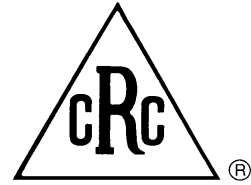


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Anheuser-Busch Beer Products

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The Concern

Mott's, a division of Dr Pepper/Snapple Group, sells a beverage called Clamato which contains clam powder, and Anheuser-Busch recently introduced a beverage called Chelada which is a mixture of Budweiser beer and Clamato. In recent months, *Kashrus Magazine* wrote that since Chelada is tunnel pasteurized on the same equipment as other beer products, the public should avoid all Budweiser products until the process is "inspected by a competent kashrus expert".

This statement caused quite a tumult, and at the beginning of October 2008 Rabbi Yechezkel Auerbach connected us with Steve Michalak (Brewmaster, New Products at Anheuser-Busch), who agreed to allow the cRc to visit the plant so as to put this issue to rest. Rabbi Auerbach found us particularly suited for this job because we certify the products at the company which produces Clamato (Dr Pepper/Snapple Group) and would therefore have access to the formulation of that product.

The Resolution

Our research of this issue included a review of the Clamato formula by Rabbi Benjamin Shandalov during a visit to the Dr Pepper facility, inspection of the production procedures at Anheuser-Busch by Rabbi Dovid Cohen, and collection of information on the clam powder from the manufacturer and independent sources. During the plant visits and in the subsequent weeks, Dr Pepper and Anheuser-Busch graciously allowed us access to numerous plant personnel who were exceedingly cooperative in answering our questions and helping us understand the details of this issue.

At this point we have concluded our investigation and have come to the following conclusions:

- **Anheuser-Busch beers sold in bottles are free and clear of any concerns.**

At Anheuser-Busch, pasteurizers used for cans are never used for bottles (and vice versa), and therefore since Chelada is currently only packaged in cans, there is no way that beer packaged in bottles could be compromised by the clam in Chelada. [The dedication of pasteurizers at this company is due to the difference in the filling equipment associated with these pasteurizers, and not due to any difference in the pasteurizers themselves].

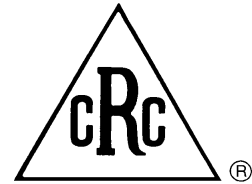
- **Dr Pepper has already made changes to the production of the Clamato used in Chelada, without changing its basic recipe, so that Anheuser-Busch beers sold in cans will also be acceptable.**

Some equipment used for both Chelada and other beers poses more of a concern than others. To focus on the primary question, we will first discuss the equipment which poses less of a concern.

The tanks and hoses used for Chelada are never used for any other product. The filler and most pipes which are used for Chelada are also used for other beverages, but the products are all cold when they

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pass through this equipment, and Anheuser-Busch does a thorough cleaning of the equipment between products such that there is no concern of any Chelada residue contaminating any subsequent product.

After Chelada is put into the can and the can is sealed, it is pasteurized hot in a tunnel pasteurizer which is had previously been used for other beverages (in sealed cans), and the procedure for separating between products most definitely does **not** qualify as a *kashering*. However, due to the infinitesimal amount of clam in Clamato, we believe the kashrus of the other products are not affected. [Other than the clam powder, all ingredients – including flavors – used in Clamato are kosher].

We believe that it is impossible for the clam to be נותן טעם into the variety of Clamato used in this product. Our rationale is as follows:

- A. The clam powder comprises such a small part of the Clamato formula that it is בטל בששים many times over.
- B. However, the clam powder is not just ground clams but rather a concentrated clam broth, such that each spoonful of clam powder is able to be נותן טעם into much more than ששים spoonfuls of היתר. After carefully calculating the concentration level of the clam powder, we were able to compute that in its reconstituted form it would be borderline בטל בששים. Based on these calculations alone, we would not be able to comfortably state that the clam powder is בטל בששים.
- C. Nonetheless, just like we have considered the concentration level of the clam powder in determining if it is נותן טעם, we must also consider the concentration level of the היתר ingredients. For just like concentrates can be נותן טעם into more than ששים of their concentrated forms, so too concentrated היתר ingredients can “absorb” the טעם of more than ששים of their concentrated forms. In fact, in our case, most of those היתר ingredients are also concentrates – some of them to similar concentration levels as the clam powder, and others less concentrated.
- D. We therefore conclude that the concentrated clam is בטל בששים and is not נותן טעם into the concentrate Clamato formula which it is mixed into.

The above determinations (1) were made specifically for the formulation of Clamato used in Chelada and may not be true of other formulations, (2) took into consideration the order in which the clam powder is added to the Clamato so as to make sure there are no issues of הנ"ל, and (3) compared the volume of the different ingredients (as opposed to their weights) in calculating בטול, as per פתחי תשובה צ"ה ב'.

We were not able to meet these standards (as relates to #2) without asking Dr Pepper to change part of the way they formulate the Clamato for Anheuser-Busch, and they have agreed to make that change effective immediately. Even without this change, there is halachic basis to consider permitting the canned beer based on המקרה במקרה איסורים בשאר איסורים הנ"ל בשאר איסורים בהנ"ל. כזה שיש ששים של היתר נגד האיסור ומה שהאיסור אינו בטל הוא רק משום שהוא עבידא לטעמא.

▪ **The kosher status of Anheuser-Busch beers are not affected by the Bud Light Lime beverage bottled on shared equipment.**

While investigating the issue of Chelada, we became aware of the related issue that Anheuser-Busch produces a flavored beer product called “Bud Light Lime” which shares a tunnel pasteurizer with other non-flavored beer products. [Bud Light Lime is sold in cans and bottles]. We do not believe this raises a *kashrus* concern for other Anheuser-Busch beers because:

- E. There are halachic rationales for why a flavor of unknown status does not affect other beverages produced on the same equipment. The basis of that position is beyond the scope of this document, but it is noteworthy that this position is accepted by many of the leading American hashgachos.
- F. The “flavor” used to impart the lime flavor bears the certification of a reputable *hashgachah*. There is no guarantee that this will not change in the future, and therefore we cannot recommend consumption of Bud Light Lime itself, but nonetheless this does play a contributing role in our position regarding other items produced on the same equipment as Bud Light Lime.