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ספירים

TEVANA STORES

In response to consumer calls about shopping at the growing chain of Teavana stores, I visited a local Teavana store to learn more about potential *kashrus* issues.

Products

The store's primary business is to sell loose tea leaf blends. Each of the more than 90 varieties is in its own container and a full ingredient list is on the back of each container. Consumers can definitely ask to see the container, so they can pick a variety that has no sensitive ingredients in it. The people behind the counter are also quite knowledgeable about the teas being sold in the store and can probably direct customers to teas which are just pure leaves, etc.

The company's website notes that the teas are not kosher certified. The teas include a wide assortment of ingredients, which seem to fall into three categories:

- Assorted dried herbs and leaves, which are inherently kosher (Group 1).
- Flavors, which require *hashgachah*, but their use in equipment will not render the equipment non-kosher as relates to future use.[1]
- Dried fruit, some of which might technically require *hashgachah* but in truth do not pose a serious *kashrus* concern.

It is possible that within the products that they currently produce or that they will produce in the future there may be ingredients that do not fall into any of the above categories, but nonetheless the above categorization appears to be accurate. [The store does not sell any food other than tea.]

Brewing at Home

Most customers buy loose leaves in the store for brewing at home. The leaves are not sold in a tea

[1] For more details on flavors and why their use might not compromise the kosher status of the equipment, see *Sappirim* 24 page 5.

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bag; therefore the consumer must have a special pot for brewing the tea. The stores sell a large variety of pots which each contain a metal basket to hold the loose leaves and protect the leaves from getting mixed into the beverage.

Many of the pots are seasoned cast iron, which are not recommended without *hashgachah* unless the pot is *kashered* before use. [See *Sappirim* 22 for details and instructions.] Others are glass or plastic which do not pose a kashrus concern, but it is worth noting that consumers should remember to *toveil* the metal basket (and the whole container if it is glass or metal).

Hot Drinks

The store offers two types of hot drinks: they will brew a cup of tea at a customer's request, and they always have samples of a number of types of already-brewed tea in pump-pots in the store. Each pump pot is dedicated to one flavor, whose name is permanently marked on the side of the pot, and every few months the corporate office will send the store a new pot to be used for the newly featured flavor. The tea is brewed fresh every hour or so in the store, using a set of brewers, filters, and pitchers.

> An interesting side note is that the stores sell a type of mug which absorbs so much flavor into its walls that they advise consumers to keep it dedicated to just one flavor of tea. They said that after a few cups have been brewed, you can just pour hot water into the cup and the drink will taste like the tea. A live example of טעם כעיקר and *b'lios* in כלים.

Status of Equipment

What is the status of the brewers, filters, pitchers, and other equipment used for producing tea in the store? During the day this equipment is merely rinsed off between uses, and at night it is all sanitized in a three-compartment sink, which we were told reaches 180° F in <u>each</u> compartment. [This information was not verified.]

At first glance, it would seem that the equipment would remain suitable for kosher use, and a person could buy a hot tea whose ingredients are known to be kosher. The reasons for this are that the only food currently sold in the store is the tea, none of the teas appear to contain anything

which would render equipment non-kosher, and all equipment only absorbs and gives-off *ta'am* as an עירוי כלי ראשון. Nonetheless, it may not be good policy to recommend such items, because the store has such a wide variety of teas that there may be some that pose a more serious *kashrus* concern.

Recommendations

- Dry tea leaf blends may be purchased if the consumer reads the ingredient panel and can determine that the blend does not contain any kosher-sensitive ingredients.
- We do not recommend purchasing hot drinks in the stores.
- Consumers who buy brewing equipment from the store should (a) *toveil* any metal or glass parts, and (b) only use cast iron pots after *kashering* them.

GRAPESEED EXTRACT

History

Grape juice made by non-Jews is forbidden as *stam yayin*, and there are two ways in which grape seeds are surely permitted: Firstly, if a grapeseed or any other non-kosher grape/wine product was left to dry for 12 months it would be permitted.[2] Secondly, *Chasam Sofer*[3] ruled that grapeseed oil is permitted even if the seeds were not 12 months old, because the oil does not have a *ta'am* of wine and is *nishtaneh*.

In recent years people have become interested in the purported health benefits of grapeseed extract, which does not qualify for the leniency of *Chasam Sofer*. In 1999, the OU's *Poskim* ruled that grape seeds are only "non-kosher" if they are *kovush* in non-kosher juice for 24 hours, otherwise the seed is merely a piece of wood or fruit. However in 2009, Rav Shlomo Miller marshaled considerable proofs that the seeds are forbidden even if they were in the juice for a few minutes, because we are required to assume that they absorb juice "instantly". The OU's *Poskim* accepted these proofs and ruled that kosher grapeseed extract could henceforth only be produced from (seeds from kosher wine or) seeds which had been appropriately dried.

[2] *Shulchan Aruch* 123:14.
[3] *Chasam Sofer* YD 117.

Proofs

– The following are proofs brought by Rav Shlomo Miller that grape seeds are forbidden even if they were not *kovush* in the grape juice:

– Rav Yochanan,[4] an *Amorah*, holds that *ta'am* does not transfer via *kovush*, but nonetheless a *Mishnah*[5] says that seeds (חרצנים) from *stam yayin* are forbidden.

– *Rema*[6] says that חרצנים which were removed before המשכה are permitted, but if they were there after המשכה then they are forbidden, which implies that they are immediately forbidden even if they did not stay in the juice for 24 hours.

– *Shiltei Giborim*[7] says that the stems of a grape plant are not forbidden[8] and only the peels and pits (חרצנים וזגים) are forbidden "שהן מן הפרי עצמו". Clearly, this case is one in which there was no *kovush*, because if there had been *kovush* then the stems would also be forbidden. In spite of there not being *kovush*, he still rules that the peels and pits are forbidden.

– *Bach*[9] says that when grape juice is mixed back into peels and pits the juice is absorbed into the peels and pits; from the context it is clear that this happens immediately even without 24 hours elapsing.

– *Ohr Zaruah*[10] in discussing an example of pits and peels which were in juice for part of *Shabbos* (i.e. less than 24 hours) assumes that the juice is absorbed into the pits and peels. This is similar to *Bach*.

Reason

Why, in fact, should the seeds be forbidden if they were not *kovush* in the juice? In the third proof noted above, Rav Miller cited *Shiltei Giborim* quoting *Riaz* as forbidding the peels and pits more than the stems because they are מן הפרי עצמו. Rav Miller says that this means one of two things: Either since they are part of the fruit the *Chachomim* chose to forbid them (i.e. even though they do not actually have any juice in them), or since they are part of the fruit they contain some juice which

[4] *Gemara*, *Chullin* 111b.
[5] *Mishnah*, *Avodah Zara* 29b.
[6] *Rema*, YD 123:14.
[7] *Shiltei Giborim*, *Avodah Zara* 12b-13a.
[8] This is conditioned on them being washed off and is true even if they were not 12 months old (ibid.).
[9] *Bach* 123 pg. 199b s.v. *gas*, on the halacha discussed in *Shulchan Aruch* 123:20 and 126:7.
[10] *Ohr Zaruah*, *Hil*. *Shabbos* 58 ד"ה מתני' אין סוחטין.

connects/blends with the (forbidden) squeezed-out juice.[11]

Grapeseed Flour

If a company were to grind grapeseeds to produce grapeseed flour, the lenient rationales suggested by *Chasam Sofer* do not apply; therefore, the flour would be forbidden in the same way that grapeseed extract is. If the friction of grinding caused the mill (and flour) to become hotter than *yad soledes bo*, the mill would also become non-kosher and could not be used for other kosher products without *kashering*.[12]

TRANSPORTATION

Hashgachah on Transportation

A critical component of trade is the ability to efficiently move products from one place to another. Nowadays, the backbone of the transportation network used for (liquid)[13] foods includes ships, tank barges, ISO-tankers,[14] railcars, and tanker trucks. Furthermore, during different parts of the process this industry stores products in tanks, totes, and drums. This has created a need for *hashgachah* to verify the following three issues:

1. Integrity of the product

   Materials must be carefully tracked to assure that the item found in the container is the same one which was produced under kosher certification.

   For example:

   Railcars carrying kosher glycerin must be sealed (and the seal numbers checked by the Rabbi at the receiving plant) to be sure the company did not "top off" or refill the railcars with non-kosher glycerin as they travelled from the refinery to the customer.

[11] This may be somewhat related to the halacha of ניצוק חיבור discussed in *Shulchan Aruch* YD 126.

[12] Two possible reasons to not require *kashering* would be as follows: It could be that just like *b'lios* of *stam yayin* are *lifgam* into other liquids (*Shulchan Aruch* 137:4), so too the *b'lios* of grapeseed flour is *lifgam* into other seed flours. [This approach would require some proof that the aforementioned leniency also applies to items such as this which were never envisioned by *Shulchan Aruch*.] Alternatively, *kashering* might not be required for the mill, because the parts which get hotter than *yad soledes bo* may be so small as to qualify as a כלי העשוי להשתמש בשפע.

[13] Most of the issues discussed in this article do not apply to the transportation of dry or powdered materials.

[14] ISO-tanker is the colloquial name and will be used in this essay. The more formal name is "UN Portable Tanks". The US code for these tanks is 49CRF178.274 and can be found at http://1.usa.gov/QRPI30; the ISO standard is 1496-3.1995 and can be found at http://bit.ly/QRZ92n.

2. Status of the container and transfer equipment

   As a rule, kosher product cannot be transported in containers which had previously been used for non-kosher products, due to concerns of *b'lios* if the products were hot and/or are liquids which were *kovush*. Similar concerns apply to the hoses, pumps, manifolds, and other equipment through which (hot) product flows.

   For example:

   A tanker truck cannot haul corn syrup from Nebraska to Seattle in a tanker that had previously been used to haul (hot) lard. Similarly, if the corn syrup is unloaded at above *yad soledes bo* using non-kosher hoses, the corn syrup will lose its kosher status.

3. Media used to heat the product

   Steam, or other heating media used to heat kosher raw materials during transport or in a storage tank, must not be "contaminated" by *b'lios* from non-kosher products.

   For example:

   A manufacturer requires that its saturated vegetable oil always maintain a minimum temperature of 170° F while it sits in the shore tank. If the tank farm uses steam to maintain this temperature and the condensate produced by that steam is recirculated, the vegetable oil's *kashrus* will potentially be compromised by the materials stored in other tanks in the tank farm.

Different Modes

The type of *hashgachah* necessary for transportation varies somewhat depending on the mode of transport and storage, and the following are some of the differences.

Product Integrity

The owners of materials stored in a tank farm expect the operators of the tank farm to keep detailed records of every drop of product which enters and exits their tank, and in many cases these records are available online 24/7. The owner wants this accounting so that he can be sure that no one is misusing his product, and the RC or *Mashgiach* should have access to this same information so that he can track each time product enters and exits the tank. Records are also kept for other types of containers, and a *Mashgiach* should also check them, but they are typically not nearly as

accurate and reliable as the ones kept by a tank farm.

On the other hand, it is physically difficult to verify that a specific product is being loaded into or out of a given shore tank. This is because there are typically hundreds of feet of piping between the shore tank and the ship, railcar, or truck that are exchanging product with the tank. This means that the *Mashgiach* must meticulously trace the lines to and from the tank to (a) know exactly which ones service the kosher tank, and (b) be sure that that line is not shared with other tanks or connected to other (non-kosher) pipes.

> Tank farms are notorious for servicing their customers (and their own) needs by adding connecting-pipes between tanks, joining lines to feed one railcar loading position, and creating other similar *kashrus* nightmares. It is therefore important that the lines be retraced every so often to be sure all is still in order.
>
> In some cases the tank farm and the individual tenants have a contractual agreement as to how dedicated the tank's shore-line (and other lines) will be, and this is something that the *Mashgiach* can/should inquire about.

These concerns do not apply to railcars, tanker trucks, and the other containers used for transportation, where the transfer usually happens over a very short distance.

Equipment

Tanker trucks and the storage tanks in a factory are usually refilled within a few hours after they are emptied, such that any non-kosher *ta'am* absorbed into the metal will be *ben yomo* when the kosher product is loaded. The opposite is true of ship-holds (most of the time), barges, ISO-tankers, railcars, and shore tanks, where there is invariably at least 24 hours between when it is emptied and when it is refilled. [The halachic implications of this and other points noted below are beyond the scope of this article.]

On the other hand, the metal used to create tanker trucks[15] and

[15] The standard measurements of a tanker truck's shell are: length – 468 inches; diameter – 62 inches; wall-thickness – 0.11 inches. With those measurements, the approximate ratio of product to metal for different fill-levels is: 100% full – 102:1; 80% full – 82:1; 60% full – 61:1.

ISO-tankers[16] is very thin, and mathematical calculations show that any *ta'am* absorbed into the walls of a tanker truck will be *batel b'shishim* into the product that is inside the truck. [There are rare exceptions.] The same is true of storage tanks that hold more than approximately 10,000 gallons of product. Barges tend to have walls that are somewhat thicker, but due to their size there is usually also *bitul b'shishim*.[17]

In contrast, in large ships the walls are relatively thick but the holds are quite large,[18] such that there may or may not be a 60:1 ratio of product to metal, depending on the size of the hold and how full the hold is. In railcars[19] the *ta'am* absorbed in the relatively-thick walls is usually not *batel b'shishim* into the relatively-small amount of product held in the container.

Most of these containers [barges, ISO-tankers, railcars, and (most of the time) tanker trucks] hold only one product at a time, such that the *keilim*-concern is limited to the container itself (and the hoses, etc. used with it). However, in a large ship each hold contains only

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[16] As per information provided via email by UBH International (www.ubh.co.uk), a ISO-tanker manufacturer, and confirmed by others, the standard measurements of an ISO-tanker are (in millimeters):

	Range	Common
Length	5,800-6,200	6,000
Diameter	1,790-2,413	2,330
Wall Thickness	3-10	4.4

At the most common measurements, the approximate ratio of product to metal for different fill-levels is: 100% full – 124:1; 80% full – 100:1; 60% full – 75:1. If the walls were thicker than the common amount noted above, there would be *bitul b'shishim* if the walls were approximately 9mm thick and the tank was 100% full; 7.25mm thick and the tank was 80% full; 5.5mm thick and the tank was 60% full.

[17] Canal Terminal described two sizes of barge holds for barges that have more than one hold per vessel (all measurements are in inches):

	Small	Large
Length	640	720
Width	312	312
Height	111	111
Wall Thickness	0.375	0.375

At these measurements, the approximate ratio of product to metal for different fill-levels is: 100% full – 209:1 (small) or 215:1 (large); 80% full – 167:1 (s) or 172:1 (l); 60% full – 126:1 (s) or 129:1 (l); 40% full – 84:1 (s) or 86:1 (l). For larger barges it would seem that we could be even more confident that any non-kosher taste absorbed into the tank walls is *batel b'shishim* into the product.

[18] The walls are typically about 20mm (0.7874 inches) thick, and portions of the walls may be corrugated. The holds are approximately 40 feet deep, 16-33 feet long, and 18-55 feet wide. If the largest of these sized holds would be full of product there would be as much as a 100:1 ratio of product to metal, but even if the smallest of the holds was 100% full the absorbed *ta'am* would not be *batel b'shishim*.

[19] Using the measurements for just the barrel of two railcars (15,800 and 23,500 gallons from http://bit.ly/OcXP3M) (not including other parts welded on) whose walls were 7/16th of an inch thick, the approximate ratio of product to metal was as follows:

Fill Level	15,800	23,500
100%	54:1	61:1
80%	43:1	49:1
60%	33:1	37:1

one product but the ship may have dozens of holds and each can be carrying a different material. Many of these materials are innocuous (petroleum, mineral oil) but some ships also carry *treif* and kosher-sensitive ingredients (e.g. tallow, or fatty acids). In many cases, adjacent holds will share a common wall, and if they do then not only must the *Mashgiach* be concerned with the kosher-status of the hold the kosher material is in, but must also be aware of which items are in the adjacent holds. In other cases, (a) the holds share a wall, but the wall is made of multiple layers, or (b) the holds do not share a wall but rather there is a cofferdam (space) between the walls of adjacent holds. In either of these latter cases, *ta'am* cannot transfer from one hold to the next, and therefore the contents of the adjacent hold are not significant from a *kashrus* perspective.

In addition to the concerns that non-kosher *ta'am* may be absorbed from products carried in the container (or in adjacent hold), there are also situations when the washing of the container renders it non-kosher. This would occur when (a) water used to clean a non-kosher container is subsequently used to clean an otherwise kosher one, or (b) when the wash-water from a non-kosher container circulates through the heating equipment at the wash station. These concerns are most pronounced for tanker trucks (and many ISO-tankers) which are typically washed with water in stationary wash stations. They are much less of a concern for railcars (which are typically washed with steam that is not recovered), and ships and barges (which are washed with sea-water which is not reused).

The most common method of ensuring that a container is kosher is by the dedication of specific tanks, trucks, railcars, and sometimes even ISO-tankers and barges for kosher use. [This is quite uncommon for ship holds.] Alternatively, the container is *kashered* right before it is used for kosher transport. There are those who feel that if the three previous cargoes in a given container were kosher then that container may be used for kosher materials without *kashering*. This position is most commonly relied upon as relates to ship holds. The possible justification for this position and the implication of abandoning it,

are beyond the scope of this essay.

The *kashering* of tanker trucks and ISO-tankers is commonly performed by spraying hot water through the wash-facility's spray head until the water exits the container at *roschin* and maintains that temperature long enough to hit all inner surfaces. Larger containers such as shore tanks, railcars, barges, and ships are usually *kashered* by filling the chamber with steam until considerable amounts of condensate at *roschin* temperatures forms on all inner surfaces.

Tanker trucks and most ISO-tankers are made of stainless steel which is perfectly suitable for *hag'alah*. However, other containers are often lined with fiberglass, epoxy or other materials which some maintain cannot be *kashered*.

Heating Media

Those products in a tanker truck which must be kept warm or hot are usually heated by antifreeze or a similar liquid flowing in a closed loop from the truck's engine through (or under) the product. Since the antifreeze is *pagum*, there is no reason to be concerned about that media serving as a way for *ta'am* to transfer from non-kosher materials to kosher ones. Railcars and ISO-tankers are usually heated with steam (if necessary) upon arrival at their destination, and therefore the product's *kashrus* is dependent on the status of the steam at the destination.

In this regard ships and shore tanks are at a *kashrus* disadvantage in that the steam used to heat the kosher products is often also used to heat non-kosher products (with the condensate from both being recovered and reused). In some ships or tank farms, the other materials being heated are not kosher-sensitive (as noted above) or the condensate is not recovered; if this is the basis for *hashgachah*, then the information must be reevaluated by a qualified *Mashgiach* from time to time. Sometimes the issue can be avoided by having the owner of the materials specify to the ship or tank farm that his kosher materials should never be allowed to get hotter than *yad soledes bo*.

TRUCK WASH HASHGACHAH

The following are guidelines for how to conduct a visit at a cRc Truck Wash facility.

What are we certifying?

Tanker trucks that carry liquid products must meet two criteria to be permitted to carry kosher products:

- They must be "dedicated" to carry only kosher products.
- They must be washed at truck washes that do not compromise their kosher status (as explained below).

Some truck washes are able to *kasher* a tanker truck that had been previously used to carry non-kosher products.

A standard visit to a truck wash is not meant to determine if the wash qualifies for *kashering*.

A visit to a truck wash is made to determine if it qualifies for the second criteria above.

How truck washes operate

To wash a tanker truck, a "spray ball" attached to a long pipe is lowered into the top of the truck. Then the following steps are taken to spray liquid through the spray ball onto the interior walls of the truck:

- Flush ..with water to clean out most residue
- Wash. with warm/hot soapy water to remove remaining residue
- Sanitize with hot water to destroy all microorganisms (some washes do not perform this step)
- Rinse . with water to clean out remaining soap and cool the tanker

What are the kashrus concerns

There are two ways a truck wash can compromise the kosher status of a dedicated kosher tanker:

- The rinse water used to wash a non-kosher tanker truck might be saved and reused for the flush of a kosher tanker truck.

  Soapy water used to wash a tanker truck is *pagum* and may be reused from one tanker to another.
- The sanitizing water might be heated in a way that renders it non-kosher.

  Details

  There are two ways to heat water in a truck wash – either in a heat exchanger or in a boiler.

  If the water is heated in a heat exchanger, the heat exchanger may not be strong

enough to heat it in one pass of water flowing through. In that case, the water coming out of the tanker may be sent back to the heat exchanger for another pass so that it can get up to the required temperature. For example, if the first pass heats the water to 130° F, the water coming out of the tanker truck may be sent back for a second pass that will heat it to 160° F. If this happens during the washing of a non-kosher tanker, the heat exchanger will become non-kosher and the subsequent water used to sanitize a kosher tanker will pass through this non-kosher heat exchanger.

If the water is heated in a boiler, the above concern does not apply, because the boiler does not require multiple passes to heat the water.

What is the Mashgiach's job?

The *Mashgiach* must familiarize himself with the system used in the specific wash facility to see if either of the above concerns applies. In other words, he must be able to independently verify that (a) rinse water is not reused/recycled for the flush of a subsequent tanker, and (b) the kosher status equipment used to heat water is not compromised during the wash cycle.

The following are the common steps used to make this determination:

– Discuss the system with the wash's technical or maintenance personnel. [This should not be the sole method used.]

– Inspect the system and trace all pipes and hoses to clarify exactly how and where water flows during each stage of cleaning.

– Observe the full washing of a tanker truck, noting how and where water flows during each stage of cleaning.

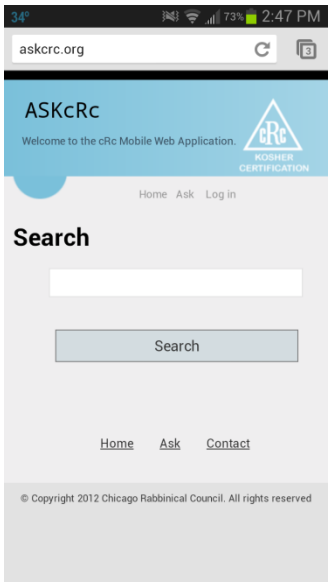
Other points

Many wash facilities have more than one wash "bay" and the wash procedure for each bay may vary even though they are in the same facilty. The *Mashgiach* must determine that every wash bay at the facility qualifies for the washing of kosher tankers.

Due to the nature of the *hashgachah* on truck wash facilities there is no need for unannounced visits. In fact, it may be worthwhile to schedule the visit in advance, so that the wash can be sure to have the right personnel available.

www.ASKcRc.org

The cRc has developed a new website, www.ASKcRc.org, which is accessible from a regular computer and also optimized for use on mobile phones. For consumers, the website provides information on beverages, cereal berachos, foods, fruits & vegetables, *hechsherim*, liquors, medicines, and Slurpees. That information is currently available on the cRc's regular website, but this website has a simple interface where the person just enters the term they're looking for (Fanta Banana, Romaine lettuce, Advil etc.) and finds the cRc's recommendation. In addition, you can enter the number (e.g. 15005) of a cRc certified trailer or railcar, and see an update on its kosher status.



We are currently working on preparing our *Pesach* information to also be added to the www.ASKcRc.org website.

Kashrus professionals can login to the site and they will then see two extra groups of information. Firstly, they will see 200 more *hechsherim* than the 140 that consumers see. Secondly, they will have access to the Group 1 status of about 1,500 industrial ingredients. Of those, approximately 2/3 are Group 1 and 1/3 are not Group 1. [To obtain a login, people should go to the site and click on "Log in" on the upper right, and then click on "Request Login".]

When a cRc staff-member logs in to the site, he sees even more information. He will see the full list of approximately 750 *hechsherim*, which includes not only the recommended ones but even those which we do not recommend. [*Kashrus* professionals see many (but not all) of the recommended *hechsherim* but none of the non-recommended ones.] As relates to ingredients, the cRc staff sees the status of approximately 2,500 ingredients. There are future considerations of granting this status to non-cRc staff as well.