e.g. the Govinda chain). Accordingly, it would seem that even if the restaurant is serving a food which would become forbidden as *תקרובת עבודה זרה* (the limited list according to

<sup>3</sup> *Rambam, Hil. Avodah Zara* 7:16, cited in *Beis Yosef* 139 page 235a.

<sup>4</sup> *Shach* 139:3, citing *Bach*.

*Shulchan Aruch* or any food according to *Rambam*), one not need be concerned that a standard Indian restaurant is actually performing the ritual with that food. Nonetheless, a *Mashgiach* who oversees *hashgachah* for an Indian restaurant should definitely be alert to any indication (e.g. statues, actual worship, dedicated plates, or statements on the menu) that a given restaurant is offering food to an *avodah zara*. [Whether one need be concerned that a chef is performing the ritual without permission of the store-owner is discussed in the footnote.]<sup>5</sup>

<sup>5</sup> Assuming the Indian restaurant is not offering or attempting to create *prasada*, should the *Rav HaMachshir* (and customers) be concerned that a rogue chef is doing so in his overzealous religious belief that such an action is a benefit to the customers? The simple answer appears to be that there is a general principle that אין אדם אוסר דבר שאינו שלו (*Shulchan Aruch* YD 296:4) and on the surface that means that a chef cannot cause the store's food to become forbidden as *avodah zara* unless the owner gives him permission to do so. [Although the owner allows him to cook the food and even throw it out when necessary, the owner does not allow him to do anything detrimental to the restaurant or its customers. See *Gemara*, *Nedarim* 36a (as per *Rosh* ad loc. ד"ה אמאי) that under such circumstance the principle of אין אדם אוסר דבר שאינו שלו applies.] In this context, some things to consider are:

- The aforementioned line of reasoning does not apply if the owner is the (rogue) chef or allows/encourages the chef to create *prasada*.



## HYDROSTATIC COOKER

### Technology

The goal of a canning operation is to seal the food inside a can (or other container) and then heat

- An exception to the principle of אין אדם אוסר דבר שאינו שלו is that a person can create an *issur* on another person's object if he does so using an action (*מעשה*) (*Shulchan Aruch* YD 145:8). There is a *machlokes Rishonim* as to which forms of "action" qualify for this exception. *Rashi*, *Chullin* 40a ד"ה רבוצה (as explained by *Tosfos*, *Avodah Zara* 54a ד"ה היתה) holds that even the most minimal action (e.g. picking up the object) is enough, and *Tosfos* *ibid.* argues that (for non-*hekdesh* purposes) the action must make some minimal change to the object. According to *Rashi* the ritual described in the text would qualify as an action (such that the chef could render the food forbidden) while according to *Tosfos* it would not.
- *Achiezer* 2:5:4 says that an action that is only effective if the person performing it has a particular intention in mind (e.g. pouring wine which is only forbidden if the person intended for the pouring to be done for an *avodah zara*) is not considered an "action" unless it is obvious to all (ניכר מתוך מעשיו) that the person had the said intention. In our case it would seem that the ritual involves sufficient characteristics to confirm that the chef's intention would be obvious to any onlookers such that it qualifies as an action (according to *Tosfos*, as above).
- *K'raisi U'plaisi* (*K'raisi* 4:6; *P'laisi* 4:3) holds that the entire exception (whereby one can create an *issur* on someone else's object through an action) is Rabbinic in nature. [See also *Pri Megadim* SD YD 4:6.] If so, it may be that one can apply the principle of ספק דרבנן לקולא as relates to the aforementioned *machlokes* between *Rashi* and *Tosfos*, and to the overall *safek* as to whether a rogue chef is creating *prasada* without permission of the owner.

the can to such a high temperature that all microorganisms, toxins, and spores<sup>6</sup> are destroyed. Once this is accomplished, the food inside the can will remain edible and fresh as long as the seal remains intact. The aforementioned processing generally requires heating the cans to approximately 250° F and maintaining that temperature for 20-150 minutes, and is always done in a machine called a "retort". [For purposes of the following discussion we will assume the cans are processed at 250° F which is a common temperature used.] There are quite a variety of retorts and the subject of our discussion is a sophisticated retort which is called a "hydrostatic cooker" (or "hydrostat" for short).

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<sup>6</sup> The text is discussing canning of "low-acid" foods, those foods whose acidity has a pH of 4.6 or higher. In such an environment, spores (dormant microorganisms which are encased in a strong shell) will eventually begin to grow and produce toxins, and therefore low-acid food must be sterilized to the point that even the spores are killed. This requires relatively high temperatures for extended amounts of time. [Most microorganisms and spores are not inherently dangerous to consume, and there is only a concern if they produce toxins.] High-acid foods, such as most fruits, do not require such extensive processing, as the heat must merely kill the microorganisms (and any toxins which they have already produced).

To understand the technology behind a hydrostatic cooker, we must first consider the difficulty in heating a can to 250° F. How will the can be heated to 250° F if the water or steam used to heat that can will boil at 212° F? How can a plant obtain water or steam which is hotter than 212° F with which to heat the cans? The answer is that water which is at atmospheric pressure boils at 212° F but when water is in a pressurized environment it will boil at higher temperatures. Thus, a retort must be a pressurized vessel which is filled with steam (or water) which is pressurized to 15 PSI (pounds per square inch) such that its boiling point is 250° F.

However, this raises its own problem – how can cans be put into and out of a pressurized vessel? As soon as the "door" is opened to put the cans in, all of the pressure will dissipate. To solve this problem, most retorts function as "batch retorts", which means that after a batch of cans is put into the vessel, the door is sealed and the retort is pressurized so that the cans can be heated to 250° F; when the processing is done the door is opened (pressure is lost) and the cans are removed. Batch-processing of cans is

effective but it is not efficient because the process is very labor intensive and a great deal of processing time is “lost” during the time the vessel is filled, pressurized, and emptied.

The Hydrostatic Cooker is one solution to this concern. [The following description will reference the “simple diagram” on the next page using the numbers inserted into the diagram. The diagrams are presented courtesy of JBT FoodTech, formerly known as FMC Technologies.]

A Hydrostatic Cooker contains a pressurized chamber which maintains a temperature of 250° F as the cans pass through it, and the cans enter and exit the chamber through simply brilliant “water legs”, which function as follows:

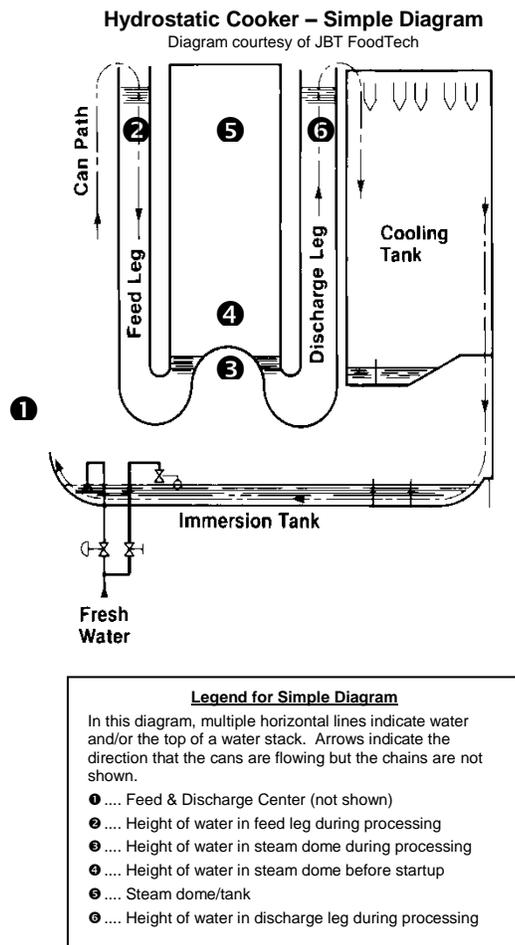
Before the machine is started up there is no pressure in the chamber, and there is some water at the bottom of the “steam dome” (or “steam tank”) ⑤ and legs; that water is as high

as point ④. During startup, steam which is 250° F is pumped into the “steam dome” (or “steam tank”) ⑤. The bottom of the chamber has enough water in it that the steam cannot escape through the legs, but as pressure builds up in the steam dome, that pressure forces the water up the legs. As the water rises up the narrow legs, the newly-created stack of water creates its own downward pressure. [Each two feet of water in a stack creates approximately 1 PSI.]

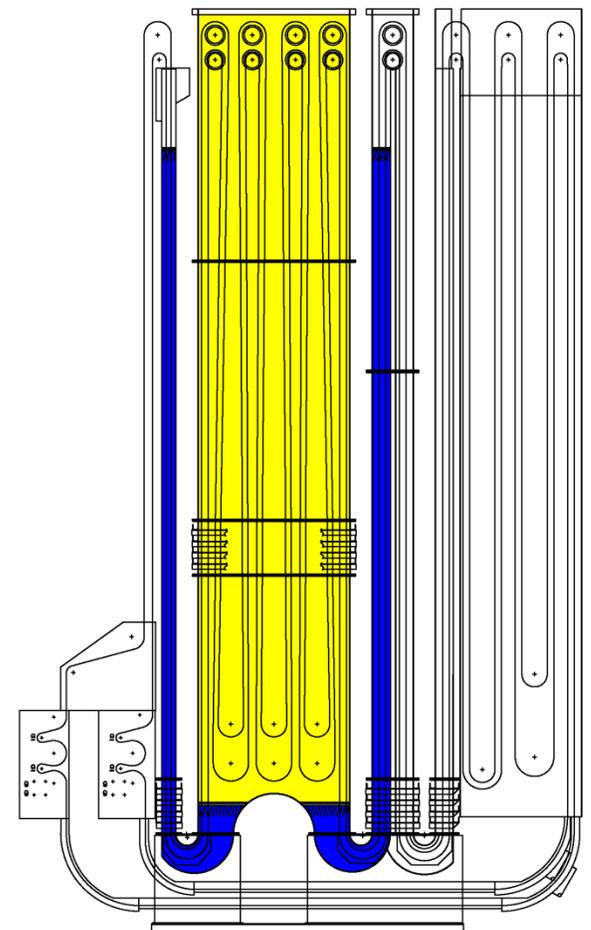
The steam continues to push the water up the leg until there is enough pressure in the leg to counterbalance the pressure from the steam. It takes 1-2 hours for the steam and water to reach equilibrium at the desired temperature/PSI. At that point, the water level in the steam dome ⑤ will be quite low (reaching to ③), the water level in the legs will be very high (reaching to ② and ⑥), and the Hydrostatic Cooker is theoretically ready for processing.

With the water legs in place at their full height, cans are loaded into wide “carriers” at the “Feed & Discharge Center” ❶ which are pre-mounted on chains that pull the carriers (and cans) up along the outside of the feed/inlet leg and then down through that leg and up into the steam dome ❷. Thus, the water leg serves as a “pressure lock” which simultaneously maintains the pressure within the steam dome but allows a continuous flow of cans to pass through into the

steam dome. [To see a short video of how the cans load into and out of the Feed & Discharge Center, go to <http://bit.ly/K2PUE4>.] In the steam dome the carriers follow a serpentine path – not shown in the simple diagram – that provides the required amount of processing time (i.e. 20-150 minutes) in the steam. The chains then pull the carriers (and cans) up through the discharge/outlet leg (which is also a pressure lock



**Hydrostatic Cooker (detailed)**  
Diagram courtesy of JBT FoodTech



This diagram shows the feed and discharge center (bottom left), water (in blue), steam (in yellow), cooling area (right), and chains (two sets running through whole system).

similar to the feed leg) and down the cooling areas. In the cooling area the cans are again pulled along a serpentine path while cold water sprays on them from above. After the cans are sufficiently cooled, the chains pull the carriers underneath the (outside of the) steam dome's floor to the feed & discharge center ❶ where the carriers are unloaded so that new cans can immediately be put into them. [As the cans pass below the floor of the steam dome, they are sometimes submerged in a final "cooling canal".]

In most plants with Hydrostatic Cookers, the only part of the retort which most people see is the Feed & Discharge Center ❶. In truth the Hydrostatic Cooker is usually 40-50 feet high – to accommodate the steam dome and the tall water legs – and is best seen from outside the plant where it usually stands much taller than the surrounding buildings.

### Temperatures

As noted, the temperature within the steam dome will be 250° F, and that is where the primary processing is done. The water legs are indirectly heated by (a) their contact with the steam in the steam dome, and (b) hot carriers

and cans passing through them (which affects the discharge leg more than the feed leg). In addition, sometimes (c) the water in the feed leg will be heated (with direct steam injection or by heating the water in an external heat exchanger), or (d) hot water from the bottom of the discharge leg will be pumped to the top of the feed leg, to assure that the water in that leg is hot enough to preheat the cans to a desired temperature. In contrast, some companies specially cool the water in the discharge leg (using an external heat exchanger). Due to these factors, the water legs can be as hot as 170-190° F, and they function to begin the heating (feed leg) and cooling (discharge leg) process for the cans.

After the cans/carriers leave the discharge leg, the cans must be cooled. Typically this is done in an unpressurized chamber<sup>7</sup> where water is sprayed on the cans. In some cases, after the cans go through this form of cooling, they also go through a cooling bath on their way back to the loading/unloading area. The cooling water used in a

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<sup>7</sup> The outlet leg cools the cans enough that they can go into an unpressurized chamber without exploding.

Hydrostatic Cooker is circulated with the hottest water hitting the cans just after they leave the outlet leg and progressively cooler water hitting the cans afterwards. The coldest water – which will either be fresh water or water that has been chilled in a cooling tower – will be the last water to hit the cans. Considering that the cans leave the discharge leg at approximately 180-200° F and only have to be cooled to about 80-100° F before they are unloaded, it is not surprising that a fair amount of the water used in cooling is hotter than *yad soledes bo*.

### **Kashering**

The startup procedure used for Hydrostatic Cookers takes a relatively long time and is quite thorough, such that it comes very close to being a “self-kashering”. [In the following paragraphs we will see the added steps required to convert a startup into a *kashering*.] The downside of this is that due to the intense startup procedure, Hydrostatic Cookers typically operate for long stretches of time without stopping, and this makes it more difficult to find a time when the equipment is *aino ben yomo*.

### **Temperature**

After any piece of equipment is clean and *aino ben yomo* the baseline requirement is that it come in contact with water that is somewhat hotter than during processing (*k'bol'oh kach polto*), and the preference is that the water should be *roschin*. Thus, it would be best for all (hot) parts of the equipment to reach a *roschin* temperature, but it is imperative that the *hag'alah* water be at least as hot as it is during processing.<sup>8</sup> At first glance it would seem that by the end of a standard startup process the water in each part of the Hydrostatic Cooker will be as hot as it ever gets during processing. In fact, this is not fully accurate for two reasons: Firstly, it takes time for heat to spread from the steam

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<sup>8</sup> In attempting to reach *roschin* it is noteworthy that the coldest water is usually found at the top of each leg. [Accordingly, in companies where a specific water temperature in the legs is part of the Scheduled Process, the water temperature will be measured at the top of the leg.] Thus, if a probe located at the bottom of the discharge leg indicates a temperature of 212° F that does not mean that all of the water in that leg is at that temperature. If, however, one's goal is to merely reach a temperature higher than during processing (*k'bol'oh kach polto*) and the probe in the discharge leg, for example, reaches 160° F during processing, and 165° F during *kashering*, it would seem reasonable to assume that all water in that leg is hotter than it was during processing (regardless of where the probe is located).

dome into the legs. Secondly, during processing the hot cans and carriers add considerable amounts of heat to the water in the discharge leg and the circulating cooling water. During a startup there are (a) no cans in the carriers, and (b) the carriers may not yet be as hot as they get during an extended processing.

Thus, before *kashering* a Hydrostatic Cooker the *Mashgiach* should visit the plant during a production so that he can determine the maximum temperature of the water in the feed leg, discharge leg, and cooling water, and those should be the minimum temperature required for *kashering*. [Every Hydrostatic Cooker has temperature probes situated in multiple locations, and the plant personnel can show the *Mashgiach* which reading indicates the aforementioned temperatures.] In order to reach these minimum temperatures (and surely to reach *roschin*), the equipment will have to be on for longer than during the standard startup of the Hydrostatic Cooker, and the company should be prepared for this.

### Tips

- In some Hydrostatic Cookers the water in the feed leg can be heated via external means, (e.g. direct steam injection, a heat exchanger) and this will speed up the process. An added benefit of this is that it will make it more realistic for the water to reach *roschin*.
- The temperature of the steam in the steam dome can be increased to higher than what is used during normal processing, which in turn will raise the temperature of the discharge leg.
- The latter suggestion has the added benefit that it will push the water in the legs to above the level which they reach during processing such that those upper areas where hot water usually splashes will now be immersed in *hag'alah* water.

### Media & Time

Typically, one must *kasher* with water, rather than with steam. One exception to this rule is that equipment which absorbed non-kosher taste via steam can be *kashered* with steam. Accordingly, since the inside of the steam dome absorbed non-kosher taste via steam, it can be *kashered* with steam. This means that in a standard startup that

part of the Hydrostatic Cooker will always be *kashered*.

On the other hand, the rails and carriers absorb non-kosher taste via both steam (in the steam dome) and hot water (in the water legs). Therefore, those must be *kashered* with water that is at a *hag'alah* temperature. This means that once one of the legs reaches *roschin* (or at least reaches the highest temperature that water is ever at during processing), the *hag'alah* must continue for long enough that all the carriers pass through that water so that each carrier is able to be *kashered* properly.

#### Tips

- The Hydrostatic Cooker's chain speed is adjustable, and plant engineers can increase that speed so that the *kashering* will take as little time as necessary.
- Once the water in a given leg has attained the desired temperature, the *Mashgiach* should put a marked can into a carrier that is going into the Hydrostatic Cooker. When that can comes out of the Feed & Discharge Center, the *Mashgiach* knows that all of the carriers have passed through the *hag'alah* water. [Most companies have

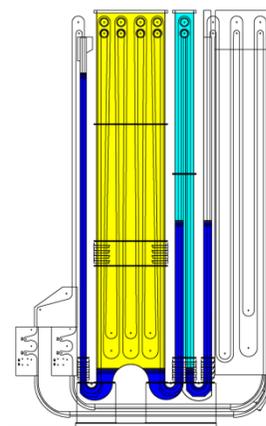
marked cans which are used for purposes just like this.]

Caution: Be sure that the marked can used for these purposes is not filled with non-kosher food!

#### Other Kashering Points

In addition, in properly *kashering* the legs and carriers (as noted above), the *Mashgiach* must (a) ensure that all heating and cooling water is drained from the Hydrostatic Cooker before *kashering* begins, and (b) understand the nuances of the specific system so that he can be sure to *kasher* all parts (e.g. external heat exchangers, cooling-water sump pumps, piping which connects the legs to one another, etc.).

In this context, it is worth noting that the description given in the preceding pages was for a relatively simple Hydrostatic Cooker with two chains. The diagram alongside this paragraph (courtesy of JBT FoodTech) shows a more sophisticated model that has an extra discharge leg for pressurized cooling. A *Mashgiach* who is familiar with the nuances of his



company's Hydrostatic Cooker will be best able to determine how to *kasher* its specific equipment.

In some cases, there is no need to *kasher* the cooling-area (aside from the discharge leg) either because that water never gets hotter than *yad soledes bo* or because the cooling water is treated with chemicals that render it *pagum*. Before one relies on either of these lines of reasoning, he should do considerable testing of the water during different parts of non-kosher processing.

As a rule, the steam used in a Hydrostatic Cooker is directly injected into the dome or water legs, and therefore no condensate is recovered for future use. If however, the retort has external heat exchangers where water is heated, the condensate from those pieces of equipment might be returned to the boiler.



## ***THE HUNT FOR THE PERUTAH CHAMURAH***

### **Background**

#### **Ma'aser Sheini**

One step in every *hafrashas terumah* and *ma'aser* is that during the 1<sup>st</sup>, 2<sup>nd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> years of *shemittah* (corresponding to 5769, 5770, 5772, and 5773, respectively in the current *shemittah* cycle) one must designate approximately 9%<sup>9</sup> of the overall produce as *ma'aser sheini*.<sup>10</sup> This produce has *kedushah*,<sup>11</sup> and in the days of the *Beis HaMikdash* it would either be eaten in *Yerushalayim*, or its *kedushah* would be transferred onto money which would be spent on food that would be eaten in *Yerushalayim*.<sup>12</sup> Nowadays, we are not permitted to eat *ma'aser sheini* in

<sup>9</sup> A minimal amount is first designated as *terumah*, and 10% is designated as *ma'aser* (and 10% of the *ma'aser* is designated as *terumas ma'aser*), after which 10% of the remaining produce (i.e. just under 9% of the original total) is designated as *ma'aser sheini* (or *ma'aser ani* in the 3<sup>rd</sup> and 6<sup>th</sup> year of *shemittah*).

<sup>10</sup> *Rambam, Hil. Matnos Aniyim 6:3-4.*

<sup>11</sup> The halachos of *kedushas ma'aser sheini* can be found in chapter 3 of *Rambam, Hil. Ma'aser Sheini V'netah Revai*. [Unless otherwise noted, all future references to *Rambam* and *Derech Emunah* will be in *Hil. Ma'aser Sheini V'netah Revai*.]

<sup>12</sup> *Rambam 2:1 & 4:1.*

*Yerushalayim*,<sup>13</sup> and we are always *podeh* (transfer the *kedushah* onto money) the *kedushah* of the *ma'aser sheini* onto a coin.

If the *pidyon* is done onto one's own coin he must add 25% (i.e. a *chomesh*) to the value of the *ma'aser sheini*.<sup>14</sup> Thus, if a person was putting 40 cents worth of *ma'aser sheini* onto his own dollar coin, he would actually have to put 50 cents worth of *kedushah* onto the coin. If, however, he was using someone else's coin, he would not be required to add a *chomesh*. Additionally, a *bracha* is recited on the *hafrashah* and *pidyon* if one is sure that the produce requires *hafrashah*.<sup>15</sup>

<sup>13</sup> *Rambam* 2:1.

<sup>14</sup> *Rambam* 5:1. The term "*chomesh*" means "one fifth" but that does not mean that one adds 20% to the value of the *ma'aser sheini*; rather, one adds 25% such that the *chomesh* is one fifth of the total value put on the coin (i.e. the original *ma'aser sheini* plus the *chomesh*) (*Rambam* *ibid.*). This method of calculating "one fifth" is used in many *Torah* calculations and is known as "מלבר" which literally means "from the outside" and refers to the fact that the *chomesh* is only one fifth when one goes "outside" of the original amount to include the *chomesh* in the calculations. [A calculation which would be one fifth of the original amount would be called "מלגיו" which means "from the inside" and indicates that the one fifth can be seen from within the original amount.]

<sup>15</sup> *Rambam, Hil. Ma'aser* 1:16 (*bracha* on *hafrashos*), & 9:4 (no *bracha* on *d'mai*), and *Hil. Ma'aser Sheini V'netah Revai* (*bracha* on *pidyon ma'aser sheini*).

## The Coin

The relevant requirements of the coin used for *pidyon ma'aser sheini* are:<sup>16</sup>

- It must be useable as currency in the location where the *pidyon* is taking place.<sup>17</sup> More details of this halacha will be noted below.
- The coin cannot be initially designated for *pidyon ma'aser sheini* unless a *perutah*-worth of *kedushah* is put onto the coin.<sup>18</sup> [At the current price of silver, a *perutah* is worth approximately 3 US cents or 10 Israeli *agurot*.]<sup>19</sup>

<sup>16</sup> A well-known requirement is that the coin must have an imprint or "picture" on it (as opposed to a slug) (*Rambam* 4:9). See *Chazon Ish* (*D'mai* 3:12) who proves that modern coins may be used even though they have no intrinsic value, and offers a possible explanation as to why that logic does not apply to paper money which traditionally has not been used for these purposes.

<sup>17</sup> *Rambam* 4:10. See *Derech Emunah* (*Be'or HaHalacha* 4:9 s.v. *v'hu*) who strongly questions the lenient opinion cited (and rejected) in *Shulchan Aruch* YD 331:138 regarding the applicability of this requirement nowadays when there is no *Beis HaMikdash*.

<sup>18</sup> See *Rambam* 4:9 (end) and *Chazon Ish, D'mai* 3:15-16.

<sup>19</sup> A whole grain of barley is assumed to weigh 1/20 of a gram [*Chazon Ish* EH 66:21, *Shiurei Torah* (Rav A.C. Na'ah) 88:1], and a *perutah* is the amount of silver which weighs the same as half a grain of barley (*Shulchan Aruch* CM 88:1). Accordingly, we can say that a *perutah* is 1/40<sup>th</sup> of a gram of silver.

A troy ounce of silver weighs 31.1035 grams, such that a troy ounce of silver contains 1,244.14 *perutos* (31.1035 \* 40 = 1,244.14). This means

For example: If a person is offered soup by someone who is not careful about *hafrashas terumah* and *ma'aser* and realizes that the chef used Israeli parsley<sup>20</sup> in the soup; the *ma'aser sheini* on the parsley in my bowl is worth less than a *perutah*,<sup>21</sup> and therefore its *kedushah* cannot be transferred onto a coin which does not

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that if silver sells for \$12.44 an ounce (i.e. 1,244 cents per ounce), each *perutah* is worth one cent. At the time this article is being written (June 2012), silver is selling for approximately \$29 per troy ounce which means that each *perutah* is worth just over two cents (or 8.8 *agurot* at the current exchange rate of about 3.85 *shekels* per dollar), and this will be rounded up to 3 cents (and 10 *agurot*) for simplicity. [A *perutah* can never be worth less than the smallest coin in that country (*Iggeros Moshe* OC 1:150, end), which means that (a) even if silver sold for less than \$12.44 per ounce a *perutah* would be worth one cent, and (b) nowadays a *perutah* in Israel is worth 10 *agurot* since that is the smallest coin in circulation.]

<sup>20</sup> One is not required to separate *terumos* and *ma'asros* from items which are always used as spices, but if they are sometimes eaten as more traditional food items then they require the standard *hafrashah* even when they are used as a spice (*Derech Emunah*, *Hil. Terumos* 2:32). Although parsley is typically used as an herb/spice (and that is its role in soup), it would seem that it requires *hafrashas terumos* and *ma'asros* because it is also used as a "food item" in tabouli salad where it comprises a large percentage of the finished food. [Whether *hafrashah* is required even after the soup is cooked may be dependent on *Rambam*, *Hil. Terumos* 15:12, as per *Derech Emunah* ad loc.]

<sup>21</sup> In calculating the value of the parsley (or any other fruit or vegetable) the "price" used is the wholesale price for that item rather than the retail price (*Rambam* 4:18).

already have any *kedushas ma'aser sheini* on it.

- *Rambam*<sup>22</sup> holds that a coin cannot be initially designated for *pidyon ma'aser sheini* with *ma'aser sheini* whose *chomesh* (if required) is worth less than a *perutah*; *Shulchan Aruch*<sup>23</sup> argues and *Chazon Ish*<sup>24</sup> accepts this lenient opinion.

For example: Someone buys one orange for 80 cents at a rest stop and then realizes that the fruit comes from Eretz Yisroel. The *ma'aser sheini* on that fruit is worth 7.2 cents, such that the *chomesh* is just 1.8 cents, which is less than a *perutah*. According to *Rambam*, the *ma'aser sheini* and its *chomesh* cannot be transferred onto a coin which does not already have any *kedushas ma'aser sheini* on it.

- Once the coin has some *ma'aser sheini* on it additional *kedushah* can be added up to the full value of the coin.<sup>25</sup>

For example: If someone initially put 5 cents worth of *kedushas ma'aser sheini* onto a quarter,

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<sup>22</sup> See *Rambam* 5:4-5 and *Derech Emunah* 5:19 & 27.

<sup>23</sup> *Shulchan Aruch* 331:138, citing only the opinion of פרוטה שאין בו פרוטה and not פרוטה בחומשו פרוטה.

<sup>24</sup> *Chazon Ish*, *D'mai* 3:15.

<sup>25</sup> See *Derech Emunah* 5:27.

he can add an additional 20 cents of *ma'aser sheini* onto the coin before the coin is “filled up”.

– When adding additional *kedushah* onto a coin, one may do so even if the “new” *kedushah* (or its *chomesh*) is worth less than the value of a *perutah*.<sup>26</sup>

For example: If someone has one cent of *ma'aser sheini* (i.e. less than a *perutah*) to put onto a coin, they may put that *kedushah* onto a coin that already has a *perutah* worth of *ma'aser sheini* on it.

– It is acceptable (nowadays) to put the *kedushah* of many *perutos* worth of *ma'aser sheini* onto one *perutah* of a coin.<sup>27</sup> Similarly, one may be *podeh* multiple *perutos* worth of *kedushah* from one coin onto a *perutah* worth of value on another coin (thereby freeing up additional *perutos* on the original coin for further *pidyon*).<sup>28</sup>

– Before the last days of *Pesach* of the 4<sup>th</sup> and 7<sup>th</sup> year of the *shemittah* cycle<sup>29</sup> one must

deface<sup>30</sup> all coins that contain *kedushah* of *ma'aser sheini* and then throw the coins into a lake or river.<sup>31</sup> The next times this

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<sup>30</sup> A lawyer advised us that although American law does not allow for the defacement of US currency, “It looks like it is only illegal to deface a coin if there’s fraudulent intent behind the defacing – i.e., if the person intends to deface a penny and pass it off as a dime.” In support of this position he referenced United States Code, Title 18, Part 1, Chapter 17, Section 331 (Mutilation, diminution, and falsification of coins), which states:

Whoever fraudulently alters, defaces, mutilates, impairs, diminishes, falsifies, scales, or lightens any of the coins coined at the mints of the United States...or whoever fraudulently possesses, passes, utters, publishes, or sells, or attempts to pass, utter, publish, or sell, or brings into the United States, any such coin...shall be fined under this title or imprisoned... .

Thus, in our situation where the person’s goal is to ruin the coin (so that no one uses it in the future) rather than for fraudulent purposes, it appears that it would be acceptable from a legal standpoint to deface the coin.

<sup>31</sup> Based on *Gemara, Pesachim* 28a, *Shulchan Aruch* YD 331:133 (*ma'aser sheini*) & 294:6 (*revai*) rules that one may either throw the coin into (a) the ocean or another salt-water sea without defacing it, or (b) a fresh-water river or lake after defacing the coin. The text cites the latter option for simplicity’s sake (and due to Chicago’s proximity to Lake Michigan and the Chicago River, and distance from the ocean). [Although *Rambam* (2:2 and in *Hil. Ma’acholos Assuros* 10:17) only cites the first option, it is clear that he agrees to both (*Kesef Mishneh* 2:2).]

The goal of throwing the coin into the water is to assure that no one will accidentally use it in a forbidden manner. The *Gemara* says that the body of water into which the coin can be thrown without prior defacement is the “**ים המלח**” and *Rashi* s.v. *Yam HaMelach* translates this into two Old French words which mean “Dead Sea”; this simple translation is apparently based on the use of that term in *Bamidbar*

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<sup>26</sup> See *Derech Emunah* 5:27.

<sup>27</sup> *Rambam* 2:2.

<sup>28</sup> See *Derech Emunah* 2:10. More details on this will be presented in the text below.

<sup>29</sup> *Rambam* 11:3.

process, known as *biur*, must be done are in 2015 (the 7<sup>th</sup> year) and 2019 (the 4<sup>th</sup> year).

## Netah Revai

The above halachos of *kedushah*, *pidyon*, and the coin used for *pidyon* also apply to the *kedushah* of *netah revai* (produce of trees during the 4<sup>th</sup> year of their growth).<sup>32</sup> There is a *machlokes Rishonim* whether *netah revai* applies to produce of all countries (in the same way that *arlah* does), if it is limited to the produce of *Eretz Yisroel* (like other מצוות התלויות בארץ), or its status is somewhere between those extremes.<sup>33</sup>

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34:12. However, *Rambam*, *Shulchan Aruch* and the other *Poskim* translate it as the Mediterranean Sea (ים הגדול) and appear to have understood “ים המלח” to refer to any saltwater sea. In fact, *Rambam* *ibid.* 2:2 says ים הגדול and *Rambam* 10:17 says ים המלח, which implies that he considers the terms to be interchangeable in Rabbinic writings. *Mekoros V'Tziyunim* (printed in the margin of the Frankel Edition of *Rambam* 2:2) cites numerous locations where *Rambam* follows this pattern; see also *Emes L'Yaakov* to *Bamidbar* 34:12.

See also *Kaftor Vaferach* (towards the end of Chapter 40) who says that the coin can be thrown into a (deep?) pit where it will never be found. Apparently, he understood that throwing the coin into a body of water is a mere example of a way of discarding the coin, but other methods are equally acceptable.

<sup>32</sup> *Rambam* 9:1-2.

<sup>33</sup> See *Rambam*, *Hil. Ma'acholos Assuros* 10:15, *Shulchan Aruch* and *Rema* YD 294:7. The opinions cited there are that (a) *revai* does not apply in *Chutz La'aretz* (*Rambam*, second opinion in *Shulchan Aruch*), (b) *kerem revai* is forbidden in *Chutz La'aretz*, but *netah revai* is

*Shulchan Aruch* and *Rema*<sup>34</sup> cite different opinions on the matter, and *Shach*<sup>35</sup> therefore rules that one should treat it with the status of *ma'aser sheini* but not recite a *bracha* on the *pidyon*.

## Perutah Chamurah

### What is it?

We have already seen that if someone is *mafrish ma'aser sheini* that is worth less than 3 cents (a *perutah*) (or whose *chomesh* is worth less than that amount, according to *Rambam*), he must be *podeh* that *kedushah* onto a coin that already has some *kedushas ma'aser sheini* on it. In selecting such a coin one must be sure of the following:<sup>36</sup>

– There truly is *kedushah* on the coin.

If the coin had originally been used for *hafrashah* on produce which was only *safek tevel*, it

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not (*Geonim* cited in *Rambam*, *Rema*), and (c) all forms of *revai* are *assur* in all countries (first opinion in *Shulchan Aruch*). [Those who forbid *revai* in *Chutz La'aretz* agree that it has the leniencies of ספק ערלה בחוץ לארץ (*Chazon Ish*, *Dinei Arlah* #9).] For other opinions and more details on this, see the concluding paragraph of *Derech Emunah's* Introduction to *Hilchos Arlah* which is printed before Chapter 9 of *Rambam*, *Hil. Ma'aser Sheini V'netah Revai*.

<sup>34</sup> See the previous footnote.

<sup>35</sup> *Shach* 294:17.

<sup>36</sup> The details of the *perutah chamurah* noted in the coming text are taken from *Derech Emunah* 5:30 & 34.

may be that the original produce did not require *hafrashah* at all (because someone had already performed the *hafrashah*), such that there is actually no *ma'aser sheini* on the coin.

- The *kedushah* on the coin is equal to or greater than the *kedushah* of the current *ma'aser sheini*.

For example: If the original *hafrashah* was performed on vegetables, which only require *hafrashas terumos* and *ma'asros mid'rabannan*, that coin's *kedushah* could not be used for *hafrashah* on fruits which require *hafrashah mid'oraisah*.<sup>37</sup>

- The coin is yet not “filled up” with *kedushah*.

A coin which is free of all of these concerns is called a “*perutah chamurah*” which means that it is a coin which contains a *perutah* of the most strict (*chamur*) form of *ma'aser sheini* (or *revai*) possible, such that this coin can be used for all subsequent *pidyon* of *ma'aser sheini*. [Actually, to be sure that there is a *perutah* of *kedushah*

<sup>37</sup> Although all *ma'aser sheini* nowadays may be *d'rabannan*, we still differentiate between produce whose primary need for *hafrashah* is *d'oraisah* and those for which it is *d'rabannan* (*Derech Emunah* 5:30).

even if the price of silver rises, a *perutah chamurah* usually contains two *perutos* worth of the *kedushah chamurah*.]<sup>38</sup>

Once the coin is created, it is the obligation of the user to ensure that the coin's *kedushah* – aside from the base *perutah chamurah*! – is “emptied out” and transferred to other coins every so often so that the third requirement noted above can be fulfilled.

### Why we need it

A *perutah chamurah* is used when someone must perform *hafrashah* on a very small amount of produce; therefore there is no foreseeable case in which a cRc certified company would have a need for a *perutah chamurah*. For example, a cRc company which purchased 30,000 pounds of Israeli watermelon seeds had 2,700 pounds of *ma'aser sheini* seeds, which is worth tens of thousands of *perutos*. They were able to transfer that *kedushah* onto an American nickel or dime and had no need for a *perutah chamurah*.

The reason the cRc wants to have a *perutah chamurah* is, as noted in the examples above, to help

<sup>38</sup> See *Derech Emunah (Tziun HaHalacha)* 5:31.

consumers who purchase a small quantity of fruit (e.g. one orange in a rest stop), who must perform *hafrashah* on a tiny amount which was inadvertently added to a food (e.g. a sprinkling of parsley added to a soup), or who pick small a few fruit of *revai* from their personal tree. Most American consumers do not have access to their own *perutah chamurah*, so the cRc has provided this service for the past few years.

Until recently, the cRc had access to a *perutah chamurah* through an Israeli group which provides that service for Israeli consumers, but a few months ago that group informed the cRc that they were no longer comfortable allowing an American *hechsher* to participate in their program.<sup>39</sup> This left the cRc scrambling for a solution of how to provide a *perutah chamurah* for use by American consumers, and the hunt for the *perutah chamurah* was on!

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<sup>39</sup> Two possible reasons why the Israeli group may have decided to not allow the cRc to use their *perutah chamurah* are (a) a concern that the cRc's constituents would "fill up" the *perutah chamurah* before the Israelis had a chance to "empty it", or (b) a concern of *hafrashah* being made in the USA where the Israeli *shekel* cannot be used as currency (more on this in the text that follows).

## The Hunt

### Early suggestions

To help resolve this issue, Rabbi Dovid Oppenheimer was in touch with someone in *Eretz Yisroel* and the first suggestion was that the Israelis send us some *tevel* of the most *chamur* status, with which we could then create a *perutah chamurah*. We had to abandon this idea due to the serious practical issue of it being illegal to bring raw food items into the United States without special permits.

We therefore came up with a related possibility that maybe someone in *Eretz Yisroel* could put aside some of this *tevel*, and then we could perform the *hafrashos* from Chicago (together with someone in *Eretz Yisroel*) using American coins! Would that be acceptable? Could one perform a *pidyon* in the United States using American coins for produce which is in *Eretz Yisroel*? As we will see, the answer to that question (presented below) turned out to be of significance beyond just this suggestion.

### Useable Currency

We have already noted that a coin used for *pidyon ma'aser sheini* must be useable as

currency in the location where the *pidyon* is taking place. This means that if someone owns an Israeli *shekel* which is a *perutah chamurah*, he cannot use it in the United States because a *shekel* is not a useable coin in an American store.<sup>40</sup> However, what about the following cases:

- What if the Israeli *shekel* is in Israel and the person performing the *hafrashah* is in the United States? Can the *perutah chamurah* be used, since the coin is located in a place where it can be used as currency?
- What if an American dollar coin was a *perutah chamurah* and it was in Israel? Could a person in the United States “use” that coin? Is it acceptable because the person is located in a place where the *perutah chamurah* can be used as currency?

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<sup>40</sup> *Derech Emunah* 4:79 (and *Tziun HaHalacha* 4:118) cites *Poskim* and proofs that even if the coin can only be used in a given country with difficulty (על ידי הדחק), it may still be used for *pidyon*. Although one could possibly argue that American dollar bills meet this qualification for use in *Eretz Yisroel* (since many storeowners would accept American dollars for a purchase), it would seem that no storeowner would accept American coins for a purchase in Israel such that those coins are not useable for *pidyon*. [We have already seen in a previous footnote that paper money is not used for *pidyon ma'aser sheini*.]

- What if the American dollar coin which is a *perutah chamurah* was in the United States, but the produce was in *Eretz Yisroel*? In this case both the person and the coin are in a place where the coin can be used for purchases, but the produce is located where that coin is not useable?

It turns out that the answer to these questions depends on a *machlokes Rishonim*.<sup>41</sup> Most *Rishonim*<sup>42</sup> hold that the deciding factor is the location of the coin; therefore in the first case the *shekel* could be used for *ma'aser sheini* but in the second case the dollar could not. *Rambam*<sup>43</sup> says exactly the opposite, that the deciding factor is the location of the person performing the *hafrashah*, and therefore in the second case one could use the dollar coin but in the first case the *shekel* could not be used. However, Rav Chaim Kanievsky<sup>44</sup>

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<sup>41</sup> The following points (and most of the preceding examples) are taken from *Derech Emunah* 4:97 and *Be'or HaHalacha* ad loc.

<sup>42</sup> *Ra'avad* to *Rambam* 4:14, and most *Rishonim* (including *Rashi*) to *Gemara, Bava Kama* 97b. This opinion seems so well grounded in the *Gemara* that *Chazon Ish* (*Ma'asros* 7:23-end) suggests that there may be a misprint in *Rambam*.

<sup>43</sup> *Rambam* 4:14.

<sup>44</sup> *Derech Emunah* *ibid*.

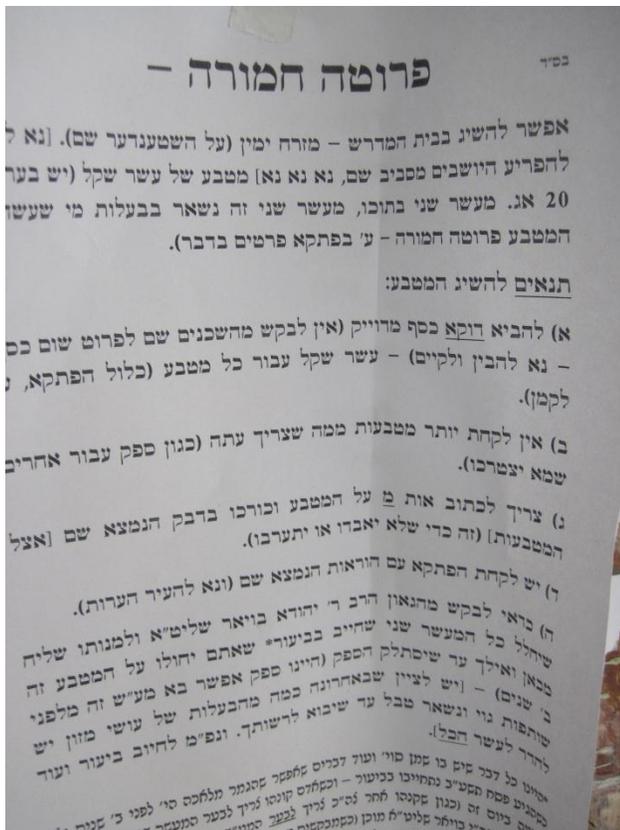
points out that all opinions would agree that in the third case – where both the coin and the person are in a location where the coin can be used for purchases – one can transfer *kedushas ma'aser sheini* onto the coin even though the produce is in another country.

Accordingly, the suggestion of having someone in *Eretz Yisroel* put aside some *tevel* so that we could perform the *hafrashah* in the United States using an American coin is an acceptable option. This was the best idea found, and we may end up using it in the future, but then another solution practically fell into our laps, as follows.

### **Yeshivas Mir**

On Tuesday afternoon of *Parshas Beha'aloscha* I arrived in *Eretz*

*Yisroel* for a family wedding. The wedding was that evening in *Kiryat Sefer*, and afterwards I was going to stay in *Yerushalayim* until very early on Sunday morning. Midday on Wednesday I visited *Yeshiva Mir* and was pleasantly surprised to see that one of the many items being offered “for sale” was a *perutah chamurah*. Sandwiched between signs announcing *shiurim*, apartments for rent, requests that *bochurim* not disturb the neighbors, and all types of other things, was a detailed notice (shown below) informing the public that on a specific *shtender* in the *Beis Medrash* one could find a bag of *perutah chamurah* 10-shekel coins!



The notice explained that all one had to do was place a “regular” 10-shekel coin in the adjacent bag (exact change only), mark the *perutah chamurah* with a letter “מ” (marker provided),<sup>45</sup> cover the coin with transparent tape (also provided),<sup>46</sup> and take an “instruction sheet” (yes, there were also a pile of those), and the *perutah chamurah* would be yours. The only item left to the reader’s imagination is which people were greater: the people

<sup>45</sup> The source for marking *ma’aser sheini* with a letter “מ” is *Rambam* 6:8.

<sup>46</sup> The transparent tape serves a practical role of preventing the letter “מ” from rubbing off the coin.

who put together this whole program purely *l’shem shomayim* [there is no profit in selling a 10 *shekel perutah chamurah* for 10 *shekel!*] or the person who somehow managed to fit a “wasted” *shtender* into The Mir’s notoriously overcrowded *Beis Medrash!*

I had not planned on working on attaining a *perutah chamurah* while in *Eretz Yisroel*, but the opportunity which this notice provided was too great to pass up, so I excitedly paused for a few minutes to give it some thought.

The initial excitement wore off as soon as I realized that the coin being offered really was not the solution we needed. As we have already seen, if I would take a 10 *shekel perutah chamurah* back to Chicago with me it would be totally worthless for *pidyon ma’aser sheini*, since 10 *shekel* coins are not at all useable for purchases in the United States. So the coin would be a great souvenir but would not serve the role for which we needed it.

After thinking it through somewhat I came up with a possible solution: I could take the coin back to Chicago and transfer the two

*perutos* of *ma'aser sheini* which are on the coin onto an American dollar coin. Then we would have a US Dollar *perutah chamurah* which all people in America could use. [Although the *chomesh* on two *perutos* is not a *perutah*, and we have seen that *Rambam* holds that the *chomesh* must be a *perutah* in order to create a new coin of *ma'aser sheini*, we could avoid the *chomesh* by putting the *kedushah* from my 10 *shekel perutah chamurah* onto someone else's US dollar coin.]

Is that permitted? Can someone take *kedushah* off of a coin in a country where it is not useable as currency? We have seen that one cannot put *kedushas ma'aser sheini* onto a coin if that coin is not useable, but it would seem that once the *kedushah* is on the coin there should be no restriction about taking it off (as long as the coin we were putting it onto was useable). This seemed logical to me, but for now I left it as a question pending my being able to discuss it with someone more familiar with the *halachos*. So, I left the *Yeshiva* without the coin but with some hope that I might be able to secure one the next day.

That evening, I was in touch with some people who thought that my plan seemed halachically sound, but I was still not perfectly satisfied. Then at *ma'ariv* a cousin of mine introduced me to Rav Yitzchok Berkowitz, *shlita*, an American-born Posek who has spent many years giving halacha *shiurim* and serving as a community/*shul* Rav in *Eretz Yisroel*. I presented my question to him, and he agreed that it would be perfectly acceptable.<sup>47</sup> That was the approval that I needed, and I went to sleep assured that the next day the cRc would finally have our own *perutah chamurah*.

### Thursday

On Thursday morning, I spent some time in Rav Moshe Vaye's vegetable lab and then visited a cRc certified plant in *Ohr Yehuda*, so I did not get back to The Mir until the afternoon. I went right to the *perutah chamurah* sign, and my face fell as I read the details

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<sup>47</sup> Rav Berkowitz noted that in earlier years people used to perform *pidyon* while on an airplane travelling between the USA and *Eretz Yisroel* because on the airplane both currencies are useable for duty free purchases! He was not sure why it was significant to have a location where both currencies were useable (unless our premise is wrong and *kedushah* can only be transferred in such a location), but it is noteworthy that nowadays many airlines do not accept cash for duty free purchases such that it is not clear that either a US Dollar coin or a 10-*shekel* piece are actually useable on the airplane.

somewhat more carefully than I had on Wednesday. This time I noticed that the sign said that whoever purchased the 10 *shekel perutah chamurah* only took possession of the 9.80 *shekel* of *chullin* but the 20 *agurot* of *ma'aser sheini* remain in the possession of the creators of the *perutah chamurah*. That meant that without permission from the owner I could not transfer the *kedushah* from the 10 *shekel* coin onto the US dollar coin. I had no idea why this condition was added to the sign, but if it was not lifted then my whole plan would fall through.

The good news was that I also noticed that (on one version of the sign) there was actually a phone number to call for help with the *perutah chamurah*. I took down the information and went outside to *Rechov Bais Yisroel* to make the call. [The Mir does not allow the use of cell phones in *Yeshiva* buildings.] When I made the call I had no idea that the person I was calling, Rav Yehuda Boyer, *shlita*, is a well-known senior *Talmid Chacham* and author of *seforim* from *B'nei Brak*;<sup>48</sup> that was probably better,

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<sup>48</sup> See the brief biography at <http://bit.ly/MInYco>.

as it meant I just had to be nervous about my *Ivrit* and did not have to worry about speaking to someone so prominent.

After explaining my idea and what I wanted, the conversation went something like this:

### **Rav Boyer**

Why not just leave the 10 *shekel perutah chamurah* in *Eretz Yisroel* and be *mafrish* in the United States? Most *Rishonim* hold that as long as the coin is in a country where it can be used one can use it for *pidyon* even if the person is in a country where that coin wouldn't be useable. Although *Rambam* argues, nowadays the *chiyuv hafrashah* is only *mid'rabannan* so one can rely on most *Rishonim*.

### **Me**

*Rambam* argues, and we thought that if we have to obtain a coin just twice in seven years it was worthwhile to have a coin that works according to all opinions.

### **Rav Boyer**

One is only permitted to transfer the *kedushah* two times. We've already transferred the *kedushah* onto the coin from the fruit, and if you now transfer it to an

American coin that'll be the final time you can transfer. If so, once the coin becomes "filled up" with *kedushah* there will be no way to "empty" the *kedushah* onto another coin, and the *perutah chamurah* will become useless.

I did not understand this final point and resolved to learn more about it. Rav Boyer said he would have to speak to some people to consider my request and suggested that I call back at 11:30 PM for an answer.

I was not sure if I would have a chance to come back to The Mir on Friday, so I went back into the Yeshiva and bought two *perutah chamurah*'s. I bought two



because I thought that maybe I would want to leave one in *Eretz Yisroel* (as per Rav Boyer's suggestion) and take the other one back to Chicago so I could transfer the *kedushah* onto an American coin.

I called Rav Boyer at about 11:00 PM, when the night's *sheva brachos* ended. He was not

available and the person who answered the phone agreed with my assessment that it was not so appropriate to call back at 11:30 PM (even though Rav Boyer had said it was okay), so we arranged that I would call back at 9:00 AM on Friday when the Rav would be back in.

### Friday

On Friday morning Rav Boyer repeated his second reason why we should not transfer the *kedushah* onto the US dollar coin, and I still did not understand what he was referring to. Thankfully, he said that he still needed some more time to speak to the right person about my request, and we arranged that I would call back at 5:00 PM. This was rather close to *Shabbos* (especially since we were hoping to be *mekabel Shabbos* early), and I was leaving just a few hours after *Shabbos*, so 5:00 was really the "last chance" to get an answer, but I had no choice other than to agree.

The good news was that the extra few hours gave me some time to try to understand why Rav Boyer was apprehensive about my transferring the *kedushah* an extra time. I found a *shul* to learn in and started going through the halachos to try to find out the

source of his concern. I could not find exactly what he was referring to, but I did find the following that seemed possibly related.

*Rambam*<sup>49</sup> rules that *l'chatchilah* one cannot transfer the *kedushas ma'aser sheini* from one coin to another coin. There are specific cases where one is permitted to make such transfers (as noted in the ensuing halachos in *Rambam*), but the general rule is that one should not make such transfers. I realized that this was seemingly a serious flaw in my plan and might possibly have a connection to what Rav Boyer was referring.

Although on the surface this seemed to be a concern, it was not clear that it really posed an issue. We have already seen that the common practice is that when a coin becomes "filled" with *ma'aser sheini* one can transfer all of the *kedushah* (except for the *perutah chamurah*) onto another coin, which is a transfer from coin to coin. In fact, was it not for exactly this reason (to permit such transfers) that Rav Boyer said he did not want me to make a transfer? The answer to this

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<sup>49</sup> *Rambam* 4:5.

question is that *Chazon Ish*<sup>50</sup> explains that when there is a legitimate *tzorech/need*, one is permitted to transfer *kedushah* from coin to coin, especially nowadays. The aforementioned transfer is deemed a significant *tzorech* (as it limits the amount of *ma'aser sheini* which prevents mistakes); therefore it is permitted.

That left me with a question: does our need, i.e. to create a coin which would allow for *pidyon ma'aser sheini* for Americans according to all opinions, qualify as a legitimate *tzorech*?

Furthermore, why did Rav Boyer repeatedly mention that the concern is how many transfers we would make? We have seen that *l'chatchilah* one should not transfer *kedushah* from coin to coin, but there does not seem to be a difference in how many times the transfer is made? In fact, *Rambam*<sup>51</sup> (citing a *Mishnah*) records a specific case where one is permitted to transfer *kedushah* from coin to coin two

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<sup>50</sup> *Chazon Ish*, *D'mai* 3:12, towards the end. *Chazon Ish* also provides a method through which one can transfer *kedushah* from coin to coin without any concerns (if one simultaneously is *podeh ma'aser sheini* from fruit onto that coin).

<sup>51</sup> *Rambam* 6:2.

times (from one coin to another coin and then back to the original coin) which is the same number of transfers we were interested in making.

I realized that once I finished speaking with Rav Boyer it would be too close to *Shabbos* to change anything, so in the afternoon I took the steps necessary to “leave” a *perutah chamurah* in *Eretz Yisroel*. I put the coin into a marked envelope<sup>52</sup> which I left on top of my cousin's *Pesach k'arah*. The *Pesach k'arah* seemed like a place where children would not tamper with the coin, and it would also remind them at *Pesach 5775* that the coin required *biur*. To help remind us about the *biur*, I recorded a calendar event into my personal digital calendar and into the cRc's office calendar.

When 5:00 PM came I felt prepared to speak to Rav Boyer (although we were behind schedule getting to the *Shabbos sheva brachos*, and it was looking

less and less likely we would be *mekabel Shabbos* early).

During this last conversation, when he repeated his concern about multiple transfers of *kedushah*, I pressed him for a source, and he said I could find it in *Kaftor Vaferach*. He also begrudgingly said that if we wanted to transfer the *kedushah* onto the American coin we could, but we would then only be able to use the coin until it was “full” and would be unable to get the *kedushah* off (since we would have done as many transfers as possible).

Although he had finally given the permission we were seeking, at this point there were enough questions about our plan – whether our “need” qualifies as a *tzorech* for which one could *l'chatchilah* transfer *kedushah* from coin to coin, and why Rav Boyer insisted that there is a limit to how many transfers could be made – that it no longer seemed worthwhile. I was resigned to our relying on the *perutah chamurah* at my cousin's house in *Eretz Yisroel*, which would be sufficient according to most *Rishonim*.

### **Shabbos**

Over *Shabbos* I was happy to find a copy of the *Sefer Kaftor*

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<sup>52</sup> The wording on the envelope reads:

פרטת חמורה של

Chicago Rabbinical  
Council

צריך ביעור פסח תשע"ה  
773-465-3900

*Vaferach*, so that I could look for Rav Boyer's source. The *sefer* has two chapters on the topic of *ma'aser sheini*, 40 and 41, and I learned through both chapters without finding any reference to a limit to how many times the transfer could occur.

Subsequently, I found that *Derech Emunah*<sup>53</sup> also cites *Kaftor Vaferach* as saying that one should not transfer *kedushah* from coin to coin a second time, but thankfully he explains how that position can be inferred from *Kaftor Vaferach*. He references *Kaftor Vaferach* "at the end of chapter 40" (it is the second to last paragraph in the edition I use) who says that after a coin is "filled" with *ma'aser sheini* one can transfer all of its *kedushah* onto another coin, and then that second coin should be discarded. *Derech Emunah* infers from this that one does not have the option of saving multiple "second coins" and one day transferring the *kedushah* from all of those "second coins" onto a third coin (which would avoid the need to have to discard all of the "second coins"). This is his source that although one can transfer *kedushah* from coin to coin

(where there is a *tzorech*), the *kedushah* cannot subsequently be transferred to another coin.

One could definitely question the inference made by *Derech Emunah*, for (a) as noted, the halacha records at least one case when one may make two transfers from coin to coin which implies that there is no hard and fast prohibition against double-transfers, and (b) maybe *Kaftor Vaferach* is not creating a dictum that double-transfers are never permitted but rather just holds that this case (saving multiple "second coins" to eventually transfer *kedushah* from them) does not qualify as a legitimate *tzorech*. However, in deference to *Derech Emunah* and Rav Boyer, we will accept this decision to not perform multiple transfers from coin to coin.

That brought this chapter of the cRc's hunt for the *perutah chamurah* to a close.

– For the time being the cRc's *perutah chamurah* is the 10 *shekel* coin sitting atop the *Pesach k'arah* in my cousin's house in Sanhedriah HaMurchevet which is suitable for use by anyone worldwide according to most *Rishonim*.

<sup>53</sup> *Derech Emunah* 2:10.

– In the future, we may yet create a *perutah chamurah* that is an American dollar coin using *tevel* put aside in *Eretz Yisroel* (as outlined earlier in the article), which would allow for *pidyon* (for people living in the United States) according to all opinions.

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