

ספירי

RETINNING AND REGLAZING

There are two methods of refreshing the finish on a baking pan, retinning and reglazing, and this document will discuss whether these processes qualify as some form of *kashering*.

Retinning

When the tin wears away on a tin pan or a tin-coated pan, an additional layer of tin is added either to the worn area or to the whole pan. The process involves rubbing the area to be coated with acid (to help the new tin adhere better), heating tin to its melting point of 450° F, pouring (or otherwise applying) the molten tin to the pot-surface, and then putting the pot into cold water to set the fresh tin in place.¹

Magen Avraham 451:27 says that the tin which is hot enough to be liquefied then that is well beyond what is required for *libun gamur*.² What about the underlying pan? Has it been *kashered* with *libun gamur*? Clearly, the pan onto which the tin is being applied is not as hot as the liquid tin, or else it would melt; so just because the liquefied tin is undergoing *libun gamur* does that mean that the pan being retinned is also undergoing that same level of *kashering*? In fact, *Magen Avraham* describes retinning and says that a pan which has undergone this process has been *kashered* via *libun kal*,³ and *Pri*

¹ I have not seen this process, known as hot tinning, but it is described at <http://www.retinuing.com/atmartha.html>, and is consistent with the process described in the *Poskim* noted below.

Another method of retinning is through electroplating which, I believe, bonds a metal coating onto a surface using electrical charges and attraction rather than with heat. Of course, such a process does not qualify as any sort of *kashering*, but I understand that it is not used for commercial purposes. This is something which requires further research.

² The *Poskim* are clear that the temperature required for *libun gamur* is absolute (תוס' קליפתו, תוס' קליפתו, red hot) and does not fluctuate based on the temperature at which the *b'lah* happened (as is true of *hag'alah* where we apply the principle of *k'bal'oh kach polto*).

Some have interpreted this to mean that *libun gamur* requires the metal to reach an absolute temperature, in which case tin could not possibly undergo *libun gamur* since it cannot be heated above 450° F (its melting point). Aside from the inherent difficulty with such a conclusion (that no *Poskim* say that one of the metals listed in the *Torah* cannot undergo *libun gamur*), those who adopt this position would have a difficult time deciding which temperature is required because different metals (and different ores of the same metals) have radically different properties.

Magen Avraham's ruling, that liquefied tin which is just 450° F has undergone *libun gamur*, is implicitly rejecting the aforementioned position, and is instead saying that *libun gamur* requires the metal to reach an absolute state (e.g. red hot), but the temperature required for different metals to reach that state fluctuates depending on the metal ore in question.

³ It is not clear why *Mishnah Berurah* 451:77 records *Magen Avraham's* ruling as saying that retinning causes the pan to be *kashered* via *hag'alah*. It may be that he is stressing that retinning qualifies as *libun kal* which takes the place of

Megadim ad loc. says that it is פשיטא that this process does not qualify as *libun gamur*.⁴

Lastly, it is worth mentioning that *Mishnah Berurah* 451:77 makes two points regarding this process:

- One should not rely on retinning as any form of *kashering* unless he can be certain that all surfaces of the utensil were retinned.
- If a non-Jew retinned a Jew's pan, the pan should undergo *tevillas keilim* again.⁵

Reglazing

Baking pans are made of metal which is coated with silicon to prevent the product from sticking to the pan. Pans which are used commercially require a fresh coating of silicon (i.e. reglazing) every few months. The process of reglazing involves a considerable amount of heat and chemicals which are used to remove the old glaze and any residue, and put on a fresh coat.

In order to better understand this process and evaluate its suitability for *kashering*, Rabbi Oppenheimer and I visited a large reglazing facility which is part of nationwide network of similar companies, all of whom use the same process. While we were asked not to reveal the exact details of this company's process (which they tell us is basically used in the entire industry), we can report that reglazing is a 7-9 hour process which can be roughly divided into three parts – stripping, glazing, and drying, as follows:

- Stripping uses different chemicals, acids and soaps to strip away the existing silicon layer together with any residue of food, grease, and burnt product. Most of the stripping is done at ambient temperature and there are no stages where hot pure water is used. However, during one stage the liquid agents being used are very close to 212° F and at another they are at about 140-160° F, such that these stages may qualify as *hag'alah* with *sha'ar mashkim* (which *b'dieved* is acceptable).⁶

hag'alah (to which all agree), and not *libun kal* which takes the place of *libun gamur* (which is itself a *machlokes*, see *Rema* 451:4).

⁴ In truth, *Pri Megadim* does not directly say the statement quoted in the text; rather, he says that if the pan was used in a manner which demands *libun gamur*, then it is פשיטא that one should perform the *libun* before retinning (because afterwards it will not be possible), clearly implying that the retinning process itself will not qualify as a *libun gamur*.

⁵ Presumably this is because retinning renders the pan "new".

⁶ See *Rema* 452:5.



- Glaze is applied at ambient temperature (or slightly higher) and serves no *kashering* function.
- The glaze is cured/dried by placing a stack of pans into a hot chamber which is (on the low end of temperatures that are) hot enough to qualify as *libun kal* if we can be sure that (a) the pans stay in for long enough and (b) even the pans in the center of the stack are heated sufficiently.

In conclusion:

- Reglazing thoroughly removes all residue from the pans, and leaves the pans much cleaner than any factory personnel (or most *Mashgichim*) can. It is therefore a wonderful preparation for *kashering*.
- Reglazing appears to satisfy the requirements for *hag'alah b'sha'ar mashkim*, which is acceptable *b'dieved* and not *l'chatchilah*.
- Under Rabbinic supervision, the reglazing process can be somewhat modified to qualify as *libun kal*.
- There is nothing in the reglazing process which even remotely resembles *libun gamur*.

Loaner Pans

Most companies schedule retinning and reglazing during weekends and/or when they can afford to be without specific pans (e.g. hamburger pans) for the 24-48 hours it takes from when the pans leave the facility for processing, until they return. It is noteworthy that when the processing cannot be scheduled in this manner, the reglazing or retinning company will often be able to provide "loaner pans" to the bakery (or direct them to companies who offer that service). While this is not an issue at a company which is reglazing in preparation for certification, it is a potential issue with companies that are already certified and are sending their pans out to be serviced.

Do Baking Pans Require Libun Gamur?

Baking pans are used to bake dry items directly on the fire and therefore it is clear that the correct method of *kashering* them is through *libun gamur*. Since we have seen that reglazing is not *libun gamur* does that mean that commercial bakeries which want to be certified must replace all of their baking pans? In practice, such a requirement will discourage most companies from seeking certification, and the question is whether there is any possibility to allow them to just *kasher* with *libun kal*.

The RCs discussed this question with Rav Schwartz, who held that in specific cases one could be lenient and rely on *libun kal* if (a) the pans were *aino ben yomo*, and (b) this was a one-time *kashering*. [Of course, a *Mashgiach* would have to be on hand to

verify that the pans did in fact have a full *libun kal*, for we have seen that reglazing does not always qualify as *libun kal*.] In such cases, he said that one could rely on the following line of reasoning:⁷

- *Iggeros Moshe*⁸ rules that the letter of the law is that a non-Jewish company may use *aino ben yomo* equipment without *kashering*, but it is incongruous (מנוער) for a *hashgachah* to certify such use (since a Jew would be required to *kasher* under those circumstances). Thus, *kashering* of *aino ben yomo* equipment at a non-Jewish company is a *chumrah*.
- *Rema* 451:4 rules that any time *libun gamur* is only required as a *chumrah*, one may rely on the opinion of *Haga'aos Maimonios*, that what we call "*libun kal*" is actually the highest form of "*libun*" which is ever required.



HEXYL/CAPROIC COMPOUNDS

Caproic acid, commonly known as Hexanoic acid, is the name of the fatty acid which has 6 carbons, and to determine the status of that raw material and others that contain 6 carbons, we must review the following principles which Rabbi Price outlined in the Fatty Acid Primer (*Sappirim* 8):

- Commercially, Caproic acid is typically extracted from coconut or other vegetable oil sources, but might be processed hot on equipment which is also used for non-kosher animal fats. As such, Caproic acid and items made from or with it require kosher certification.
- Fatty acids from animal (and vegetable) sources are always straight-chained, and branched-chained⁹ products are typically derived from petrochemicals and do not pose a *kashrus* concern.

⁷ Rav Schachter once also advanced a similar line of reasoning and added that if the only non-kosher ingredients used in the factory are *gevinas akum* (which is often the case if their vegetable oil is kosher), then one can also be מנוער the (rejected) opinions of *Rabbeinu Tam* (in *Tosfos, Avodah Zara* 35a ד"ה תדא) that *gevinas akum* is permitted nowadays, *Taz* 101:4 who holds *gevinas akum* is only קטור אסור, and *Issur V'heter* (brought in *Shach* 115:14 and *Chochmas Adam* 67:5) who holds that *gevinas akum* is *batel b'rov* (in which case the baked goods made with *gevinas akum* are kosher *b'dieved*, and *kashering* is not required after their use).

The line of reasoning presented in the text is only valid if the company is owned by non-Jews. In situations where the company is Jewish owned, then one must consider whether there are other possible reasons to be lenient (including those noted at the beginning of this footnote), and a *shallah* should be asked.

⁸ *Iggeros Moshe* YD 2:41.

⁹ See "Heptyl Compounds" for a drawing which shows the difference between a straight-chained and branched-chained compound.

Based on the above, we can divide the hexanoic compounds into two groups:

- Straight-chained, 6-carbon compounds, such as Hexanol¹⁰ and Hexanoic acid,¹¹ require kosher certification to assure that they were not processed on non-kosher equipment.¹²
- Branched-chained, 6-carbon compounds, are assumed to be produced from petroleum, and are therefore acceptable without kosher certification. [Of course, if the item was sold as “natural”, one would have to question this assumption]. An example of this second group which does not require certification is¹³ iso-Hexanol (Methyl amylalcohol).

α -Hexyl Cinnamaldehyde¹⁴ is an exception to this rule in that it is made via condensation of octaldehyde (2-Octanal) and benzaldehyde,¹⁵ and since octaldehyde requires *hashgachah*,¹⁶ α -Hexyl Cinnamaldehyde also does in spite of being branched-chained.

cis-3 Hexenol (Leaf Alcohol)

Cis-3 Hexenol is a popular “green note” which is commonly isolated from mint and can also be produced from petroleum. Both of these sources are innocuous, and cis-3 hexenol is therefore Group 1 whether it is natural or synthetic.¹⁷ [Rabbi Gavriel Price has identified a third method of producing this chemical using a kosher-sensitive starting materials (e.g. linoleic acid) and/or lipase, but in practice there are only two manufacturers worldwide who use this process and both are certified kosher by reputable *hashgachos*.¹⁸

¹⁰ Similarly, items produced from hexanol, such as hexyl acetate or hexyl formate, would not be Group 1.

¹¹ Similarly, items produced from hexanoic acid, such as Hexanal (a.k.a. hexaldehyde) would not be Group 1.

¹² Since coconut oil is inherently kosher and the only concern is that it may be processed on non-kosher equipment, a non-kosher or uncertified hexanoic acid which was mistakenly used in a product qualifies for *bitul b'shishim* even if the hexanoic acid itself is an *avidah lit'amah*, because the *b'lios* in the vegetable oil (and Hexanoic acid) aren't *avidah lit'amah* (and are treated as a *melach haba'luah m'dam*).

¹³ 5-Methyl 2-Phenyl 2-Hexenal is another Group 1. Other hexyl compounds which don't qualify for the “rule” stated in the text but are nonetheless are Group 1 include: Hexane (a petroleum derivative), Hexylene (a.k.a. 2,4-Pentanediol, 2-methyl), trans-2 Hexenol (a.k.a. Propyl allyl alcohol), and trans-2 Hexenyl Acetate (a.k.a. 2 Hexenyl Acetate, produced from trans-2 Hexenol). In addition, see Fenaroli pages 793-794 that Trans-2 Hexenoic Acid and trans-3 Hexenoic Acid are produced from innocuous ingredients, and are therefore Group 1. [In turn, Trans-2 Hexenoic Acid is one of the common routes for producing Trans-2 Hexenol (the other is from acetaldehyde/butyraldehyde condensation), such that it is also Group 1 – R' Dr. Moshe Rosenfeld.]

¹⁴ A.k.a. Octanal, 2-(phenylmethylene) or Hexyl Cinnamic Aldehyde.

¹⁵ Fenaroli page 824.

¹⁶ Octaldehyde (2-Octanal) is made by oxidizing octanoic/Caprylic alcohol, reducing octanoic/Caprylic acid, or from coconut fatty acids via methyl-n-octoate (Fenaroli page 1414); Caprylic acid and coconut fatty acids require *hashgachah* due to the concern that they were produced on non-kosher equipment.

¹⁷ Similarly, items produced from cis-3 hexenol, such as cis-3 hexenyl acetate, cis-3 hexenyl benzoate etc., or cis-3 hexenol would be Group 1.

¹⁸ For more on this see Rabbi Price's article in *Daf HaKashrus* 17:6.

Phenol

Phenol, also known as carbolic acid or carbolic oil, is a 6-carbon, ring-shaped molecule produced through the dry distillation of wood or from coal tar.¹⁹ Phenol can be hydrogenated to create Cyclohexanol (a.k.a. Hexalin) or Cyclohexanone (a.k.a. Nadone),²⁰ which are the source for molecules such as Allyl Cyclohexanane Propionate and Dicyclohexyl Acetate.



BISHUL YISROEL FOR BLINTZES

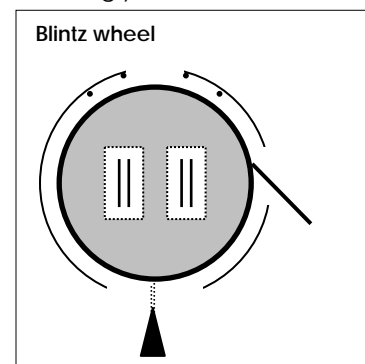
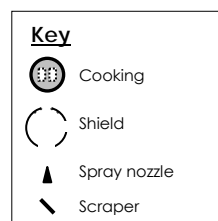
This document will discuss whether blintzes require bishul Yisroel. It will begin with a description of the process of creating a blintz at one specific company, which is reasonably representative of how blintzes are created elsewhere.

Production

Producing a blintz requires creating a wrap, creating a filling, and wrapping the dough around the filling. Each of these steps will be discussed separately below.

Wrap creation

A small mixing tank is filled with ingredients and allowed to mix for about 40 minutes to create a watery, pancake-like batter. [Ingredients used in this mix will be discussed below in a separate section.] The batter is pumped over to a surge tank which is attached to the “wheel” which is at the center of the wrap-creation. [See diagram below.] The wheel is about 2 feet in diameter and is heated by electric coils that go through ceramic “bricks” which are located inside the wheel. The use of ceramic bricks means that the wheel takes about 45 minutes to heat up and an hour to cool down (both of which are good news for us, see below), but has the advantage of providing consistent, low-level heat to the wheel. The wheel turns clockwise and a very thin layer of batter is continuously sprayed onto the bottom of the wheel. Amazingly, the batter does not drip off, and the batter bakes as the wheel rotates.



¹⁹ Fenaroli page 1539-1540.

²⁰ Arctander 776-777; those items can also be produced from one another (ibid).

When the batter reaches the 3 o'clock position, it is scraped off of the wheel and falls onto a perforated belt which is 3-5 feet long. The finished wrap comes off the wheel as a long strip and as it passes along the belt it is sliced to size, blown by a small set of fans, and is so thin that it cools to ambient temperature before it reaches the person operating the machinery. Before it reaches this operator, a machine deposits the filling into the wrap, and the operator then folds it into the shape of a blintz and packs it into a tray.

The diagram shows that there is a shield around the wheel, which serves to protect and insulate the wraps and wheel. In the shield that we saw there is a 6-8 inch opening at the top of this shield, and we understood that this is to allow vapors (evaporating off of the wrap-batter) to escape. The opening also cools off the wheel somewhat, and to compensate for that there are 4 small heating rods near the opening (which are shown as small circles • in the diagram). The presence of these heating rods may help *bishul Yisroel* if we would just make one of them stay on permanently (after being lit by a Jew).

Filling creation

Fillings are blended separately and pumped over to the blintz area where they are deposited into the wrap dough. Then an operator folds the wrap around the filling in the classic blintz manner. The wrap is tucked under itself and is not really held down in any way. [At home this practice is also common, but the blintz is immediately fried, which helps to hold the blintz together; at this company there is no frying of blintzes.] The finished blintzes are packaged and frozen for retail sale.

Bishul Yisroel

There are a number of parts to the question of whether a blintz factory requires *bishul Yisroel*.

1. Pas or tavshil?

The wrap is a reasonably bland mixture of flour and water which is baked on a hot surface. If the wrap is considered *pas*, then the blintzes could be certified without a Jew's participation since *pas paltar* is permitted,²¹ but if the wrap is considered a *tavshil* then the halachos of *bishul akum* apply. So the first question we must consider is whether blintz wraps are *pas* or *tavshil*.

Magen Avraham 168:40 (per *Shulchan Aruch* there and *Magen Avraham* 168:41) says that pancake-

²¹ The general policy of the cRc is not to certify *pas paltar*. One exception to that rule is for that items which are dairy and not *chalav Yisroel*, based on the assumption that most people who are particular to only eat *pas Yisroel* will not consume a *chalav stam* product. Accordingly, since the blintzes in question are dairy (due to milk in the wrap), we can rely on the leniency of *pas paltar* if the wrap qualifies (as will be discussed in the coming text).

thick bread-like foods are *lechem* (and he and *Shulchan Aruch* argue whether they are always *hamotzi* or only if one is *koveah seudah*) but paper-thin foods produced by sandwiching a thin layer of batter between two hot irons are never *hamotzi* even one is *koveah seudah*, since they do not have *toar lechem*. Blintz-wraps seem to exactly match this description,²² and accordingly such foods are not included in the leniency of *pas paltar*.

If so, blintz wraps must be considered a *tavshil* and therefore judged by the criteria of *bishul Yisroel*.

2. Oleh al shulchan melachim

On the simplest level, it would appear that *bishul Yisroel* is not required, because caterers have told Rabbi Eisenbach that blintzes would not be served at a wedding or fine dinner (and are just reserved for fancy breakfasts or casual brunches) and are therefore not *oleh al shulchan melachim*. Although there appears to be consensus on this, Rabbi Fishbane did not think we should simply rely on the information from the caterers because some consumers do not agree with this approach and would be surprised to learn that cRc blintzes are not *bishul Yisroel*.

On a more sophisticated level we must consider that the wrap by itself is surely not *oleh al shulchan melachim* before the filling is added. If so, should we say that since at the cooking stage *bishul Yisroel* was not required (since the item produced by that *bishul* isn't *oleh*), we can ignore the fact that later it becomes *oleh* as a result of adding the fillings?

At first glance, the answer to this question is that it makes no difference whether the wrap per se is *oleh*, but rather we judge the blintz based on its final status. Proof to this position is commonly brought from the halacha that if a non-Jew cooks a food until it is passably edible (כמאכל בן דרוסאי) all opinions agree that the food is forbidden.²³ Clearly, a potato (or other food) which is only passably edible is not *oleh al shulchan melachim* in its current form, yet the potato is forbidden because fully cooked potatoes are *oleh*. This indicates that in deciding whether a food is *oleh* we should consider the way the food will be served once it is finished being prepared. Accordingly, it would seem that the blintz should be considered *oleh* even though the cooked wrap is not.

²² *Magen Avraham's* case is of a *bellah rakah* batter and there are those who suggest that he would be *machmir* if the batter was *bellah avah*. While there are reasons to disagree with that suggestion (as was discussed elsewhere), in our situation all would agree to be lenient since the blintz batter is in fact *bellah rakah*.

²³ This is the clear inference from *Shulchan Aruch* 113:9. [*Rema* 113:9 adds that if a Jew participates in the end of the cooking then the forbidden food can revert to being *bishul Yisroel* but agrees that until a Jew participates in the cooking the food is forbidden as *bishul akum*.]

Rabbi Eisenbach accepted the aforementioned proof but questioned its application to our case. He argued that in the case of *Shulchan Aruch*, the food which is passably edible and the food which will be served at *shulchan melachim* are one and the same. In our earlier example, a partially cooked potato and a fully cooked potato are both essentially "baked potatoes" even if the former is somewhat hard and the latter is tastier and spiced with salt and margarine. Therefore, we judge the (passably edible) baked potato as being *oleh al shulchan melachim*. However, in our case, *blintzes* are served at *shulchan melachim* but empty *wraps* are not. If so, it may be that the cooked-wrap does not require *bishul Yisroel* since it is not *oleh* regardless of the fact that the finished *blintz* is *oleh*. Although Rav Friedman thought that Rabbi Eisenbach's *sevara* has merit, it is generally accepted to follow the strict interpretation and assume that since the non-Jew's cooking created the item which will eventually be *oleh al shulchan melachim*, the wrap/blintz is not kosher unless the Jew participates in the cooking of the wrap.

3. Consumer finishes the cooking

The blintzes leave the factory fully edible, but most consumers will fry the blintzes before eating them. [The blintzes are not fried in the factory and the outside is a pale-white color.] If so, maybe we can allow the company to sell the blintzes as *bishul akum*, and rely on the consumer to finish the cooking/frying thereby rendering them *bishul Yisroel*?²⁴ The fallacies with such a position are:

- The cooking instructions on some²⁵ of this company's blintzes state that they may be eaten after warming in the microwave, and we must assume that some consumers will actually follow those directions. Accordingly, by certifying the blintzes without *bishul Yisroel* we will cause those consumers to eat *bishul akum*.
- Since the blintzes are fully edible before the Jew fries them, the Jew is not participating in the final stages of cooking but is rather improving the taste of a fully-cooked (*bishul akum*) item. Many *Poskim* hold that in such cases, even *Rema* agrees that the Jew's participation comes too late to render the food *bishul Yisroel*.²⁶

In conclusion, blintzes require *bishul Yisroel* in the factory because (a) they are not subject to the leniency of *pas paltar*, (b) we consider them to be

oleh al shulchan melachim and (c) we cannot count on the consumer finishing off the cooking at home.

How will we create bishul Yisroel?

We had two suggestions for how to create *bishul Yisroel*, as follows:

- Shain Machine

As noted, the blintz wheel is heated via an electric coil running through a ceramic brick which takes a very long time to heat up and cool down. As a result, the wheel is turned on once in the morning and is not turned off until all of the cooking for the day is finished. This means that this company is well-suited for a Shain machine.²⁷ [In our case, the company thought this was a good idea, and was not concerned with the fact that they will not be able to create blintzes on *Yom Tov*.]

- Heating Rods

The diagram of the blintz wheel (at the beginning of the article) shows that the guard around the outside of the wheel has an opening between the 11 o'clock and 1 o'clock positions. To counteract the heat which escapes through that opening, there are 2 heating rods on each side of that opening (across the 10, 11, 1 and 2 o'clock positions). [The heating rods are shown by small dots • on the guard.] Those rods stay on for the entire time the wheel is on, and if one or more of those heating rods would be changed to stay on 24/7 (and lit by a Jew) they could be the *kisem* to create *bishul Yisroel*. A disadvantage to this suggestion is that it would involve a serious change in how the machinery operates and would necessitate all types of controls to make sure the rods always stay on.



PAS/BISHUL YISROEL

PART 4

An ongoing series based on the cRc weekly kashrus shiur

סימן קי"ב סעיף ו'

במקום שנהגו היתר בפת של פלטר אפילו הוא נלוש בביצים או שביצים טוחים על פניו מותר, אבל אינפנד"ה שאפאה עובד כוכבים אסור לאכול מהפת שלה (ע"ל סימן קי"ג ס"ג). הגה ויש אוסרים בפת שביצים טוחים על פניו משום שהן בעין ואינם בטלים לגבי פת ויש בהם משום בשולי עובד כוכבים, וכן נוהגין. ואתן נילוש שקורין קיכל"ך או מיני מתיקה שקורין לעקו"ך הם בכלל פת, ובמקום שנוהגין היתר בפת של עובד כוכבים גם הם מותרים ולא אמרינן שיש בהם משום בשולי עובד כוכבים. ויש מיני נילוש שקורין קיכל"ך שאופין אותם על ברזלים ומושחים הברזל בשעת אפייה בחלב או חזיר, באותן יש לזהר ולאסור, וכן המנהג.

²⁴ This position would be based on *Rema* 113:9 noted in the previous footnote.

²⁵ Interestingly, the company told us that they are slowly removing the microwave instructions from all packages, because microwaved blintzes do not taste as good and customers who follow those directions might be discouraged from buying them again! So, the microwaved blintzes are fully edible, but for marketing purposes they will stop informing consumers of the microwave option.

²⁶ See *Darchoi Teshuvah* 113:65.

²⁷ A "Shain Machine" is a device invented by R' Yehuda Shain (Lakewood) which (a) allows a *Mashgiach* to call a special number and turn on the given oven or electrical appliance, thereby creating *bishul yisroel*, and (b) prevents the company from turning on the equipment (although they can turn it off).

EGG ON BREAD

In vs. On

א) *Tur/Beis Yosef* for this halacha is in this *siman* a bit out of order (on page 178a) and more completely in 113 (on pages 180a-b, where he is discussing halachos which will be in 113:2).

ב) There are a number of *Gemaros* which are relevant to this halacha:

- *Gemara, Avodah Zara 38b* has a *machlokes* whether cooked eggs are forbidden as *bishul akum*, and rules (as is brought in *Shulchan Aruch* 113:14) that they are. [*Shulchan Aruch* understands that the *machlokes* has to do with whether eggs are edible raw, and we will see more on that in 113:14.]
- *Gemara 38a* discusses a case of some type of fried fish product (כסא דהרסגא) which includes a fish product which is edible raw and flour which is not. The *Gemara* is clear that the *bishul akum* status of the food depends on which of these two ingredients is considered the *ikar*.

ג) At the very end of the *Toras HaBayis* on *bishul akum* (end of *Toras HaBayis* III:7 pg. 95b) he discusses three things in the following order:

- Based on the *Gemara* of כסא דהרסגא we can establish a principle that as relates to *bishul akum* we always follow the *ikar*, and therefore bread/cake made with eggs is permitted because the eggs are *tafel* to the bread.
- *B'lios* of *bishul akum* will cause a food to become forbidden, because once *bishul akum* is forbidden it is treated like a full *issur* even in cases where the reason does not apply (e.g. there is no concern of *chasnus* based on *b'lios*). [More on this in 113:16.]
- If a non-Jew baked fish פנאדיש, since the fish is forbidden as *bishul akum*, the dough surrounding/encasing the fish is also forbidden. This is because although *pas paltar* is permitted, the fish was already *assur* before it was absorbed into the dough, so the dough has a *b'liyah* of *bishul akum* and is therefore forbidden.

ד) Earlier in the *Toras HaBayis* (*Aruch* and *Katzar* III:1 pg. 68a) he is discussing the *kashrus* of eggs (as relates to their possibly being from a non-kosher bird or a *terafah*) and says that a bread-type dish with an egg coating is permitted because the egg is *tafel* to the bread.

Knishes

ה) As noted, *Beis Yosef* (112 & 113) brings both of these *Rashbas*, and in our halacha he *paskens* like them. Is there any type of contradiction between

these two rulings of *Shulchan Aruch*? Does the fact that he permits egg on bread mean that he should also permit the fish or meat in the *knish*?

Let us look at what seems to be a simple answer, which will lead us to a different answer.

י) A simple reason why there is no question is that maybe the fish or meat is the *ikar* in this case (as opposed to the egg on bread which is clearly a *tafel*)! This would read well in another case which the *Rashba* brings in one of these places, and which is brought in *Shulchan Aruch* 113:3 right after the halacha of *pinata*. That case is of meat cooked with vegetables (which are edible raw), where one can assume the meat is surely the *ikar*.

- The problem with this explanation is that if so, we would say that the reason the bread portion of the *pinata* is forbidden is that it is *tafel* to the filling, so *ikar v'tafel* would say that the bread is forbidden. Why then does the *Rashba* say that it is forbidden because the filling is forbidden as an independent thing and then its *b'liyah* (or *b'en*) spreads into the bread-portion, moreover, why does he put it where he does, i.e. after the halacha of *bitul* of *bishul akum*?

- The implication is that we are making a mistake in how we view these halachos of *tafel*. We are using the standard of *ikar v'tafel* from *Hilchos Berachos* where two distinct items mixed together are covered by one *bracha* and we have to choose from between them which should be considered the *ikar* and thereby dictate the *bracha*. It seems that for the halacha of *bishul akum* there is no such principle, and a food made of two distinct parts – meat and vegetables, or bread with stuffing – is viewed as two different foods where one food may be forbidden as *bishul akum* and the other is permitted.

- A side-proof to this is that in *Hilchos Berachos* it would seem that the *bracha* on the *knish* should be *mezonos/hamotzi* based on the rule of *kol sheyesh bo* such that the bread is the *ikar*, so any suggestion that the filling is the *ikar* is suggesting that we not follow the rules of *brachos*.

- If so, the only time we really say that a food is *tafel* and is not included, is when it was mixed together into the batter to form one mass, and only in such cases do we say that the mass is judged by what the majority is (subject to *bishul akum* or not), such that the eggs in the bread would be *batel/tafel* and the bread is permitted as *pas paltar*.

- Of course, the question on all of this is why then does the *Shulchan Aruch* hold that the egg on bread is not forbidden as *bishul akum*? Why do

we not say that the bread and egg remain distinct such that the *beracha* may be *hamotzi* but the egg should be forbidden as *bishul akum*? The answer to that is found in the *Gr"a* (112:14) who says that the reason for the *Mechaber's* position regarding eggs on bread is that the egg on the bread is just for *chazusah b'alimah* and the halacha is that *chazusah lav milsah*. So, he is basically saying that we give one status to the different parts of a food if they are mixed together into one mass (egg in bread) or are effectively one mass even if one happens to be somewhat noticeable (egg on bread), but otherwise we treat each distinct part of the food separately.

- In a way the *Gr"a* is saying that the *Mechaber* compares egg on bread to rye bread with seeds in it, i.e. that no one would say the seeds are forbidden as *bishul akum* because they happen to be distinct, because we treat the seeds as being part of the bread batter; so too the *Mechaber* holds that we can treat the egg on the bread the same way even though it happens to be on top and not mixed in.
- The truth is that the *Gr"a* himself is really saying that one cannot follow the rules of *brachos* in determining whether *bishul akum* applies, because its rather obvious that as relates to *Hilchos berachos* the egg on bread does not demand its own *bracha* (and from the opposite side, the *bracha* on the knish is likely *mezonos*).
- If we take this back to the *Rashba* we now see more clearly what he is saying. He says that the bread portion of the knish is forbidden because the filling was already *assur* before it was absorbed into the bread. What he appears to be saying is that if the filling would not get cooked until it was absorbed into the dough, then the dough/filling would be seen as one mass, and we would treat the filling in the dough just like eggs in bread and say it is *batel/tafel* and permitted. However, since the filling is cooked and forbidden before it ever gets into the bread, the filling becomes forbidden – even if in *Hilchos Berachos* its considered *tafel* – and therefore causes the dough to become forbidden.
- r) We have been discussing knishes, but this discussion is quite relevant to many foods such as soups where the different parts of the soup remain distinct and a less-prominent one of the ingredients might be inedible raw (e.g. sweet potato). This halacha and that application will IY"H be revisited in 113:2, and we will see there how the *Poskim* take to this issue.

Egg on bread, French toast

- n) Until this point, we have been discussing the *Mechaber's* opinion that egg on bread is permitted. However, *Rema* 112:6 holds that egg on bread is forbidden as *bishul akum*, and this position is based on earlier *Poskim* such as *Issur V'Heter* 44:7 who say that only if the egg is in the batter is it *tafel* and not a concern (but they do not say specifically that egg on bread is forbidden).
- o) Using the *Gr"a* we saw earlier, we will explain *Rema* to hold that we view the different elements (i.e. the bread and egg) differently since they are distinct and not one mass, even though the egg is just for *chazusah*.
- o) Thus it seems clear that even the thin glaze we have on bread is forbidden. The question was then asked why are *hashgochos* not *makpid*.
 - Rav Schachter pointed out that *Avnei Nezer* (YD 94:1) basically disagrees with *Rema*, based in part on the question as to whether the eggs on the bread are not *oleh al Shulchan Melachim*. That is to say that even if a *chazusah* layer of egg is not considered part of the *pas*, we still cannot forget the traditional rules of *bishul akum*, and those rules allow the bread to be permitted. Rav Schachter accepts this to a great extent, but Rav Belsky argued that although no one would serve paper-thin eggs at *Shulchan Melachim*, but if that thin layer was spread as a glaze on a loaf of bread – as this one just so happens to be – it would most definitely be served at *Shulchan Melachim!*
 - Another possible answer comes from *Aruch HaShulchan* 112:21 who says that *Rema* is only *machmir* when it is a really thick layer of egg (which he says they cooked up and then poured over the bread, which makes it seem like an icing rather than a glaze), but if it is just the thin glaze we put on the *Shabbos challo*s then even *Rema* would be *maikel*.
 - Rav Belsky does not like this because it surely does not seem like the simple reading of *Rema* (and, of course, it is not like the *Gr"a*). However, Rav Belsky suggests his own explanation which is quite similar to the *Aruch HaShulchan*. He is *medayek* that *Rema* says the eggs on the bread are not *batel* because they are *b'en*, and holds that this means to say that the layer of egg has to have some visible thickness to it, but if it is the true glaze that is used nowadays even the *Rema* would not be *machmir*.
 - One could easily see why others would read the "שהן בעין" as the *Darchei Moshe* (112:8) quotes it from the *Issur V'Heter* that this egg is

b'en in contrast to the egg in the batter which is no longer *b'en*. In fact, as noted, *Issur V'Heter* does not say that egg on bread is forbidden, and the whole halacha is based on the *diyuk* that he is only lenient if the egg is absorbed, so *Rema* is mentioning the relevant point that this egg is *b'en* and not absorbed.

א) A related, but less serious, question is about French toast. French toast is made by dipping already-baked bread into egg and then cooking the egg-drenched bread; in this case there are two good reasons to not require *bishul Yisroel*:

- Rav Belsky said that this is similar to the case of egg used in a bread batter, where *bishul Yisroel* is not required since the egg is part of the *pas*-mass. So too in our case, the egg is absorbed into the *pas* and is covered by the *heter* of *pas paltar*. The *chiddush* of this is that in this case the bread was already baked before the egg was added in, yet he is still suggesting that it should be subsumed under the bread's status.
- Rabbi Luban suggested a variation of the *Avnei Nezer*. Even if the egg in the French toast is considered distinct from the bread, it must still overcome the requirement to be *oleh al Shulchan Melachim*, and since French toast is not *oleh al Shulchan Melachim* there is no requirement of *bishul Yisroel*. That is to say, that although fried eggs may well be considered *oleh*, when the egg is fried inside of a piece of bread it is no longer *oleh* and therefore French toast does not require *bishul Yisroel*.

PAS HABA'AH B'KISNIN

The halacha

ב) Some translations in the *Rema*:

- *Mishnah Berurah* 168:94 says that *kichlich* is bread kneaded with eggs and is treated as *pas haba'ah b'kisnin* (although *Mishnah Berurah* discusses whether it has to be entirely eggs or has that status even if it was kneaded with eggs and water).
- *Rema* 168:7 (the primary halacha of *pas haba'ah b'kisnin*) says that *lekich* is a sweet cake (?) that has an abundance of spices or honey to the point that the spice or taste of sweetness overwhelms the taste of the flour (as per *Mishnah Berurah* 168:33).

ג) *Beis Yosef* in 113 (pg. 180a) brings two points:

- *Tashbetz* says that there is a food made from flour and honey in which he originally thought that the flour was the primary ingredient. Accordingly, he held that the food was forbidden because (a) (the flour's prominence

causes us to say) it is treated as a *pas* and (b) the *heter* of *pas paltar* only applies in desperate situations which include "regular" breads but not cakes or similar foods. [However, he later realized that the honey was the primary ingredients, such that he held that halachically it is permitted (because honey is edible raw?) but chose to personally be *machmir*.]

- *Sefer HaAgur* cites *Tosfos, Beitzah* 16ב"ל קמ"ל ד"א as saying first that a certain type of food is considered under the halachos of *bishul akum*, as opposed to *pas akum*, because the *bracha* on this food is not *hamotzi*, but then saying Rabbeinu Yechiel was lenient because it is made by baking and one would recite *hamotzi* if they were *koveah seudah* on it.

ד) So, *Beis Yosef* seems to really have 3 opinions on this matter:

- *Pas haba'ah b'kisnin* is considered *pas* but there is no leniency of *pas paltar* (*Tashbetz*).
- *Pas haba'ah b'kisnin* is not considered *pas* so of course there is no leniency of *pas paltar* (*Tosfos'* first opinion).
- *Pas haba'ah b'kisnin* is considered *pas* and does have the leniency of *pas paltar* (Rabbeinu Yechiel in *Tosfos*).

Rabbeinu Yechiel does not say this second point straight out, but the fact that he says he was "lenient", shows that he means to say that since it is *pas* it falls under the leniency of *pas paltar*.

ה) The first opinion seems most in line with the opinion of the *Mechaber* that *pas paltar* is only permitted when *pas Yisroel* is not available, which is to say that since the *heter* is based on "need" each situation is judged on its own merits.

ו) The second opinion seems to not hold like *Tashbetz*, so what is the *machlokes* between the second and third opinions? The second opinion seems to take the term "*pas*" very literally, and say that the halachos of *pas akum* only apply to the true staple – bread. So, in a way this second opinion is a sort of compromise between the *Mechaber* and *Rema*, in that it says the "original" definition of *pas* takes into consideration whether there is need (and therefore this food is excluded from *pas*) but perhaps once something is designated as *pas* it is permitted even if there is no need in that specific case.

ז) The third opinion likely follows the other set of *halachos* which depend on defining the term *pas/lechem* – *Hilchos Challah* – where *pas haba'ah b'kisnin* is treated the same as bread. These two opinions could likely each bring a proof from *Hilchos Berachos*, where *pas haba'ah b'kisnin* has a lower *beracha* than bread (like the second

opinion) but when eaten in a different manner has the same *beracha* as bread (even though other grain-products such as pasta do not) (like the third opinion). This *machlokes* requires further study, and it was surprised not to find some explanation of it.

יח) *Darhei Moshe* 112:3 brings the latter two opinions cited above, and *Rema* 112:6 (our halacha) follows the most lenient 3rd opinion.

יט) *Darhei Moshe* 113:9 suggests that even *Tashbetz* might agree that a true *lechem* is included in *pas paltar* and is only *machmir* in that case because it is *bellaso rakah*. [Seemingly, this would be said to minimize the *machlokes* but it is not clear how it would avoid there being two opinions in *Tosfos* anyway.] *Shach* (112:18) on our halacha brings this point in stronger terms, as saying that *Rema* was only lenient in *bellaso avah* (from which it is hard to see the implication in *Rema*), but *Beis Meir* is lenient, and Rav Belsky followed that approach.

כ) An outstanding question is why the *Mechaber* does not rule on this *machlokes*, and we might explain it as follows:

- It could be that the ruling is included in the *Mechaber's* words on this halacha that bread which is *נילוש בביצים* the (eggs are not *bishul akum* and the) bread is permitted as *pas paltar*. Of course, the *Mechaber* could easily be discussing a case where there is just a bit of egg in the bread to the point that it is not even *pas haba'ah b'kisnin*.
- However, there is a bit of a *diyuk* that the *Darhei Moshe* read this into our *Shulchan Aruch* – and that is why *Rema* is on this halacha – from *Darhei Moshe* 113:9. He cites/discusses the *machlokes* a bit and then says *וגם יש ללמוד להתיר מדיני נילוש שנתבאר לעיל סימן קי"ב*. The only place where a "נילוש" seems to be discussed in *קי"ב* is in our *Tur* who says that *פת של גוים שנילוש בביצים* is *pas paltar* (i.e. our *Shulchan Aruch*). Thus, he seems to have understood that the *נילוש* of our case has plenty of eggs in it – or at least the fact that he does not distinguish between them implies that he would be lenient regardless of how much egg was in it – such that *Tur/Shulchan Aruch* 112:6 are effectively saying that even *pas haba'ah b'kisnin* is part of *pas paltar*.

Wraps, breakfast cereal, pretzels & doughnuts

כא) *Rema* has told us that *pas haba'ah b'kisnin* is considered *pas* as relates to the leniency of *pas paltar*.

כב) We know that there are three types of *pas haba'ah b'kisnin* ("bread" which is used as a

snack instead of as a staple) (1) dough which is strongly flavored (e.g. cake), (2) dough which is filled (i.e. pie), and (3) dough which is baked to a brittle consistency instead of a fluffy texture (i.e. crackers). [It is not clear why our *Rema* only lists one type, cake.]

כג) There are however, two other things which disqualify a flour/water mixture from being *hamotzi* – *tureisah d'nahamah* and how it was rendered edible, as follows:

כד) *Tosfos* (*Rema* 168:13) says that although pasta does not qualify as *pas haba'ah b'kisnin* (as described above) the *bracha* on it is *mezonos* even if you are *koveah seudah*, because it does not have *tureisah d'nahamah/toar lechem*, the appearance of bread. The exact definition of *tureisah d'nahamah* is not so clear, and the following are some examples/points:

- Pasta is, of course, *bellah avah* yet it still is not *lechem* if it does not have *toar lechem*, which shows that the consistency of the batter is not what decides if something has *toar lechem* (or at least is not the only thing).
- *Magen Avraham* 168:40 (as per *Shulchan Aruch* there and *Magen Avraham* 168:41) says that pancake-thick bread-like foods are *lechem* (and he and *Shulchan Aruch* argue whether they are always *hamotzi* or only if one is *koveah seudah*) but paper-thin foods produced by sandwiching a thin layer of batter between two hot irons is never *hamotzi* even if one is *koveah seudah*, since they do not have *toar lechem*. This seems to be a description of wafer-layers or wraps, and accordingly such foods are not included in the leniency of *pas paltar*.

[*Magen Avraham's* case is of *bellah rakah*. This seems to be a practical point (for how else would one form the paper-thin product) and not a critical criteria (such that it even applies to wraps), for we have seen above in pasta that a *bellah avah* can also not have *toar lechem*].

- Most people hold that breakfast cereal such as Cheerios does not have *toar lechem*, due to its small size. Accordingly, (a) the *beracha* is *mezonos* even if one is *koveah seudah*, (b) it is *shlakos* and not *pas* (and therefore is permitted as not being *oleh al Shulchan Melachim*) and (c) there is no reason to only eat *pas Yisroel* Cheerios during *Aseres Y'mei Teshuvah*. Others, including Rav Fuerst quoting Rav Elyashiv, hold that they do have *toar lechem* even though they are small (and are just "small bagels"), but recently Rav Fuerst has suggested other reasons why it is not *hamotzi*.
- A similar discussion applies to small, hard pretzels, which some say do not have *toar lechem* due to their size.

כה) Another way a food might not be considered *pas* is if it is cooked instead of being baked. The example of that halacha is a doughnut, and *Shulchan Aruch* 168:13 cites two opinions as to whether the *bracha* is *hamotzi* (because it has *toar lechem*) or *mezonos* (since it was fried/cooked and not baked). [If it is *mezonos* then this is the case even if one is *koveah seudah* – *Mishnah Berurah* 168:70.]

- As relates to the *bracha*, *Shulchan Aruch* suggests that they only be eaten during a meal so as to avoid the *safek*, while *Rema* says the *minhag* is to recite *mezonos*. In this context, it is worth noting that *Mishnah Berurah* 168:85 (on a later halacha) says that something that picks up a strong oily taste during frying is considered (the cake-type of) *pas haba'ah b'kisnin* even though the batter was relatively simple. Therefore seemingly everyone would agree that the doughnuts sold nowadays are *mezonos* (leaving the only *safek* as to what the *bracha acharonah* should be, and whether to wash if one is *koveah seudah* on them).
- So, for *berachos* we say *safek berachos l'hakel*. What about for *pas paltar*? For those who follow *Rema* this is not such a relevant question, because if it is *pas* it is permitted as *pas paltar* and if it is *tavshil* its permitted because it is not *oleh al Shulchan Melachim*. [There was discussion on this as some are *oleh*, but that is for a different time.]
- Bagels, which are traditionally cooked and then baked, are a variation on this question, and will be discussed in the next halacha, where it is relevant for a different reason.