

The Coca-Cola Kashrus Controversy

Rabbi Yehuda Spitz

Ice-Cold Sunshine

Aah! The cool refreshing taste of “The Real Thing”! Is there anything (besides maybe baseball and apple pie) that is considered more American? Everyone also knows that around the world (pretty much) there is almost nothing more kosher than good, old-fashioned Coke. Why, you can even ask Grandma, that back in the day, before mp3s, microwaves, dishwashers, and even World War II, it was “Always Coca-Cola”. “The great national temperance beverage” was THE drink of choice for all, even the strict kosher consumer.

But, it wasn't always that way. We all have a certain person to thank for that, Rabbi Tuvia (Tobias) Geffen, Chief Rabbi of Atlanta, Georgia for many decades. He was one of the select few who actually knew the closely guarded secret ingredient in Coke. Back in the 1920s and 30s, Coke was looking to (and I'm sure still is) expand their market share when it came to their attention that if they received a hashgacha, then many more Jews (and others who look specifically for kosher products) would drink freely of the “pause that refreshes”.

So, the directors approached the most likely candidate to grant Rabbinic supervision, Rabbi Geffen. Coke was, after all, invented and headquartered in Atlanta. He was more than willing to check it out, as many of his congregants were asking him about the kashrus status of Coke.

Kosher Coke?

His findings were mixed for, although technically the drink was kosher and was permitted to be drunk, it was questionable if he was allowed to give it his seal of approval to allow observant Jews to purchase it. The reason was that although they claimed it to be “as pure as sunlight”, it turned out that there was a non-kosher ingredient, later revealed to be animal-based glycerin, in the makeup of Coke, but it was only present in minute quantities. Therefore, it would be permitted to drink, for the non-kosher ingredient was *battel b'shishim*,^[1] and therefore considered nullified.

However, for him to grant Coke hashgacha posed a potential problem in a different category, that of “*Ain Mevattelin Issur Lechatchila*”.^[2] This means that although if a non-kosher substance would accidentally fall into kosher food (as long as there was the prerequisite 60 times the amount of non-kosher that fell in) it would be permitted to drink, nonetheless, if one would add it on purpose with the express intention of nullifying it, the entire mixture becomes forbidden for the person who transgressed and for whomever he intended to benefit.

The issue at stake here was that the Coca-Cola Company was obviously putting this non-kosher ingredient in the batch purposefully, as it was part and parcel of the Coke everyone knew and loved.

On the other hand, it was not just a simple open-and-shut question, for the Coca-Cola Company was not owned or run by Jews, and quite obviously was not marketing Coke exclusively for Jews.

Therefore, Rabbi Geffen was in a bit of a dilemma: Did this situation fall under the category of “Ain Mevattelin Issur Lechatchila” and therefore Coke would be unacceptable for purchase by the kosher consumer? And, even if it did not, and was permissible for purchase, was he allowed to give his hashgacha on a product that contained a non-kosher ingredient?

Before we get to the punch line, let us “go through the inyan”.

Non-Jewish Nullification

Already in the 1500s, the Radbaz,[3] distinguishes between a scenario where a non-Jew nullifies non-kosher, where he is of the opinion that a Jew is allowed to eat of the mixture, as opposed to where a non-Jew is selling non-kosher, where he holds that it is forbidden for a Jew to purchase. He maintains that when a Jew is purchasing the item, it is as if he himself nullified it, and it therefore becomes assur, forbidden, for him to eat. Many halachic decisors concurred with his reasoning and likewise forbade a Jew from purchasing items that had non-kosher nullified inside of it.[4]

However, the majority of Poskim disagreed with this rationale, concluding that it is improbable to make such a distinction,[5] as the Rambam himself held that it is acceptable to procure such items as long as it was done by a non-Jew, and is therefore suitable for purchase.[6]

Still, to further complicate our case, the Tashbatz[7] made a further qualification to this permissible ruling, following the precedent of the Rashba and Raavad. They aver that although one may rely upon a non-Jew’s nullification for purchase in infrequent circumstances, conversely, if the non-Jew is doing it for his job, or on a frequent basis, then certainly it is considered as if the Jew himself nullified it. Several Poskim agreed with this decision as well.[8] Following this ruling would seem to imply that Coke would have to be prohibited to the kosher consumer, as it is definitely mass produced.

How About a Coke?

So, now our being the wiser, having a rudimentary understanding of the issues involved, what did Rabbi Geffen decide to do? Feeling uncomfortable by having to make such a decision (sort of like between a rock and a hard place), where Gedolim through the ages have taken stands on both sides of the matter, he did the only thing he felt he could do – try to make shalom! He went to Coca-Cola and asked them to change their formula! Surprisingly, out of respect for him, the executives listened and the company removed the problematic ingredients, and replaced them with kosher alternatives (vegetable-based glycerin), making the soft drink kosher lechatchila for everyone, proving the adage that “things”, including kashrus, “go better with Coca-Cola”.

Rabbi Geffen later published the whole account, as well as the halachic reasoning behind his actions, in his responsum.[9] Later halachic authorities as well ruled similarly to Rabbi Geffen's sound logic and reasoning, averring that although there is what to rely upon regarding purchasing, nevertheless, when it comes to granting hashgacha, a Rabbinic authority should not give a seal of approval to an item that contains nullified issur.[10] In fact, Rav Moshe Feinstein zt"l classified doing so, if nullification is the only justification they are relying upon to proclaim the product kosher, as "mechuar hadavar", utterly disgraceful or disgusting.

So the next time you partake in a nice, cool, refreshing glass of Coke, you should think of Rabbi Geffen, as well as all the behind the scenes kashrus issues that went into making sure that even the kosher consumer can enjoy "the cold, crisp taste of Coke".[11]

Passover Passport to Refreshment

There is actually more to the story. It turns out that another ingredient inside Coke was chametz, and as the laws of bittul do not apply to chametz on Pesach, Coke was therefore technically not kosher for Passover. At Rabbi Geffen's behest, this ingredient was also replaced by a kosher l'pesach alternative. In fact, Coca-Cola was considered kosher for Pesach until the "New Coke" debacle in the 1980s. When the company reinstated the "Original Coca-Cola Classic", there was one minor change in the formula. Cane sugar was replaced with a cheaper alternative, high-fructose corn syrup. The one kashrus concern with this is that it is kitniyos, which Ashkenazim do not consume on Pesach.[12] That is why Coca-Cola, and other soft drinks, require specific Passover supervision. There are numerous die-hard Original Coke aficionados who drive many miles during the Passover shopping season to major metropolitan areas with a large Jewish concentration, just to purchase "the Coke with the yellow bottle cap". For these fans, if it's not the Passover Coke, it's just not the "Real Thing".

Postscript: Coca-Cola: The First Hashgacha

Interestingly, it is known that, historically, Rabbi Geffen was not actually the first to grant hashgacha on Coca-Cola. In certain regional markets, several Rabbonim had given hashgacha in the late 1920s and early 1930s, and the Vaadei HaKashrus of Buffalo, Chicago and Rochester likewise followed. In fact, there were ads for kosher Coke published in the famed HaPardes Torah Journal. These ads contained a small letter from Rav Shmuel Aharon Halevi Pardes, the journal's editor, that he visited the Coca-Cola factory in Atlanta, and that they 'revealed to him all of their secrets, including their secret formula', and he found 'hamashkeh Coca-Cola kosher lishtoso al pi hadin'.

These Rabbanim included Rav Yaakov 'JB' Bienenfeld of New York, Rav Avraham Meir Franklin of Buffalo, and Rav Shmuel Aharon Pardes of Chicago himself, who, aside for being well known talmidei chachamim, were not exclusively relying on the lenient precedent of many Poskim [including the Noda B'Yehuda, Pischei Teshuvah and Gilyon Maharsha, who followed the Ri Migash and Rambam's permissive positions over that of the Rashba, Raavad, Tashbatz, and Shulchan Aruch HaRav et al.] regarding the nullification of issur performed by non-Jews, even on a steady basis. They also maintained that since in this case the potential non-kosher ingredients, which, since added in such a miniscule amount were not being used for actual

taste, originated from a laboratory that put them through a chemical change, they were no longer considered food and therefore permitted. Not only is this shittah supported by several Rishonim,[13] but Rav Pardes wrote extensively on this topic, including a letter to the Gadol HaDor, Rav Chaim Ozer Grodzensky zt"l, who agreed that it is indeed muttar.[14]

Certainly, combining these factors, there is and was ample support for these renowned Rabbonim to grant hashgachah to Coke. As an aside and quite interestingly, according to historian Roger Horowitz's recent book 'Kosher USA: How Coke Became Kosher and Other Tales of Modern Food', Rabbi Geffen and Rabbi Pardes actually exchanged halachic responsa on whether or not to rely on such, preceding and somewhat paralleling the later halachic debate regarding the permissibility of animal-based gelatin.[15]

Still, Rav Tuvia Geffen's actions, unheard of for the time, persuading the Coca-Cola Company to actually change their formula, a monumental contribution in upgrading the ingredients and ensuring that Coke had zero potential kashrus concerns, and was permitted unequivocally, set a public precedent for later Vaadei Kashrus to follow as well: Even if an item is deemed halachically kosher, to try to go above and beyond the letter of the law, making certain that there is no sheilah on the product in question. This encapsulated Rabbi Geffen's greatness and is perhaps the reason that he is the one most commonly and closely associated with ensuring that "Coke is it" for the kosher consumer.

This article was written in honor of my brother-in-law, Ezra Carter, who, as a native Atlantean, was the impetus for my interest and research in this inyan, and l'zechus for Shira Yaffa bas Rochel Miriam v'chol yotzei chalatzecha for a yeshua teikif umiyad.

For any questions, comments or for the full Mareh Mekomos / sources, please email the author: yspitz@ohr.edu.

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[1] Although there are exceptions, this is the standard rule of nullification in halacha; if there is present 60 times the amount of non-kosher, then the non-kosher substance is considered nullified, and the mixture permitted ex post facto. See Tur, Shulchan Aruch, and main commentaries (Yorah De'ah 98).

[2] See Shulchan Aruch (Yorah De'ah 99, 5).

[3] Shu"t Radbaz (vol. 3: 978; old print 547).

[4] See Chida (Shiyurei Bracha Y"D 99:5), Levushei Srad (Chiddushei Dinim, Hilchos Nosein Taam Lifgam 58: 153), Zechor L'Avraham (vol. 3: Y"D s.v. 'Bitul'), Beis Avraham (Y"D vol. 2: 108, 13), Beis Yehuda (Shu"t Minhagei Ar'jil [Algiers] pg. 115, 3rd column, 68), Shu"t HaMaharshdam (53), and Shu"t HaRashbash (560). The Bach (Shu"t 123) implies this way as well, that purchasing from a non-Jew is considered 'lechatchila', and is therefore prohibited as bitul issur is only permitted b'dieved. The Minchas Yitzchok (Shu"t vol. 2: 28, 20) seems to be choshesh for this opinion as well.

[5] Shu"t Maharam Lublin (104), Minchas Yaakov (35: 2), Shu"t Noda B'Yehuda (Tinyana Y"D 56 and 57), Shu"t Beis Yitzchok (Y"D vol. 1: 142, 8 and Kuntress Acharon 31), Shu"t Chasam Sofer (Y"D 82), Shu"t Ksav Sofer (O.C. 87), Pischei Teshuva (Y"D 134: end 8), Shu"t Imrei Binah (Dinei Bassar Bechalav V'Taaruvos 14; although he concludes that it is preferential to be machmir in both instances), Erech Hashulchan (Y"D 99: 8), Zivchei Tzedek (ad loc. 36), and Shu"t Beis Shlomo (O.C. 97), that whatever was produced by a non-Jew is already considered 'b'dieved' and therefore permissible for purchase. Many contemporary authorities concur with this assessment, including Rav Eliyahu Gutmacher (Shu"t Mahar"a Gutmacher Y"D 32), Rav Henoch Padwa (Shu"t Cheishev HaEifod vol. 2: end 104, s.v. v'ata), Rav Moshe Feinstein (Shu"t Igros Moshe Y"D vol. 1: 62 s.v. u'mdin, and 63; Y"D vol. 2: 32 and 41), Rav Betzalel Stern (Shu"t Betzeil HaChochma vol. 4: 89, 13 and 14; and 104, 18), his brother, the Debreciner Rav (Shu"t Ba'er Moshe vol. 3: 109, 21), and Rav Ovadiah Yosef (Shu"t Yabea Omer vol. 7, Y"D 7).

[6] Rambam (Hilchos Maachalos Assuros Ch. 3: 13). This is also the ruling of his rebbi, the Ri Migash (cited by the Ran in Avodah Zarah, 13b in the Rif's pagination, s.v. v'hisi'u ledavar achar).

[7] Shu"t Tashbatz (vol. 3: 10), Shu"t HaRashba (vol. 3: 214; cited by the Beis Yosef, Y"D end 134 s.v. chometz, and by the Magen Avraham O.C. 442: end 1), Raavad (cited by the Ran and Beis Yosef ibid). A case can be made for positing that this is also the Ran's opinion, as he concludes his passage with the words of the Raavad.

[8] Shulchan Aruch HaRav (O.C. 442: 6, and Kuntress Acharon 5; who adds that '...b'Yoreh Deah hiskeemu hakol l'divrei HaRashba'), Chida (Birkei Yosef, Shiyurei Bracha Y"D 134: 4, Din 14 s.v. kol hamashkim), Shu"t Divrei Chaim (vol. 2: Y"D 53), Shu"t Maharam Shick (Orach Chaim 9), Shu"t Imrei Aish (vol. 1, Y"D 42), Shu"t Avnei Tzedek (Orach Chaim 51), Sdei Chemed (vol. 1, Klalim, Maareches Ha'Alef, 360, and in Pe'as HaSadeh 10), Arugas HaBosem (Kuntress HaTeshuvos 15), Shu"t Atzei Halevanon (Y"D 43 s.v. ach da), and Shu"t Tiferes Shmuel (17). Conversely, the Pischei Teshuva (Y"D 134: end 8) and Gilyon Maharsha (ad loc. s.v. kol; however and quite interestingly, in the beginning of Hilchos Taaruvos, Y"D 98 s.v. issur he implies that one needs to be machmir for a non-Jew mixing in issur frequently) conclude that the ikar follows the Noda B'Yehuda (ibid. s.v. v'amnam) who rules leniently based on the Rambam and Ri Migash over the Rashba and Raavad. The Noda B'Yehuda adds that the Shulchan Aruch himself implied this way [however, the Minchas Yitzchok (Shu"t vol. 2: 28, 9 - 18) questions this assessment, citing that the Shulchan Aruch in Y"D 134: 13 expressly rules

like the Rashba; see how he deals with this difficulty at length, concluding that the Noda B'Yehuda was drawing a distinction between taam that was nirgash or not]. A similar assessment is given by the Seridei Aish (new print; vol. 2: 69 s.v. ulam). On the other hand, although there is undeniably what to rely upon, other contemporary authorities nonetheless advise caution, and especially lechatchilla. In fact, the Melamed L'Hoyeel (Shu"t vol. 2, Y"D 29) only allows one to rely on this b'shaas hadchak. Others, including the Mahar"i Assad (Shu"t Yehuda Yaaleh vol. 2: 122), maintain that one who can be machmir 'tavo alav bracha'. Rav Yosef Eliyahu Henkin (Eidus L'Yisrael pg. 177; and in his recent posthumously published Shu"t Gevuros Eliyahu vol. 2 - Y"D end 16 s.v. u'b'vadav and 25) advised to be choshesh for this as well. See also Rav Shmuel Chaim Yaakov Gruber's article in Kovetz Ohr Yisroel (vol. 30, pg. 123; who quite interestingly cites only the lomdus of Rav Geffen's teshuva, with no mention of the practical outcome) and Rav Yisroel HaLevi Belsky's Shu"t Shulchan HaLevi (Ch. 22: 2 and 25:1).

[9] Shu"t Karnei HaHod (vol. 2, last responsum in the sefer, titled 'B'dvar Hamashkeh Ha-Coca-Cola'. This teshuva, perhaps the most famous in the annals of American history, has also been translated to English and can be found on the HebrewBooks website – <http://www.hebrewbooks.org/pdfpager.aspx?req=2379&st=&pgnum=122&hilit=>.

[10] See Rav Moshe Feinstein's Shu"t Igros Moshe (Y"D vol. 2: 41 s.v. v'im), Rav Moshe Sternbuch's Shu"t Teshuvos V'hanhagos (vol. 1: 440), and Rav Menashe Klein's Shu"t Mishnah Halachos (vol. 7: 113, 2).

[11] However, this was not the last time Coke's kashrus status was challenged. In 1957, Cincinnati based Proctor and Gamble (P&G), the source of Coke's vegetable-based glycerin, changed their glycerin production lines from the batch processing method to a continuous flow system, making the kosher glycerin processed on the same lines as the non-kosher animal equivalent, and thus, due to the issue of bleyos, absorption, rendering its technically kosher vegetable glycerin non-kosher. Rav Eliezer Silver zt"l, Rav of Cincinnati and Rosh Agudas HaRabbonim of the United States and Canada, intervened, and at his behest, P&G constructed a parallel production line exclusive to vegetable based glycerin, and thus ensuring Coke's kashrus. According to historian Roger Horowitz, in his recent book 'Kosher USA: How Coke Became Kosher and Other Tales of Modern Food', this modification came at a cost of \$30,000, quite a large sum for the time. More recently, in January 2014, an anonymous writer in the controversial HaPeles newspaper in Jerusalem made an astonishing and entirely unsubstantiated claim that all Coca-Cola in the world nowadays, including that under strict hashgacha, is actually non-kosher. His misleading 'findings' were based on 'an anonymous kashrus expert' and the first half of Rav Geffen's teshuva from 1935, with absolutely no mention of the responsa's conclusion - how Rav Geffen persuaded Coke to change their formula and that it was subsequently rendered kosher ledivrei hakol! In response, this author submitted the full text of Rav Geffen's teshuva, as well as a sharply written rejoinder 'lehaamid davar al boryo', which was consequently published to correct misconceptions.

[12] This was discussed at length in an article titled 'The Halachic Adventures of the Potato'.

[13] Including Rabbeinu Yonah (cited by the Rosh in Brachos (Ch. 6: 38), as well as the Ran to Avodah Zarah 39a (17b s.v. misrach in the Rif's pagination) regarding honey manufactured by non-Jews; see also Mogen Avraham (O.C. 216: 3 regarding musk); as well as the Machatzis Hashekel (Orach Chaim 427: end 45) who posits that the shittas hamachmirim is only applicable when the nullified product is explicitly added for taste or ma'amid purposes, which is seemingly not the case with Coca-Cola, as the glycerin was chemically altered and added in such minute quantities (.09%).

[14] See, for example, Shu"t Tzemach Tzedek (Lubavitch; Yoreh Deah 67), Yeshuos Yaakov (end Yoreh Deah 105), Shu"t Maharsham (vol. 3: 234), Shu"t Achiezer (vol. 2 - Y"D 11: 5), Shu"t Avnei Shmuel (20), Shu"t Chavalim B'Ne'imim (vol. 5: 17), Shu"t Tzitz Eliezer (vol. 6: 16, 9 - 11), and Sha'arim Metzuyanim B'Halacha (47: 5). There is also a novel approach raised by Rav Chaim Halpern in his maamar (from 5742) printed in sefer Zecher Shlomo (Sefer Zikaron for Rav Shlomo Zalman Goldshtoff, ppg. 547 - 557), that perhaps the Rashba and Raavad were only referring to the issurim of non-Jews mass-nullifying their wine and vinegar, and not necessarily other items. However, it must be noted that the vast majority of Acharonim throughout the centuries did not understand their opinions this way and this havanna remains a tremendous chiddush.

[15] This debate was addressed at length in an article titled 'Halachic Insights Into Genetically Engineered Meat'.

Disclaimer: This is not a comprehensive guide, rather a brief summary to raise awareness of the issues. In any real case one should ask a competent Halachic authority.

L'iluy Nishmas the Rosh HaYeshiva - Rav Chonoh Menachem Mendel ben R' Yechezkel Shraga, Rav Yaakov Yeshaya ben R' Boruch Yehuda.