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What Make a Wine Kosher?

Question #1:

"On a business visit to Israel, I needed to take out some non-Jewish business contacts to a top-quality restaurant, but I was told that I could not order wine to accompany the meal. Yet, when home in the U.S., I do this all the time. What am I misunderstanding?"

Question #2:

"When do you have two kosher pareve ingredients that can be combined to become a non-kosher product?"

Answer:

The importance of wine to Jewish celebration cannot be undervalued. The pasuk in Tehillim (104:15) teaches that wine gladdens a man's heart. Chazal also treat wine as a special beverage, and therefore, it has its very own special beracha. Special events – kiddush, havdalah, weddings, sheva berachot, brisin, pidyon haben – includes a beracha over a cup of wine. And the halachah mentions the special role of wine to celebrate Yom Tov.

Grapes and the contemporary "food chain"

In addition, the importance of grapes in modern use can also not be taken lightly. Grape-based products are used extensively in all types of food production, including alcohol, liquor, wine vinegar, flavors, natural extracts, colorings, sweeteners, juice drinks, jam, jelly, preserves, candies, fruit ices and various other foods. Thus, not only the wine connoisseur, but also the teetotaler and everyone in between are using grape products, although they often do not realize it.

Example:

Many years ago, I was contracted to oversee a special production of kosher grape concentrate, which is another way of saying grape juice with most of the natural water removed, at a non-kosher plant. The entire four-day production was ordered specifically to make an ingredient needed for a run of kosher fruit ice.

Producing kosher wine

Manufacturing kosher grape juice and wine is a complicated process that requires a very knowledgeable and yarei shamayim staff. From a kashrus perspective, grapes are unusual. They are kosher when they grow, yet kosher wine and grape juice must be manufactured without the product being touched or moved by anyone but an observant Jew. If the product was produced in any other way, it is no longer kosher.

What are Yayin Nesech and Stam Yeinam?

In addition to the cardinal prohibition against worshipping idols, avodah zarah, the Torah distances us from any involvement with, or benefit from, avodah zarah. One of the laws relating to idol worship is the prohibition against using an item that was used to worship idols, called tikroves avodah zarah. According to the accepted halachic opinion, using tikroves avodah zarah is prohibited min haTorah (Rambam, Hilchos Avodah Zarah 7:2; cf. Tosafos, Bava Kamma 72b s.v. De'i, who rules that the prohibition against its use is only miderabanan). Included in the prohibition against using tikroves avodah zarah is that one may not derive any benefit from wine that was used to worship an idol. This prohibited beverage is called yayin nesech, literally, sacramental wine, or wine used for worship.

Chazal extended this proscription by banning use of any wine or grape juice which a gentile touched, and in some instances, including even if he just moved it or caused it to move. This prohibition is called stam yeinam.

When one can assume that the gentile involved does not worship idols, there is a dispute among halachic authorities whether one may benefit from stam yeinam. This means that if a gentile touched or moved wine that a Jew owned, one is not required to destroy the wine and may derive benefit from it. (According to all opinions, it is forbidden to **drink** the wine.) However, most authorities prohibit purchasing stam yeinam. Nevertheless, a minority opinion permits a Jew to purchase stam yeinam in order to make a profit, and it was upon this basis that many Jews owned

taverns or liquor stores, where they sold non-kosher wine to gentile customers (see Rama, Yoreh Deah 123:1).

Producing kosher wine

Unquestionably, manufacturing kosher wine and grape juice is one of the more complex areas of kosher food production. Both the koshering of the facility and the actual manufacture usually require a large team of G-d-fearing individuals who are all properly trained to fulfill their responsibilities. Furthermore, every facility producing kosher wine should have a resident supervisor who is a talmid chacham and expert in the relevant halachos. It is for this reason that people should be very careful to ask questions before drinking wines, to make sure that the people overseeing the hechsher are knowledgeable and properly HaShem fearing.

How is wine produced?

Wine is the fermented juice of grapes. All grapes grow with naturally occurring yeast on their skin that, left to its own devices, feeds on the natural grape sugars in the juice, thereby converting it to alcohol. The result is that sweet grape juice becomes intoxicating and delicious wine. This is the way Rashi produced wine in northern France over nine hundred years ago and the way wine was produced until the modern era. Wine produced this way is completely natural, but also will vary from year to year, and sometimes even from vat to vat.

Modern wineries rarely produce wine this way, preferring to kill the natural yeast in the juice so that they can predict how their wine will taste. Instead, they add the specific strains of yeast that they know will produce the wine that they are interested in making.

Grape juice is produced by pasteurizing the wine to kill off the yeast. The juice is then bottled under vacuum and sealed.

Often, the grape juice is concentrated by evaporating off most of the natural water in the juice. Grape concentrate lasts much longer than grape juice, and has its own uses as a sweetener.

Here come the grapes!

Wine grapes are picked and dropped into closed-bottom boxes, since one wants to preserve as much of the juice as possible. The grapes are delivered by truck to the winery where a forklift picks up the boxes and turns them upside down, dropping the contents into a piece of equipment that removes the stems from the grapes and is therefore called a "destemmer." What is left is a mixture of grapes and juice that is pumped to a holding tank.

In a properly run hechsher, every step after the initial dumping of the boxes of grapes into the destemmer is performed by an observant Jew. That means that a frum Jew must push the production buttons of the equipment. In the special production that I oversaw, since the mashgiachim hired for the special run were inexperienced in plant operations, every production point was manned by two people – a factory worker who instructed the mashgiach what to do, and a mashgiach who pushed the buttons and actually did what needed to be done. At this point, we need to take a break from the juicing process to a discussion in halachah.

When is it called wine?

As I mentioned before, wine becomes forbidden when it is touched by a non-Jew. At what point is the product called "wine" that this prohibition takes affect? While the grapes are growing, or even while they are being harvested, a gentile's contact will not affect them. So when does the problem start?

The halachic answer is that it is considered wine once the juice has been removed or separated from the pulp of the grapes (Shulchan Aruch, Yoreh Deah 123:17). This step is called hamshachah, literally, drawing away. When this happens, both the liquid that has been removed as well as the entire remaining mixture are considered wine and become forbidden if handled by a non-Jew. Once hamshachah takes place, if a gentile touches the juice, he makes it prohibited. Furthermore, if a gentile separates the juice from the pulp, the entire batch becomes prohibited.

Example:

I was once visiting a wine production facility with a less-than-stellar reputation for its kashrus standard. While there, I noticed gentile staff remove samples of juice from the crushed material well before the wine had been formally separated. The lab technician placed a paper cup to draw his sample, gently separating some juice from the rest. This simple act made the entire batch into prohibited stam yeinam. (If you are curious to know what I did subsequently, - I brought the fact to the attention of the mashgiach, who told me that he follows the instructions he is given by the rabbi. I asked the rabbi -- who denied that laboratory personnel take any samples, since he has instructed them not to do so. This is merely one example of why this particular brand is avoided by anyone concerned about kashrut.)

As we noted, it is crucial to avoid any contact of non-Jews with the juice from the time any hamshachah has occurred. It is also forbidden to allow a non-Jew to pour wine or move a vessel containing wine, even though he does not touch the wine directly. If he touches a stream of wine being poured from a container, then the contents of the entire container, even that which have not yet been poured, becomes forbidden. For this reason, an observant Jew must perform every procedure that transpires while the wine is being produced until the wine becomes mevushal, a concept I will explain shortly. For this reason, the winery must be manned by a sizable crew of qualified mashgichim throughout the production.

It is permitted to allow a gentile to carry or touch a sealed bottle or container of wine. Also, a non-Jew's touching of the outside of an open container or tank of wine without moving the wine inside also does not prohibit the wine.

Back to our grapes

Now that we understand the serious problem that can result from inadequate control, let us return to our juice production. The first step common to all types of wine production is called the "crush" -- where the grapes are literally crushed to remove all juice from the pulp. When the crushing is finished, every drop of juice has been removed from the pulp, and the remaining pulp is so dry that it is almost useless. Sometimes, it can be salvaged as animal feed, other times as fertilizer, or it can be fermented into a product called marc alcohol, but these are not the primary concerns of the wine or juice producer.

The heat exchanger

After pressing, the juice is filtered. In most North American wine production, the juice is now pasteurized by processing it in a piece of equipment called a plate heat exchanger. This highly efficient piece of equipment consists of interlocking plates tightly screwed together in which the product and extremely hot water pass through alternating sections, thereby pasteurizing the juice without evaporating off any of it. The juice is then cooled down and placed in huge, refrigerated storage tanks.

If the wine is to be sold as non-mevushal, the juice is not sent to the heat exchanger but instead is pumped directly from the filter to the refrigerated storage tanks. This juice will be inoculated with yeast and aged to become the desired wine product.

Mevushal

The Gemara (Avodah Zarah 30a) teaches that the prohibition of *stam yeinam* does not exist if the wine was *mevushal* before the gentile handled it. According to the Rambam (Hilchos Ma'achalos Asuros 11:9), the reason for this heter is because no self-respecting idolater would consecrate cooked wine to his deity. Cooking wine harms it, and cooking grape juice affects its ability to ferment naturally. Indeed, some winemakers never pasteurize the juice from which they produce their wines because heating compromises the taste. For these reasons, halachah views wine that is *mevushal* as inferior, and this has several ramifications.

The Rosh (Avodah Zarah 2:13) does not consider this a sufficient reason to explain why cooked gentile wine is not included under the prohibition of *stam yeinam*. He explains that *mevushal* wine is permitted because it is very uncommon, and therefore Chazal did not include it within the prohibition.

Is pasteurization the same as mevushal?

Most American *hechsherim* treat pasteurized juice and wine as *mevushal*, and therefore are not concerned if a gentile is in contact with grape juice and wine after it has been pasteurized in a heat exchanger.

However, many prominent Eretz Yisrael authorities feel that contemporary heat exchange pasteurization does not qualify as *bishul* to permit the juice or wine. Among these authorities, we find two different approaches why on which they are concerned base their concern. Rav Shelomoh Zalman Auerbach feels that *mevushal* wine must be a product that is clearly recognized as inferior, whereas pasteurized wine is not viewed as an inferior product. Even if we assume that certain varieties of wine would never be pasteurized, and even if we assume that a professional winemaker can always identify that a wine is *mevushal*, Rav Shelomoh Zalman contends that *mevushal* wine must be so affected by the *bishul* that even the typical gentile would notice its inferior quality. However, a modern heat exchanger pasteurizes the product without affecting the taste significantly (Shu't Minchas Shelomoh 1:25).

Those who challenge his approach feel that since pasteurization heats the wine to a sufficient temperature to be considered *bishul*, the wine meets the standard that Chazal established for it to be outside of their *gezeirah*. Furthermore, they contend that any wine connoisseur will notice the

difference between a wine that was once pasteurized and one that was not. For example, French wines, Niagara wines, many quality California wines, and many quality Israeli wines are not pasteurized, because this ruins the wine's taste.

Rav Yosef Shalom Elyashiv, shlit"a, argues a different reason why he feels that heat-exchanger pasteurized wine does not qualify as mevushal. In his opinion, since this wine is quite readily available today, the reason why the Rosh permitted mevushal wine – that it is very uncommon -- does not apply. The conclusion of these two authorities is followed by several other recent authorities.

Rav Ovadyah Yosef shlit"a follows an in-between approach (quoted in Nishmas Avraham, end of Yoreh Deah). Although he accepts that contemporary pasteurized wine can be considered mevushal after-the-fact, he considers this psak a be'di'evid, only to be relied upon if a mistake occurred. He forbade a company selling pasteurized wine from labeling the product as mevushal. Now, we may ask a practical question: Someone will have non-Jews at his table, and must serve quality wine. What does he do? His only viable option is to serve mevushal wine. However, wWhat does this mean? American hechsherim allow him to use pasteurized wine; however, However, according to Rav Shelomoh Zalman, the only viable solution he has is to pour his wine into a pot and cook it – which will undoubtedly ruin the wine.

We can now address the first question I quoted above: "On a business visit to Israel, I needed to take out some non-Jewish business contacts to a top-quality restaurant, but I was told that I could not order wine to accompany the meal. Yet, when home in the U.S., I do this all the time. What am I misunderstanding?"

The answer to his question is that the American hechsherim are assuming that the wine is considered mevushal, and therefore allow it to be served at the restaurant. The Israeli hechsher will not consider the pasteurized wine to be mevushal, and therefore, they will not allow it to be served in restaurants, out of concern that the wine may become non-kosher when it is handled by some of the customers.

Question #2:

We can now address the second of our original questions: When do you have two kosher pareve ingredients that can be combined to become a non-kosher product?

The answer is that although raisins are kosher and water is kosher, one can combine the two to become a non-kosher product.

What is raisin wine?

Raisin wine, in today's world usually called "raisin juice," is when one soaks raisins, which are dried grapes, in water until one produces a drinkable product. Although raisin wine was once a common inexpensive substitute for kiddush and arba kosos, today I find its use mostly as a specialty ingredient used in factories. Raisin juice has the halachic status of wine -- if handled by a gentile, it becomes non-kosher. I read recently of a situation when a non-Jewish company was soaking raisins in water until it produced a palatable beverage and then used this product as an ingredient. Indeed, the kashrus of this product was compromised, and non-kosher product was

being sold with a hechsher! To its credit, the hechsher corrected the problem as soon as it became aware of it.

Can I make kosher wine in a gentile's facility?

Yes, if one arranges that the wine be produced in a way that fulfills all the halachic requirements and is sealed properly, the wine is kosher, even though it is the property of a gentile, was produced on his equipment, and remains stored on his facility. As we mentioned above, there are many specific regulations that must be fulfilled to guarantee that the product remain kosher, and this includes that an observant Jew be mashgiach at all stages.

It is interesting to note that the earliest discussion of kashrus standards for any food production is mentioned in the context of producing and storing kosher wine at a gentile's facility. The Mishnah that discusses this topic is the source for the concept of yotzei venichnas, that a mashgiach may exit the facility as long as the gentiles involved think that he may return at any moment. However, if they know when the Jew will be returning, one has jeopardized all kashrus arrangements. For this reason, every hechsher must be careful that their mashgichim make surprise visits to the factories under their supervision, and often visit the facility in the middle of the night and at other odd times.

Conclusion

The Gemara teaches that the rabbinic laws are dearer to Hashem than the Torah laws. In this context, we can explain the vast halachic literature devoted to understanding the prohibition of stam yeinam, created by Chazal to protect the Jewish people from major sins. We should always hope and pray that the food we eat fulfills all the halachot that the Torah commands us.