

ספירימ

סיוע לציבור, פסקי הלכה, רכיבים, מארעות ומדע
 Updates for the cRc Kashrus Professional

Grape juice from concentrate

Over the years, there has been considerable debate regarding the *bracha* on grape juice produced from concentrate, and whether such juice is suitable for *Kiddush* and *daled kosos*. As many consumers use grape juice for exactly those purposes, it is crucial that any certified grape juice be suitable for those *mitzvos*. This document will review the highlights of the primary opinions regarding this issue.

Rav Auerbach

A major proponent of the position that reconstituted grape juice isn't suitable for *Kiddush* and possibly doesn't even deserve the *bracha* of *borei pri hagafen*, was Rav Shlomo Zalman Auerbach (*Minchas Shlomo* 1:4).¹ He reasoned as follows:

1. Water that naturally occurs in wine or grape juice has the full status of "wine".
2. In the times of the *Gemara*, wine wasn't drinkable until it was diluted 3:1 in water, and that water also took on the status of wine. *Rema*² holds that even nowadays when wine doesn't require dilution, water that is added to wine takes on the status of wine (unless so much water is added as to overly dilute the wine).
3. Grape juice is (at least *b'dieved*) considered "wine" as relates to the *bracha* of *hagafen* and its suitability for *Kiddush* and *nesachim* (sacramental pouring in the *Beis HaMikdash*).
4. The Torah describes *nesachim* as being "שכר" (alcoholic) and *Rashbam*³ explains that although grape juice contains no alcohol it is nonetheless suitable for *nesachim* because it can ferment into an alcoholic beverage.
5. Rav Auerbach suggests that since pasteurized or concentrated grape juice cannot ferment, maybe it is no longer truly "wine". He concedes that grape juice which earned the *bracha* of *al hagafen* when it was freshly squeezed (and able to ferment) doesn't lose

the status for the *bracha* during pasteurization or concentration. However, he argues that such juice should possibly lose the ability to project a new wine status onto water that's mixed into it (as in #2 above).⁴

6. Since reconstituted grape juice is a beverage which is one part *hagafen* and four parts *shehakol* (water) and the water isn't given the status of wine, the *bracha* on the beverage is *shehakol* and it would be unsuitable for *kiddush*.
7. Rav Auerbach questions these conclusions from two separate halachos⁵ which respectively imply that the *bracha* is *hagafen* on mixtures where the minor but prime ingredient is *hagafen*, and where a non-fermentable juice is mixed into water.
8. Although Rav Auerbach suggests answers to both of these questions,⁶ in the final paragraph of his *teshuvah* he acknowledges that the *bracha* on reconstituted grape juice may be *hagafen*. However, he still argues that (a) while in the concentrated state, the juice is undrinkable and therefore (although it retains its *hagafen* status) it is not usable for *kiddush*, and (b) a source is required to prove that the concentrated juice can revert to being suitable for *kiddush* through the mere addition of water.

⁴ The words "maybe" and "possibly" written in the text are taken from the *Teshuvah* which states:

ואע"ג שהתם הוא רק לענין נסכים דכתיב נסך שכר, מ"מ יבואר להלן שגם לענין ברכה יתכן שהוא רק מפני שראוי להיות שכר... נראה דאף שהתמצית עצמו אע"ג דכמו שהוא לא חזי לשתייה וגם אינו ראוי לתסוס ולהיות יין טוב אפי"ה מסתבר דלא פקע ממנו שם יין, אבל מהיכ"ת נימא שגם על הד' מדות מים יכול לחול שם יין בגלל זה שטעמם שוה לטעם של מיץ ענבים רגיל אשר גם הוא עצמו אינו חשוב.

The words "מהיכי תימא" and "יתכן" reflect Rav Auerbach's humbleness but also highlight the lack of sources to prove these critical parts of the argument. Proofs against these assumptions will be presented later in the document.

⁵ *Shulchan Aruch* 202:1 & 202:11.

⁶ Rav Auerbach answers the question from *kundtin* (where the minor but prime ingredient is *hagafen*), by stating that the *bracha* is only *hagafen* in that case because the prime ingredient is a true wine, as opposed to our case where the *hagafen* ingredient has lost that status. The question on this is that the halacha of *kundtin* would appear to be a mere example within the rules of *ikar v'tafel* in *Berachos* rather than a special halacha related to "wine". Therefore, in the case of reconstituted grape juice where the concentrate is obviously the *ikar* ingredient, the *bracha* should be *hagafen*.

It appears that his answer to the second question is that water used to extract juice is automatically considered part of the juice due to its crucial role in converting the fruit into a juice, but when water is used to reconstitute concentrate it can only adopt the status of a concentrate which is truly wine (or if the newly created juice ferments into wine). This answer requires further consideration.

¹ In addition to the *Poskim* cited in the coming document, this issue is also discussed in *Minchas Yitzchok* VIII:14 and *Ohr L'tzion* II:21.

² *Rema* O. C. 204:5.

³ *Rashbam*, *Bava Basra* 97b s.v. *yayin*.



In summary, pasteurized or concentrated grape juice cannot ferment and therefore does not have the full status of wine. As a result, the *bracha* on it is *hagafen* but water added to it doesn't require that *bracha*. Seemingly, the *bracha* on reconstituted juice shouldn't be *hagafen* but even if it is, it isn't suitable for *Kiddush*.

Rav Belsky and Rav Felder

In response to *Minchas Shlomo*, Rav Yisroel Belsky⁷ suggests a proof from *Tosfos* in *Shabbos*,⁸ which shows that reconstituted wine is suitable for *Kiddush*. The *Gemara*⁹ rules that one who carries a *kezayis*-sized piece of congealed (i.e. concentrated) wine outdoors on *Shabbos* has violated the *issur* of *hotza'ah* since that amount of concentrate can be reconstituted into a *revi'is* of wine. *Tosfos* explains that although the person carried the concentrate without the vital water needed for reconstitution, a *kezayis* of concentrate is still a meaningful amount because when the water is added to it the resulting cup of wine will even be suitable for a *kos shel bracha*. Clearly, *Tosfos* is assuming that reconstituted wine can satisfy all the requirements of wine, including *Kiddush*, and the *bracha* on them is obviously *hagafen*.

Although this proof is ironclad, at first glance it seems to not address the question at hand. *Minchas Shlomo* readily agreed that water added to wine takes on the characteristics of wine, and his thesis is that water added to concentrated grape juice which isn't alcoholic and can never ferment, doesn't take on the status of wine! If so, what proof is there against *Minchas Shlomo* from a *Gemara* which is discussing concentrated wine?

Before giving a possible answer to this question, it is worthwhile to consider a similar proof offered by Rav Gedalia Felder¹⁰ from a *Tosfos* in *Yoma*,¹¹ which must be introduced by citing two *Gemaras*. *Gemara, Succah* 12a understands that the items suitable for *S'chach* are referred to in the *posuk*¹² **באספר מוגרן ומיקבך**, and in discussing that *posuk* the *Gemara* asks whether "wines" is limited to a specific kind of dried wine from *S'nir* that is as pasty and dense as dried fig cakes and is solid enough to span the top of one's *Succah* as *S'chach*. The second *Gemara* (*Yoma* 76a-b)

is searching for a source which proves that the word "אכילה" includes not only eating but even drinking, and cites a proof from a *posuk* which uses the word "אכילה" to describe what one does with wine.

On this proof, *Tosfos* asks whether the *posuk* is referring to the dried out, pasty wine described in *Gemara, Succah* which is clearly so thick that it must be eaten rather than drunk? One of *Tosfos'* answers is that while in the pasty form, the concentrated wine is inedible (such that the *posuk* can't be referring to eating it in that state) and can only be eaten after being mixed with water and reconstituted to a beverage. Rav Felder points out that *Tosfos* seems to have no issue with such a reconstituted beverage being referred to as "wine" by the *posuk*, and this indicates that reconstituted grape juice is considered wine for all halachos.

Rav Felder isn't addressing *Minchas Shlomo's* points, but can we use his proof from a case of pasty wine to discover what the halacha would be regarding concentrate grape juice? It would seem that in fact we can, as follows. *Minchas Shlomo* suggests that although raw grape juice is considered "wine", when it can no longer ferment it loses that status. The art of producing this pasty, dried wine has possibly been lost for thousands of years,¹³ but it seems rather clear that whatever method was used to remove so much moisture from the wine would have also caused the alcohol to evaporate. If so, the dried out pasty wine is something that was once halachically considered "wine" but has now lost its alcoholic content and has no possibility of fermenting once again. Yet *Tosfos* holds that if water is added to such an (inedible) product, the resulting beverage is, in fact, considered wine. If so, the exact same should be true of pasteurized or concentrated grape juice; although they can no longer ferment, they retain their status as wine and can even pass on that status to water added for reconstitution.

We can consider explaining Rav Belsky's proof in a similar manner, after giving some background regarding concentration. The congealed wine described in *Gemara, Shabbos* is actually quite similar to the grape juice concentrate that's produced nowadays in that 83-89% of their beverage's moisture was removed (see the footnote)¹⁴ which is just a bit more than the

⁷ Printed in *Mesorah* volume 12 (page 75), available online at <http://www.ou.org/pdf/mesorah/mes12.pdf>.

⁸ *Tosfos, Shabbos* 77a s.v. *v'od*.

⁹ *Gemara, Shabbos* 76b-77a.

¹⁰ *Yesodei Yeshurun* vol. 3** pg. 220.

¹¹ *Tosfos, Yoma* 76b s.v. *gamar*.

¹² *Devarim* 16:13.

¹³ See *Sotah* 48b.

¹⁴ Earlier in the document, we noted that *Gemara, Shabbos* 77a says that a *kezayis*-sized piece of concentrated wine could be reconstituted to a *revi'is* of single strength wine. *Gemara, Pesachim* 109a-b calculates that a *revi'is* has the same volume as 1.5 *beitzim*, and there is a *machlokes* as

approximately 80% which is commonly removed nowadays. Secular sources indicate that in the times of the *Gemara* people performed this type of concentration by heating the wine until sufficient water evaporated or boiled out of it, and we have no reason to assume some other method was used.¹⁵

Let us now consider what happens when wine is concentrated in this manner. It is well known that although water boils at 212° F (and begins to quickly evaporate at temperatures approaching that level), alcohol boils at approximately 173° F which means that as the wine is heated to evaporate/boil out the water, the alcohol will evaporate first. Thus, if we accept the theory that the *Gemara's* wine was concentrated through heating, by the time the product lost 83-89% of its moisture it would surely be 100% alcohol free! As such, we can conclude the proof from *Tosfos*, *Shabbos* just as we did above; if *Tosfos* rules that a beverage reconstituted from such a concentrate is considered wine suitable for *Kiddush* even though the concentrate had no alcohol and couldn't ferment, so too, grape juice reconstituted from concentrate that can't ferment is also suitable for *Kiddush*.

Furthermore, once we've established that the *Gemara's* concentrate was quite similar to ours, we can use *Tosfos* to resolve an issue mentioned at the end of Rav Auerbach's *teshuvah*. He suggests that since grape juice concentrate is inedible it isn't suitable for *Kiddush*, and a proof is required to show that it can regain that suitability by merely adding water. It would seem that *Tosfos* can serve as that proof because we've seen that the concentrate in *Gemara*, *Shabbos* had even less moisture than modern concentrate does and *Tosfos* still maintains that after reconstitution it can be used for *Kiddush*.

There is however, one question on the above. There is a *machlokes* as to whether the *bracha* on cooked wine is *hagafen* or *shehakol*, and the crux of the question is whether wine is or isn't negatively affected by the cooking.¹⁶ The halacha is that the *bracha* on cooked wine is *hagafen*¹⁷ which indicates that we assume cooked wine isn't significantly ruined by the

cooking. Is the same true of wine or grape juice cooked until it becomes the type of concentrate we've been discussing? We've noted that when one cooks wine, the alcohol boils out before the water, and the same is also true of what scientists refer to as the "flavor essence". The most flavorful portions of the juice are so volatile, that even in modern concentrators, which are carefully controlled to operate under vacuum and at relatively low temperatures, the flavor essence escapes from the juice long before most of the moisture does. It seems clear that juice which is missing that flavor essence would be considered to have been "ruined via cooking" and its *bracha* would be *shehakol*. In modern concentrators, this isn't an issue as the flavor-laden vapors are captured, condensed and added back into the concentrate such that the reconstituted juice tastes reasonably similar to juice that isn't from concentrate. The taste is similar enough that Rav Auerbach and Rav Belsky both note that the concentration process doesn't ruin the taste enough to affect the *bracha*. However, if wine was concentrated in the days of the *Gemara* via heating and the *bracha* on the reconstituted juice was *hagafen*, must we assume they had developed a method of essence recovery? If not, one would have to surmise that they had an unknown alternate method of concentration (e.g. freezing) that didn't force the flavor essence or the alcohol out of the juice. If so, there is no proof from *Tosfos*, *Shabbos* to the questions raised by Rav Auerbach. This requires further consideration.

In summary, Rav Belsky and Rav Felder cite proofs from unrelated statements in *Tosfos* which indicate that the *bracha* on reconstituted wine is *hagafen* and that such wine is suitable for *Kiddush*. A careful analysis shows that although both *Tosfos* are discussing concentrated wine they serve as proofs against Rav Auerbach's position regarding reconstituted grape juice.

Another proof

Another proof against Rav Auerbach's assertions comes from a halacha which Rav Auerbach himself cites. Rav Auerbach contends that pasteurized grape juice is only *hagafen* because it had been fit for fermentation before pasteurization. If this contention is true, it should follow that if grapes were cooked before they excreted their juice, the *bracha* on juice squeezed from those grapes should not be *hagafen*. [In fact, if this was true, much of the kosher grape juice on the market wouldn't be *hagafen* as the system described above is commonly used to avoid concerns of *stam*

to whether a *kezayis* has the volume of half or a third of a *beltzah* (see *Mishnah Berurah* 486:1). We can therefore extrapolate that according to those who hold a *kezayis* is half of a *beltzah*, a *kezayis* is 1/6 of a *revi'is* and the concentrated wine described in *Gemara*, *Shabbos* had lost 5/6 (or 83%) of its moisture, and if a *kezayis* is a third of a *revi'is* then a *kezayis* is 1/9 of a *revi'is* and the concentrated wine had lost 8/9 (or 89%) of its moisture.

¹⁵ In fact, to this day a similar product known in Arabic as *dibbs* is produced in the Middle East in exactly this manner.

¹⁶ See *Mishnah Berurah* 202:4 & 272:19.

¹⁷ *Shulchan Aruch* 202:1 & 272:8.

yayin]. However, Rav Auerbach himself cites *Shulchan Aruch* 202:11 who rules that in exactly this case where grape or raisins cooked in water until juice is extracted, the *bracha* is *hagafen*. This leads to one of two conclusions:

- Cooked/pasteurized grape juice can ferment.
 Pasteurization kills the yeast inherent to grapes, which makes fermentation more difficult, but in truth the juice will ferment if it is left out in the open where it can attract wild yeast from the atmosphere or if (grape skins or) fresh yeast are added. [In fact, nowadays most commercial wine is made in this manner; the inherent yeast is killed off and specific strains of yeast are added]. Rav Auerbach considers such juice as “not capable of fermentation” because it has lost its inherent ability to ferment, but the above line of reasoning offers room for dissent.¹⁸
- *Rashbam*’s statement that grape juice is only wine because it can potentially ferment into an alcoholic beverage, is limited to *nesachim*, but for other halachos grape juice is considered wine even if it cannot ferment.

Summary

Rav Auerbach suggests that concentrated grape juice retains some characteristics of wine, but may not be able to project those characteristics to water used for reconstitution and is not suitable for *kiddush*. Others have suggested proofs that appear to disprove some of Rav Auerbach’s assumptions, and after careful analysis there appears to be merit to their claims.

[In a reversal of a longstanding position], Rav Schwartz has accepted these proofs and arguments, and ruled that the proper *bracha* on grape juice from concentrate is *hagafen*, and that such juice may be used for *kiddush* and *daled kosos*.

Postscript – Grape Juice that is Not from Concentrate

We have seen above that in the closing words of his *teshuvah*, Rav Auerbach suggests that even if the *bracha* on grape juice from concentrate is *hagafen*, it is not usable for *kiddush* because there was a time when it was inedible (while it was concentrate). In this context, it is worth noting that potassium metabisulfite is a common preservative used in grape juice and a few parts per million of it is commonly found in all grape juice sold for retail consumption. However, in order to store single strength (i.e. non-concentrated) grape juice for many months, many companies add as more than 100 times this amount of potassium metabisulfite to the juice to prevent spoilage, and that much potassium metabisulfite renders the juice inedible! Although the potassium metabisulfite is safely removed before the juice is bottled for retail use, according to Rav Auerbach’s logic the juice should be unfit for *kiddush* since there was a time when it was inedible. Thus, those who accept Rav Auerbach’s line of reasoning might also be restricted from using certain brands of grape juice that is not from concentrate for *kiddush*.

¹⁸ A modern example of juice that truly cannot ferment is discussed in the coming text.