R’ Yitzchok Hisiger: Hello everyone and welcome back to Let's Talk Kashrus, presented by the Kashrus Awareness Project in conjunction with Torah Anytime. Today I am joined by Rabbi Sholem Fishbane, Executive Director of AKO and Kashrus Administrator of the Chicago Rabbinical Council. Thank you Rabbi Fishbane for being here.

R’ Sholem Fishbane: Thank you for having me.

R’ Yitzchok Hisiger: Today I'd like to discuss the topic of *Chalav Yisrael*. We've touched on different angles of *Chalav Yisrael* in the past. *Rav Moshe's* *heter* with regard to what we'll call *Chalav* companies is quite well known in the *teshuvos*. And there are people who are *machmir* on *Chalav Yisrael* nonetheless.

And it's come to our attention, following the trends in the Kashrus industry that there are actually aspects of *Chalav Yisrael* that it would behoove people to eat or drink only *Chalav Yisrael* because they are going to avoid certain other Kashrus concerns or considerations. I know that you've done research into this. Give us a little background into what those concerns might be.

R’ Sholem Fishbane: Sure. It's funny. When I started my career on Kashrus I started off in Buffalo, New York. And there's a lot of dairies there. So I would say my training in Kashrus might be in the dairy farms. So I follow that industry very well. It's a good point. *Rav Moshe's heter* of *anan sahadi*, which *Rav Moshe* himself writes *ba'al nefesh yachmir*, obviously. We're not going to talk about it. But there are things that I would say that come up. And it's changing in terms of things change in every industry and certainly in the dairy industry that if you keep *Chalav Yisrael* you don't have to think or worry about these. And I'll give you some examples. I mean the first most glaring one might be is the fact that the government themselves it used to say the inspector had a piece of paper, he'd walk around, and one of the questions were does the milk come from a sheep, goat, cow, or you know the kosher animals.

And that no longer is on. As a matter of fact, it was challenged by someone that wanted to open a factory or a business in California doing camel's milk. So they changed it to hooved animals, which a camel by the government is a hooved animal. *Halacha*, we know that it's not, but it is hooved.

So they changed that. So that really starts with the oh, really? What's up with that? Now, if you look carefully into the government law, there still is labeling laws, there's still other sorts of things that would seemingly be okay, and that's what the agencies rely on in terms of. But you should know that the, when *Rav Moshe* wrote that, it was very much on the inspector's sheet and it's no longer there. But again, without getting into the details, it still is *halachically* covered based on other laws and related laws.

The second thing certainly is the DA cows, which I know you've spoken about in the past, and that's where they do a surgery, which makes a hole, and you know, anything, any, *kol hayotzei min ha-treifah*, *treifah*. So certainly that's a *sugya* in the *Chalav Yisrael* farms. They take out any cow that had that surgery, that hole, so you don't have to worry about it. There's also, we mentioned *Rav Moshe*, but there's a famous *machlokes* *Rav Moshe* and the *Pri Chadash*, does it go by *anon sahadi*, which is *Rav Moshe*, or the *Pri Chadash* says it's more like even if there is *benimtza chalav tamei*, but as long as it's way more expensive and, you know, that's the *Pri Chadash*.

And there are some agencies, larger agencies that actually rely on the *Pri Chadash*, so they'll give *hashgachos* to milk in some countries that many other agencies won't touch because they follow *Rav Moshe*. So people should do their homework. You know, I buy your product, I don't keep *Chalav Yisrael*, are you following *Rav Moshe*, are you following *Pri Chadash*? Obviously if the *Rav* says to them we follow *Rav Moshe*, not the *Pri Chadash*, but, you know, those are also, it's not just *Rav Moshe*.

R’ Yitzchok Hisiger: And to clarify, because the other milk is more expensive, there's no incentive, or actually it disincentivizes them from using that milk in place of kosher cow's milk, for example.

R’ Sholem Fishbane: Right, so I'll give you an example. I spent some time in India, and over there it's a fascinating thing that goes on there, where at the end of the day in these little *shtetlach*, the locals, they'll go and you can bring milk to the center of town, and they weigh it, and they give you rupees per the volume in exchange. But a lot of the *shtetlach* that are living in the same house with their camels and their this and their that, who knows what's going on. You can research it, you'll see a very high level of fraud.

And then a truck comes around, picks up the things at the bigger factory, bigger factory. So all the milk is getting mixed together. So again, you know, there's different, this and that. There are some agencies that might give a *hechsher* to the casein coming out of that milk. The CRC doesn't, but there are some. So these are part of this. Again, if you keep a close eye, you don't have to worry about that.

Then there's different types. So I'll tell you one or two other *sugyot* that I found. And that's actually making the cheese. Okay? When I started Kashrus, cheese was made hard cheese. Hard cheese means that if you don't put in the rennet, it doesn't become, like, mozzarella, provolone, these things.

There's something called soft cheese, which is farmer's cheese, cream cheese, ricotta cheese. That, basically, if you let it sour by itself, will become that. They might put in rennet to quicken it, but that doesn't make it. The rennet hard cheese has to be *gevinas Yisrael*. Where the *Yisrael* makes it *kasher* by making it *gevina* through the *Yisrael*. So when I started off in Kashrus, basically, the only way that we were doing it amongst the large agencies was the *Yisrael* was in the factory. And let's say it was a 24-hour. He'd be up. They'd wake him up. Okay, we've got to put in the rennet. So he'd go and put in the rennet, and that would be *gevinas Yisrael*, which was a huge problem because you couldn't do these factories that are 24-7. You couldn't do Shabbos. Why not? Because making cheese on Shabbos is an *issur boneh*. Right? You couldn't do it. So a lot of factories, they couldn't, like, become *treif* for a day and then *kasher* on Sunday. It just wasn't working.

So let's just skip forward to today. That, basically, was like the *Shach*. The *Shach* says you have to put it in. There is a *Ramah* that talks about *ri'iya*. And *ri'iya* means that as long as the *Yisrael* is watching the goy put it in, which back in the day we didn't use the *Ramah* primarily, but now a lot of agencies, because of the practicality and for whatever reason, they've gone to the *Ramah*. Now there's a new thing where it's not necessarily having to see it because you could be in a factory. There could be 25 vats being made. And there's a new thing called, we'll call it *yedi'ah*. *Yedi'ah*. As long as, and I know some *hashgachas*, as long as the *mashgiach* is comfortable that *yedi'ah vada'is*, that the *mashgiach* is putting it, that the company is using kosher rennet, that that's enough for them and they're able to give hard cheese, whether it's string cheese, you know, the various cheeses that are made from it, based on *yedi'ah vada'is*. Again, if you look at the big picture, take a step back, and even from when I started in *kashrus*, you know, 25 years ago, whatever it is, 30 years ago, you're looking at, we'll call it a slippery slope. And each thing by itself, it's not my place to say anything negative about big *poskim* or big agencies. My point is, it's an interesting evolve. It's evolving. And one that keeps *chalav Yisrael*, it's not *lo benimtza*. You know, *chalav Yisrael* cheese, like the *Shach*, the *mashgiach* is putting it.

There are many, many other examples. There's butter, which the *Rema* famously says, you know, where it's fine, but today what they put in butter is sometimes they put in whey cream, so it's whey cream comes from cheese. It can mamesh be givanas akum. There are many, many, many other examples. Time is short, but I wanted to give like a snapshot of the dairy industry and what some of the *sugyos* that come up where agencies have to decide and where someone that keeps *chalav Yisrael* certainly avoids a lot of these things and somebody that lives in areas where *chalav Yisrael* is *benimtza*, what can we say? I certainly recommend it.

Like *Rav Moshe* says, *ba'al nefesh yachmir*.

R’ Yitzchok Hisiger: Okay, thank you so much.